

POSTED 2-25-87 *ELB*

BZA Case No. 5-87 - Melvin Simon & Assoc. request a variance to increase the gross surface area of a ground sign from 150 sq ft to 784 sq ft & to be located near the S Armour Dr entrance & located on property zoned

**ACTION**

BZA 5-87 Motion to deny 2-2 3/24/87  
DATE

BZA 4/28/87

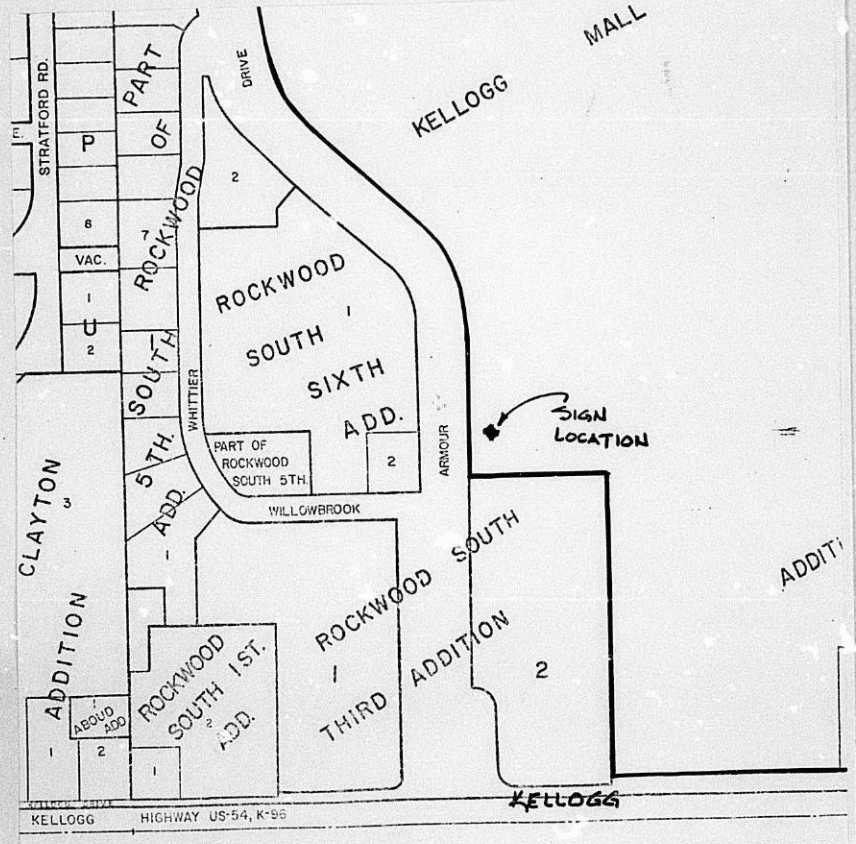
APPEAL WITHDREW VARIANCE REQUEST

See letter 4-9-87 *K. Lyth*

Map No. 5947 B

BZA 5-87  
Filed \_\_\_\_\_

- AREA DATA:  
1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)  
2. Adjoining Zoning: E "LC" S "LC" W "LC" N "LC"  
3. Land Use: East Comm. South Comm.  
West Comm. North Comm.  
4. Area (is) (~~is~~) platted.



**Stewart**  
No. 2153C  
HASTINGS, MN  
LOS ANGELES-CHICAGO-LOGAN OH  
MEMPHIS TX-CLAYTON GROVE OH  
U.S.A.

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE March 19, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 5-<sup>8</sup>87: East side of Armour  
Drive & 1000 feet north of  
Kellogg

On Monday, March 16, CPO Council Area "H" considered the above captioned case, a request for a variance to increase the gross surface area of a permitted ground sign from 150 square feet to 784 square feet to be located near the south Armour Drive entrance to Towne East Square and located on property zoned the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners and a map of the area. After extensive discussion, the Council voted 5-0 to recommend approval of the request.

The agent, Arlin Meats, was present to describe the request and respond to questions from Council members. Mr. Meats explained that it is very important that a sign be constructed near the west entrances of Towne East Square, the two west entrances produce 32% of the center's vehicular traffic. According to Mr. Meats, the location of the sign would be on a landscaped slope beside Armour Drive and would be only seven feet above grade at the highest point. The sign, Mr. Meats noted, would be constructed of cement, rebar and rocks which should be durable and vandalism should be minimal.

The Council expressed appreciation to Mr. Meats for the written material, charts, etc., provided in his presentation. The Council was supportive of the sloped sign but would not want to see the sign placed upright at a later date.

Please provide these comments to the Board of Zoning Appeals when case BZA 5-87 is considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

April 22, 1987

TO ALL ADJACENT PROPERTY OWNERS:

RE: BZA 5-87

Please be advised that the applicant for Towne East Square has withdrawn the application for a variance of the size of an identification sign.

The applicant advises that they plan to adhere to the 150 square foot maximum limitation.

