

B.C.C./B-80.C. Meeting cancelled 10-11-83

bcc paper as Norm. 12-6-83

4927  
POSTED  
10-11-83  
KB

DF-90 - 11-500 Commercial and  
RESIDENTIAL U.S.P. ADDRESS 711244  
South side of Central, in an area  
east of Tyler

# ACTION

DATE

COMMITTEE \_\_\_\_\_

M.A.P.C. *Approved per the conditions* 11-3-83

B.C.C./B.C.C. *Meeting Cancelled* 11-29-83  
*per app. as per 12-6-83*

4927  
POSTED  
10-11-83  
K8

Map No. 4947D  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
COMMUNITY UNIT PLAN

AMENDED FILE #4  
DP - 90  
Filed 10-4-83

Associated  
Case: \_\_\_\_\_

APPLICATION REQUEST: Approval of proposed Amendment to \_\_\_\_\_

~~Residential~~ <sup>TY-CEN</sup> (Commercial) Community Unit Plan.

1. Applicant Braum Ice Cream Stores, Inc. (an Oklahoma Corporation)  
Address P.O. Box 20924, Oklahoma City, OK 73156 Phone (405)843-7105
2. Agent Joel Hersh  
Address P.O. Box 20924, Oklahoma City, OK 73156 Phone (405)840-1770
3. General Location: south side of Central, in an area east of Tyler.
4. Proposed Use: \_\_\_\_\_

AREA DATA:

1. Acres: .75 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Existing Zoning "C" Proposed Zoning \_\_\_\_\_
3. Area (is) (is not) platted. \_\_\_\_\_ Addition \_\_\_\_\_

HISTORY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROCEDURE DATA

1. MAPC Meeting:

Date 11-3-83 Action Approved subject to conditions

2. Governing Body

Date 11-29-83 Action Meeting Cancelled  
12-6-83 appr. as per com.

NOTES:

Joel Hersh  
Attorney



**BRAUM**  
ICE CREAM STORES, INC.

P. O. Box 20924  
Oklahoma City, OK 73156  
8406-C North Santa Fe  
Oklahoma City, OK 73116  
(405) 840-1770

CASE FILE

REGISTERED FOR  
LOS ANGELES, CHICAGO, LOGAN, OH  
MEMPHIS, TX, LOCUST GROVE, GA  
USA

**Sheel**  
No. 2152C

Map No. 4947D  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
COMMUNITY UNIT PLAN

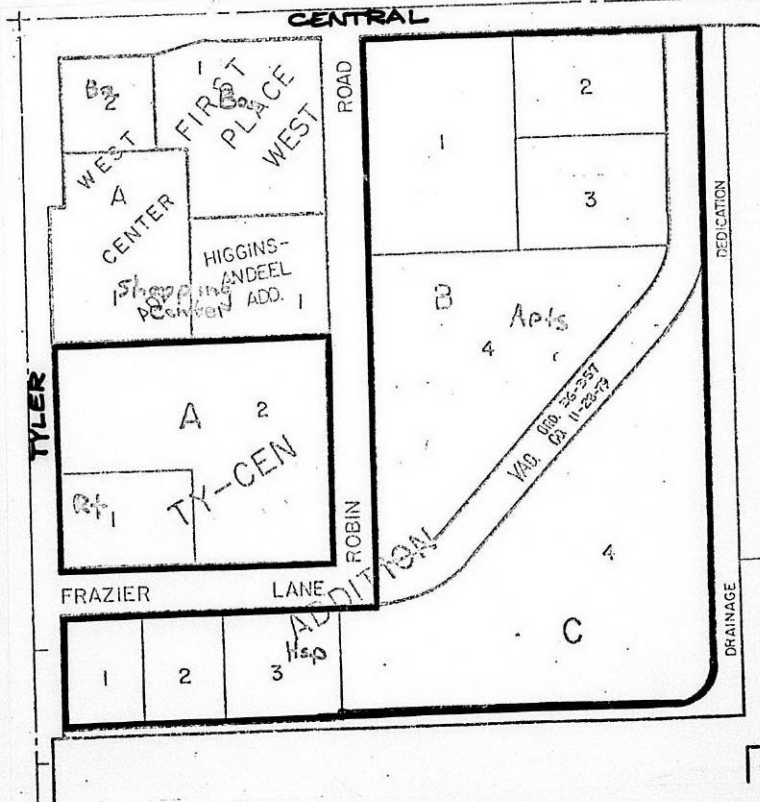
AMENDED FILE #4  
DP - 90  
Filed 10-4-83  
Associated  
Case: \_\_\_\_\_

APPLICATION REQUEST: Approval of proposed Amendment to  
TY-CEN  
(Residential)(Commercial) Community Unit Plan.

1. Applicant Braum Ice Cream Stores Inc (an Oklahoma Corporation)  
Address P.O. Box 20924, Oklahoma City, OK 73156 Phone (405)843-7105
2. Agent Toel Hersh  
Address P.O. Box 20924, Oklahoma City, OK 73156 Phone (405)840-1770
3. General Location: south side of Central, in an area east of Tyler.
4. Proposed Use: \_\_\_\_\_

- AREA DATA:
1. Acres: .75 ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
  2. Existing Zoning: "IC"
  3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
West \_\_\_\_\_ North \_\_\_\_\_
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use is for: \_\_\_\_\_
  6. Area (is; is not) platted. **DP-90**

PHOTO DATA:  
Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



PICTURE SHEET



RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF CITY COMMISSIONERS

REQUEST FOR APPROVAL OF AN AMENDMENT TO THE TY-CEN  
COMMUNITY UNIT PLAN

DP-90 - APPROVAL OF AN AMENDMENT TO THE TY-CEN COMMUNITY UNIT  
PLAN, GENERALLY LOCATED ON THE SOUTH SIDE OF CENTRAL, IN AN  
AREA EAST OF TYLER.

The MAPC recommends approval of the amendment to the C.U.P.  
(see minutes for full motion and conditions)  
Bayouth moved, Moore seconded and it carried with a vote  
of 4 in favor (Bayouth, Moore, Gardner and Wilson) and  
3 opposed (Crockett, Hansen and Peters). Banzer, Chisholm  
and Goebel were absent.

- ACTION:
1. Concur with the findings of fact of the Metropolitan Area Planning Commission and approve the CUP subject to the recommended conditions; or
  2. Return the application to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

CPO ACTION: CPO Council Area "A" recommended unanimously, 6-0,  
that the amendment to the C.U.P. be approved.

