

2 Amendment - AIR PARK, INC.
owner of U.S. 54 &
Nancy Dugan-owner

File
No 2

POSTED
12-5-72
[Signature]

ACTION

DATE

COMMITTEE

Approved subject to conditions

1/11/73

M.A.P.C.

2.6.73

B.C.C. / ~~B.C.C.~~ *Revised March*

2/13/73

POSTED
12-5-72
[Signature]

AIR FORCE
OFFICE OF U.S. AIR FORCE
ACTIVITY DESIGNATOR
E-16
No 2

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approved subject to conditions</i>	1/11/73
B.C.C. / B.C.C. <i>Referred to work</i>	2-6-73 1/11/73
B.C.C. <i>Approved</i>	2/13/73
<i>except 70' setback required. See letter 2/13/73</i>	

Map No. _____
Sec. _____
Twp. _____
Range _____

DATA SHEET
COMMUNITY UNIT PLAN

DP- 2 (amendment)
Z- _____
Filed 11/29/72

APPLICATION REQUEST: Approval of proposed planned _____
development.

1. Applicant Air Park of Wichita, Inc.
Address 6572 East Central 67206 Phone 684-6576
2. Agent Robert T. Feagins
Address 6572 East Central 67206 Phone 684-6576
3. General Location At the NW corner of U.S. 54 and Julia Street
Address _____
4. Proposed Use "Giant" store development

AREA DATA

1. Acres _____ (_____ ft. by _____ ft.)
2. Existing Zoning "AA" & "LC" Proposed Zoning "C"
3. Area (is) (~~XXXX~~) platted. _____ Addition _____
4. Existing R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.
Proposed R/W _____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.

HISTORY

PROCEDURE DATA

1. MAPC Meeting:
Date _____ Action _____
1/11/73 Approved subject to conditions
2. Governing Body
Date _____ Action _____
1/30/73 2-6-73 Deferred 1 month
2-13-73 Approved

NOTES:


April 11, 1984

Mr. Joel Pollack
Jim Smith Realty, Inc.
337 North Waco
Wichita, Kansas 67202

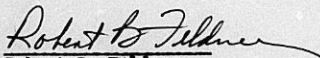
Dear Joel:

This is in response to your request for confirmation that the zoning on Lot 1, Air Park 2nd Addition, would permit a "Sam's Wholesale Club". This site is zoned "C" commercial and is Parcel 3 of the Air Park Community Unit Plan (DP-2). Permitted uses for Parcel 3 include "warehousing and retail". Thus, based upon my review of the information you supplied on "Sam's Wholesale Club", it is a permitted use. It will be subject to the conditions of the C.U.P. regarding setbacks, signs, etc.

If you have any questions, please call.


Robert A. Lakin
Director of Planning

APPROVED:


Robert B. Feldner
Superintendent of
Central Inspection

RAL:ADC:jps
cc: Robert B. Feldner, Superintendent of Central
Inspection



WAL-MART STORES INC. 702 S W 8th ST P O BOX 116 BENTONVILLE, ARKANSAS 72712 PHONE 501-273-4000

April 5, 1984

Mr. Joel Pollack
Jim Smith Realty, Inc.
337 North Waco
Wichita, Kansas 67202

Re: Wichita, Kansas


Dear Joel:

As per our discussion of April 5, 1984, I need written confirmation from the City of Wichita that the current zoning on "The Store: property (on Kellogg) is proper for the "Sam's Wholesale Club" concept. I have enclosed information which I believe will help you describe the concept (pictures are in advertising magazine). Should you have any questions, please give me a call at (501)273-4713.

Time is of the essence as we will be unable to commit on the purchase of this property until we have written confirmation from the proper city authorities.

Thank you for your assistance in this matter.

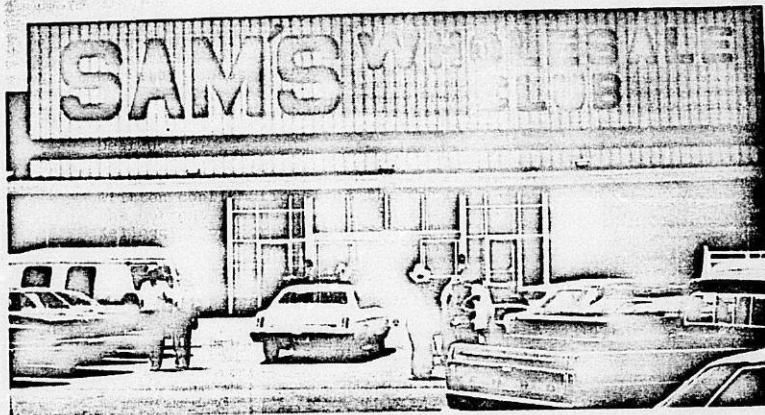
Sincerely,


Don Smith
Real Estate Manager

DS:bh

Enclosures

SAM'S WHOLESALE CLUBS: A New Merchandising Strategy for Wal-Mart



Sam's Wholesale Club in Oklahoma City.

By Ellen Clements

Sam's Wholesale Club - a new merchandising concept for Wal-Mart, has proved to be a new and exciting adventure.

Sam's Wholesale Club is a membership-only, cash and carry wholesale warehouse which is directed primarily at the small business wholesale consumer. The original concept is to provide a low-cost warehouse environment where small businesses purchase merchandise for resale.

The individual store owner has advantages over large chains in some areas such as flexibility, control and knowing his customer's needs, but because he buys in small quantities, he has had to pay higher prices for this merchandise. By buying at the maximum quantity price, taking advantage of deals offered by the manufacturer and keeping overhead extremely low, it is expected that Sam's Wholesale Club will be able to sell to the small businessman at lower prices than he would

pay the manufacturer or wholesaler. Since Sam's Wholesale Club does not deliver or give credit, the price has to be perceptibly lower in order to attract these customers.

Sam's Wholesale Clubs have opened in three major cities during 1983. The first opened in Oklahoma City on April 7. According to General Manager Ron Loveless, it is exceeding budgeted sales and profit figures. The Company opened a second Wholesale Club in Grandview, Missouri (a suburb of Kansas City) on October 21st and a third unit in Dallas, Texas on November 1st. The Dallas Sam's Wholesale Club is considered the future prototype.

Shopping is restricted to members only. There are individual group and wholesale memberships available to the qualifying consumers. Wal-Mart associates may also shop the wholesale clubs as a group member. All an associate needs to do is present their associates dis-

count card and a permanent wholesale club membership card will be made up for you at the time.

Wholesale members pay an annual fee of \$25 and are licensed operators of small businesses. The group members represent service industries, city, state or county employees, banks and credit unions, airlines, teachers, etc. Group members do not pay a membership fee, but they pay an additional 5% up-charge from posted wholesale prices.

The merchandise mix at Sam's Wholesale is unique. The buying is completely separate from Wal-Mart Stores, but the management is seasoned in the company's styles. There are several key management members from Wal-Mart's staff who head up the Sam's Wholesale management team.

See Sam's Wholesale Clubs
Continued on page 3

Sam's Wholesale Clubs

Continued From Page One

Ron Loveless, formerly Vice President, General Merchandise Manager of Hardlines, is the General Manager. Dick Palmer serves as Director of Operations.

Rob Voss serves as Merchandise Manager in charge of the buying staff. Larry King, Larry Courtney, Johnny Haney and Jim Branan are the buyers who work with Voss securing merchandise for Sam's Wholesale Clubs.

The Wholesale Clubs have an interesting merchandise mix designed to build the customer base by giving the "members" what they want, everything from bacon to computer paper. Buyers purchase small or odd amounts to get the best "deals."

The key to buying is not the limited categories but limited sku's. For example, there are 40,000 to 50,000 sku's in a typical Wal-Mart store compared to only 3,000 to 4,000 sku's in a Sam's Wholesale.

The merchandising strategy is to carry only the "best" of each line to distinguish Sam's Wholesale Club from mass merchandisers. Sam's Wholesale gives the perception of enormous selection because, upon entering it one sees a massive area of 100,000 square feet with merchandise stacked from floor to ceiling. All merchandise is first quality.

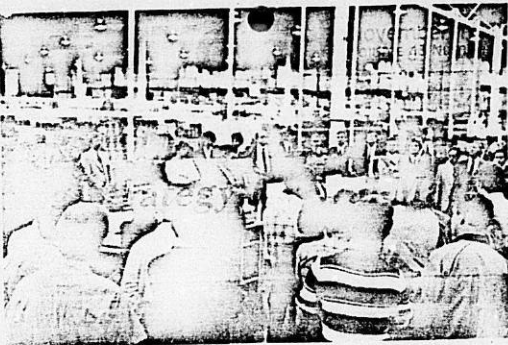
Wal-Mart has been able to set up Sam's Wholesale Clubs at minimal cost. The buildings of each of the three facilities have been converted to give a "warehouse look." Windows are removed to increase security and reduce HVAC costs. There is only one door to enter or exit the building. The interior part of the buildings consist of bare basics, a cement floor, 16-foot ceilings, 15-foot fixtures and plenty of bulk merchandise stacked on the floor in its original cartons.

With the low cost, no-frills approach, Sam's is able to offer prices even lower than typical wholesalers. The warehouses are operated at a very low initial mark-up and depend on huge volume and high turnover to produce profits.

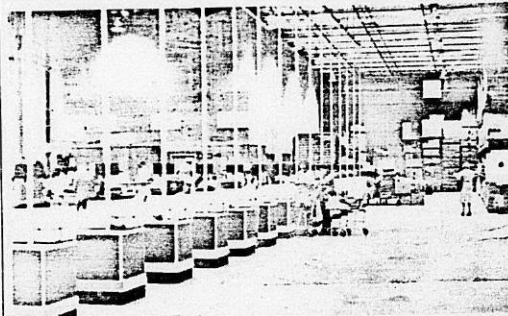
The current warehouse managers are Carl Riche in Dallas, Bill Wagner in Kansas City (Grandview) and Jerry Oglesby in Oklahoma City.

Sam's Wholesale Club was so named for its founder, Chairman and Chief Operating Officer Sam Walton. The concept dates back to an idea by Sam Walton and David Glass, Vice Chairmans and Chief Financial Officer for Wal-Mart Stores.

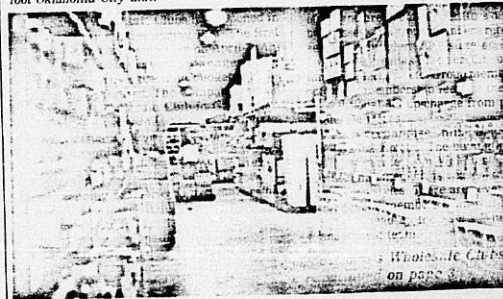
The company has announced plans to open six to eight more of these units in 1984. Targeted locations would include St. Louis MO; Memphis, TN; Tulsa, OK; Austin, Fort Worth and Houston, TX; and other metropolitan areas within Wal-Mart's trade territory.

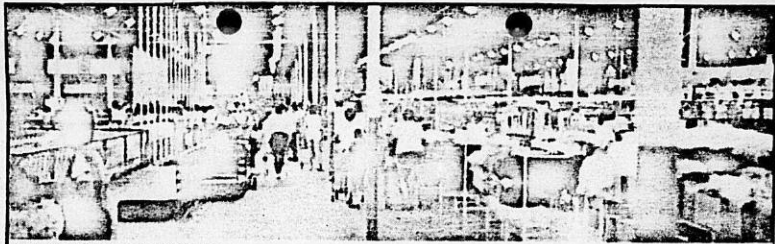


Sr. Vice President and Co-founder Bud Walton speaks to associates prior to store opening at Sam's in Kansas City as Vice Chairman David Glass looks on.

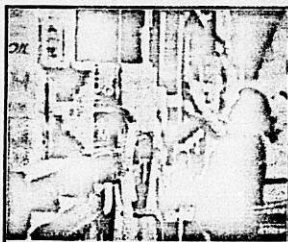


The interior of a Sam's Wholesale Club and a Wal-Mart have very little in common. The picture above was taken in Sam's at Dallas & below was taken in the 100,000 square foot Oklahoma City unit.