Glen E. Lytle  
Assistant Secretary

cc: Everett C. Fettis, Attorney, 120 S. Market, Suite 504, Wichita, 67202  
A. Scott Ritchie, II, Wildhawk Management, 125 N. Market, Suite 200,  
Wichita, 67202  
James H. Stevens, P.O. Box 68228, Wichita, KS. 67208  
Robert W. Moore, 701 N.W. 5th Street, Oklahoma City, OK. 73102  
Fred Shaw, Bravos Restaurant, 7500 E. Kellogg, Wichita, 67207

PL/0126/4

**MELVIN SIMON  
& ASSOCIATES, INC.**



Towne East Square  
7700 East Kellogg  
Wichita, KS 67207  
(316) 686-3341

April 9, 1987

City of Wichita  
City Hall  
Tenth Floor  
455 North Main Street  
Wichita, KS 67202

Dear Mr. Lytle:

In reviewing our needs for improved identification on Armour Road, we have decided to drop our sign variance request, BZA 5-87. We have decided to review other options and adhere to the 150 sq. ft. sign limitation.

I want to "thank you" for all your assistance and time involved in this request.

Sincerely,

Arlin Meats  
Operation Director

AM:jb

**RECEIVED**

APR 16 1987

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

March 25, 1987

Mr. Arlin Meats, Operations Manager  
Towne East Square  
7700 East Kellogg  
Wichita, Kansas 67207

RE: BZA 5-87 Request for Variance

Dear Mr. Meats:

At the end of the Board of Zoning Appeals meeting on March 24, 1987, the Board discussed, in generalities, their reasons and concerns for their vote on your request. Among those concerns was that the proposed sign will not provide the visibility or identification that is anticipated by you. It was also expressed that a better designed earth berm, wall and smaller sign would be better accepted by the Board.

I hope that you consider these suggestions in developing some alternative to your need for identification of Towne East along Armour Road. There are several firms in the city that provide graphic design in addition to architects and planners who could also be of assistance.

If, in the next few weeks, you can come up with some change in your proposal, I would be more than glad to review them with you. I would be willing to set a time at your convenience.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL/lw

cc: Melvin Simon and Associates, Merchants Plaza, Box 7033, Indianapolis,  
IN 46206

PL/0088/1

March 25, 1987

Mr. Arlin Meats, Operations Manager  
Towne East Square  
7700 East Kellogg  
Wichita, Kansas 67207

RE: BZA 5-87 Request for Variance

Dear Mr. Meats:

Please be advised that the motion to deny your request for a variance to increase the permitted gross surface area of a ground sign from 150 to 784 square feet resulted in a 2-2 moot vote. In conformance with the bylaws, this request will be reconsidered by the Board of Zoning Appeals on April 28, 1987 at 1:30 p.m.

If you have any questions on this matter, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL/lw

- cc: Melvin Simon and Associates, Merchants Plaza, Fox 7033, Indianapolis, IN 46206
- ✓ Everett Fettis, Attorney, 120 S. Market, Suite 504, Wichita, KS 67202
  - ✓ A. Scott Ritchie, III, Wildhawk Management, 125 N. Market, Suite 100, Wichita, KS 67202
  - ✓ James H. Stevens, P. O. Box 68228, Wichita, KS 67208
  - ✓ Robert W. Moore, 701 N. W. 5th St. Oklahoma City, OK, 73102
  - ✓ Fred Shaw, Bravos Restaurant, 7500 E. Kellogg, Wichita, KS 67207

PL/0088/1



**WILDHAWK MANAGEMENT COMPANY**



125 N. Market, Suite 1000  
Wichita, KS 67202

Operator's of

Office: (316) 265-0044



Store: (316) 683-3130

March 24, 1987

Board of Zoning Appeals  
10th Floor - City Hall  
455 N. Main  
Wichita, Kansas 67202

Case #BZA5-87  
Simon & Assoc.

Gentlemen:

We own and operate a business within 200 feet of the subject property in the case referenced above.

We are opposed to this rezoning request for several reasons. Section 2.12.590.B, of the City code was written to avoid large signs being built on every corner and to date has worked in keeping this area one of Wichita's finest shopping centers. If each business elected to build a 784' sign this area would have a much different appearance than it does now. Owners of businesses and property in this area have known the rules that the City set up and have followed them for years. To change a rule that has such a dramatic impact on the cosmetic appearance of a property could change property values and the way a business is seen by the public.

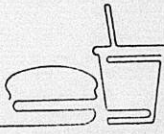
This is no little change we are talking about. This is a request which is asking for a change of 5 times the permitted size. We are not opposed to allowing a sign that meets the City's 150' size requirement however to allow a sign that is 5 times the established rule would create a visual problem for the public as well as businesses. The 150' currently permitted is more than enough room to display what ever is needed on a sign. Anything over the 150' would have to be considered decoration.