-----  
DATA AND MINUTES

MAPC Hearing Date: 11-03-83                      BCC Hearing Date: 12-06-83

AREA DATA:

Parcel 8 .75                      Size: 213'x250'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped, restaurant financial & apartments	"BB" & "LC"
North	Restaurant	"LC"
East	Apartments	"R-6"
South	Junior High School	"AA"
West	Single-family & shopping center	"AA" & "LC"

History: Last amendment approved 7/14/83 by MAPC and 8/9/83 by BCC

Applicant: Braum Ice Cream Stores, Inc., P. O. Box 20924, Oklahoma  
City, Oklahoma 73156

Protestors: None.  
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EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 3, 1983

LEGALS:

3. Case No. DP-90 - Braum Ice Cream Stores, Inc., requests approval of an amendment to the TY-CEN Community Unit Plan for Blocks A, B and C, TY-CEN Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the south side of Central, in an area east of Tyler.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following should be considered by the Planning Commission in making findings of fact:  
  
In compliance with Section 28.04.190 of the Code of the City of Wichita, an application has been submitted requesting approval of an amendment to the TY-CEN Commercial and Residential C.U.P. The proposed changes involve increasing the number of openings to Tyler Road from Parcel 8 from one opening to two openings. The amended C.U.P. states that the two openings would be restricted to one-way drives. No changes are proposed for the balance of the C.U.P. A vacation case (V-1227) has been submitted requesting that access control along the west side of Parcel 8 be vacated.
2. After reviewing the proposed site plan for this site, staff feels that a second opening to Tyler is unnecessary. It seems that one opening to Tyler and one to Frazier Lane would provide adequate access to this site. A second opening to Tyler close to Frazier Lane would add another conflict point and increase the potential for accidents.
3. Should the Planning Commission determine that the proposed amendment is appropriate, the following are recommended conditions of approval:
  - a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
  - c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development

and be binding upon the present owners, their successors and assigns, unless amended.

DISCUSSION:

GALBRAITH stated that the amendment proposed for this CUP involved just a change of access control to Parcel 8. He said that when the plat and CUP were approved, the lot was granted only one access point to Tyler Road, the major street, to eliminate as many conflicting traffic movements as possible. In the discussion of the original CUP, they knew that McDonald's was going to operate on the lot to the north. McDonald's asked for two openings, and said that they would operate with one driveway for inbound traffic and one driveway for outbound traffic. GALBRAITH said that as he remembered, staff did not concur with that type of arrangement, but in the Planning Commission's decisions to approve both the CUP and the plat, they were granted the one-way in and out operation.

GALBRAITH said a new ice cream facility is now planned to locate on this lot. He said that the site plan is a similar site plan reviewed by the Subdivision Committee last Thursday where they were asked to amend the access control to permit two openings to that lot instead of one. The plan shows the arrangement of parking spaces, circulation on the site, etc. He said that it was staff's opinion that this could adequately function with just the one driveway at the south side to Tyler and one out to Frazier Lane on the north. The CUP states that if there are two openings to Tyler that they will operate with one-way in and out drives. GALBRAITH mentioned that most drive-in restaurants that have drive-up window facilities operate with a distinct in and out pattern and a herringbone parking pattern, so there is not a mix in traffic. GALBRAITH said that the Subdivision Committee heard last week that staff was not supportive of this vacation of access control, and neither was the Engineering Department. But the Engineering Department said that if the Planning Commission's decision was to grant the applicants the second access they would like it held back 40 feet from the north property line.

GALBRAITH stated that at the time staff reviewed this site there was no zoning notification sign on the premise.

BAYOUTH explained the Subdivision Committee's recommendation. He said that in order for the proposal to function properly it needs two curb cuts.

GALBRAITH added that if the Planning Commission recommended approval of the two openings, then the site circulation plan should be redesigned with a herringbone pattern so that there was not the conflicting in and out movement at both driveways. He said that staff had cautioned the applicants that all driveway widths could not exceed 30 feet.

JOEL HERSH, agent representing the applicants, stated that he attended the CPO Council meeting and there was adverse comment regarding this request.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the mixed commercial and residential character of the neighborhood; the light commercial zoning and uses on property to the north and east; and the suitability of the subject site for the proposed use; I move that we recommend to the governing body that the amendment to the C.U.P. be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

Bayouth moved, Moore seconded.

CROCKETT asked staff why they had problems with the driveway approaches.

GALBRAITH stated that staff believes that major streets were designed to move traffic not to just accommodate driveway approaches. Any time there is a CUP, one tries to design major entrances to accommodate the shopping center. If there are freestanding smaller parcels, the number of approaches to the site should be limited.

CROCKETT asked Hersh his response to the question.

HERSH said that they have no objection in regard to the staff's recommendation about the parking on the edges of the parking lot be herringbone. HERSH said that in regards to Commissioner Crockett's question, he visited the site about the time McDonald's was doing pretty good business and he noticed that their overflow parking was on both sides of Fraizer already. He said that when the area to the east is built up and all of those people try to exit and enter on Fraizer with all of Braum's traffic trying to exit on Fraizer also, it would be a mess. He pointed out that if Braum's did not have an exit to Tyler, all of the people would just flood into McDonald's property and use their exit drive.

CROCKETT asked how many stores does Braum have, and out of those, how many drive-up windows does it have.

HERSH said that right now they have a prototype store with a drive-thru window and their operation department was going to implement drive-thru windows. At this point they are in a major expansion phase and have not built very many stores in the last couple of years. Their use of drive-thru windows has been on an experimental basis. He said that it was very difficult to switch over to a drive-thru for a store of this type.

PETERS asked if there was any other analogy they could use in that general area where they do not cut into a major thoroughfare and still have similar operations.

GALBRAITH said there was a bank with right turn in only on Central and they do not have a second curb cut on their frontage.

PETERS asked what the frontage was on both of the streets.

GALBRAITH said that it was 213 feet on both streets, Fraizer and Central.

HERSH commented that upon his examining the use of Tyler Road to the south and north, it appeared that everything to the south of them was a school and they use one-way drives in and out of their property from Tyler. McDonald's to the north also uses one-way drives in and out of their property from Tyler.

VOTE ON THE MOTION: It resulted in a moot vote of 3 in favor (Bayouth, Moore and Wilson) and 3 opposed (Crockett, Hansen and Peters). Gardner was not present. Banzer and Goebel were absent.

GARDNER arrived.

The Commission discussed the vacation item (V-1227) associated with this Development Plan.

