

POSTED
8-4-71
[Signature]

DP-4 - WESCEN SHOPPING CENTER -
At the southwest corner of West
and Central Streets - AMENDMENT
TO COMMERCIAL CUP

ACTION

DATE

~~COMMITTEE~~

M.A.P.C. Approve only to 8-26-71
9 cond.

~~B.C.C.~~ Approve as
referred & guaranteed
of deceleration lanes
9-21-71
~~9-21-71~~

Map No. 5147
Sec. 23
Twp. 27 S
Range 1 W

DATA SHEET
COMMUNITY UNIT PLAN

DP-4 Amendment
Z- 1303
Filed 7-19-71

APPLICATION REQUEST: Approval of proposed planned Commercial development.

1. Applicant Wescen, Inc.
Address 1202 West Douglas 67203 Phone AM 4-2857
2. Agent Robert Feagins
Address 6572 East Central 67206 Phone 684-6576
3. General Location At the southwest corner of Central and West Streets
Address _____
4. Proposed Use _____

AREA DATA

1. Acres 11.2 (_____ ft. by _____ ft.)
2. Existing Zoning _____ Proposed Zoning _____
3. Area (is) (is not) platted. _____ Addition _____
4. Existing R/W _____ ft. _____ ft. _____ ft.
Proposed R/W _____ St. _____ St. _____ St.
_____ ft. _____ ft. _____ ft.
_____ St. _____ St. _____ St.

HISTORY

PROCEDURE DATA

1. MAPC Meeting:
Date 8-26-71 Action Approve suby to 9 cond.
2. Governing Body City Commission
Date 8-24-71 Action _____
7-21-71

NOTES: Send copies of all correspondence to Bill Karber - Baughman

10-3-79

Fred Farba called
and requested a refund
of Plaza West's 1976
deposit of \$500.00 which
guaranteed the closing of
the curb cut on West Street
which is 190 feet south
of Central. The amended
C.U.P. no longer requires
this to be closed.

A PAV has been authorized

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE December 26, 1978

TO Robert A. Lakin, Director of Planning
Robert B. Feldner, Superintendent of Central Inspection

FROM John Dekker, Director of Law

SUBJECT CUP - DP-4 - Central and West Street



Attached hereto please find a copy of a memo from H. R. Kuhn, Assistant City Attorney, written from a review of the memo of November 20 from Bob Lakin to Bob Feldner. I have indicated by concurrence with Mr. Kuhn's opinion on the memo.

John Dekker
Director of Law

JD:cr
Attachment

THE CITY OF WICHITA
OFFICE OF

DATE December 7, 1978

TO: JOHN DEKKER, Director of Law
FROM: H. R. Kuhn, Assistant City Attorney


SUBJECT: CUP - DP-4 - Central and
West Street

I have reviewed the memo from Lehin to Faldner of November 20, 1978. The problem flows from a difference of opinion in the interpretation of 23.04.190 of the City Code. The underlying question to be resolved, as I view it, is:

Do the Code provisions apply only to that land included within an approved CUP (as of the date of its approval) or do they (Code provision) also apply to land contiguous to a CUP when its ownership changes to that of the same ownership of the land already included within the CUP?

It is my opinion that a careful reading of the whole of 23.04.190 makes it rather clear that the issuance of building permits is conditioned upon the satisfaction of the regulations, the intent and purpose of which are "to provide well planned and well organized developments of commercial areas held in single ownership or control" -- covering contiguous areas zoned commercial, "now or hereafter" held in single ownership.

It is my opinion that the Code provisions apply to land contiguous to a CUP when the ownership of such land is acquired by the owners of the contiguous tract which is already within the CUP -- irrespective of the existing or contemplated commercial or light commercial zoning.


H. R. KUHN
ASSISTANT CITY ATTORNEY

REK:ds



Shunk

November 20, 1973

Robert Feldner, Superintendent
Central Inspection
Robert A. Lakin, Director of Planning

CUP - DP-4 - Central and West Street

The other day, we were discussing the CUP administration and you indicated that you did not agree with the memorandum that you had received from Mr. Galbraith concerning DP-4 - Wescon Community Unit Plan. This CUP, at Central and West Street, in the southwest corner, is owned, based on the information that we have, by the same people who have acquired the old service station at the exact southwest corner of the intersection and which was not originally part of the CUP since it was under separate ownership. You have indicated that in your opinion, the ordinance is unclear and does not require that the CUP be amended and/or that building permits should be issued on this old service station site. Further, I have asked that Glen Lytle discuss this matter with you, and apparently you are still of the same opinion that the ordinance is not clear. Apparently, two problems are bothering you, one, that the ordinance does not say that when additional property was acquired that it should be included in the CUP, and that you always do not know when adjacent property is under the same ownerships.