The City's original plan has proven successful. The signage in this area has been distinctive yet not restrictive to the public. A sign in this location has the capability of disrupting the traffic flow as well as business in this area and should not be permitted.

Sincerely,

  
A. Scott Ritchie III

A. Scott Ritchie III  
Darrel G. Walters  
Owners

  
Scott Prater  
General Manager

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

March 20, 1987

**RECEIVED**

MAR 23 1987

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

Glen E. Lytle  
Assistant Secretary  
Board of Zoning Appeals  
455 North Main  
Wichita, Kansas 67202

RE: Variance request of  
Melvin Simon & Associates  
BZA 5-87

Dear Glen:

You and I have discussed the captioned matter which is scheduled to be heard on Tuesday, March 24, 1987. As I have previously told you, I will be out of town at that time. However, I do represent Robert W. Moore who is the owner of Village Fashion Center located in Towne East Square and located immediately to the south of this location. You told me that if I would write a letter, you would see that it was submitted to the Board of Zoning Appeals.

Mr. Moore does object to the granting of this application. We understand that this is to be a very substantial sized sign in the form of a solid berm and will extend more than seven feet in the air and be immediately north of the entrance on Armour. It is my client's view that this type of sign is in the nature of a structure which will serve to block the view of the south bound traffic on Armour of my client's businesses.

I am advised also that there is a 35 foot building setback on this property owned by Towne East. We feel the proposed sign is inappropriate in all respects and should be denied as is stated in the Secretary's Comments. We would point out still two other reasons, i.e. one being that this will obstruct the view of my client's property, and the other is that this sign will be in the nature of a permanent structure of such magnitude that it should be considered, if at all, to be a

Mr. Lytle  
March 20, 1987  
Page Two

building type structure and certainly be required to comply with the 35 foot building setback.

Although I regret I will be unable to be present at the hearing on Tuesday, it may be that some of my client's representatives and some of the tenants may choose to appear or send further written responses. If you do receive such written responses or appearances, I would very much appreciate your permitting such to go before the Board of Zoning Appeals.

Very truly yours,

  
EVERETT C. FETTIS

ECF/dbs  
cc: Robert W. Moore

**Stevens Enterprises Inc.**

P.O. Box 68228  
Wichita, Kansas 67208  
(316) 682-5140

Board of Zoning Appeals  
10th Floor - City Hall  
455 North Main  
Wichita, Kansas 67202

March 18, 1987

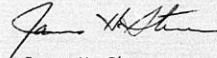
RE: Case No. BZA5-87  
Melvin Simon and Assocs.

Gentlemen:

I am a lessee within 200' of the property that is the subject of the above referenced case. I feel that the sign which Mel Simon and Associates is requesting on Armour would decrease the visibility of traffic on Armour and would stimulate the traffic and use of Towne East entrance where the proposed sign is to be. There is already a traffic problem on Armour which makes it difficult for people entering and leaving the Village Fashion Centre. Also prospective tenants object to not having a curb cut into the Towne East Ringroad and the increase of traffic on Kellogg would make their objection even stronger. We have had a consulting traffic engineer do a study and one of his recommendations was a curb cut which would decrease traffic congestion on Armour drive thereby improving access to both centres. I feel that any work done on Towne East Armour Drive entrance would only make the situation worse, therefore, I am protesting their exceptions or variance.

Should you have any questions about this letter, please don't hesitate to contact me.

Sincerely,



James H. Stevens

JHS/tcc

**RECEIVED**

MAR 23 1987

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

# VILLAGE

*Fashion Centre*

Wichita, KS

RECEIVED

March 13, 1987

MAR 20 1987

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

Board of Zoning Appeals  
10th Floor - City Hall  
455 North Main  
Wichita, Kansas 67202

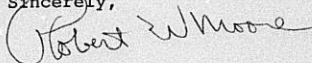
RE: Case No. BZA5-87  
Melvin Simon and Assocs.

Gentlemen:

I am a property owner within 200' of the property that is the subject of the above referenced case. I own the Village Fashion Centre located on the northeast corner of Armour and Kellogg. I feel that the sign which Mel Simon and Associates is requesting on Armour would decrease the visibility of traffic on Armour and would stimulate the traffic and use of Towne East entrance where the proposed sign is to be. There is already a traffic problem on Armour which makes it difficult for people entering and leaving the Village Fashion Centre. Also prospective tenants object to not having a curb cut into the Towne East Ringroad and the increase of traffic on Kellogg would make their objection even stronger. We have had a consulting traffic engineer do a study and one of his recommendations was a curb cut which would decrease traffic congestion on Armour drive thereby improving access to both centres. I feel that any work done on Towne East Armour Drive entrance would only make the situation worse, therefore, I am protesting their exceptions or variance.

Should you have any questions about this letter, please don't hesitate to contact me.