BAYOUTH commented that he was not an expert on traffic flow, but he was an expert on what makes his business function properly and that is proper traffic flow. He felt that this was a workable plan. He said that the drive was moved 40 feet south as suggested by the Engineering Department. He said he agreed with that even though it created a problem for the traffic flow.

WILSON said that he would like to include the herringbone pattern for parking.

BAYOUTH mentioned that Commissioner Goebel had made a fine point in stating that everything was going drive-up. If a drive-up window is not planned it will be a loser.

PETERS pointed out that Hersh had referred twice to a PUD. He asked Galbraith if they were talking about a PUD or CUP.

GALBRAITH said they were talking about a CUP.

PETERS said that he would be interested in hearing from legal counsel, in writing, whether this Commission operates under a CUP or PUD.

BAYOUTH responded that this Commission has always operated under a Community Unit Plan.

HERSH related that in Oklahoma they used PUD's and not CUP's. He said that he had meant to say CUP.

PETERS maintained that as long as he was on this Commission when a CUP came in he would vote against it until he was told he could vote for it legally.

BAYOUTH asked that if the Commission approved the Subdivision Committee recommendation, does that mean they could reconsider amending the CUP.

MOTION: That the Planning Commission recommend to the City Commission that the vacation request (V-1227) be approved subject to:

- A. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- B. All proceedings shall be without cost to the City, County, or any utility company.

Bayouth moved, Moore seconded and it carried with a vote of 4 in favor

(Bayouth, Moore, Gardner and Wilson) and 3 opposed (Crockett, Hansen and Peters). Banzer, Chisholm and Goebel were absent.

HANSEN questioned the legality of a Commission member coming in after an item has been voted on and vote.

GALBRAITH suggested that the item could be reconsidered.

**MOTION:** That the Planning Commission reconsider item DP-90. Bayouth moved, Moore seconded and it carried unanimously. Banzer, Chisholm and Goebel were absent.

WILSON asked if there was any more discussion pertaining to Item 3 of the agenda (DP-90).

There was none.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the general area; the light commercial uses and zoning to the north and east; the suitability of the subject site for the proposed use and the lack of opposition from area property owners; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

Bayouth moved, Moore seconded and it carried with a vote of 4 in favor (Bayouth, Moore, Gardner and Wilson) and 3 opposed (Crockett, Hansen and Peters). Banzer, Chisholm and Goebel were absent.

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WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
10th Floor - City Hall  
455 North Main, Wichita, Kansas 67202

November 16, 1983

NOTICE TO INTERESTED PERSONS:

Re: DP-90 - Amendment to TY-Cen Commercial  
& Residential C.U.P. - South side of  
Central, in an area east of Tyler

It was previously announced that the above referenced case would be forwarded to the Board of City Commissioners for their consideration at their regular meeting of November 29, 1983. We have just recently been advised that the Board will not meet on that date, and therefore, this is to advise you that this case will be scheduled for the Commissioners regular meeting of December 6, 1983. This meeting will begin at 9:00 a.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

Jack H. Galbraith  
Chief Planner

JHG:sad



Box 25429 / 3000 N.E. 63rd / Oklahoma City, OK 73125 / 405-478-1656

**PRODUCERS, PROCESSORS & RETAILERS OF FINE DAIRY PRODUCTS**

*art  
File*

November 7, 1983

Mr. Jack Galbraith  
Chief Planner  
Metropolitan Area Planning Commission  
City Hall - Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

Re: DP-90-Approval of an Amendment  
to the TY-CEN C.U.P.

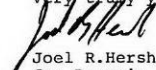
Dear Mr. Galbraith:

Thank you for your letter of November 4, 1983. Mr. John Gist of Planning Development Services will be providing ten copies of the C.U.P. as soon as possible.

I will have our architect send four copies of the revised site plan indicating the parking arrangement in a herringbone pattern and meeting the standards of the Traffic Engineer. We will ensure that the two driveways function as an in-and-out driveway circulation system.

Thank you and I will see you at the Council meeting on November 29, 1983.

Very truly yours,

  
Joel R. Hersh  
for Braum's

**RECEIVED**

NOV 9 1983

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

November 4, 1983

Mr. Joel Hersh  
Braum Ice Cream Stores, Inc.  
P. O. Box 20924  
Oklahoma City, Ok. 73156

Re: DP-90 - Approval of an Amendment  
to the TY-CEN C.U.P.

Dear Mr. Hersh:

At its regular meeting on November 3, 1983, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend that the amendment to the C.U.P. be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

It is necessary that we receive 10 copies of the C.U.P. by Friday, November 17, 1983 so that subject case can be forwarded to the City Commission for their consideration on November 29, 1983, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

In addition to the above, it is necessary that we receive 4 revised copies of your site plan indicating the parking arrangement in a herringbone pattern which meets the standards of the Traffic Engineer. Submit all this to us at your earliest convenience. This revised plan should assure that the two driveways would function as an in and out driveway circulation system.

Notification signs on subject property should now be removed.

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

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sd

**THE CITY OF WICHITA**

**OFFICE OF CITIZEN PARTICIPATION**

**DATE** November 3, 1983

**TO** Jack Galbraith, Chief Planner-Current Plans

**FROM** Dean Kruthof, Administrative Aide III

**SUBJECT** DP-90, South of Central,  
East of Tyler

At its November 2nd meeting, CPO Neighborhood Council "A" considered the captioned request for an amendment to the Ty-Cen Commercial and Residential Community Unit Plan to permit two openings to Parcel 8 from Tyler Road where one is currently permitted.

Joel Hersh, Braum's Ice Cream Stores, Inc., was present representing the applicant. One area resident was present concerning the case.

The Council voted unanimously, 6-0, to recommend that the application be approved. The Council noted that the requested access to Tyler Road from the parcel is similar to other light commercial developments in the aea.

Please provide the Council's recommendation to the City Commission and Metropolitan Area Planning Commission when they consider the case.

  
Dean Kruthof  
Administrative Aide III

DK:sm

November 1, 1983

Joel R. Hersh  
Attorney at Law  
P. O. Box 20924  
Oklahoma City, Oklahoma 73156

Dear Mr. Hersh:

In responding to your letter addressed to Mr. Galbraith and Mr. Chambers, I would advise you that the two cases on the Planning Commission agenda will be dealt with separately and with both sets of recommendation of the Subdivision Committee and the staff. The vacation items will appear on the agenda, and it is our recommendation that it be discussed concurrently with the C.U.P. amendment. We will point out the recommendation of the Subdivision Committee, as well as the recommendations of my staff, and that of the City Engineer. The City Engineer's recommendation was that the access not be vacated. But if it were to be vacated, that the location be kept back away from the corner. It has been local policy that the staff is free to make its recommendations on all zone cases, even though they be further tempered by the recommendation of the Subdivision Committee. If there are further questions, please advise.