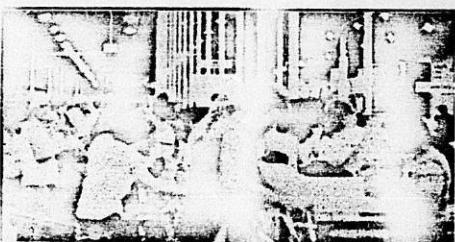




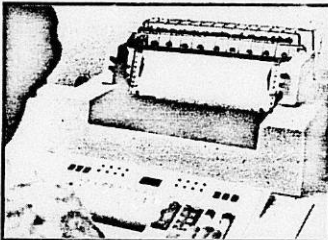
Over 100,000 Square Feet Of Savings



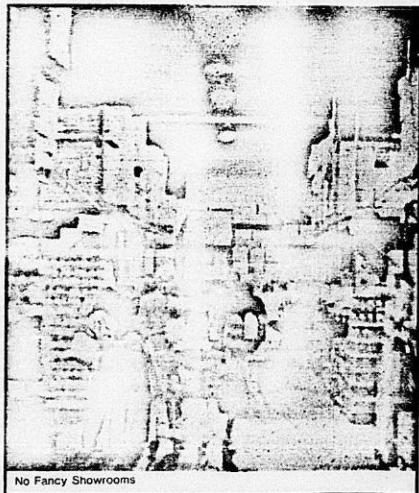
Members Select Their Own Merchandise



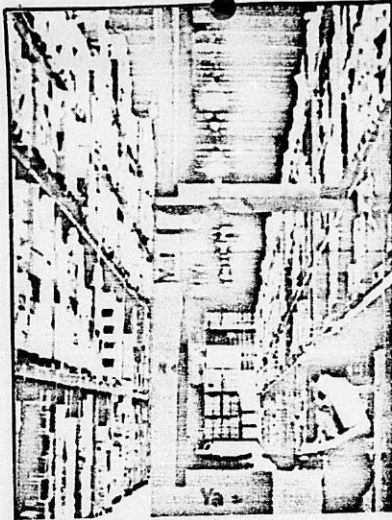
Fast, Efficient Checkouts



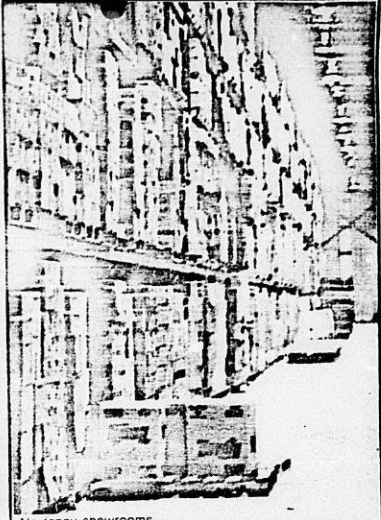
Computerized systems keep our costs low.



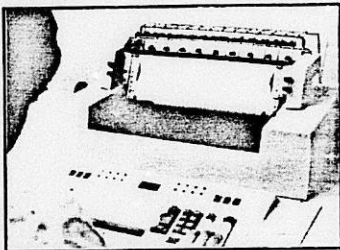
No Fancy Showrooms



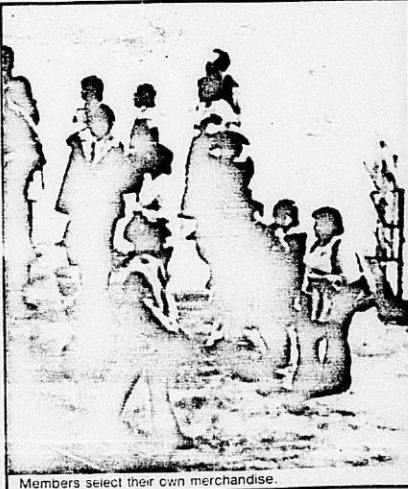
Efficient handling of merchandise.



No fancy showrooms.



Computerized systems keep our costs low.



Members select their own merchandise.

February 8, 1984

Robert B. Feldner, Superintendent of Central Inspection

Robert A. Lakin, Director of Planning

DP-2 - Air Park Commercial C.U.P. Request for Administrative Adjustment for a sign in Parcel 3.

Attached for your information and review, is a copy of a letter with accompanying site plan, from Everett Fettis in response to my letter dated January 3, 1984. Mr. Fettis is requesting that McDonald's be permitted to construct a 35-foot high sign in a portion of Parcel 3 of the Air Park C.U.P. The C.U.P. limits signs to 30 feet.

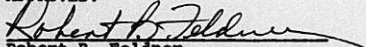
After reviewing Mr. Fettis's letters, the site plan and the C.U.P., I feel, as I stated in my January 23, 1984 letter, that permitting a 35-foot high sign for the McDonald's restaurant would not be a substantial deviation from the intent and purpose of the C.U.P. provisions. The adjustment is minor in my opinion and is consistent with other adjustments we have granted in the past. I would point out that the adjustment applies only to the McDonald's site.

Your signature of approval will indicate that you concur that permitting a 35-foot high sign on the McDonald's site in Parcel 3, would not be a substantial deviation from the intent and purpose of the C.U.P. provisions. Your signature will also indicate that Mr. Fettis's request is approved with the understanding that it applies only to the McDonald's site and that the sign will be constructed in the location shown on the site plan dated January 26, 1984.

Mr. Fettis will be notified by copy of this memorandum of our joint action approving his request. If you have any questions, please call.

Robert A. Lakin
Director of Planning

APPROVED:


Robert B. Feldner
Superintendent of Central Inspection

RAL:ADC:blw

cc: Everett C. Fettis, 120 South Market, Suite 504, Wichita, KS. 67202

LAW OFFICES
FETTIS & MCCLURE
120 SOUTH MARKET
SUITE 504
WICHITA, KANSAS 67202
316-267-7251

EVERETT C. FETTIS
DAVID R. MCCLURE

KEITH M. CURFMAN
OF COUNSEL

February 7, 1984

Robert A. Lakin
Director of Planning
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

RE: DP-2 - Airpark C.U.P. - Request for
Administrative Adjustment for sign
in Parcel 3 (McDonald's)

Dear Mr. Lakin:

This will acknowledge receipt of your letter to me of January
23, 1984 regarding our request above captioned and to further
advise that the comments set forth in your letter are agreeable
with my client.

I am herewith submitting on behalf of my client four copies of
the site plan as you requested.

Very truly yours,



EVERETT C. FETTIS

ECF/dbs
enc
cc: McDonald's Corporation

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
488 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

January 23, 1984

Everett Fettis
One Twenty Building
120 South Market
Wichita, Kansas 67202

RE: DP-2 - Airpark C.U.P. Request for Administrative
Adjustment for sign in Parcel 3.

Dear Everett:

We have reviewed your letter requesting an administrative adjustment to permit a forty-five foot high sign for the McDonald's restaurant proposed at the northeast corner of Kellogg and Dugan Road (Parcel 3). As you are aware, signs in this C.U.P. are specifically limited to a maximum height of thirty feet. I feel that it would be a substantial deviation from the intent and purpose of the C.U.P. provisions to administratively permit a forty-five foot high sign. In my opinion, the C.U.P. would need to be amended to allow signs as set forth in Section 28.04.139 of the zoning ordinance. Should an amendment occur, then it will be necessary for the Board of Zoning Appeals to consider a variance request for any height above that permitted by the zoning ordinance.

As you and the owners have previously been advised, any amendment to this C.U.P. will require a traffic study and will need to address Parcels 1, 2, and 4. I do not feel that the C.U.P. should be amended just to accomplish a higher sign on the McDonald's site because of the extremely large amount of floor area permitted in the C.U.P. and other problems associated with the site.

As I consider an adjustment to thirty-five feet to be a minor amendment and as it would apply only to the McDonald's restaurant, I can support such a request. I would recommend to Bob Feldner that we approve such an adjustment. If that adjustment is satisfactory to your client, please advise and also submit four (4) copies of the proposed site plan indicating the location of the proposed sign.

WICHITA - SEDGWICK COUNTY

-2-

If you have any questions regarding this matter or wish to discuss amending the C.U.P., please call either me or Jack Galbraith.

Sincerely,

RAL
Robert A. Lakin
Director of Planning

RAL:ADC:blw

cc: Robert B. Feldner, Superintendent of Central Inspection
Roger Sherwood, Riverfront Place, P.O. Box 830, Wichita, KS. 67201
George Jabara, 8020 E. Central, Suite 150, Wichita, KS. 67206

26

SHERWOOD & HENSLEY

ATTORNEYS AT LAW
RIVERFRONT PLACE - 833 N WACO
P O BOX 830
WICHITA, KANSAS 67201

ROGER SHERWOOD
WILLIAM A. HENSLEY
KURT A. HARPER
BRYCE A. ABBOTT

267-1281
AREA 318

December 30, 1983

Mr. Everett Pettis
Attorney at Law
120 South Market, Suite 504
Wichita, KS 67202

Re: McDonald's

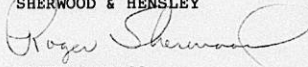
Dear Everett:

This will confirm our telephone conference of December 29.

It is my understanding that you are requesting that the City allow a modification to the Air Park CUP which would enable your client to erect a sign above the present level of 30 feet. Please be advised that on behalf of the Dugan family, who owns that part of the Air Park CUP land lying west of Dugan Road, that we will not contend that any change granted to you by the City with respect to the height of the sign, will have any affect on any other existing restrictions in the CUP.

Respectfully yours,

SHERWOOD & HENSLEY



ROGER SHERWOOD

RS:eaf

cc: Mr. Gary Austerman
Mr. Bill Korber
Mr. Wayne Sanchez



8020 East Central — Suite #150 — Wichita, Kansas 67206

(316) 681-0441 — Telex 437-090

December 30, 1983

Mr. Everett Fettis
120 Building
Suite 504
120 S. Market
Wichita, Kansas 67202

Dear Mr. Fettis:

If the city will agree to amend the C.U.P. for Air Park Second Addition to permit signs to conform to city ordinance requirements, I will not consider this to be any concession as to other requirements sought by the city as to the amending the C.U.P.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Jabara".

George Jabara
President

GJ:be

LAW OFFICES
FETTIS & McCLURE
120 SOUTH MARKET
SUITE 504
WICHITA, KANSAS 67202
316-267-7251

EVERETT C. FETTIS
DAVID R. McCLURE

KEITH M. CURFMAN
OF COUNSEL

December 28, 1983

Robert A. Lakin, Director
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

RE: McDonald's - West Kellogg

Dear Bob:

As you know, I have talked with both you and Jack regarding the situation effecting McDonald's and its sign problems out on West Kellogg in the old Air Park C.U.P. As you also know, they have made an agreement to lease an area from George Jabara which I believe is the eastern part of the old Air Park C.U.P. at the northeast corner of Dugan road and the drive along Kellogg.

The C.U.P. provides for a sign limit of thirty feet. My client has conducted a survey and has determined that it needs a sign somewhat higher than that, I believe it is forty to forty five feet. I have checked with the airport, and they see no problem. I have also checked with the new owners of the old air park, the Dugan's on the west and George Jabara on the east and, of course, they have no objection to this modification.

I have urged both of those groups to get busy and get with you and modify the C.U.P. to your satisfaction. Hopefully, they will do it. They will both agree to give you a letter that if you will grant my client's request to modify the sign height to state merely that the sign height conforms to city ordinance, which I believe is thirty five feet, then they will not seek to take advantage of that effort in their own behalf for anything else. The problem we have is that if we cannot get this resolved, then apparently McDonald's will not go forward with its development.

Jack told me this morning that you had voiced some concern that others in the same Air Park area might seek similar concessions. I cannot believe this is true because if we

Mr. Lakin
December 28, 1983
Page Two

modify the C.U.P., then it will modify the entire C.U.P. and not just McDonald's area.

I will very much appreciate your favorable consideration of this request speaking on behalf of McDonald's, and I will be happy to discuss this further with you or Jack or both of you at your convenience.

Very truly yours,


EVERETT C. FETTIS

ECF/dbs
cc: Roger Sherwood
Gary Austerman
McDonald's Corporation

THE CITY OF WICHITA



DEPARTMENT OF LAW
OFFICE OF CITY ATTORNEY
CITY HALL - THIRTEENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202 - 1635
(316) 266-4681

A. DENNETT, Director of Law and City Affairs
THOMAS R. POWELL, Senior Assistant City Attorney

RECEIVED

NOV 16 1983

METROPOLITAN PLANNING

ROUTE

ant fu

November 16, 1983

David G. Tittsworth, Esq.
Chief Counsel
Office of Chief Counsel
Department of Transportation
State Office Building, 724-S
Topeka, Kansas 66612

Re: Airpark Condemnation
Tract 140

Dear David:

Enclosed find a revised proposed agreement between the City and KDOT pertaining to the City and KDOT agreeing that any damages that the landowners of Tract 140 will be entitled to receive under law for closing of Dugan Road in the future will be shared 75% by KDOT and 25% by the City if the closing of Dugan Road results from a project which is financially participated in by KDOT.

This proposed revised agreement sets forth my understanding of what you and I agreed to in our telephone conversation of November 14, 1983. It is my further understanding that you will obtain the Secretary's signature on the agreement on Friday, November 18 and will thereafter immediately return the agreement by mail to me. As we discussed, it would be very helpful if the signed agreement were available next Tuesday when the governing body of the City will consider the agreement along with the proposed settlement of the case.

In any event, as we further discussed, I am asking that you call as soon as you can and let me know whether the proposed agreement is satisfactory so that an agenda item concerning the agreement and the proposed settlement can be prepared for

David G. Tittsworth, Esq.
November 16, 1983
Page 2

the governing body's consideration. I will not be available on Friday of this week and, therefore, any contact on Friday should be made with Doug Moshier.