Sincerely,



Robert W. Moore

RWM/drg

SECRETARY'S REPORT  
CASE NO. A 5-87

APPLICANT: Melvin Simon and Associates, Merchants Plaza, Box 7033, Indianapolis, Indiana

AGENT: Arlin Meats, Operations Manager, Towne East Square, 7700 E. Kellogg, Wichita, KS 672

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to permit the increase of the gross surface area of a permitted ground sign from 150 square feet to 784 square feet.

GENERAL LOCATION: On the east side of Armour Drive and 1000 feet north of Kellogg.

ZONING: Subject property is zoned the "LC" Light Commercial District as are all adjacent properties.

LAND USE: Subject property is developed as a regional mall shopping center. To the west a restaurant and retail business. To the south a recently opened retail center and to the north and east is the applicant's shopping center.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance in order to construct a ground sign at the main entrance to the shopping mall from Armour Drive. The applicant states that the entrances (2) along Armour Drive provides vehicular access for 31 percent of their customers. Rock Road provides for 48 percent of vehicular traffic. The applicant also states that, with the construction of the Village Fashion Center to the south of the applicant's first access point to Armour, their visibility has been restricted.

It should be noted that the applicant's property and the property to the south are both a part of the same C.U.P. Both properties are subject to the same limitations and any ground or pole sign adjacent to Armour is limited to a gross surface area of 150 square feet. The Village Fashion Center ground sign located near the applicant's property only has a gross surface area of 15 square feet.

It is the Secretary's opinion that a 150 square foot sign at the entrance along Armour Drive are adequate to identify the use. There are no other ground or pole signs on the applicant's property along Armour that would interfere or detract from such a sign.

What the applicant has proposed is a 28-foot by 28-foot sign on the ground consisting of four foot high black concrete letters on a white rock base. This will be installed on an earth berm that will slope up to an elevation seven feet above street elevation. This sign is to be installed on a landscaped area immediately north of the entrance on Armour.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property has a frontage on Armour Drive of over 1500 feet that does not have a ground or pole sign adjacent to the street.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners

inasmuch as the sign will be visible only from Armour Drive and primarily to the vehicular traffic traveling north.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance does not constitute an unnecessary hardship upon the applicant inasmuch as there are adequate provisions in the ordinance for identification signs to be placed adjacent to Armour Drive that better identify the mall than what the applicant proposes.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the sign will be located in an area that will not interfere with any needed street right-of-way or utility easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the limitations of the ordinance clearly sets forth a maximum gross surface area for signs based on the type of street, and in this case signs have a maximum area of 150 square feet.

RECOMMENDATION:

It is the Secretary's opinion that all five conditions necessary to the granting of a variance cannot be found to exist, and the variance to increase the area of the sign should be denied. However, should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is recommended that the variance be granted subject to the following conditions:

1. Only one such sign exceeding 150 square feet shall be permitted along Armour Drive.
2. No additional ground or pole sign shall be permitted within 500 feet of the ground sign permitted by this variance.
3. The lighting of this sign shall not be permitted.
4. The gross surface area of the sign, including the border, shall not exceed 784 square feet.

BZA CASE NO. 5-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>5</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>8</u>	TOTAL NOTICES SENT <u>2/27/87</u>

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

February 27, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 5-87

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Melvin Simon and Associates, Merchants Plaza Box 7033, Indianapolis, Indiana requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to increase the gross surface area of a permitted ground sign from 150 square feet to 784 square feet which is to be located near the south Armour Drive entrance and located on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Kellogg Mall Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Armour Drive and 1000 feet north of Kellogg.

This application has been assigned Case No. BZA 5-87. It will be considered by the Board of Zoning Appeals on March 24, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "H" will consider this case at their meeting to be held on Monday, March 16, 1987, at 7 p.m., at Capitol Federal Savings and Loan Building, 8040 East Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle  
Assistant Secretary

APPLICATION FOR VARIANCE

I. Name of Applicant Melvin Simon & Associates  
Mailing Address Merchants Plaza Box 7033 Indianapolis, Indiana Phone 317-636-1600  
Name of Authorized Agent Arlin Meats-Operations Director  
Mailing Address Towne East Square Mall Mgmt. Office Phone 316-686-3341  
7700 East Kellogg Wichita, KS 67207  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is permission to install a horizontal sign (28' x 28')  
on Armour Road to better identify mall entrances and to improve beautification of the  
surrounding landscape area. \*to increase the gross surface area of a ground  
sign from 150 sq ft to 784 sq ft  
for property located 7700 East Kellogg, Wichita, Kansas

and legally described as: Lot 1, Kellogg Mall Addition

in the City of Wichita; and which is presently zoned LC

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant MELVIN SIMON & ASSOC.

Authorized Agent Arlin Meats

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
11:30 (a.m./p.m.), FEB 20, 1987, together with appropriate  
fee of 300.00.