Sincerely,

Robert A. Lakin  
Director of Planning

FROM                      DATE 11-1-83

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	GRAPHICS
<input checked="" type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input type="checkbox"/> Galbraith	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Commer
<input type="checkbox"/> Doramus	<input type="checkbox"/> Leivo	<input type="checkbox"/> Young	<input type="checkbox"/> Crook
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Chambers	<input type="checkbox"/> Jones
<input type="checkbox"/> Hanson	<input type="checkbox"/> Clark	<input type="checkbox"/> Daniels	<input type="checkbox"/> Whitney
<input type="checkbox"/> Henderson	<input type="checkbox"/> Dudark	<input type="checkbox"/> Lahey	<input type="checkbox"/>
<input type="checkbox"/> Lakin, E.	<input type="checkbox"/> Flynn	<input type="checkbox"/> Nagley	<input type="checkbox"/>
<input type="checkbox"/> Scott	<input type="checkbox"/> Hart	<input type="checkbox"/> Olivarez	<input type="checkbox"/>
<input type="checkbox"/> ---	<input type="checkbox"/> Losew	<input type="checkbox"/> Shirkey	
	<input type="checkbox"/> Shen		
	<input type="checkbox"/> Vinson		
	<input type="checkbox"/> ---		

<input checked="" type="checkbox"/> Note & Return	<input type="checkbox"/> Signature
<input type="checkbox"/> Handle	<input type="checkbox"/> Library
<input type="checkbox"/> All Staff	<input checked="" type="checkbox"/> Information
<input type="checkbox"/> Comment	<input type="checkbox"/> Files

REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BRAUM'S**  
**ICE CREAM COMPANY**

Box 25429 / 3000 N.E. 63rd / Oklahoma City, OK 73125 / 405-478-1656

**PRODUCERS, PROCESSORS & RETAILERS OF FINE DAIRY PRODUCTS**

October 29, 1983

**RECEIVED**

NOV 1 1983

METROPOLITAN PLANNING

ROUTE

Mr. Jack H. Galbraith, Chief Planner  
Mr. Arthur D. Chambers, Senior Planner  
Metropolitan Area Planning Department  
City Hall, Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

Re: Metropolitan Area Planning Commission  
meeting scheduled for November 3, 1983

Dear Sirs:

Thank you for keeping me up to date on all the hearings which have been set regarding our applications to vacate the TY-CEN CUP and amend the TY-CEN plat. We will appear at the subject meeting on November 3rd; and this letter is a request for clarification of procedure.

I see that the Planning Commission will jointly consider both requests outlined above at the subject meeting.

Also, from Louise Olivarez's letter of October 27, 1983 (copy enclosed) I see that the Subdivision Committee will recommend vacation of the plat subject to the provisions outlined in Ms. Olivarez's letter. We are satisfied with this recommendation and will work closely with the City Engineer to provide safe accesses.

However, the Subdivision Committee's recommendation deals only with the vacation of the plat. I have also enclosed a copy of your fact sheet regarding our application to amend the CUP. This fact sheet contains the same negative recommendations regarding the CUP amendment that your staff presented at the Subdivision hearing. At that time, the staff recommendations were heard, considered and modified.

My questions is this: does the "staff" intend to put forth any recommendations at the November 3rd meeting? If so, will they be inconsistent with the Subdivision's recommendation?

I would be pleased to hear from you that you accept the recommendation of the Subdivision Committee as to the application to amend the CUP. Certainly, the City Engineer and his staff are the most competent persons to determine the relative safety of alternative access plans. Also, the reasons given by staff in the fact sheet for rejecting the application to amend the CUP are the same reasons already considered by the Subdivision Committee, which I presume make up a part of the Committee of the whole. Therefore, such reasons and

Mr. Jack H. Galbraith, Chief Planner  
Mr. Arthur D. Chambers, Senior Planner  
Page -2-  
October 29, 1983

recommendations of the staff have already been heard by the Planning Commission, albeit on the twin issue of plat vacation. From our point of view, the Planning Department will have a continuing role in supervising the Braum site, as you will have to give approval to our site-plan before we can even obtain a foundation permit.

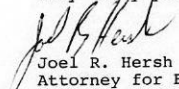
Further, it seems that if the Subdivision Committee and the Planning Department give inconsistent recommendations at the Planning Commission meeting, it will appear to question the judgment of the Subdivision's members.

I realize that the enclosed fact sheet was probably prepared before the Subdivision meeting; and that it was unknown at that time what the Subdivision's recommendation would be.

We believe that the Subdivision's recommendation is a prudent and fair compromise between the alternative views presented at that hearing. If you concur, and feel that your staff can so state at the November 3 meeting (should they present a recommendation), would you please let me know? This would save us from a great deal of further research, etc.

Thank you for your continuing cooperation in this and other matters. We are pleased with the help we have received from your entire department. We hope that we will shortly be submitting applications for additional building permits; and we hope that we will have the system thoroughly understood by that time.

Very truly yours,

  
Joel R. Hersh  
Attorney for Braum's

cc: Bill Tyler (VP for real estate)

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
COMMISSION

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

October 27, 1983

Mr. Joel Hersh, Attorney  
Braun Ice Cream Stores, Inc.  
P.O. Box 20924  
Oklahoma City, Oklahoma 73156

Re: V-1227 - Request to vacate the platted access control  
to Tyler Road from Lot 1, Block C, Ty-Cen Addition,  
Wichita, Kansas. Located at the southeast corner  
of Tyler Road and Frazier Lane.

Dear Mr. Hersh:

At the regular meeting of the Subdivision Committee of the  
Metropolitan Area Planning Commission, October 27, 1983,  
the above-captioned vacation request was considered. The  
action of the Committee was to recommend that this vacation  
be approved subject to:

- A. Retaining within the vacation ordinance "access  
control except for two openings" to Tyler Road,  
said opening locations to be determined by the  
City Engineer of Wichita, Kansas.
- B. All proceedings being without cost to the City,  
County, or any utility company.

This matter will be forwarded to the Planning Commission for  
its consideration on Thursday, November 3, 1983, at 1:30 p.m.