Very truly yours,

Thomas R. Powell

Thomas R. Powell
Senior Assistant City Attorney

TRP:cdh

cc: John Dekker, Director of Law
Robert Lakin, Director of Planning
James McGannon, Esq.

AGREEMENT

This agreement, made and entered into this _____ day of _____, 1983, by and between the City of Wichita, Kansas, hereinafter referred to as the "City" and the Kansas Department of Transportation, hereinafter referred to as "KDOT".

WITNESSETH:

WHEREAS, the parties hereto have previously entered into an agreement, dated February 5, 1974, concerning the construction and maintenance of Project No. (BC)54-87 U 038-3 (35), and

WHEREAS, pursuant to said 1974 agreement, the parties acquired certain right-of-way necessary for the construction of the said project by way of condemnation, and

WHEREAS, the parties are presently engaged in litigation (Sedgwick County District Court Case No. 79 C 2882) in which the matter of just compensation to be paid for the taking of right-of-way over tract 140, presently owned by the Dugan family, is at issue, and

WHEREAS, the market value of Tract 140 after the taking of right-of-way is particularly dependent upon the access available to said tract from U. S. Highway 54 by way of Dugan Road, and

WHEREAS, existing design studies and present transportation plans of the City call for the closing of access to U. S. Highway 54 at Dugan Road at such time as U. S. Highway 54, from approximately Hoover Road to the Airport Interchange, is constructed as a freeway, and

WHEREAS, the City and KDOT recognize that the construction of Kellogg as a freeway and the closing of Dugan Road are events not likely to occur in the immediate future, and

WHEREAS, the owners of Tract 140 and the City have agreed to settle the above-mentioned litigation on the basis that the closing of the intersection of Dugan Road and U. S. Highway 54, either partially or completely, in the future, is not a factor upon which the settlement payment to said owners was based, and

WHEREAS, the parties hereto believe that it is in their mutual best interests to settle the above-mentioned litigation on the basis stated above, i.e., that payments made in settlement do not include payment for damages due to the possible future loss of access to U. S. Highway 54 at Dugan Road, and

WHEREAS, the parties are desirous of entering into an agreement concerning payment, if any, that might be required to be made to the owners of said Tract 140 or their heirs or assigns

upon the closing of Dugan Road at U. S. Highway 54 and the taking of such access point from said Tract 140.

NOW, THEREFORE, in consideration of the premises, the parties hereto mutually agree as follows:

1. That any settlement of Case No. 79 C 2882 by the City be on the basis that payments made to the owners of Tract 140 do not include payment for damages due to the possible future loss of access to U. S. Highway 54 at Dugan Road.

2. In the event that U. S. Highway 54 from Hoover to Dugan Roads is, in the future, constructed as a freeway and such construction necessitates the closing of the north side of the intersection at Dugan Road and U. S. 54 Highway and, if the State of Kansas (Kansas Department of Transportation) participates in the funding of such a project, then any damages the owners of Tract 140, their heirs or assigns are entitled to receive under the law, as a result of such closing of the north side of the intersection of Dugan Road and U. S. 54 Highway, shall be shared between the parties hereto as follows:

KDOT 75%
CITY 25%

CITY OF WICHITA, KANSAS

By Margalee Wright, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to Form:

John Dekker, Director of Law

KANSAS DEPARTMENT OF TRANSPORTATION

By John Kemp, Secretary of
Transportation

ATTEST:

Amended from 1/10/83

*JH
JLH*

AGREEMENT

This agreement, made and entered into this _____ day of _____, 1983, by and between the City of Wichita, Kansas, hereinafter referred to as the "City" and the Kansas Department of Transportation, hereinafter referred to as "KDOT".

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WHEREAS, the market value of Tract 140 after the taking of right-of-way is particularly dependent upon the access available to said tract from U. S. Highway 54 by way of Dugan Road, and

WHEREAS, existing design studies and present transportation plans of the City call for the closing of access to U. S. Highway 54 at Dugan Road at such time as U. S. Highway 54, from approximately Hoover Road to the Airport Interchange is constructed as a freeway, and

WHEREAS, the City recognizes that the construction of Kellogg as a freeway and the closing of Dugan Road are events not likely to occur in the immediate future, and

WHEREAS, the owners of Tract 140 and the City have agreed to settle the above-mentioned litigation on the basis that the closing of the intersection of Dugan Road and U. S. Highway 54, either partially or completely, in the future, is not a factor upon which the settlement payment to said owners was based, and

WHEREAS, the parties hereto believe that it is in their mutual best interests to settle the above-mentioned litigation on the basis stated above, i.e., that payments made in settlement do not include payment for damages due to the possible future loss of access to U. S. Highway 54 at Dugan Road, and

WHEREAS, the parties are desirous of entering into an agreement concerning payment, if any, that might be required to be made to the owners of said Tract 140 or their heirs or assigns

upon the closing of Dugan Road at U. S. Highway 54 and the taking of such access point from said Tract 140.

NOW, THEREFORE, in consideration of the premises, the parties hereto mutually agree as follows:

1. That any settlement of Case No. 79 C 2882 by the City be on the basis that payments made to the owners of Tract 140 do not include payment for damages due to the possible future loss of access to U. S. Highway 54 at Dugan Road.

2. In the event that U. S. Highway 54 from Hoover to Dugan Roads in the City of Wichita is, in the future, constructed as a freeway and Dugan Road is closed at its present intersection with westbound U. S. Highway 54 traffic, any damages required to be paid by the City to the owners of said Tract 140, their heirs or assigns, as a result of the said closing of Dugan Road, shall be shared by and between the parties hereto as follows:

KDOT 75%
CITY 25%

CITY OF WICHITA, KANSAS

By _____
Margalee Wright, Mayor

ATTEST:

Donald C. Gisick, City Clerk

KANSAS DEPARTMENT OF TRANSPORTATION

By _____
John Kemp, Secretary of
Transportation

ATTEST:

WICHITA-SEDGWICK COUNTY

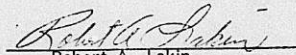
DATE

METROPOLITAN AREA PLANNING DEPARTMENT November 1, 1983

TO John Dekker, Director of Law
FROM Robert A. Lakin, Director of Planning
SUBJECT Dugan Family Property

I have reviewed the memorandum from Powell and letter from James McGannon relative to the proposed stipulation. The long range plan based on the adopted Transportation Plan calls for this area of Kellogg to be a freeway. The work to date involved a "design study" which showed Dugan to be closed as it enters main line Kellogg traffic flow. A cross over (under) was shown to be at Julia. This was part of a Hoover to Tyler road project which was reduced to the Ridge Road/Airport interchange due to a lack of State funding. Based on my current assessment of financing availability and other priorities for Kellogg construction (over Broadway), I believe it will be a decade or two before the Hoover to Dugan section of Kellogg will be built to freeway standards.

I would not recommend that you agree to a stipulation or to the closing of Dugan which says "... nor does the City intend to do so..." We do intend to do so in the future. I would not want to be precluded from future condemnation or closing based on any other theory appropriate and legal. I concur with Powell that any concurrence with the stipulation only be done with a contractual arrangement with the State that any future action taken to close Dugan be done on the same financial basis as the current project (75 percent State, 25 percent City of Wichita) for right-of-way and access.


Robert A. Lakin
Director of Planning

RAL:rme

cc: Thomas R. Powell, Senior Assistant City Attorney
Mike Lindebak, City Engineer
✓ Jack H. Galbraith, Chief Planner, Current Plans Division
Willard L. Stockwell, Chief Planner, Advance Plans Division

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 29, 1983

TO The Files
FROM Jack H. Galbraith, Chief Planner, Current Plans
SUBJECT Air Park

Tom Powell
Max Eberhart
Mike Lindebak
Art Chambers
Louise Olivarez

Jack H. Galbraith
Roger Sherwood
Wayne Sanchez
Bill Korber
M. S. Mitchell

The above people met on this date to discuss platting, drainage, and paving of Dugan. Several issues were discussed.

Korber has an interest in paving Dugan for clients to the east who want to construct a motel and a McDonald's restaurant. He raised a number of questions as to whether or not a petition could be prepared for paving Dugan and could it be paved if he submitted a valid petition. The issue was could the box be extended as part of the intersection project so that Dugan could be paved in a straight alignment. Lindebak believed that it could be.

Mitchell pointed out that the three 9 x 4's under Kellogg and the drainage under the railroad were all undersized. That neither the CIP or the State had a project to enlarge the system. That three 12 x 6's were needed under Kellogg to handle the drainage.

They proposed instead of enlarging the boxes, that a dry pond on interchange right-of-way and a wet pond on Air Park be developed which would handle drainage as well as not requiring them to establish minimum pad elevations. His alternative was to construct the channel as proposed before, establish their pad elevations and let the City and State handle the water from Kellogg-Dugan on south.

It was estimated that the City's cost to make the drainage improvement from Kellogg-Dugan on south to be \$828,000 to \$1,159,000. Rather than making this improvement, their proposal was for the City to pay for all the costs to construct the ponds, improve the channel, pave their share of Dugan including drainage, pay for additional two acres needed for the ponds and level the dirt on the Dugan land.

The Files

- 2 -

September 29, 1983

The attached sheets are the estimates of doing the work which came from M. S. Mitchell and Baugman Company.

I mentioned again that before we get too far along, that the C.U.P. should be amended and a traffic study be conducted.

Jack H. Galbraith
Chief Planner

JHG:jps
Attachments

DUGAN PROPERTIES - KELLOGG & DUGAN RD.

9-29-83

- I. Proposed improvements include ponding on the Dugan site in order to utilize the existing RCBC structure under Kellogg at Dugan Road.

Costs - 2 Acre Pond Site	\$ 87,000
Dam Structure	20,000
Excavate remaining channel	41,000
Extend existing RCBC	110,000
Pave Dugan Rd. 41' width	160,000
Total =	<u>\$418,000</u>

- II. Cost of proposed 48" SWS in Dugan to Taft as per current KDOT plans

Total = \$110,000

- III. Cost of local Dugan Road area SWS to improve Dugan Rd. at this time & reroute the 48" SWS at the time the KDOT improvements are constructed.

Total = \$ 30,000

- IV. Cost of tunneling the 48" SWS under Kellogg

Total = \$100,000

ITEMS I, II, & IV. Total = \$ 628,000.

ITEMS I, & III. Total = \$ 448,000.

PONDING PROPOSAL

City of Wichita's cost to put a new drainage structure at
Dugan Road and Highway 54: \$828,200 to \$1,159,000.

Dugan Proposal (Paid for by City)

Extend Current Box at Dugan	\$ 100,000.00
Build Dam (No Liability)	20,000.00
Two Acres of Land (Pond Easement)	87,000.00
Dig One Remaining Drainage Channel	41,000.00
Dugan's Cost of Paving Dugan 1/2 (160,000)	80,000.00
Dugan's Cost of Drainage for Dugan 1/2 (40,000)	20,000.00
All dirt removed from pond and drainage channel to be placed and levelled on Dugan land.	
State Pays for Tunneling 48" pipe and Placement of Pipe Under Highway 54	70,000.00
	<u>\$ 418,000.00</u>

Meeting re Airpark 9/7/83

Korber showed a copy of proposed improvements
to Dugan Road / Kellogg

Save us a copy of proposed layout
for area west of Dugan

want to keep Dugan Road open.

drainage - box at ~~Kellogg~~ ~~Kellogg~~ not big
enough to handle runoff -
as a result will need to pond
on Dugan's property

Jack went over history and need
for traffic study

discussed criteria that would ^{be used} need to
to determine if a traffic study is needed

discussion of other 2 parcels east of Dugan Rd

have to leave in C.U.P.

Jack said give us a proposal

Taft needs to be ponded
need Taft in any situation

Sanchez re drainage
not on Kellogg

who pays to have Taft Paved
Jack & Tom said that Dugan
would have to pay only 1/2 of cost
Taft would be commercial street 40' pavement

discussion of ponding

cost of sly off of Ridge
would be expensive

Lakin co in later

Dugan Rd/Kellogg intersection improvements
will mean the right turns ~~to~~
north will be impossible

Kosher & Sanchez are going to look at it
again & bring it up again

ATTENDENCE RECORD

Date: Sept 7 '83
Time: 1:30
Place: MAPD Conference Room
Meeting Arranged By: _____
Purpose: Air Park CUP DP-2

Name	Organization	Address
<u>Art Chambers</u> Phone: <u>268-4421</u>	<u>MAPD</u>	<u>City Hall</u>
<u>Jack Galbreith</u> Phone: _____	<u>MAPD</u>	
<u>May Eberhart</u> Phone: <u>265-7741</u>	<u>Regan & McGann</u> ^{DOT}	<u>KSB Building</u>
<u>Tom Powell</u> Phone: _____	<u>Law Dept</u>	
<u>William L. Korber</u> Phone: _____	<u>Baughman Co. PA</u>	<u>330 Laura</u>
<u>Wayne Sanchez</u> Phone: _____	<u>One of Owners</u>	<u>225 N. Market</u>
Phone: _____		
Phone: _____		
Phone: _____		
Phone: _____		
Phone: _____		
Phone: _____		

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561



January 12, 1978

William P. Higgins, P.A.
Attorney at Law
Penthouse/Sutton Place
Wichita, Kansas 67202

Re: S/D 74-86 Air Park Fourth Addition

Dear Bill:

This is in response to your letter of January 6, 1978, requesting that the above captioned plat be rescheduled for consideration by the Planning Commission. In reviewing the past action on this case, the file reflects that the Subdivision Committee, because of the magnitude of the project and because it was similar in scope to Towne East and proposed Towne West, recommended that a traffic study needed to be conducted by the applicant. Your appeal of this requirement on to the Planning Commission resulted in a moot vote and, therefore, the appeal went on to the Board of City Commissioners for determination.