Signed [Signature]

**MELVIN SIMON  
& ASSOCIATES, INC.**



INTERNAL CORRESPONDENCE  
WICHITA AREA PROPERTIES

FILE: \_\_\_\_\_

TO	Mike Hupp	DATE	11-20	19 86	ROUTE TO
	cc: Steve Bowden				_____
					_____
FROM	Arlin Meats <i>Arlin Meats</i>				_____
SUBJECT	Towne East Square Sign				_____
REPLY					_____
WANTED	REPLY TO				_____

The two (2) West entrances to Towne East Square produce 32.0% of our vehicle traffic. Therefore, the West side entrances are very important to our tenant sales. At the present time, we do not have a Towne East Square sign on our West entrances.

I have constructed a sign that would require minimal maintenance, reasonable cost, and high visibility (see attached). The location would be on the landscape slope beside Armour Road (see attached map). At this location, we would have good visibility for both our entrances, as well as to customers that are at Village Fashion Center and Target.

The following is a recap of estimated costs:

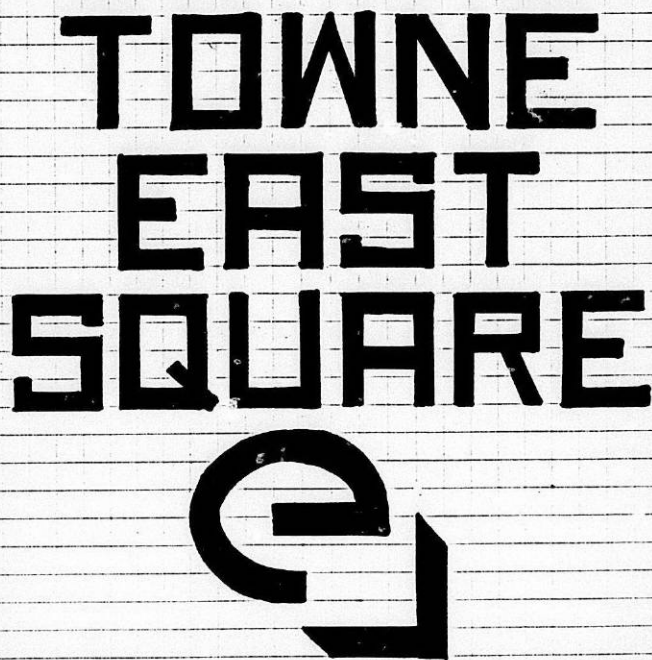
1. Fill dirt--75 cu. yds., 15 loads		\$615.00
2. Topsoil dirt--10 cu. yds., 2 loads		\$108.00
3. Labor to pack dirt and grade		\$220.00
4. Landscape rock--6 cu. yds.	107.25/yd.	\$643.50
5. Cement with black dye--9 cu. yds.	55.00/yd.	\$495.00
6. Rebar for reinforcement		\$100.00
7. Form material		\$100.00
8. Grass seed		\$ 30.00

TOTAL \$2,311.50


Actual expenses could be less than projected if we can find fill dirt on the East side of town. All labor will be performed by Towne East Square employees. Since this will be constructed of cement, rebar, and rocks, vandalism should be minimal. The cement with black dye will stand-out against the white landscape rock and will allow us to touch-up any damage.

I believe the expenses will be well-spent compared to the benefits derived from our new sign.

AM:tk



**TOWNE  
EAST  
SQUARE**



Specifications:

1. Scale  $\frac{1}{4}$ "=1'.
2. Oversize--28' X 28'.
3. Letters to be 6" wide and 12" in thickness. Cement with black dye.
4. Logo and border to be 12" wide and 12" in thickness. Cement with black dye.
5. Background to be white landscape rock.
6. Slope grade 1 to 7.
7. Surrounding area to be natural slope and seeded with grass.



**MELVIN SIMON  
& ASSOCIATES, INC.**



Towne East Square  
7700 East Kellogg  
Wichita, KS 67207  
(316) 686-3341

February 10, 1987

Board of Zoning Appeals  
City of Wichita  
Wichita, KS

RE: Application for Variance

3-1: The completion of the Village Fashion Center has greatly reduced the visibility of Towne East Square. This visibility reduction to vehicular traffic has occurred at the intersection of Kellogg and Armour Road and also along Armour Road. The sign request will attempt to identify the mall's two vehicular entrances along Armour Road.

3-2: It must be understood that the purpose of this sign is two fold. One to continue to enhance the beautification of the mall's landscaping and identify vehicular entrances.

The sign is designed to be horizontal to the ground. The sign will be made of black dyed concrete, highlighted by white landscape stone inside the border. The contour of the existing grassy slope will be followed. Additional dirt must be brought in to increase the slope slightly, at the highest point of the existing slope.

The existing slope from front to back is 1'7" within the proposed sign. We would increase this slope by 2'5" at the highest point within the proposed sign area. The area behind the sign will be tapered down to existing grade and grass seed will be replanted.