If you have any questions, please call.

Sincerely,

*Louise Olivarez*  
Louise Olivarez  
Senior Planner

LO:bh

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

**DP-90 - APPROVAL OF AN AMENDMENT TO THE TY-CEN C.U.P.**  
Generally located on the south side of Central, in  
an area east of Tyler.

MAPC HEARING DATE: 11-03-83

Parcel 8 .75

Size: 213'x250'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped, restaurant financial & apartments	"BB" & "LC"
North	Restaurant	"LC"
East	Apartments	"R-6"
South	Junior High School	"AA"
West	Single-family & shopping center	"AA" & "LC"

History: Last amendment approved 7/14/83 by MAPC and 8/9/83 by BCC

Applicant: Braum Ice Cream Stores, Inc., P. O. Box 20924, Oklahoma  
City, Oklahoma 73156

COMMENTS:

1. The following should be considered by the Planning Commission in making findings of fact:

In compliance with Section 28.04.190 of the Code of the City of Wichita, an application has been submitted requesting approval of an amendment to the TY-CEN Commercial and Residential C.U.P. The proposed changes involve increasing the number of openings to Tyler Road from Parcel 8 from one opening to two openings. The amended C.U.P. states that the two openings would be restricted to one-way drives. No changes are proposed for the balance of the C.U.P. A vacation case (V-1227) has been submitted requesting that access control along the west side of Parcel 8 be vacated.
2. After reviewing the proposed site plan for this site, staff feels that a second opening to Tyler is unnecessary. It seems that one opening to Tyler and one to Frazier Lane would provide adequate access to this site. A second opening to Tyler close to Frazier Lane would add another conflict point and increase the potential for accidents.
3. Should the Planning Commission determine that the proposed amendment is appropriate, the following are recommended conditions of approval:
  - a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  - b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

 **BRAUM'S**   
**ICE CREAM COMPANY**

Box 25429 / 3000 N. E. 63rd / Oklahoma City, OK 73125

Joel Hersh



Mr. Jack H. Galbraith, Chief Planner  
Metropolitan Area Planning Department  
City Hall, Tenth Floor  
455 North Main Street  
Wichita, Kansas

67202

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DP-90 - APPROVAL OF AN AMENDMENT TO THE TY-CEN C.U.P.  
Generally located on the south side of Central, in  
an area east of Tyler.

MAPC HEARING DATE: 11-03-83

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  - b. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

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DP-90 - 64 "Notice to Adjoining Property Owners" mailed 10-20-83 for  
the MAPC meeting for 11-3-83.

1 including map - to CPO Office

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65 TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

October 20, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, November 3, 1983, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for amendment of the TY-CEN COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN, for property legally described as follows:

CASE NO. DP-90

Blocks A, B and C, TY-CEN Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the south side of Central, in an area east of Tyler Road.

The Development Plan of this area, originally approved on December 5, 1978 and amended on August 9, 1983, 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, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes to permit two openings to Parcel 8 from Tyler Road where only one is currently permitted. Parcel 8 is located at the southeast corner of Frazier Lane and Tyler Road.

The hearing of the proposed amendment to this Development Plan, as provided in Section 28.04.190 of the City Zoning Ordinance of the City of Wichita, is to be held and the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at that time.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and BCC. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 268-4516.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin  
Secretary

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

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Robert A. Lakin  
Secretary

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

October 5, 1983

Joel Hersh  
Braum Ice Cream Stores, Inc.  
P.O. Box 20924  
Oklahoma City, Oklahoma 73156

Re: DP-90 - TY-CEN C.U.P.

Dear Mr. Hersh:

We have received the applications, and attached material, for an amendment to the above referenced C.U.P. and vacation of the access control along Tyler. John Gist of Planning Development Services, Inc. has delivered five copies of the revised C.U.P. The revised C.U.P. appears to be satisfactory. We have scheduled the C.U.P. amendment before the Metropolitan Area Planning Commission on November 3, 1983. You will be receiving a notice of the meeting in about two weeks giving the place and time. We need fourteen additional copies of the C.U.P. delivered to us by October 19, 1983.

Due to a recently adopted City Commission policy, you will need to post a double-face sign on the subject property. A copy of the sign policy is enclosed for your information. You will need to purchase two signs at \$3.00 each and have them posted on the property on October 21, 1983.

The Subdivision Committee will consider the vacation case on October 27, 1983. You will be notified of the time and location of that meeting in approximately a week.

If you have any questions about the vacation case you should call Louise Olivarez at 268-4421. If you have any other questions please call me at 268-4421.

Sincerely,

  
Arthur D. Chambers, AICP  
Senior Planner

ADC:e1  
Enclosure



3. The general location is (use appropriate section)

- a. at the SE corner of Tyler Road  
and Frazier Lane; or
- b. on the \_\_\_\_\_ side of \_\_\_\_\_ (Avenue,  
Street) between \_\_\_\_\_ (Avenue, Street) and  
\_\_\_\_\_ (Avenue, Street).

*NO  
see attached  
notes*

4. 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.

Joel R. Hersh  
By Joel R. Hersh \_\_\_\_\_  
Authorized Agent (if any) By \_\_\_\_\_  
attorney for Authorized Agent (if any)  
Braum Ice Cream Stores, Inc.  
(an Oklahoma Corporation)

By \_\_\_\_\_ By \_\_\_\_\_  
Authorized Agent (if any) Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at 10:30  
(AM, PM) on Oct 4, 1983 (Day, Month, Year). It has been  
checked and found to be complete and accompanied by required documents and  
the appropriate fee of \$ 200<sup>06</sup>.

Arthur D. Chamber Name  
Sullivan Title



**BRAUM**  
ICE CREAM STORES, INC.

P. O. Box 20924  
Oklahoma City, OK 73156  
6406-C North Santa Fe  
Oklahoma City, OK 73116  
(405) 840-1770

Joel Hersh  
orney

**BRAUM'S**  
ICE CREAM COMPANY

Box 25429 / 3000 N.E. 63rd / Oklahoma City, OK 73125 / 405-478-1656

**PRODUCERS , PROCESSORS & RETAILERS OF FINE DAIRY PRODUCTS**

October 3, 1983

**RECEIVED**

OCT 4 1982

METROPOLITAN PLANNING

ROUTE

Mr. Arthur D. Chambers, AICP  
Senior Planner, Current Plans  
Metropolitan Area Planning Department  
City Hall, Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

Re: TY-CEN CUP AMENDMENT  
TY-CEN ADDITION PLAT VACATION  
BRAUM ICE CREAM STORE location

Dear Mr. Chambers:

Thank you for visiting with me personally regarding site utilization for the subject location.