Their action, as reflected in their minutes of May 27, 1975, returned the plat to the Planning Commission for a traffic study and analysis and appropriate recommendations and proposals for a proper road network or traffic system to handle a regional shopping center.

After that action, the file has your letter to Bob Lakin requesting the Art Roberts report associated with Towne West which was delivered to you on June 18, 1975. The last correspondence in the file is the carbon copy of Lakin's letter of June 24, 1975, to you attaching a copy of the "1990 Land Use Projections and Preliminary Development Plan" dated August, 1970. Although this letter offered to meet with you and your clients if they would like to discuss the nature of the traffic study for Airpark, we have heard nothing from you since.

Inasmuch as the study was required by the Board of City Commis-

William P. Higgins
January 12, 1978
Page Two

sioners, it would seem that you should either comply with their requirement or go back to the City Commission and request that they reverse their position and not require the study. In assuming that you prefer the latter, your request for reconsideration of this matter should be submitted to the City Manager.

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

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:et

cc:

E. H. Denton, City Manager
Robert A. Lakin, Director of Planning

April 23, 1979

John Dekker, Director of Law

Robert A. Lakin, Director of Planning

Mary K. Dysart - Complaint - Rezoning and
CUP Amendment - 6000 West U. S. 54

I have reviewed the files on Case No. Z-1473, and Case No. DP-2, the Community Unit Plan which includes the recreation area. It would appear that notices have been properly sent at the time the cases were heard.

In Case No. Z-1473, which was a change of then existing "AA" and "LC" zoning to "C" zoning for the recreation area (some 16.3 acres), notices were sent to the people on the attached notification list. This list was for a 200 foot radius and included the Dysarts. Notices to larger areas were not initiated until a later date. However, a larger radius was notified in terms of amending the CUP in this instance. The notation in our file is that on December 29, 1972, eighteen copies of the notice were sent to property owners. It would appear that the notices must have arrived, as we did receive a letter from Paul Garst in Pratt, Kansas, in which he makes reference to our December 29 letter. Our case file has been stored in Hutchinson, and I retrieved it so that I could see first hand about the notification list and the notices. Any letters not delivered are normally kept in the file for a reasonable period of time during the proceedings. However, when the files are sent to storage, the files are "cleaned" in which duplicate copies of correspondence and materials are removed and the letters, if not received, are thrown away.

Notices on DP-2, an amendment to Air Park CUP (the adding of the recreation area to the then approved Air Park CUP) were also sent on December 29, 1972. A copy of that notice together with the ownership list is also attached to this memo. Our file note shows that 51 notices were mailed to property owners on that date. This file has also been cleaned, and there is no way to determine how many, if any, letters were returned.

With a file that is now six years old, there is no way I can prove that notices were sent. However, the files appear such with check marks, notation on name-address checks, identification of duplicate addresses, etc., lead me to believe that notices were properly sent in this case.

John Dekker, Director of Law
April 23, 1979
Page 2

I did speak to Elaine King, who called me on this matter, and told her that Mr. Linde had been investigating this particular case, and to my knowledge all the notices and advertising had been proper in this case in 1973 when it occurred. I also advised her that the legal advertising in the paper is all that is required by law for the case to be valid even though a given property owner may not have received a notice for some reason.

I don't know whether you have received copies of Mr. Linde's report, but a copy is attached for your information. If there is any additional information needed concerning these cases, please advise.

Robert A. Lakin
Director of Planning

RAL:rme

Attachments - Notices and Ownership lists of Z-1473
and DP-2
- Letter from Fred Linde to the Dysarts - 3-19-79
- Location Map of Z-1473

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

DEC 29 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on Thursday, January 11, 1973, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-2 - The East half of the Southwest quarter of the Northeast quarter of Section 27, Township 27, Range 1 West, except that part taken for U.S. Highway 54 Right of Way. Generally located at the Northwest corner of U.S. 54 and Julia Street.

The Development Plan of this area, originally approved in July 1964, has been resubmitted 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 Street, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes the following general amendment:

Adding to the original plan Parcel No. 4 which increases the commercial zoning by approximately 16.3 acres, and proposes in addition to the already approved uses, the following: Miniature golf course facilities and automotive agencies and associated services.

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

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, viz:

Property lying within a radius of 200 ft of:
 E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West, except
 K-38302 for Hwy # 54.


 Fidelity
 Title
 Company,
 Inc.

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.)

D-18466-17 BF-1: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West, exc Hwy. Henry B. & Nancy Dugan, 602 S. Ridge Rd. ux 67209

D-18466-17 BQ: E 5 Acres of W 15 Acres of NW $\frac{1}{4}$ Sec 27, Twp 27, R 1 West. Robert J. La Count, Doris P. La Count, ux 351 S. Arapaho 67209

D-18466-17 BL: E 5 Acres of W 10 Acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 W. George R. Baughman 5911 W. Maple 67213

Lot 1, Blk 1, AIR PARK 2nd. ADDITION. Nancy Dugan, Air Park of Wichita, Inc. Res Agt: Terry O'Keefe, Suite #750, 200 W. Douglas 67202

LOT	BLK	ADDITION	OWNER
1,	A	GARST GARDENS	Paul C. Garst Box 252, Pratt, Ka. 67124
2,	A		Gene O'Brien Golf Center, Inc. 6028 W. Kellogg 67209
3,	A		Kenneth Ast 511 Julia 67209
4,	A		Pearl M. & Julia Herrmann, ux 6731 Minosa Lane, Dallas, Texas 75230



LOT	BLK	ADDITION	OWNER
5,	A	<u>GARST GARDENS</u>	✓ Anna Josephine Garst 532 S. Julia 67209
6,	A		✓ Thomas C. Garst, Jr. Anna Josephine Garst, ux 532 S. Julia 67209
7,		<u>MAPLE LANE</u>	✓ Dewitt C. & Hester A. Clark, 436 S. Arapaho 67209 ux
8,			✓ David D. & Mary K. Dysart, ux 452 S. Arapaho 67209
15,			✓ R. D. & Alleyne E. Moneyhun, 437 S. Arapaho 67209 ux
16,			✓ Maurice J. Higgins, Jr. Mary Maxine Higgins, ux 453 S. Arapaho 67209
4	C	<u>WEST MAPLE GARDENS</u>	✓ Star Lumber Company, Inc. 325 S. West St. 67213
5,	C		✓ Ben H. & Joan G. Leonard, ux 421 Howe Rd. 67209
7, 8, 9, 10,	D		Ernest A. & Doris Jordan, ux No Address Available
4 & 5,	E		H. C. & Helen Mardock, ux No Address Available
1,	1	<u>BYRON STOUT</u>	✓ Byron G. Stout, Jr. Elmira G. Stout, ux 5800 W. Kellogg 67209

Dated at Wichita, Kansas this 17th day of
November, 1972 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell
Sec. OEH

Tracer # 16322

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

NOTICE TO ADJOINING PROPERTY OWNERS

DEC 29 1972

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 JAN 11 1973, at which time you may appear either in person or by agent or attorney, if you so desire.

Case No. Z-1473

Zone Change from "AA" One Family Dwelling District
and "LC" Light Commercial District
to "C" Commercial District

The East half of the Southwest quarter of the
North East quarter of Section 27, Township 27,
Range 1 West except that part taken for U.S.
Highway 54 Right of Way. Generally located at
the Northwest corner of U.S. 54 and Julia Street.

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 a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

T9-215

March 19, 1979

File #A-98



Mr. & Mrs. David Dysart
452 Arapaho
Wichita, Kansas

Dear Mr. & Mrs. Dysart:

The conversion of the golf operation at 6000 W. U. S. 54 Highway has been investigated through the Planning Department and the Central Inspection Division. As you know the Planning Department controls zoning changes and the Community Unit Plan. The Central Inspection Division controls the issuance of building permits and monitors all work and related activities for compliance with building codes and zoning regulations.

The owner of the property and his contractor met with Mr. Sam Mobley of Central Inspection on Friday, March 16. The meeting was in response to an order issued on March 15 halting all activities at the job site. The contractor had begun work without obtaining a building permit and without filing plans, specifications, etc. At the end of the March 16 meeting Central Inspection concluded the work would be permitted to resume because there is no clear requirement for a construction permit for the type of work. This explains why work resumed in the morning on March 16.

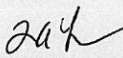
The nature of the work, that is the development of a recreational automobile course, is permitted by the uniform building code so long as the changes in the ground elevations come within definite limits. The development meets the limitations.

Both you and Mr. Pollock questioned the zoning status in particular. You stated that you had not received notification of the application to change zoning. This point is of grave concern to the Planning Department and to Planning and City Commissions. Therefore, it was carefully researched. We find notices were sent to you on December 29, 1972. Two

Mr. & Mrs. David Dysart
March 19, 1979
Page Two

applications were at issue: one, to change zoning to the present "C" and two, to amend the Community Unit Plan. Both issues were heard by the Planning Commission on January 11, 1973 and by the City Commission on February 13, 1973. The requested changes were approved by each body. Only two persons spoke on the applications, Mr. Byron Stout and Mr. Robert Fagens; neither opposed it. So far as I know the actions taken essentially exhaust administrative appeals. If the neighborhood feels sufficiently strong about the development and the rather drastic change it probably will make, then I believe it would be prudent to discuss with an attorney your legal appeals. I am sure your attorney will advise you as best he can and if he is concerned with the exhaustion of the administrative process I hope you will have him call.

Sincerely,


Fredrick A. Linde,
Grievance Officer

FAL:kg

cc: Bob Lakin, Planning Department
Jack Galbraith, Planning Department ✓
Lyan Shirkey, Planning Department
Bob Feldner, Central Inspection Division
David Pollock, 453 S. Brummett, Wichita, Kansas

Map No. 5046
 Sec. 27
 Twp. 27S
 Range 1W

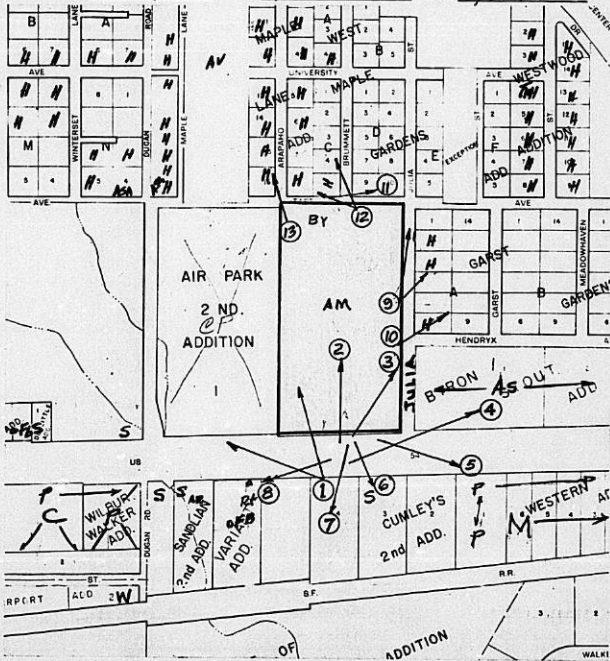
DATA SHEET
 (ZONING & CONDITIONAL USE)

1-11-73
 Z-1473
 SCZ-
 CU-
 Filed 11/29/72

APPLICATION DATA: From "AA" & "IC" to "C"
 1. Applicant: Air Park of Wichita, Inc.
 Address 6572 E. Central 67206 Phone 684-6576
 2. Agent: Robert T. Feagins
 Address 6572 E. Central 67206 Phone 684-6576
 3. General Location: On the Northwest corner of U.S. 54 and Julia Street
 Address _____
 4. Proposed Use: Addition to Air Park CUP as Parcel #4

AREA DATA:
 1. Acres: (626 ft. by 1179 ft.)
 2. Adjoining Zoning: E "c" S "c" W "c" N "IC"
 3. Land Use: East SINGLE FAM. LAUNDRY South US HWY 54
 West UNDEVELOPED North SINGLE FAM
 4. Sketch Plan Land Use is for:
 5. Present Land Use is for: MULTIPLE GOLF COURSE
 6. Area (in acres) platted: NO EXISTING SIDEWALKS

PHOTO DATA:
 Taken by F Date 1-2-73 Time 12:10 **Z-1473**



THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

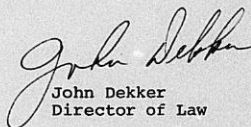
DATE April 17, 1979

TO Robert A. Lakin, Director of Planning

FROM John Dekker, Director of Law

SUBJECT Mary K. Dysart -
Complaint re Rezoning
and CUP Amendment -
6000 West U. S. 54

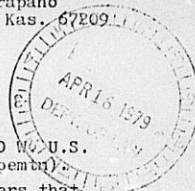
Attached is a copy of a letter which I have received from the captioned individual. Will you please have this checked out and give me the facts concerning the same and explain the notices required as well as the notices given. I have told Ms. Dysart that I will reply as soon as possible. I would, therefore, appreciate receiving your answer at an early date.