Since the existing slope does not obstruct any adjacent property owners' view, an additional tapered slope of 2'5" will not cause obstruction to adjacent property or to any vehicular traffic.

3-3: Numerous strip centers, including the Village Fashion Center have created an extremely competitive environment on the east side of Wichita. Additionally, Red Lobster and Vista Burger have located along Armour Road across from Towne East Square. Towne East Square continues to offer itself as the hub of retail sales on Wichita's Eastside. In an effort to enhance sales for mall tenants and improve landscaping on the exterior, the sign would be very beneficial. Reiterating this proposed sign is of horizontal design, unlike the vertical sign Vista Burger has installed.

3-4: The proposed sign would not create an ill effect to public health, safety or morals. Nor will order, convenience, prosperity or general welfare be effected.

February 10, 1987  
Board of Zoning Appeals  
Page Two

3-4: Continued

The increased slope is minor and visibility will not be effected. The sign is non-illuminated as to not offer a glare. There will be no hinderance to pedestrian traffic or obstruct vehicular traffic.

In fact the possibility exists to enhance public safety as these entrances along Armour Road will be used more frequently. Currently 31% of all vehicles using vehicular mall entrances, enter off of Armour Road. Along Rock Road, 48% of all vehicular traffic enter the mall. D.O.T. counts rank the intersection of Kellogg and Rock Road the busiest in the city and conjestion along Rock Road is a hazard. If more vehicles use Armour Road, hazard along Rock Road could be reduced.

- 3-5: The granting of this variance to title #28 will not oppose the general spirit and intent. The proposed sign is not a typical design for identification. The low profile offers continued visability and enhances landscape of the exterior. The design of this sign does not oppose title #28 as it is not of a vertical nature.

Summary

The intent of this sign is basically designed to enhance the beautification of the exterior landscape of Towne East Square. Not only will white landscape rock be used, but a coordination of grassy areas, shrubs and flowers will add color and beauty along Armour Road. By adding the name of the mall, this sign will offer something different, rather than standard vertical signage. The size of 28 feet square offers visability and recognition from more than 50 feet away.

Towne East Square is a Regional Shopping Center that not only serves the Wichita area, but also draws from surrounding markets. Wichita residents for the most part realize how to access the center. This proposal would assist in helping consumers from out of town that are unfamiliar with vehicular entrances.

Towne East Square strives to enhance exterior landscape beauty and quality annually by adding color and additional foliage. Our intent is to enhance not to detract or oppose local ordinances.

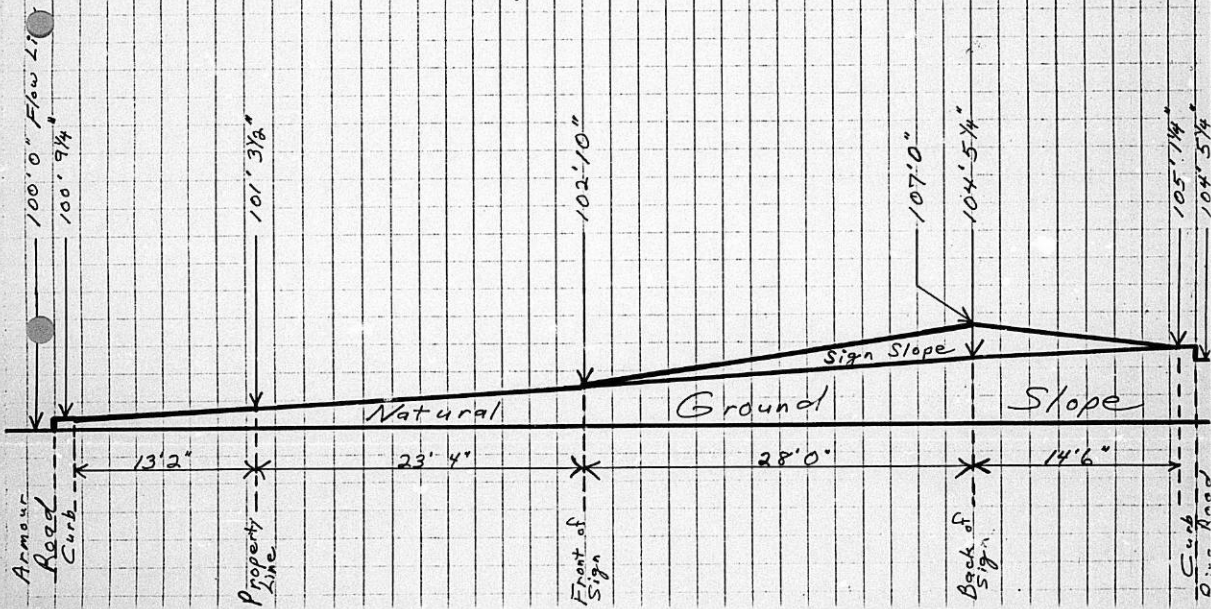
Your consideration and approval is appreciated for our efforts.