In addition, your help over the phone has been very useful.

Please find enclosed our completed applications requesting both an amendment to the subject CUP and a Plat vacation (both relating to access only).

Also enclosed is our check for \$300.00. This is the total amount required; i.e., the CUP fee is \$200.00 and the Plat fee is \$100.00.

Further, I have enclosed my notice from Planning Development Services, Inc., in Wichita, that they have sent five copies of the amended C.U.P. to you and made presentation of same. Please notify me if further material would be helpful.

I have also attached two certified abstract lists of applicable property owners, as per your instructions.

Work order number 324924 relates to the CUP amendment; order number 324923 relates to the Plat vacation. Please notify the abstractor or myself if there are additional requirements.

Now, our position is that we are requesting the same access as McDonald's received (McDonald's being in the same CUP, and located adjacently to the North, on the other side of Frazier Lane). I understand that McDonald's also had the CUP amended or revised to reflect their desire for two accesses. Would you please send me copies of all Planning Commission and City Council minutes wherein that request by McDonald's was discussed and approved? I understand that that is a difficult request; and I will come up there myself and look through the old minutes if you advise me that such records are available.

Joel Hersh  
orney



**BRAUM**  
ICE CREAM STORES, INC.

P. O. Box 20924  
Oklahoma City, OK 73156  
6406-C North Santa Fe  
Oklahoma City, OK 73116  
(405) 840-1770

October 3, 1983  
Mr. Arthur Chambers,  
Planning Department, Wichita, Kansas  
Page -2-

I have the schedule of all meeting dates as published for various hearings of the Commission, etc.

Would you please advise me as to when each required meeting will be held, and before which body, with regard to each of our requests?

We had discussed the possibility of holding concurrent discussions regarding both applications, to somewhat minimize the time required.

Thank you for your continuing cooperation and help in these matters. Please feel free to contact me at any time. My number in Oklahoma City is:

(recorder)	(405) 843 7105
(office)	(405) 840 1770
(home)	(405) 755 2738

Very truly yours,

Joel R. Hersh  
Attorney for  
BRAUM ICE CREAM STORES, INC.

cc: Bill Tyler  
Marvin Strange

Joel Hersh  
orney



**BRAUM**  
ICE CREAM STORES, INC.

P. O. Box 20924  
Oklahoma City, OK 73156  
6406-C North Santa Fe  
Oklahoma City, OK 73116  
(405) 840-1770



**PDS**  
INCORPORATED

PLANNING DEVELOPMENT SERVICES, INC.  
River Park Place, 727 North Waco, Suite 125, Wichita, Kansas 67203 / (316) 262-0451, Telex 417-375 PDS WIC

TO: Braum Ice Cream Co.  
Attn: Joel Hersh  
P.O. Box 20924  
Oklahoma City, OK 73156

INVOICE  
No 5429  
DATE

September 29, 1983  
OUR JOB NO.  
03-2827

Remit to: River Park Place, 727 North Waco, Suite 125, Wichita, Kansas 67203

INVOICE

- Amending the TY-CEN ADDITION COMMUNITY UNIT PLAN to permit two (2) one-way drives on Tyler Rd. to Parcel 8 per attached drawing and General Provisions;
- Delivery and presentation of five (5) copies of the C.U.P. drawing to Jack Galbraith and Art Chambers at the Wichita-Sedgwick County Metropolitan Area Planning Department.

AMOUNT DUE THIS INVOICE: \$182.61

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
The west 50 feet of lot 1, Higgins-Andeel Addition, together with ease for ingress & egress over the south 35 feet of the east 210 feet of lot 1	✓ Jesus Arnold Cisneros Norma A. Cisneros 2263 Manhattan Dr. Wichita, Kansas 67204
Lot 1, except the west 50 feet, Higgins-Andeel Addition	✓ Littell, Inc. 8635 W. Central Wichita, Kansas 67212
The south 350 feet of the north 600 feet of the west 305 feet of the northwest Quarter of Section 21-27-1W, now described as lot 1, Block A, West Center Addition, except those portions platted as First Place West Addition & Higgins-Andeel Addition	✓ Richard J. Hattrup 610 N. Tyler Wichita, Kansas 67212
Lot 2, Block A, West Center Addition	✓ Mid Kansas Federal Savings & Loan Association 123 S. Market Wichita, Kansas 67202
Lot 1, First Place WEst Addition	✓ First National Bank of Wichita 105 N. Main Wichita, Kansas 67202
Lot 1, 4-H Club Addition	✓ Spratt ✓ Kravitz ✓ Scott 3 Board of County Commissioners Sedgwick County, Kansas 455 N. Main Wichita, Kansas 67202
Lot 1, 4-H Club 2nd Addition	Same as above
Lot 1, Westlink Center 2nd Addition	✓ W. A. Michaelis, Jr. 211 N. Broadway Wichita, Kansas 67202
Lot 3, Westlink Center 2nd Addition	✓ J. Ernest Talley 125 N. Market Wichita, Kansas 67202
Lot 1, Westlink Center 3rd Addition	✓ Westlink Village Housing Partnership c/o Jack C. Oliver Development General Partner 6803 W. 64 St. Suite 115 Shawnee Mission, Kansas 66202

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Madonna Addition	✓ Unified School District #259 428 S. Broadway Wichita, Kansas 67202
Lot 1, Notre Dame High School Addition	✓ Catholic Diocese of Wichita 424 N. Broadway Wichita, Kansas 67202
All that part of the SW $\frac{1}{4}$ of Section 16-27-1W, and part of Block 2, Tyler Acres First Addition, described as follows; Beginning at the SW corner of St. Francis of Assisi Park, Wichita, Kansas, Sedgwick County, Kansas; thence easterly along the south line and the south line extended of said St. Francis Assisi Park, 931.18 feet; thence southerly with a deflection angle to the right of 89°46'50", 99.8 feet; thence westerly parallel with the south line of said SW $\frac{1}{4}$ 915 feet; thence northerly with a deflection angle to the right of 90° 44.52 feet; thence northwesterly with a deflection angle to the left of 71°00'50" 34.44 feet to the SE corner of Ascension Lutheran Church Addition, Wichita, Kansas; thence northeasterly with a deflection angle to the right of 90°, along the easterly line of said Ascension Lutheran Church Addition, 50.38 feet to the place of beginning.	Same as above
The Southwest Quarter of the Northwest Quarter of Section 21-27-1W, except that parcel platted as Madonna Addition	D Unified School District #259 428 S. Broadway Wichita, Kansas 67202
The east half of the Northwest Quarter Section 21-27-1W, except portions platted as Notre Dame High School Addition & Whispering Pines Estates	D Catholic Diocese of Wichita 424 S. Broadway Wichita, Kansas 67202
Lot 1, St. Francis of Assisi Park	D Catholic Diocese of Wichita 424 N. Broadway Wichita, Kansas 67202
The east 200 feet of lot 1, Ascension Lutheran Church Addition	✓ City of Wichita 455 N. Main Wichita, Kansas 67202
Lot 1, except the east 200 feet, Ascension Lutheran Church Addition	✓ The Kansas District of the Lutheran Church, Missouri Synod 842 N. Tyler Wichita, Kansas 67212