John Dekker
Director of Law

JD:cr
Attachment



April 13, 1979
452 S. Arapaho
Wichita, Kas. 67209



Mr. John Decker
City Attorney
Wichita, Kas. 67202

Dear Mr. Decker:

I am writing in regards to a zoning change of 6000 W. U.S.
54 (believe it is referred to as Air Park Development)

Supposedly, notices were sent to the property owners that
would be affected by the re-zoning, December 29, 1972. With
the re-zoning was also an amendment to CUP. Both issues were
heard by the Planning Commission-~~REMEMBER~~ January 11, 1973
and then by the City Commission on February 13, 1973. No one
appeared against it at either Meeting for the simple reason
that no one had been notified.

Mr. Shirkey, of the Planning Dept. informed me they had sent
letters to all concerned but could offer no proof we had
gotten them, he assumed since they had not been returned we had,
his other thought was perhaps the Post Office had lost all of them.

Mr Bob Lakin informed one neighbor that all that was completely
necessary was it was published in the paper. We had absolutely
no knowledge the land had been re--zoned until we checked into
their being allowed to put in a car racing track. This was in
March of this year. We have contacted Mr. Fred Linde, Mr. Bob
Feldner, Mr. Lynn Shirkey and I called Commissioner Bob Brown
today. We feel we are victims of an illegal zoning and the following
people plus others would be willing to Swear Under Oath that they
never received notification by mail of any change in zoning of the
above location.

David Pollock, 453 Brummett
Mary K. Dysart, 452 S. Arapaho
James Dixon, 400 S. Arapaho
Mrs Virginia Clark, 403 S. Arapaho
R. D. Moneyhun, 437 S. Arapaho

Approximately 20 other land owners in the immediate area say they
never had any communication about it either.

A point of interest; the usual requirements required for such
usage as Air Park plans is much more stringent.

Please advise me what course of action we should take to reverse
this illegal re-zoning.

Sincerely,

Mary K. Dysart

Mary K. Dysart

cc: Commissioner Bob Brown

March 19, 1979

File #A-98



Mr. & Mrs. David Dysart
452 Arapaho
Wichita, Kansas

Dear Mr. & Mrs. Dysart:

The conversion of the golf operation at 6000 W. U. S. 54 Highway has been investigated through the Planning Department and the Central Inspection Division. As you know the Planning Department controls zoning changes and the Community Unit Plan. The Central Inspection Division controls the issuance of building permits and monitors all work and related activities for compliance with building codes and zoning regulations.

The owner of the property and his contractor met with Mr. Sam Mobley of Central Inspection on Friday, March 16. The meeting was in response to an order issued on March 15 halting all activities at the job site. The contractor had begun work without obtaining a building permit and without filing plans, specifications, etc. At the end of the March 16 meeting Central Inspection concluded the work would be permitted to resume because there is no clear requirement for a construction permit for the type of work. This explains why work resumed in the morning on March 16.


The nature of the work, that is the development of a recreational automobile course, is permitted by the uniform building code so long as the changes in the ground elevations come within definite limits. The development meets the limitations.

Both you and Mr. Follock questioned the zoning status in particular. You stated that you had not received notification of the application to change zoning. This point is of grave concern to the Planning Department and to Planning and City Commissions. Therefore, it was carefully researched. We find notices were sent to you on December 29, 1972. Two

Mr. & Mrs. David Bysart
March 19, 1979
Page Two

applications were at issue: one, to change zoning to the present "C" and two, to amend the Community Unit Plan. Both issues were heard by the Planning Commission on January 11, 1979 and by the City Commission on February 13, 1979. The requested changes were approved by each body. Only two persons spoke on the applications, Mr. Byron Stout and Mr. Robert Fagens; neither opposed it. So far as I know the actions taken essentially exhaust administrative appeals. If the neighborhood feels sufficiently strong about the development and the rather drastic change it probably will make, then I believe it would be prudent to discuss with an attorney your legal appeals. I am sure your attorney will advise you as best he can and if he is concerned with the exhaustion of the administrative process I hope you will have him call.

Sincerely,


Fredrick A. Linde,
Grievance Officer

FAL:ky

cc: Bob Lakin, Planning Department
Jack Galbraith, Planning Department ✓
Lynn Shirkey, Planning Department
Bob Feldner, Central Inspection Division
David Pollock, 453 S. Brummett, Wichita, Kansas

July 22, 1974

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: Preliminary Plat of Air Park
4th Addition. Generally
located at the northeast
corner of U. S. 54 Highway
and Ridge Road.

Gentlemen:

This is to advise you in writing of our reason for not scheduling the above referred to preliminary plat for hearing by the Subdivision Committee. The preliminary plat as submitted does not conform to the associated approved C.U.P., DP-2 and therefore we felt that the plat should not be scheduled for hearing until either the C.U.P. is revised to correspond with what is now proposed on the plat, or the plat has been redesigned to conform to the C.U.P. If a revised preliminary plat is submitted, the following should be indicated on the plat:

1. The drainageway as shown on the C.U.P. should be indicated on the preliminary.
2. The preliminary plat should consist of two lots to coincide with the parcels shown on the C.U.P. unless the C.U.P. is formally amended. The Director of Planning has indicated that all amendments to this C.U.P. should be by formal public hearing rather than being handled administratively.
3. No building setbacks or access controls should be indicated on the plat as those shown on the C.U.P. will govern.

At such time as a revised preliminary plat is submitted which conforms to the C.U.P. we will schedule the plat for consideration by the Subdivision Committee.

July 22, 1974
Page 2

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

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

March 20, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Landscape Plan Associated with DP-2
Air Park Community Unit Plan

On April 6, 1973, by my memorandum, I advised that the above-captioned CUP had been approved, and a copy of the development plan was attached for your files.

General Provision #7 provides that a landscape plan for the 10-foot planting area along the perimeter of the site (20-foot shrub buffer on the north), indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department for approval prior to the issuance of any building permits on Parcel 4.

Concerning Parcel 4, R. C. Richey, the lessee, has submitted a landscape plan for the 20-foot area along Taft. Also, although the plan does not indicate the 10-foot planting area along Julia north of Hendryx Avenue, there is an existing catalpa hedge along Julia which is proposed to be retained until the golf driving range ceases operation, and at such time as the land use is changed, or the elevation is changed and the trees are removed, it will be necessary to submit a landscape plan and plant that area.

The plant materials proposed along Taft have been reviewed with the City Forester and are generally acceptable. It should be pointed out that there is a row of Chinese elms for a portion of the area along Taft. Inasmuch as these trees do not provide adequate screening, additional plant materials are proposed. Two problems exist with the plan as submitted. First, the three Austrian pines at the intersection of Taft and Julia may interfere with traffic movements and I would suggest a substitute to a deciduous tree that can be trimmed so as not to present a traffic hazard. The second problem is that there are now discussions on proposed improvements for West Kellogg which include the widening of Taft. One of the solutions suggests that ten feet of additional

Robert Feldner
March 20, 1974
Page Two

right-of-way is needed for Taft. Until this is finally determined, I would recommend that planting not be placed in the north 10-feet of the required 20-foot planting area, but rather they be placed in the south 10-feet so as to not later have to be removed.

With these comments in mind, we have approved the submitted landscape plan for the area along Taft subject to the following conditions:

1. Deciduous trees will be substituted for the three Austrian pines at the intersection of Taft and Julia.
2. Subject plantings shall be a condition of the issuance of the first building permit requested on Parcel 4 and shall be planted in the first planting season (spring of 1974).
3. Plant materials along Taft shall be planted in the south 10 feet of the required 20-foot planting area until a determination is made about the additional right-of-way need for Taft Street improvements.
4. At such time as the existing catalpa trees along Julia are removed, the owner is responsible for submitting the required landscape plan for the ten-foot area north of Hendryx.

Attached is a copy of the approved landscape plan for your files. If you have any questions, please call.

JHG:js

cc: Robert T. Feagins,
6572 East Central
Wichita, Kansas 67206

R. C. Richey
1329 South Handley
Wichita, Kansas 67213

John Riddel
Central Inspection Division

3/11/74

On this date Mr. Ritchie came in to discuss the attached so called landscape plan. After my review of the germin on 3/8/74, newly checked and determined that the rows of trees on the east are in Julius St ROW and not where indicated. Also, the trees on the north do not screen the area adequately and there are open gaps.

Although I concur that existing trees should not be removed, I believe a landscaping plan showing the plan and planting that will be provided in the event the trees are removed is required. Also, a landscape plan and the planting of trees, in my opinion need to occur on the north.

Although Ritchie was insistent that the trees were not in street ROW. a call to Paul Korber, manager that the trees were placed there at someone's direction and that he (Korber) did not believe they were there. Ritchie left with the understanding that a plan was to be provided. JH/

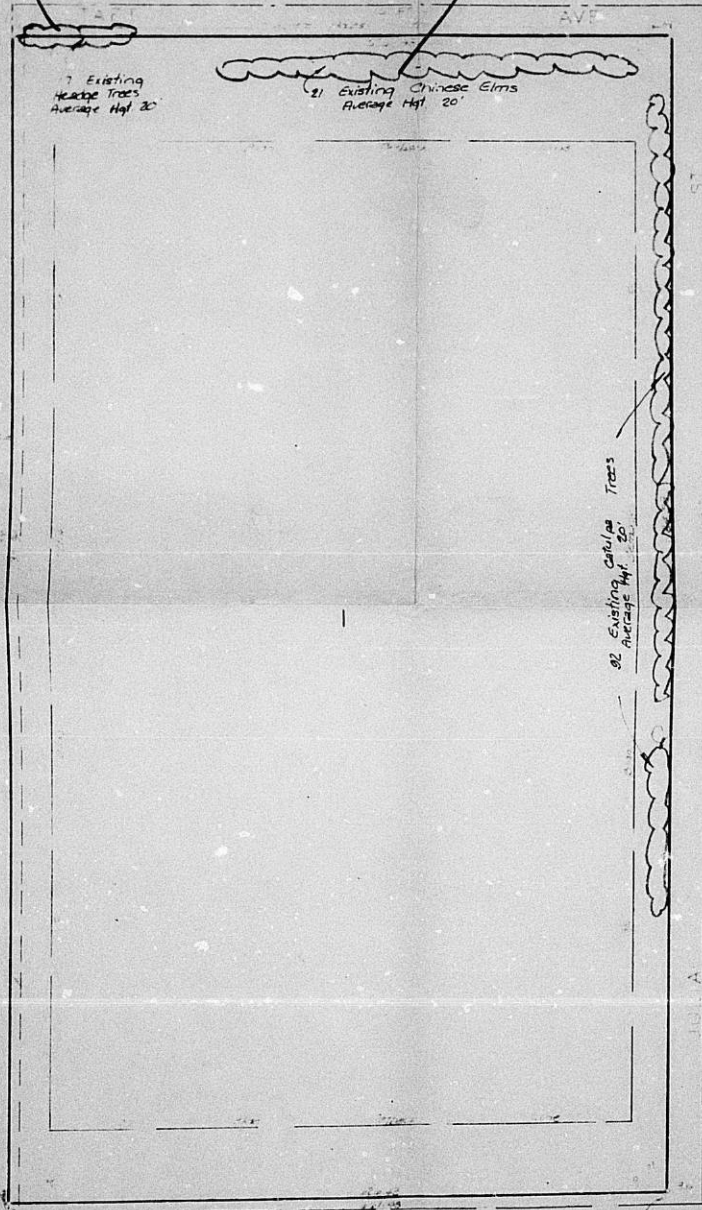
AIR PARK 3RD ADDITION

Original Plans
Blummitt

new ROW

PARCEL "AP" #4 of AIR PARK C.L.P.

This row providing little screening



KEELOGG DRIVE
R.W. U.S. 54. (CASE A-38302) HIGHWAY

March 7, 1974

Robert T. Feagins, President
Airpark of Wichita, Inc.
6572 East Central
Wichita, Kansas 67206

Re: Request for an Administrative
Adjustment to DP-2 Airpark
Community Unit Plan

Dear Mr. Feagins:

Bob Lakin has reviewed your recent letter with me and your suggestion that we consider administratively eliminating the 120 ft. setback between Parcels 1 and 2. Bob has determined that such request is not in keeping with the intent of administrative adjustments, that to eliminate this approved setback is a substantial deviation of the plan and can only be accomplished by an amendment to the C.U.P. as was done in 1973 in adding a parcel to the east.