Towne East Square  
 7700 East Kellogg  
 Wichita, Kansas

Scale  $\frac{1}{8}'' = 1'$

- A. Measurements of property line, sign, and ring road curb.
- B. Slope grade measurement of natural ground slope.
- C. Slope grade measurement of proposed sign.



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 record 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.

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.)



DESCRIPTIONS

RECORD OWNERS

RUSTY ECK FORD Lot 1, ROCKWOOD SOUTH THIRD ADDITION to the City of Wichita, Sedgwick County, Kansas, more particularly described as follows: Beginning 102.7 feet North 450 feet East of the Southwest Corner of the Southeast Quarter of Section 19, Township 27 South, Range 2 East, being the Southwest corner of Lot 1, Rockwood South Third Addition, thence North 0° 00', 490.0 feet; thence North 89° 49' 30" West, 245 feet; thence North 0° 00', 258 feet; thence North 47° 07' 30" East, 115.1 feet to a point on a curve having a central angle of 44° 05' and a radius of 130 feet; thence along said curve described by the following chord, bearing and distance; South 67° 47' East, 97.27 feet; thence South 89° 49' 30" East, 430.32 feet to the Northeast corner of said Lot 1; thence South 0° 17' 30" East, 756 feet to the P.C. of a curve having a central angle of 90° 28' and a radius of 33.72 feet; thence along said curve described by the following chord bearing and distance of South 44° 56' 30" West; 47.88 feet; to the South line of said Lot; thence North 89° 49' 30" West, 330 feet to the place of beginning.	O. L. Eck 7310 E. Kellogg Wichita, Kansas 67207
--	---

Fidelity  Title  
COMPANY, INC.

DESCRIPTION

RECORD OWNERS

VILLAGE FASHION CENTER

Lot 2, ROCKWOOD SOUTH 3RD ADDITION, EXCEPT Beginning at the Southeast corner of Lot 2, Rockwood South Third Addition; thence West along the South line of Lot 2, 297.3 feet to the P.C. of a curve to the right having a central angle of 88° 33' and a radius of 44.10 feet; thence along the curve 68.16 feet to the P.T. of said curve; thence North along the West line of Lot, 11 feet to a point; thence Southeast at an interior angle of 44° 16' 30", 42.93 feet to a point; thence East parallel to the South line of Lot 2, 310.91 feet to a point on the East line of Lot 2; thence South 24 feet to the point of beginning.

Robert W. Moore  
701 N. W. 5th  
Oklahoma City, Oklahoma  
73102



RED LOBSTER

That part of Lot 1, Block 2, ROCKWOOD SOUTH FIFTH ADDITION, DESCRIBED AS FOLLOWS: Beginning at a point on the South line of said Lot 1, said point being 308.20 feet West of the Southeast corner thereof; thence Westerly, along said South line, 187.00 feet to the P.C. of a curve to the right with a radius of 60 feet and a central angle of 44° 05'; thence Northwesterly, along said curve, 46.16 feet to the P.T. of said curve and the P.C. of a curve to the right with a radius of 323.79 feet and a central angle of 33° 31' 27"; thence Northwesterly, along said curve, 189.45 feet; thence Easterly, parallel with the South line of said Lot 1, 319.73 feet; thence Southerly, with a deflection angle to the right of 90°, 180.00 feet to the point of beginning.

General Mills Restaurant  
Group, Inc.  
P.O. box 13330  
Orlando, Florida 32859

VISTA HAMBURGER  
Lot 2, ROCKWOOD SOUTH SIXTH  
ADDITION,

David L. Murfin  
250 N. Water, Suite 300  
Wichita, Kansas 67202

TARGET

Lot 1, ROCKWOOD SOUTH SIXTH  
ADDITION,

Dayton-Hudson Corporation  
777 Nicollet Mall  
Minneapolis, Minnesota 55402

Dated at Wichita, Kansas, this 12th day of February, 1987  
at 7:00 A.M.



-3-

FIDELITY TITLE COMPANY, INC.