Property DescriptionProperty Owner

Beginning 794.2 feet north of the SE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence north 94.7 feet; thence east 230 feet; thence south 94.7 feet to the point of beginning.

✓ John Paul Moskal  
Albina Moskal  
415 N. Tyler  
Wichita, Kansas  
67212

Beginning 983.6 feet north of the SE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west parallel with the south line 230 feet; thence north 94.7 feet; thence east 230 feet; thence south 94.7 feet to beginning, the east 40 feet reserved for road.

✓ Thomas J. Updegrove  
Barbara Roden  
437 N. Tyler  
Wichita, Kansas  
67212

Beginning 637.5 feet north of the SE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence north 156.7 feet; thence east 230 feet; thence south to beginning, the east 40 feet reserved for road.

✓ Kenneth D. Hauschild  
Phyllis E. Hauschild  
403 N. Tyler  
Road  
Wichita, Kansas  
67212

Beginning 888.9 feet north of the SE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence north 94.7 feet; thence east 230 feet; thence south 94.7 feet to the point of beginning, the east 40 feet reserved for road.

✓ Spencer B. Long  
Dora E. Long  
427 N. Tyler  
Wichita, Kansas  
67212

Beginning 495 feet north of the SE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence north 142.5 feet; thence east 230 feet; thence south 142.5 feet to beginning.

✓ John J. Appelhans, Jr.  
Dorothy Jean Appelhans  
357 N. Tyler  
Wichita, Kansas  
67212

Beginning 1173 feet north of the SE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence south 94.7 feet; thence east 230 feet; thence north 94.7 feet to beginning, east 40 feet reserved for road.

✓ Edward E. Boyles  
Wanda L. Boyles  
1920 S. Estelle  
Wichita, Kansas  
67212

The north 200 feet of the east 200 feet of the Northeast Quarter of Section 20-27-1W.

W. A. Michaelis, Jr.  
211 N. Broadway  
Wichita, Kansas  
67202

Beginning 972.45 feet south of the NE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence south 94.7 feet; thence east 230 feet; thence north to the point of beginning

✓ Richard G. Peppard  
Patricia L. Peppard  
8927 W. Central  
Wichita, Kansas  
67212

Beginning 1067.15 feet south of the NE corner of the NE  $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence south 94.7 feet; thence east 230 feet; thence north to beginning, east 40 feet reserved for road.

✓ Harry Barsamian  
Alice M. Barsamian  
431 N. Glenn Ave.  
Wichita, Kansas  
67203

Property Description

Property Owner

Beginning 877.75 feet south of the NE corner of the NE $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence south 94.7 feet; thence east 230 feet; thence north to beginning, except the east 40 feet.

✓ Elgin T. Rainer (dec.)  
 Alberta Inez Rainer  
 541 N. Tyler  
 Wichita, Kansas  
 67212

Beginning 783.05 feet south of the NE corner of the NE $\frac{1}{4}$  of Section 20-27-1W; thence west 230 feet; thence south 94.7 feet; thence east 230 feet; thence north to beginning, except the east 40 feet for road.

✓ Gilbert F. Fox  
 Rosann C. Fox  
 545 N. Tyler  
 Wichita, Kansas  
 67212

Lot 1, Joy Addition

✓ Carroll M. Joy  
 Marion L. Joy  
 549 N. Tyler  
 Wichita, Kansas  
 67212

Lots 1, 3, 4 & 5, Tyler Acres Sixth Addition

✓ Sisters of the  
 Sorrowful Mother-  
 Ministry Inc.  
 929 N. St. Francis  
 Wichita, Kansas  
 67214

Lot 2, Tyler Acres Sixth Addition

✓ Edward T. Neville  
 Rita A. Neville,  
 Trustees for  
 Alvin Leon Neville &  
 for Gregory Allen  
 Neville  
 9625 Maple  
 Wichita, Kansas  
 67209

Lots 1, 2, 3, 4, & 5, Tyler Acres Fifth Addition

✓ Edward T. Neville  
 9625 Maple  
 Wichita, Kansas  
 67209

Edward T. Neville  
 Rita A. Neville,  
 trustees for  
 Gregory Alan Neville  
 for Alvin Leon Neville  
 9625 Maple  
 Wichita, Kansas  
 67209

Lot 1, Block A, Ty Cen Addition

✓ McDonald's Corporation  
 506 N. Tyler  
 Wichita, Kansas  
 67212

Lot 2, Block A, Ty Cen Addition

✓ Ty Cen Limited  
 425 N. Broadway  
 Wichita, Kansas  
 67202

Property Description

Property Owner

Lot 1, Block B, Ty Cen Addition together with ease for drain over the north 20 feet of the south 30 feet of lot 3

✓ Wichita Federal Savings & Loan Association  
340 S. Broadway  
Wichita, Kansas  
67202

Lots 2, 3 & 4, Block B, Ty Cen Addition and vacated Reca Avenue from extended east line of Robin Road to South line of Central

✓ Northwest Wichita Associates  
200 W. Douglas  
Suite 430  
Wichita, Kansas  
67202

Lot 1, Block C, Ty Cen Addition

ⓓ Braum Ice Cream Stores Inc.  
P. O. Box 25429  
Oklahoma City, Oklahoma  
73125

Lot 2, Block C, Ty Cen Addition

✓ Ronald M. Jackson OD Chartered  
7383 W. Central  
Wichita, Kansas  
67212

Lot 3, Block C, Ty Cen Addition

ⓓ City of Wichita  
455 N. Main  
Wichita, Kansas  
67202

Lot 4, Block C, Ty Cen Addition, together with all vacated Reca Avenue from extended east line of Robin Road to the South line of Central Avenue.