Let me first of all deal with the initial question. I assume that reasonable people can differ in reading a regulation, however, it is my opinion that Section 28.04.190.B.1 of the Code of the City of Wichita on Community Unit Plans specifies that the CUP provisions apply to lands held in single ownership by one firm, company, joint venture, etc., when there are six acres or more in size, and which are now or hereafter zoned "LC" or "C". It says that when that condition occurs, it comes under CUP. It doesn't say that if it shouldn't occur in the future that it will come under, simply if it is existing under those conditions, shall be required. I do not see that there is any question of timing, it either is or isn't. Further subsection of that part of the code provides no building permits shall be issued unless it complies to the provisions of this section.

As to knowing when something is included or not, I understand that we will always not know. There may be a reason to inquire about adjoining ownerships when there is reason to believe that a parcel may have changed hands, or to ensure, in fact, that it has not when adjacent to CUP and it then becomes a matter of property owner either changing property ownership or falsifying

Robert Feldner, Superintendent
Central Inspection
November 20, 1978
Page 2

a permit. On the other hand, if we have good reason to know that the changes occurred, then I think that we should proceed on the basis of our knowledge, make a determination and apply the ordinance accordingly.

It is my understanding from my staff that we have had contact from the engineer involved on the project and that we are likely to get a CUP revision submitted which includes this plat. In any event, it is my request that before you issue any permits on the service station site without a CUP amendment, that you request Mr. Dekker to provide you assistance interpreting this section.

Robert A. Lakin
Director of Planning

RAL:rme

cc: John Dekker, Director of Law
Ray Bruggeman, Director of Public Works
Don E. Anderson, Director of Economic Development
Jack H. Galbraith, Chief Planner, Current Plans Division

11-9-78

TO: RAL
FR: G.E.L.

TALKED TO FELDNER ABOUT HIS INTERPRETATION ON WHEN ADDN'L. PROPERTY WAS REQD. TO BE ADDED TO A COMM. C.U.P.

HE INDICATED THAT THE ORDINANCE WAS NOT CLEAR AS IT DID NOT STATE THAT WHEN ADDN'L PROP. WAS ACQUIRED THAT IT SHOULD BE INCLUDED.

HE ALSO STATED THAT HE DID NOT ALWAYS ~~KNOW~~ KNOW WHO OWNED ADJACENT PROP.

I ASKED HIM IN THE CASE OF DP-4 THAT SINCE HE INTERPRETED THAT THIS PARCEL DID NOT HAVE TO COME UNDER DP-4 BY AMENDING THE PLAN, IF HE AGREED THAT IF ANY PLANS WERE SUBMITTED THAT INCLUDED ANY USE OF THE AREA WITHIN DP-4 FOR D.S. PKG, CIRCULATION ETC., THAT THIS WOULD BE A VIOLATION. HE INDICATED-YES.

J.H.G. INDICATES BILL KORBBER HAS CONTACTED ~~HIM~~ ABOUT AMENDING THE C.U.P.

LYTLE

September 15, 1978

Robert B. Feldner, Superintendent of Central Inspection


Jack H. Galbraith, Chief Planner

DP-4 - Wescen Community Unit Plan Expansion

We have recently been contacted by representation of the owners of the Plaza West Shopping Center at the southwest corner of Central and West Street regarding the former service station site located right of the southwest corner of Central and West Street. That site was originally owned by an Oil Company and was an exception to the CUP (DP-4 - Wescen C.U.P.) because it was in different ownership. The station has now been removed and the owners of Plaza West have bought the property. Since their continuous ownership is in excess of 6 acres, it is my opinion that the former station site should be included in a C.U.P. amendment prior to further building permits being issued.

It would be helpful if you could inform your plans examination staff of the change in ownership so that permits are not issued until a C.U.P. amendment is processed to include this property.

Should you have questions regarding this matter, please call.


Jack H. Galbraith
Chief Planner

JHG:MM:el

cc: John Riddel, Plans Examiner

9/5/78

Paul Drows and I met with Jack Bayouth and Fred Farba and discussed the platting of the former service station site at the SW corner of Central and West. First, as they own the property in the CUP DP4 Whelan Shopping Center, and have now purchased subject property, the CUP must be amended to include the corner.