*Medina L. Sutter*

By

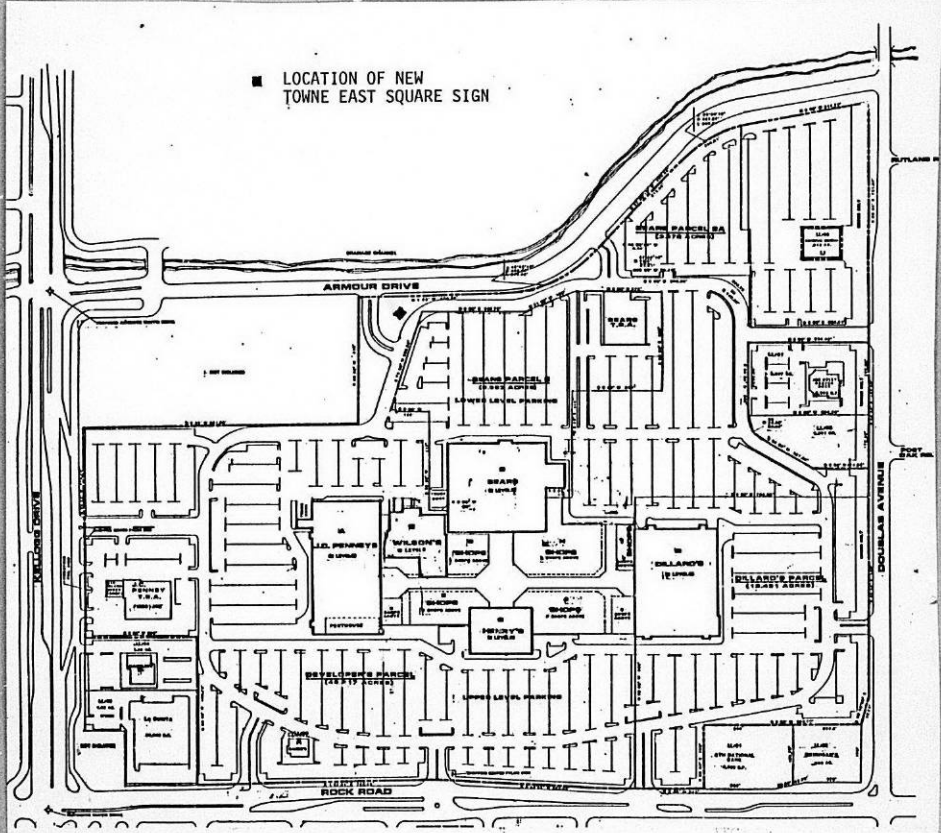
Medina L. Sutter  
Administrative Secretary

Tracer No. 73740



Fidelity  Title  
COMPANY, INC.

■ LOCATION OF NEW  
TOWNE EAST SQUARE SIGN

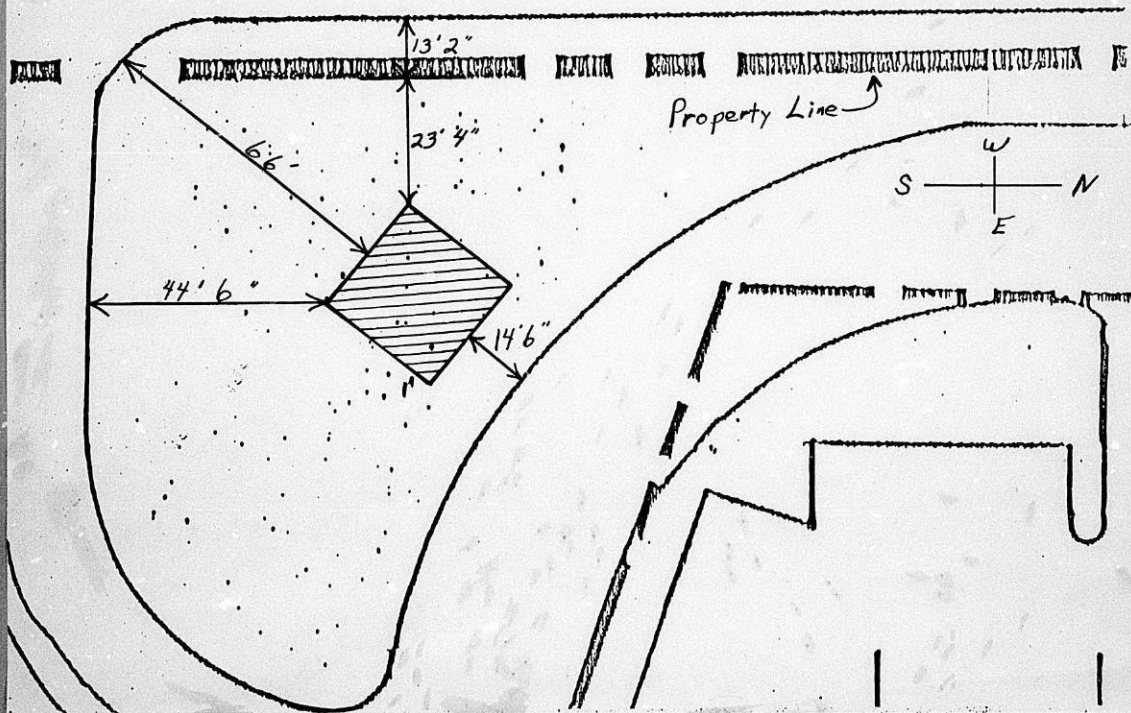


TOWNE  
EAST  
SQUARE



Towne East Square

DRIVE



**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29 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
City 92A Vac	\$200.00
NAME	115.17...
ADDRESS	...
FUND	DUE DATE
302-4000-103	
COMMENTS	
DATE	BY
August 1987	[Signature]