ⓓ Northwest Wichita Associates Ltd.  
200 W. Douglas  
Suite 430  
Wichita, Kansas  
67202

Lot 1, Block 1, Rolling Hills Fourth Addition

✓ Carol I. Levy  
429 N. Westlink Ave.  
Wichita, Kansas  
67212

Lot 2, Block 1, Rolling Hills Fourth Addition

✓ Michael C. Molz  
#1 Tonjo Ct.  
Goddard, Kansas  
67052

Lot 3, Block 1, Rolling Hills Fourth Addition

✓ Dale Maxwell  
Illena R. Holyoak  
409 N. Westlink Ave.  
Wichita, Kansas  
67212

Lot 4, Block 1, Rolling Hills Fourth Addition

✓ Corporation of the Residing Bishop of the Church of the Jesus Christ of Latter Day Saints  
401 N. Westlink Ave.  
Wichita, Kansas  
67212

Property Description

Property Owner

Lot 5, Block 1, Rolling Hills Fourth Addition

✓ John Blake Gladfelter  
Leona J. Gladfelter  
414 Pamela St.  
Wichita, Kansas  
67212

Lot 6, Block 1, Rolling Hills Fourth Addition

✓ Dale D. Lott  
Geraldine B. Lott  
420 Pamela St.  
Wichita, Kansas  
67212

Lots 1 through 7, inclusive, Block 2, Rolling Hills Fourth Addition

D City of Wichita  
455 N. Main  
Wichita, Kansas  
67202

Lot 8, Block 2, Rolling Hills Fourth Addition

✓ Raymond C. Hemken  
Verda M. Hemken  
354 Wood Lane  
Wichita, Kansas  
67212

Lot 1, Rolling Hills Addition

✓ Karl K. Richardson  
#2 Rolling Hills Dr.  
Wichita, Kansas  
67212

X Rec'd call from Merle Dean Richardson  
at this address - not his  
unknown

X Martin D. Richardson  
5825 Clarendon  
Wichita, Kansas  
67220

Lot 2, Rolling Hills Addition

X Judith Ann McClard  
Address unknown

Lot 3, Rolling Hills Addition

X Richard S. Powelson  
Delma T. Powelson  
address unknown

Lot 24, Rolling Hills Addition

✓ Max C. Rankin  
Isabel N. Rankin  
#6 Rolling Hills Dr.  
Wichita, Kansas  
67212

Lot 3, Block 3, Rolling Hills Fourth Addition

✓ Roy R. Whetstone  
Florence T. Whetstone  
#1 Rolling Hills Dr.  
Wichita, Kansas  
67212

Lot 4, Block 3, Rolling Hills Fourth Addition

✓ Raymond P. Henderson II  
Kathleen E. Henderson  
409 Pamela St.  
Wichita, Kansas  
67212

✓ Dennis P. Hanson  
Marla K. Martin  
405 Pamela  
Wichita, Kansas  
67212

<u>Property Description</u>	<u>Property Owner</u>
Lot 5, Block 3, Rolling Hills Fourth Addition	✓ Virginia Ogden Ronald G. Ogden 401 Pamela Wichita, Kansas 67212
Lot 6, Block 3, Rolling Hills Fourth Addition	✓ Thomas W. Sanders Ramona Sue Sanders 357 Wood Lane Wichita, Kansas 67212
Lots 2, 3, 4, & 5, Block 1, Whispering Pines Estates	✓ H. Marvin Bastian 62 Norfolk Dr. Wichita, Kansas 67206
Lot 6, Block 1, Whispering Pines Estates	✓ BFP Construction Inc. 337 N. Waco Wichita, Kansas 67202
Lot 7, Block 1, Whispering Pines Estates	✓ H. Marvin Bastian 62 Norfolk Dr. Wichita, Kansas 67206
Lot 8, Block 1, Whispering Pines Estates	✓ I. Fred Muenchrath 221 Rutland Rd. Wichita, Kansas 67206
Lot 9, Block 1, Whispering Pines Estates	✓ Donald L. Day Jacqueline R. Day 8931 Harvest Lane Wichita, Kansas 67212
Lots 2 & 3, Block 2, Whispering Pines Estates	✓ Bobbie J. Bastian 62 Norfolk Wichita, Kansas 67206
Lot 4, Block 2, Whispering Pines Estates	✓ Bill Suter 8507 Longlake Circle Wichita, Kansas 67207
odd & even lots 5 through 11, inclusive, Block 2, Whispering Pines Estates	✓ Bobbie J. Bastian 62 Norfolk Wichita, Kansas 67206
Lot 12, Block 2, Whispering Pines Estates	✓ Bill Suter 8507 Longlake Circle Wichita, Kansas 67207

Property Description

Property Owner

Lot 13, Block 2, Whispering Pines Estates

✓ Sybil I. Kowalski  
130 S. Maize Rd.  
Apt 8  
Wichita, Kansas  
67209

James D. Hopper  
Dee A. Hopper  
✓ 136 Summitlawn Circle  
Wichita, Kansas  
67212

Lots 14, 15, 16 , Block 2, Whispering Pines Estates

Whispering Pines Joint  
Venture  
✓ 229 S. Market  
wichita, Kansas  
67202

Lot 17, Block 2, Whispering Pines Estates

✓ Allen D. Lee  
333 Whispering Pines  
Wichita, Kansas  
67212

Lot 18, Block 2, Whispering Pines Estates

Donald Childs  
Dora V. Childs  
✓ 75 N. 119 West  
Wichita, Kansas  
67212

odd & even lots 19 through 24, Block 2,  
inclusive, Whispering Pines Estates

Whispering Pines Joint  
Venture  
D 229 S. Market  
Wichita, Kansas  
67202

Lot 13, Block F, Rolling Hills Fifth  
Addition

John W. Shively  
Mary Lee Shively  
✓ 443 N. Westlink  
Wichita, Kansas  
67212

Lot 14, Block F, Rolling Hills Fifth  
Addition

✓ Elizabeth Hayden Adams  
447 N. Westlink  
Wichita, Kansas  
67212

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We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 1000 foot radius of:

Ty-Cen Addition, Wichita, Sedgwick  
County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 7th day of September, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*  
Vice President

Order No: 324924  
cf

FORM 25-1

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
<i>Drain</i>	<i>2.00</i>
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

\*

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

Roll # 1

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