Advised them that the corner was platted as part of Parkville addition, that a "fat split" application would accomplish the platting issue. Drows discussed the issue of intersection improvements and the fact that the maximum improvements would require 75' of half R.O.W. If it is later determined that that extensive improvement is not to be made, then 60' of half ROW should be the minimum requirement as that is what was dedicated to the west and south.

They want to adjust setbacks closer to Central for more free standing buildings which I discouraged but advised that they could make any proposals for change with the CUP amendment.

They mentioned that Roger Brooks might revise the plan.

JHS

September 15, 1978


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

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Should you have questions regarding this matter, please call.


Jack H. Galbraith
Chief Planner

JHG:MM:el

cc: John Riddel, Plans Examiner

9/5/78

Paul Drows and I met with Jack Bayouth and Fred Farha and discussed the platting of the former service station site at the SW corner of Central and West. First, as they own the property in the CUP DP4 Wilson Shopping Center, and have now purchased subject property, the CUP must be amended to include the corner.

Advised them that the corner was platted as part of Parkville Addition, that a "lot split" application would accomplish the platting issue. Drows discussed the issue of intersection improvements and the fact that the maximum improvements would require 75' of bay ROW. If it is later determined that that extensive improvement is not to be made, then 60' of bay ROW should be the minimum requirement as that is what was dedicated to the west and south.

They want to adjust setbacks closer to Central for more free standing buildings which I discouraged but advised that they could make any proposals for change with the CUP amendment.

They mentioned that Roger Brooks might redo the plan.

JHS

February 25, 1976

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

DP-4 - Wescon CUP. Generally located at the
southwest corner of Central and West Street.

During the last few months, we have been contacted by developers proposing to build two restaurants in the area adjacent to the 35 foot building setback line next to West Street on the above captioned C.U.P. Although this C.U.P. was approved with only three curb openings to West Street, there are at present four existing curb openings.

During our discussions, the owners explained that the northernmost curb opening serves a service station at the intersection that is not a part of the C.U.P. They requested that that curb cut be permitted to remain until the lease expires and they submitted a cashiers check in the amount of \$500.00 guaranteeing the closing of that curb cut by August 1, 1977.

This seemed agreeable to us as no one was certain as to how or why four curb openings were permitted to occur when the C.U.P. was approved for only three. Also, with this guarantee for closing in hand, we have no objection to the applicant relocating one of the other three openings to better serve his two proposed restaurants.

If this solution is agreeable to you, then any requested building permits should of course be issued in accordance with all other requirements of the C.U.P.

If you have any questions, please call.

Jack H. Galbraith
Chief Planner

JHG:rme

cc: Fred Farha, Managing Partner
Plaza West Shopping Center
Giant IGA
2601 South Oliver
Wichita, Kansas 67210

Dick Linn, City Engineer

Paul Graves, Traffic Engineer



**PLAZA
WEST**

SHOPPING CENTER
CENTRAL & WEST STREETS • WICHITA, KANSAS 67212

14
JANUARY
1976

Mr. Jack Galbraith, Chief Planner
Metropolitan Area Planning Department
455 North Main
Wichita, Kansas 67202

RE: Cash Guarantee - Removal of existing curb cut and
approach - Plaza West Shopping Center

Mr. Galbraith:

Enclosed is a \$500 check made to the City of Wichita for the
purpose of guaranteeing the removal of the existing curb cut
in the West R.O.W. of West Street approximately 190' South of
the centerline of Central Avenue. This approach will be re-
moved by August 1, 1977.

Sincerely,

FRED FARRA, MANAGING PARTNER

FF/ch

CC: Rodger A. Brooks, A.I.A.



October 7, 1971

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

DP-4 - Amendment of Wescen CUP

The Board of City Commissioners at their regular meeting of September 21, 1971, considered an amendment to the above captioned CUP for Wescen Shopping Center. It was the action of the City Commission to approve an extension of "LC" zoning and approve the CUP subject to the following conditions:

1. 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.
2. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the Plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
4. The required wall adjacent to Florence shall be constructed prior to the issuance of any building permits on subject property.
5. The screening wall on the south property line is waived until such time as a permanent building is erected within 100 feet of the south property line or until the property owner has given notice to the Metropolitan Area Planning Department that no further land will be added to the present CUP, whichever is earlier.
6. Submission of guarantees for deceleration lanes on both Central and West Streets.

Page 2 - Robert Feldner
October 7, 1971

Dick Linn, City Engineer, has advised that the deceleration lane petitions have submitted and are scheduled for the City Commission agenda of October 12, 1971. Particular note should be given that no building permits are to be issued on this land until the wall has been constructed the entire length of subject property adjacent to Florence, except for points of ingress and egress.