There have also been several substantial changes in highway planning on U.S. 54 since this plan was first considered and approved in 1964. As you are aware, an interchange is proposed at Ridge Road and U.S. 54 and just recently a substantial area for the interchange was purchased from the property to the west.

In the consideration of an amendment to the C.U.P. we will want to consider some adjustments in the setback from Ridge Road on Parcel 1 so as to protect the area from new development. Also, inasmuch as another proposal suggests improvement of Taft as a collateral road system, there may be the need to adjust the setback line from Taft to protect the necessary right of way for future highway purchase.

Robert T. Feagins
March 7, 1974
Page Two

Prior to your platting the area, I would recommend that you first submit an application for amending the C.U.P. If we can be of assistance in reviewing your plans prior to the submission of an amendment application, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

Mr. Robert A. Lakin
Director of Planning
City Building Annex
104 South Main
Wichita, Kansas 67202

Re: Administrative Adjustment
to DP-2 Community Unit Plan
Airpark

Dear Mr. Lakin:

This letter is written pursuant to a recent discussion with Jack H. Galbraith, chief Planner, regarding the two (2) 60'-0" building setback lines separating Parcels A.P. #1 and A.P. #2.

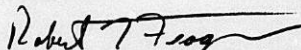
The owners of Airpark of Wichita, Inc. are completing the preliminary plans for a regional shopping center which will require the total acreage of these two parcels under one roof, more or less. The 120'-0" building setback line provisions must be eliminated completely in order to permit uninterrupted building design.

Would it be possible to handle this item during platting as an administrative adjustment? The General Provisions provide a 20'-0" Minimum Fire Lane requirement around all main structures in the event there is some question that the shopping center will be broken into several smaller structures. Jack suggested platting the two parcels as one, but I see some problems with the department stores. They generally buy their own site and parking, take title to it, build it, then sell it back to us on a Purchase-Lease back arrangement. This means we might be forced to split both parcels at least once each during the development phase.

We have our design concepts, etc. prepared by our architects (Hellmuth, Obata and Kassabaum), which will clearly show our utilization of the two parcels. They will be available for your perusal upon request.

Please let us hear from you if you have any questions concerning this matter.

Sincerely,


Robert T. Feagins, President
AIRPARK OF WICHITA, INC.

cc: Hellmuth, Obata & Kassabaum, Inc.
315 N. Ninth St.
St. Louis, Missouri 63101

April 6, 1973

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

DP-2 - Air Park CUP (Amendment) - At the Northwest corner
of U.S. 54 Highway and Julia Street and Z-1473 - "AA" &
"IC" to "C"

On February 13, 1973, the Board of City Commissioners approved
the above captioned zone change and amended CUP subject to the
following conditions:

1. Platting of the subject property within one year from
the date of approval of the zone case and CUP amendment
by the Board of City Commissioners, or these cases be
marked "denied and closed."
2. The applicant shall prepare and submit to the Planning
Department an avigational easement covering all of sub-
ject property, as subject property is located within the
noise hazard flight approach zone to the Municipal Air-
port.
3. The applicant shall submit to the Planning Department a
Covenant which assures that adequate construction methods
will be utilized so as to minimize the effects of noise
pollution within all structures proposed to be built on
subject property.
4. The development of this property shall proceed in accord-
ance with the development plan as recommended for approval
by the Planning Commission and approved by the governing
body, and any substantial deviation of the plan, as deter-
mined 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.

Robert Feldner, Page 2
April 6, 1973

5. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
6. 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 development and be binding upon the present owners, their successors and assigns, unless amended.

Attached for your information and files is an approved copy of the CUP. Please note that no building permits are to be issued on subject property until such time as the land has been platted and the plat recorded with the Register of Deeds.

If you have any questions, please contact our office.

JHG:rw
attachment

February 13, 1973

Mr. Robert T. Feagins
6572 East Central
Wichita, Kansas 67206

RE: E-1473 - "IC" and "AA" to
"C" and Amendment to DP-2
Community Unit Plan - North-
west corner of U.S. 54 High-
way and Julia Street

Dear Mr. Feagins:

The Board of City Commissioners at its regular meeting of February 13, 1973, considered the above captioned cases. Their action was to approve the zone change request as recommended by the Planning Commission and the approval of the accompanying Community Unit Plan subject to the conditions recommended by the Planning Commission with one additional change. The 35 foot setback adjacent to Kellogg Drive on Parcel 4 is to be changed to 70 feet and an additional comment should be stated under general provisions for Parcel 4 to read as follows:

Canopies and miniature golf activities may extend into the 70 foot building setback area adjacent to Kellogg Drive not to exceed a distance of 35 feet.

Please make these two corrections and submit 4 revised copies of the Community Unit Plan to our office for our files. We would appreciate these at your earliest convenience.

If you have any questions concerning these matters, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rw

cc: Air Park of Wichita, Inc. 6572 E. Central 67206
Nancy Dugan, 602 S. Ridge Road 67209
Byron Stout, 5800 West Kellogg 67209

EXCERPT FROM PLANNING COMMISSION MINUTES OF JANUARY 11, 1973:

- 24a. Case No. Z-1473 - Air Park of Wichita, Inc. and Nancy Dugan request change from "AA" and "LC" to "C" for the east half of the southwest quarter of the northeast quarter of Section 27, Township 27, Range 1 West, Except that part taken for U.S. Highway 54 right-of-way. Generally located at the northwest corner of U. S. 54 and Julia Street.
- 24b. Case No. DP-2 (Amendment) Air Park of Wichita, Inc. and Nancy Dugan request approval of an amendment for CUP on the east half of the Southwest quarter of the northeast quarter of Section 27, Township 27, Range 1 West, except that part taken for U.S. Highway 54 right-of-way. Generally located at the northwest corner of U.S. 54 and Julia Street.

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

Comments

1. The applicant is requesting a change in zoning and an amendment to the Air Park CUP which was originally approved in 1964. The amendment proposes to add Parcel #4, which contains 16 acres to the original 3 parcel CUP.
2. Inasmuch as "C" Commercial exists to the east and west and "LC" exists to the south of U. S. 54, this would appear to be a logical extension of the "C" District.
3. As required by the CUP provisions of the zoning ordinance, the applicant has submitted an amended development plan indicating general information for the new parcel, building setbacks, land coverage, floor area ratio, curb cuts, proposed uses, planting screens, sign control, etc.
4. The Flood Control Division advises that Parcel #4 lies at approximate elevation 115 City Datum. Grading plans already in effect for Parcel 3 and Byron Stout Addition dictate elevations above 120 City Datum on both the east and west lines of Parcel 4. They also point out that it may be possible to fill Parcel 4 so that the general slope will be from southwest to northeast and that the northeast corner might be as low as elevation 118 City Datum.
5. While the development plan is in general agreement with the comments made by the staff, there is no reference to exclusion of billboards from subject parcel. The applicant had advised that the usual billboard exclusion was omitted as there is an existing billboard on Parcel 4. Inasmuch as the existing billboard lease runs out in the near future, it is the opinion of the staff that the standard wording of "no billboards shall be permitted" should be indicated under General Provisions.
6. The staff also recommended that access not be permitted to Taft Avenue on the north. Due to the size of this CUP, it is felt that commercial traffic should be kept to a minimum on the residential streets between Taft and Maple. Therefore, direct access points to Taft should be discouraged as there is sufficient frontage on both Julia and the Kellogg Frontage Road for access to Parcel 4.
7. It should be pointed out that this area is in the flight approach cone of the Municipal Airport and is unplatted.
8. Should the Planning Commission recommend approval of the zone change request and the amendment to the CUP, DP-2, such approval should be subject to the following:

- A. Platting of the subject property within one year from the date of approval of the zone case and CUP amendment by the Board of City Commissioners, or these cases be marked "denied and closed."
- B. The applicant shall prepare and submit to the Planning Department an avigational easement covering all of subject property, as subject property is located within the noise hazard flight approach zone to the Municipal Airport.
- C. The applicant shall submit to the Planning Department a covenant which assures that adequate construction methods will be utilized so as to minimize the effects of noise pollution within all structures proposed to be built on subject property.
- D. Adding to General Provisions Parcel #4, item #2 Sign Control "No billboard signs shall be permitted."
- E. Adding a general note to Parcel #4 to read as follows:
"Note: The existing billboard located on Parcel #4 shall be removed upon the expiration of the present lease for said sign."
- F. Indicating on the CUP "complete access control" from Parcel 4 to Taft Avenue.
- G. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- ✓ → H. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
- I. 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 development and be binding upon the present owners, their successors and assigns, unless amended.

GALBRAITH said the staff would recommend approval of both cases, subject to conditions suggested on the CUP.

There was brief discussion of highway plans through this area, it being pointed out that at a recent meeting in Goddard, it appeared the project would be constructed on the existing alignment, perhaps to 6 lanes, either on one side or perhaps both sides of U.S. 54.

LAKIN said he was not in a position to say how much right-of-way might be required, but it is likely that the strip type buildings built fairly close to the present right-of-way would be completely taken, but that in the design configuration, every effort will be made to avoid taking substantial structures; however, parking facilities will no doubt have to be re-established in some cases.

BYRON STOUT, property owner to the east, asked concerning the indication of "automobile agencies and associated services" and specifically what is anticipated.

ROBERT FEAGINS, representing the applicant, said they have had inquiries for a new or used car agency, car washes, etc. He said that as far as setback and highway configuration, they are aware of the favorable action on Alternate #1 for alignment on

the present alignment and no doubt there will be some condemnation. As far as the 35-foot setback indicated on the plat, they expect to provide much more to better utilize the property.

GALBRAITH said the staff report indicated 35 feet only because that is what was approved on the original CUP. He estimated that Byron Stout buildings are as much as 150 feet back.

As for the existing billboard, FEAGINS said the lease expires in March or April and they do not expect to renew the lease. He indicated they had no opposition to any of the conditions suggested in the staff report.

No one appeared in opposition.

MOTION: That the Planning Commission recommend to the City Commission that Z-1473 be approved, and that the Amendment to DP-2 also be approved, subject to Conditions A through I as shown in the staff report. Harrison moved, Tylor seconded and it carried unanimously.

January 15, 1973

Mr. Robert T. Feagins
6572 East Central
Wichita, Kansas 67206

Re: Z-1473 - "LC" and "AA" to
"C" and Amendment to DP-2
Community Unit Plan - North-
west corner of U.S. 54 High-
way and Julia Street

Dear Mr. Feagins:

At the regular meeting of the Metropolitan Area Planning Commission on January 11, 1973, the above-captioned zone change and amendment to the Community Unit Plan were considered. It was the action of the Commission to approve the cases, subject to Conditions A through I in the staff report.

It is necessary that we receive ten corrected copies of the Community Unit Plan by 5:00 p.m. on January 24, 1973 so that these two cases may be forwarded to the City Commissioners for consideration on January 30, 1973, the meeting to be held in Room 201 City Building, 204 South Main, starting at 9:00 a.m.

The corrected copies should reflect the additional wording as stated in Conditions D, E and F of the staff report. Enclosed is a marked copy of the CUP for your information and files.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: Air Park of Wichita, Inc., 6572 East Central 67206
Nancy Dugan, 602 South Ridge Road 67209
Byron Stout, 5800 West Kellogg 67209

WICHITA-SEDFWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: Jan. 11, 1973

Case No. Z-1473 and DP-2

Request: "AA" and "LC" to "~~LC~~"^{"C"}
and amendment to DP-2, Commercial CUP

Location: Northwest corner of U. S. 54 Highway and Julia Street

Reason: This tract is an addition to DP-2, Air Park CUP as Parcel #4 and should have the same zoning classification.

Acres: 16.3

Size: 661.43 ft. by 1179.34 ft.

	Land Use	Zoning
Existing North	Golf Center & Driving range	"AA" & "LC"
East	Single-family & undeveloped	"AA"
South	Single-family & new car dealership	"AA" & "C"
West	Undeveloped & retail businesses	"AA" & "C"
	Discount Store (under construction)	"C"
Existing R/W - Julia (west half) none		Platted: No
Proposed R/W - Julia (west half) 35 ft.		Sidewalk: No
Existing R/W - Taft (south half) None		History: None
Proposed R/W - Taft (south half) 30 ft.		
Kellogg Drive right-of-way to be determined at the time of platting.		

Comments

1. The applicant is requesting a change in zoning and an amendment to the Air Park CUP which was originally approved in 1964. The amendment proposes to add Parcel #4, which contains 16 acres to the original 3 parcel CUP.
2. Inasmuch as "C" Commercial exists to the east and west and "LC" exists to the south of U.S.S.54, this would appear to be a logical extension of the "C" District.
3. As required by the CUP provisions of the zoning ordinance, the applicant has submitted an amended development plan indicating general information for the new parcel, building setbacks, land coverage, floor area ratio, curb cuts, proposed uses, planting, screens, sign control, etc.

4. The Flood Control Division advises that Parcel #4 lies at approximate elevation 115 City Datum. Grading plans already in effect for Parcel 3 and Byron Stout Addition dictate elevations above 120 City Datum on both the east and west lines of Parcel 4. They also point out that it may be possible to fill Parcel 4 so that the general slope will be from southwest to northeast and that the northeast corner might be as low as elevation 118 City Datum.
5. While the development plan is in general agreement with the comments made by the staff, there is no reference to exclusion of billboards from subject parcel. The applicant had advised that the usual billboard exclusion was omitted as there is an existing billboard on Parcel 4. Inasmuch as the existing billboard lease runs out in the near future, it is the opinion of the staff that the standard wording of "no billboards shall be permitted" should be indicated under General Provisions.
6. The staff also recommended that access not be permitted to Taft Avenue on the north. Due to the size of this CUP, it is felt that commercial traffic should be kept to a minimum on the residential streets between Taft and Maple. Therefore, direct access points to Taft should be discouraged as there is sufficient frontage on both Julia and the Kellogg Frontage Road for access to Parcel 4.
7. It should be pointed out that this area is in the flight approach cone of the Municipal Airport and is unplatted.
8. Should the Planning Commission recommend approval of the zone change request and the amendment to the CUP, DP-2, such approval should be subject to the following:
 - A. Platting of the subject property within one year from the date of approval of the zone case and CUP amendment by the Board of City Commissioners, or these cases be marked "denied and closed."
 - B. The applicant shall prepare and submit to the Planning Department an avigational easement covering all of subject property, as subject property is located within the noise hazard flight approach zone to the Municipal Airport.
 - C. The applicant shall submit to the Planning Department a covenant which assures that adequate construction methods will be utilized so as to minimize the effects of noise pollution within all structures proposed to be built on subject property.
 - D. Adding to General Provisions Parcel #4, item #2 Sign Control "No billboard signs shall be permitted."

- E. Adding a general note to Parcel #4 to read as follows:
"Note: The existing billboard located on Parcel #4 shall be removed upon the expiration of the present lease for said sign."
 - F. Indicating on the CUP "complete access control" from Parcel 4 to Taft Avenue.
 - G. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 - H. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
 - I. 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 development and be binding upon the present owners, their successors and assigns, unless amended.
-

DP-42-2

51 Notices to Property Owners sent 12/29/72

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

DEC 29 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on Thursday, January 11, 1973, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-2 - The East half of the Southwest quarter of the Northeast quarter of Section 27, Township 27, Range 1 West, except that part taken for U.S. Highway 54 Right of Way. Generally located at the Northwest corner of U.S. 54 and Julia Street.

The Development Plan of this area, originally approved in July 1964, has been resubmitted 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 Street, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes the following general amendment:

Adding to the original plan Parcel No. 4 which increases the commercial zoning by approximately 16.3 acres, and proposes in addition to the already approved uses, the following: Miniature golf course facilities and automotive agencies and associated services.

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

December 19, 1972

Mr. Robert T. Feagins
6572 East Central
Wichita, Kansas 67206

RE: DP-2 Amendment to Air Park
Community Unit Plan

Dear Mr. Feagins:

We have reviewed the above captioned amendment to the Air Park CUP with representatives of the Department of Public Works. As you are aware, the original approval of this CUP occurred in 1964 and consequently there have been many changes added to the general information now required on conditions of approval.

The Flood Control Division advises that Parcel 4 lies at approximate elevation 115 City Datum. Grading Plans already in affect for Parcel 3 and Byron Stout Addition dictate elevations above 120 City Datum on both the east and west lines of Parcel 4. They also point out that it may be possible to fill Parcel 4 so that the general slope will be from southwest to northeast and that the northeast corner might be as low as elevation 118 City Datum. If you have any questions on this information, please contact the Flood Control Division of the Department of Public Works.

Inasmuch as conditions under "General Provisions" have been substantially changed, we would recommend that the conditions for Parcel 4 be expanded as follows:

1. Curb Cuts - The maximum number of curb cuts along Taft shall not exceed one (1).
2. Sign Control - Advertising signs shall not exceed 30 feet in height and shall be placed so as not to project over

Mr. Robert T. Feagins

Page 2

any public right-of-way. No signs shall be located along Taft Avenue. No billboards or roof signs shall be permitted.

3. Drainage problems and minimum pad elevations will be resolved at the time of platting.
4. All utilities shall be installed underground.
5. A fire lane 20 feet in width, (with sufficient turning radii at corners for standard fire apparatus) shall be provided around all main structures. Said fire lane shall have a 3½ inch asphalt base with 1½ inch asphalt surface. No parking shall be allowed in such fire lane although it may be used for passenger loading and unloading. Prior to final approval of the parking, the Fire Chief, or his designated representative, shall approve the plan as to the location and design of the fire lane.
6. If the service area or rear of the buildings face directly towards the "AA" zoning district, the construction of a 5 to 8 foot solid or semi-solid wall separating the Commercial District and the Residential District will be required on the north and east.
7. All lights shall be directed so as not to shine directly towards the "AA" zoned properties to the north and east.
8. A landscape plan for the 10 foot planting area along the perimeter of the site, indicating the location, type, and specifications of planting materials, shall be submitted to the Planning Department for approval prior to the issuance of any building permit on Parcel 4.

It should be pointed out that, although comment 1 suggests appropriate wording for a curb cut to Taft, the Department does not support any additional curb cuts to this street. It is our opinion that commercial traffic should not be encouraged to utilize Taft as it is expected that such traffic will have an adverse affect on the residential uses to the north.

In addition to these above conditions it will also be necessary that Parcel 4 be platted within one year from the date of approval by the Board of City Commissioners or both this amended CUP and

Mr. Robert T. Feagins

Page 3

the associated zone change request considered "denied and closed". Inasmuch as subject property lies north of the municipal airport , it will be necessary at the time of platting, that the applicant prepare and submit to the Planning Department an avigational easement covering all of subject parcel as it is located within the hazard flight approach cone for the Wichita Municipal Airport. The applicant shall also submit to the Planning Department, a covenant which assures that adequate construction methods will be utilized so as to minimize the affects of noise pollution within all structures proposed to be developed on subject property.

The maximum building height under Parcel 4 shall be changed to read as follows: As permitted by Chapter 28.08, Code of the City of Wichita.

These are the comments we have at this time pertaining to Parcel 4. It is necessary that you provide this additional information on the plan and submit 12 revised copies to our office by December 29, 1972, so that these requests can be considered by the Planning Commission at their regular meeting of January 11, 1973. If you have any questions concerning these recommended conditions, please contact me and I will set a time at your convenience that we can discuss this matter.

Sincerely,

Jack H. Galbraith
Chief Planner

cc: Nancy Dugan
602 S. Ridge Road

JHG:rw

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 29, 1972

TO X Dick Linn, City Engineer
Paul Graves, City Traffic Engineer
M. S. Mitchell, Maintenance Supervisor
FROM Jack H. Galbraith, Chief Planner

SUBJECT DP-2 - Amendment to
Air Park CUP

We have received a zone change application and amendment to the CUP for the above-captioned case. The original CUP was approved in 1964 and included everything but the area now designated as Parcel #4 which lies to the east of the area now being developed with the new "Giant" Store.

This case has tentatively been scheduled for consideration by the Planning Commission at their regular meeting of January 11, 1973. We would appreciate your comments by December 15, 1972, so that we can determine if any changes should be requested prior to advertising the cases for a public hearing.

JHG:ber

Attachment

*No concept problems. Details of
R/W, easements, & guarantees can
be condition of platting*

Dick



THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public Works Maint. DATE December 1, 1972

TO Jack Galbraith, Chief Planner

FROM M. S. Mitchell

SUBJECT - DP-2 - Amendment to Air Park CUP

Reference is made to your memorandum of November 29th asking for comments on DP-2, an amendment to Air Park CUP. The additional Parcel 4 shown on the attached plan lies at approximate elevation 115 City Datum. Grading plans already in affect for Parcel 3 and Byron Stout Addition dictate elevations above 120 City Datum on both the east and west lines of Parcel 4. It is possible that Parcel 4 could be filled so that its general slope was from southwest to northeast and that the northeast corner might be as low as elevation 118 City Datum. In any event it is our recommendation that fill to the approximate elevations described above be required and that this understanding should be agreed to early in the zoning process.

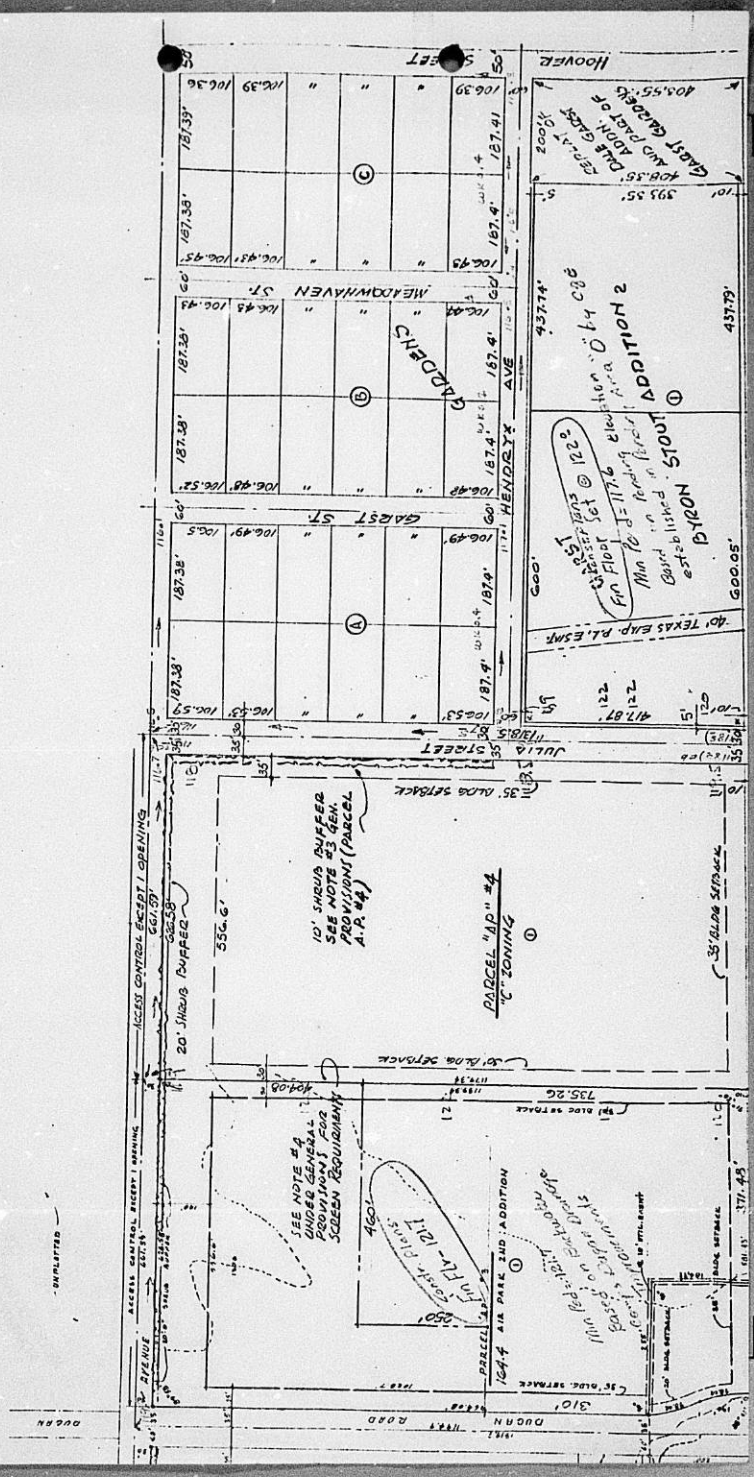
M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton, Supt. of Public Works Maint.
Air Park Addn. Plat File

Attach. - 1





UNLIFTED

ACCESS CONTROL EXCEPT OPENING

ACCESS CONTROL EXCEPT OPENING

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10' SHEDS BUFFER
SEE NOTE #3 GEN.
PROVISIONS (PARCEL
A.P. #4)

SEE NOTE #4
MOORE GENERAL
CONTRACTOR
SCREEN REQUIREMENT

450' AIR PARK 2ND ADDITION
10' SHEDS BUFFER
SEE NOTE #3 GEN.
PROVISIONS (PARCEL
A.P. #4)

PARCEL #10' #4
C-ZONING

2ND ADDITION
100' STON
BYTON
ESTABLISHED
MAN TO FILL
FOR FLOOR
CONCRETE
15' SETBACK
12' SETBACK

TEXAS EXP. PL. E.S.M.

47.87' 12.2' 12.2'

50' ALONG SETBACK

50' ALONG SETBACK

50' ALONG SETBACK

50' ALONG SETBACK

50' ALONG SETBACK

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November 29, 1972

Dick Linn, City Engineer
Paul Graves, City Traffic Engineer
M. S. Mitchell, Maintenance Supervisor
Jack H. Galbraith, Chief Planner

DP-2 - Amendment to
Air Park CUP

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JHG:ber

Attachment

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 Air Park of Wichita, Inc.
Address 6572 E. Central, Wichita, Kansas 67206 Phone 684-6576
Agent Robert T. Feagins
Address 6572 E. Central, Wichita, Kansas 67206 Phone 684-6576
- b. Applicant NANCY DUGAN - OWNER
Address 602 S RIDGE ROAD ⁶⁷²⁰⁹ Phone 943-6206
Agent _____
Address _____ Phone _____
- c. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

(Use separate sheet if necessary for names of additional applicants)

- II.A The applicant hereby requests Community Unit Plan approval on property zoned LC & AM and legally described as Lot(s) See description below, Block(s) _____, _____ Addition.
(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

A tract legally described as the East half of the Southwest quarter of the North East quarter of Section 27, Township 27, Range 1 West except that part taken for U. S. Highway 54 Right of Way (Condemnation Case A-38302)

- II.B There are 16.3 (Net) acres (round to nearest tenth) in the above described property.

III. This property is located at (address) 6028 W. Kellogg.

The general location is (use appropriate section)

a. at the Northwest corner of U.S. 54 Highway & Julia Street
and _____; or

b. on the West side of Julia (Ave.,
Street) between Taft (Ave., Street) and
Kellogg Drive (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.

Air Park of Wichita, Inc.
By Robert J. Feag 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
3:30 (~~PM~~, PM) on Nov 29, 72 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ 400.00 max fee.

James H. Allbright Name
Chief Planner Title


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, viz:

Property lying within a radius of 750 ft of:
 E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 27, Twp. 27, Range 1 West,
 except Hwy. # A-38302.


 Fidelity
 Title
 Company,
 inc.

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.)

D-18466-17 BF-1:	E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec 27, Twp 27, R 1 W, exc Hwy.	✓ Henry B. Dugan Nancy Dugan, ux 602 S. Ridge Rd. 67209
D-18466-17 BQ:	E 5 Acres of W 15 Acres of NW $\frac{1}{4}$ Sec 27, Twp 27, R 1 West.	✓ Robert J. LaCount Doris F. La Count, ux 351 S. Arapaho 67209
D-18466-17 BL:	E 5 Acres of W 10 Acres of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West.	✓ George R. Baughman 5911 W. Maple 67213
D-18466-17 BT:	E 5 Acres of W 10 Acres of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West.	✓ Thelma J. Grantham 1809 Anita 67217
D-18466-17 BR:	W $\frac{1}{2}$ of S $\frac{1}{2}$ N $\frac{1}{2}$ E 5 Acres of W 15 Acres N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West.	✓ Mrs. Norman Hall 190 $\frac{1}{2}$ Wanamaker Rd. Topeka, Ks. 66604
D-18466-17 BU:	E $\frac{1}{2}$ of S $\frac{1}{2}$ N $\frac{1}{2}$ E 5 Acres of W 15 Acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West.	✓ Max E. King W. Elaine King, ux 337 Arapaho 67209
D-18466-17 BJ:	W 133.3 ft of N 200 ft of that part of SE $\frac{1}{4}$ Sec 27 S of Hwy ROW & N of Rry ROW, exc W 30 ft for Rd and except CCA 78140. Sec 27, Twp 27, R 1 West.	✓ Una C. Johnson T. J. Johnson, vir. % Kerr-McGee Oil Inc. Kerr-McGee Bldg. Okla. City, Okla.



- D-18466-1: Prt of SE $\frac{1}{4}$ Sec 27, Twp 27, R 1 W lying S of HWY ROW & N Rry ROW, exc E 2515.8 ft & exc N 200 ft. ✓ Drys Inc. 6501 W Hwy 54 67213
 - D-18466-8: W 249 ft of E 2067.8 ft of SE $\frac{1}{4}$ Sec 27, lying S of Hwy & N of Rry ROW. Sec 27, Twp 27, R 1 West. ✓ Wichita Inns, Inc. Suite 905, Century Plaza 67202
 - D-18466-17 BY: S 105 ft of W 5 Acres of NW $\frac{1}{4}$ NE $\frac{1}{4}$ exc E 30 ft & S 30 ft for Street. Sec 27, Twp 27, R 1 West. ✓ Virgil L. Simons Beverly J. Simons, ux 455 Maple Lane 67209
 - D-18466-17CA: N 75 ft of S 180 ft of W 5 Acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West, exc E 30 ft for Street. ✓ William R. Kennedy Louise A. Kennedy, ux % St. Bank of Colwich. Colwich, Ks. 67030
 - D-18466-17CB: N 75 ft of S 255 ft of W 5 Acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27-27-1W., exc E 30 ft for St. ✓ Adm. of Veterans Affairs 5500 E. Kellogg 67218
 - D-18466-17 BZ: N 75 ft of S 330 ft of W 5 Acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ exc E 30 ft for Street. Sec 27-27-1 West. ✓ Lois A. Brown No Address Available
 - D-18466-17 CC: S 75 ft of N 150 ft of S 480 ft of W 5 Acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, exc E 30 ft for St., Sec 27, Twp 27, R 1 West. ✓ Robert G. Cottingham Isabelle E. Cottingham, ux 415 Maple Lane 67215
 - D-18466-17CE: N 75 ft of N 150 ft of S 480 ft of W 5 Acres of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27-27-1W exc E 30 ft for Street. ✓ Robert G. Cottingham Isabelle E. Cottingham, ux 415 Maple Lane 67215
 - D-18466-17 CF: N 150 ft of S 630 ft of W 5 Acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, exc E 30 ft for Street. Sec 27, Twp 27, R 1 West. ✓ Anita M. George Milton George III. 401 Maple Lane 67215
 - D-18535-3: Lots 5 & 6, Block 3, Western Addition ✓ Wichita Inns, Inc. 905 Century Plaza 67202
 - D-18535-4:
 - D-18535-3A:
 - D-18466-17 BM: Beg NW cor NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27, Twp 27, R 1 West; th S 375 ft; E 49.9 ft; S 254.98 ft; E 136.56 ft; N to N line of W 5 Acres NE $\frac{1}{4}$ NE $\frac{1}{4}$; W 189.27 ft to beg. ✓ H. C. Mardock Lowell Friends Church Route # 1, Baxter Springs, Ks. 66713
 - D-85-UP: S $\frac{1}{2}$ NW $\frac{1}{4}$ exc Hwy & exc S 200 ft of E 1281.5 ft lying N of Hwy # 54 & exc N 630 ft of W 197 ft & exc Mary Ellen Air Park Add & exc Clinton Add. Sec 27, Twp 27, R 1 West. ✓ Henry & Nancy Dugan, ux % Don Satterthwaite 6572 E. Central 67206
 - D-87-UP: E 300 ft of a tract: beg on N line Hwy # 54 & 30 ft E of W line E $\frac{1}{2}$ NW $\frac{1}{4}$; E to a pt 40 ft W of E line NW $\frac{1}{4}$; N 200 ft; W 1251.8 ft; S to beg. Sec 27, Twp 27, R 1 West. ✓ Hudson Oil Company P. O. Box 3999, Kansas City, Ks. 66103
- Lot 1, Block 1, Air Park 2nd Addition. ✓ Nancy Dugan Air Park of Wichita, Inc. Res Agt: Terry O'Keefe Suite # 750 200 W. Douglas 67212.
- All lot 1 & Lot 2, exc S 250 ft of E 158 ft, Block 1, Byron Stout's Addition. ✓ Byron G. Stout, Jr. Elmina G. Stout, ux 5800 W. Kellogg 67209
- Lot 1, Sandlian's Second Addition. ✓ Motor Electric Service, Inc. 6333 W. Kellogg 67209

LOT	BLK	STREET	ADDITION	OWNER
4,		Arapaho	<u>MAPLE LANE</u>	✓ Dale W. & Esther M. Fornsshell 350 S. Arapaho 67209 ux
5,		"		✓ James M. & Marceline Dixon, ux 400 S. Arapaho 67209
6,		"		✓ George A. & Claona C. Sevick, 422 S. Arapaho 67209 ux
7,		"		✓ DeWitt C. & Hester A. Clark, 436 Arapaho 67209 ux
8,		"		✓ David D. & Mary K. Dysart, ux 452 Arapaho 67209
12,		"		Doris Q. Arnold No Address Available
13,		"		✓ Ernest & Virginia Lee Clark, 403 Arapaho 67209 ux
14,		"		✓ Donald Lee Richardson Virginia B. Richardson, ux 415 S. Arapaho 67209
15,		"		✓ R. D. & Alleyene F. Moneyhur 437 Arapaho 67209 ux
16,		"		✓ Maurice J. Higgins, Jr. Mary Maxine Higgins, ux 453 Arapaho 67209
4,	A		<u>WEST MAPLE GARDENS</u>	✓ Charlie & Clara Watkins, ux 357 Brummett 67209
3,	B			✓ Clarence E. & Esther Hight, 9301 W. Douglas 67209 ux
5,	B			✓ George A. & Betty D. Buckley 1210 1/2 Lyndale 67235
4,	C			✓ Elven V. & Elsie B. Widdoes, 2456 Pattie 67216 ux
2,	C			✓ Allen G. & Vera L. Siemens, 3150 N. Sedgwick 67204 ux
3, 4,	C			✓ Star Lumber & Supply Co., 325 S. Vest St. 67211
5,	C			✓ Ben H. & Joan G. Leonard, ux 421 Howe Rd. 67209
1, 2, 3, 4, 5, 6, 7, 8, 9, 10,	D			Ernest A. & Doris Jordan, ux No Address Available
1, 2, 3, 4, 5,	E			H. C. & Helen Mardock, ux No Address Available
1, 2, 3, 4, 5,	F			✓ Joseph Clithero, Jr. Lois J. Clithero, ux 5827 W. Maple 67209
4,		<u>Meadowhaven</u>	<u>WESTWOOD</u>	✓ Randal Eugene Russell Sharon Anne Russell, ux 401 Meadowhaven 67209
5,		"		✓ Clifford G. & Maxine L. Inc 417 Meadowhaven 67209 ux
6,		"		✓ Louis A. & Helen V. Trotter 429 Meadowhaven 67209 ux

LOT	BLK	STREET	ADDITION	OWNER
7,		<u>MEADOWHAVEN</u>	<u>WESTWOOD</u>	✓ Larry LeRoy & Patricia Mast, 441 Meadowhaven 67209 ux
8,		"		✓ Mid Kansas Federal S & L Assn. 230 S. Market 67202
9,		"		✓ Phyllis Jean Malmgren 452 Meadowhaven 67209
1,	A		<u>GARST GARDENS</u>	Paul C. Garst No Address Available
2,	A			✓ Gene O'Brien Golf Center, Inc. 6028 W. Kellogg 67209
3,	A			✓ Kenneth J. & Ruby F. Ast, ux 514 S. Julia 67209
4,	A			Pearl M. & Julia Louise Herrmann, ux No Address Available
5,	A			✓ Anna Josephine Garst 532 S. Julia 67209
6,	A			✓ Thomas C. Garst, Jr. Anna Josephine Garst, ux 532 S. Julia 67209
9,	A			Paul C. Garst No Address Available
10, 11, 12 & 13,	A			D Anna Josephine Garst 532 S. Julia 67209
14,	A			Paul C. & Helen E. Garst, ux No Address Available
1 & 2,	B			D Anna Josephine Garst 532 S. Julia 67209
3, 4, 5, 6, 9, 10, 11, 12, 13, 14,	B			Pearl M. Herrmann Julia Louise Herrmann, jt. No Address Available
Lots 1 & 2,		<u>VARIANT ADDITION</u>		✓ The Variant Corp. 6235 W. Kellogg 67209
Lots 1 & 2,		<u>CUMLEY'S 2nd.</u>		D Wichita Inns, Inc. 905 Century Plaza 67202
East 146 ft of N 150 ft Lot 3,				✓ L. Vernon Johnson 925 E. 17th St. 67214
Lot 3, ex N 250 ft.				D Wichita Inns, Inc.
N 250 ft of Lot 3, ex E 146 ft of N 150 ft.				✓ Colby Sandlian 435 N. Broadway 67202
N 250 ft of Lot 4,				✓ J. Ernest Talley Suite # 920, 200 W. Douglas 67202
Lots 3 & 4, Block N,		<u>WESTERLEA VILLAGE</u>		✓ R. R. & Norma P. Johnston, ux 432 S. Winterset Crt. 67209

Dated at Wichita, Kansas this 24th day of
November, 1972 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By E. W. M. Farrell
Sec, OFM

Tracer # 16321

*

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

Roll # 1

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