The attached CUP is submitted for your information and files.

JHG:ls
Attachment

September 15, 1971

Dick Linn, City Engineer

John D. Gist, Principal Planner

Wescen Shopping Center at the southwest corner of
Central and West Street (amendment to Community
Unit Plan DP-4)

On August 26, 1971, the Planning Commission considered and recommended approval of the expansion and requested amendment to the above captioned C.U.P., DP-4. The approval was subject to several conditions, one of which was the dedication of necessary right-of-way for West Street and Central to provide for 60 feet of half street right-of-way. This dedication has already been submitted by the applicant.

Although it was not discussed at the Planning Commission meeting, nor was it a part of the recommended conditions of approval, Jack Galbraith feels that it was the intent of the Planning Commission that the applicant was to also guarantee the paving of a decel-lane on Central and West Street, adjacent to the application area. He has discussed this with Robert Feagins, who represents the applicants, and has gotten the indication that the applicant is willing to sign the necessary petition(s) to guarantee that the decel-lanes will be provided when further development and expansion of the shopping center so warrants the installation.

Will you please have your Division prepare the necessary type of petition(s) providing for this improvement on Central along the north side of Lot 1 Wescen Addition, and on West Street along the east side of Lot 1 Wescen Addition and Lot 3 Block 8 Parkwilde Addition. When the preparation is completed, Feagins should be contacted and he will see that the petition(s) are properly executed by Wescen Shopping Center, Inc. and returned to your office for processing.

The amended C.U.P. is being forwarded to the Board of City Commissioners for their consideration on September 21, 1971, and it is hoped that the Commission could be informed of the status of the petition(s) at this time.

JDG:rme

cc: Paul Graves, City Traffic Engineer
Ray Bruggeman, Director of Public Works
Ralph Wulz, City Manager
Robert T. Feagins

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR ZONING

CASE NO. Z-01303 and Amendment CONSIDERED BY MAPC: 8-26-71
of DP-4

REQUEST FOR: Change from "A" and "B" to "LC" and
Amendment of Community Unit Plan DP-4
REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

GENERAL LOCATION: In an area north of St. Louis
between Florence and West Street

LEGAL DESCRIPTION:

Z-1303 - Lots 3 and 4, Block 8, Parkwilde Addition, Wichita,
Sedgwick County, Kansas

DP-4 - Lot 1, Wescen Addition and Lots 3 and 4, Block 8,
Parkwilde Addition, Wichita, Sedgwick County, Kansas.

APPLICANT: Wescen Shopping Center, Inc.
1202 West Douglas 67203

COUNSEL FOR APPLICANT: Robert Feagins, Architect

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: North and east is "LC"; south is "A"
and "LC"; west is "AA"

LAND USE: Subject property is shopping center and single-family; north
is service station, drive-in restaurant and Western Auto Store; east
is general business and trailer court; south is single-family and drive-in
PLANNING COMMISSION RECOMMENDATION: (restaurant; west is single-family and
(undeveloped).

KAMEN moved and JACKSON seconded that the Planning Commission
recommend to the City Commission that Case No. Z-1303 be approved,
and that the amendment to the CUP DP-4 be approved, subject to the
following conditions: (See attached excerpt of Planning Commission
minutes of August 26, 1971 for conditions.)

VOTE OF PLANNING COMMISSION: Unanimous.

ACTION: 1. Accept the dedication, approve the petitions and instruct
the Director of Law to prepare the necessary resolution, the publication
cost of which shall be paid by the applicant; approve the zone change
and CUP as recommended by the Metropolitan Area Planning Commission,
place the ordinance on first reading, and instruct the City Clerk to file
the dedication with the Register of Deeds; or

2. Return the application to the Planning Commission for its
reconsideration. The City Commission states the following reasons for
its action:

EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 26, 1971:

- 21a. Case No. Z-1303 - Wescon Shopping Center, Inc. requests change from "A" and "B" to "LC" for Lots 3 and 4, Block 8, Parkwilde Addition. Generally located in an area north of St. Louis between Florence and West Streets.
- 21b. Case No. DP-4 - Wescon Shopping Center, Inc. requests amendment to the CUP on Lot 1, Wescon Addition and Lots 3 and 4, Block 8, Parkwilde Addition. Generally located at the southwest corner of Central and West.

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

Comments

1. Wescon, Inc., has submitted an application for 1.6 acres of additional "LC" zoning, making a total of 11.2 acres under their ownership. In conjunction with the zoning application, the applicant has submitted an amended development plan under the Community Unit Plan provisions of the ordinance.
2. This shopping center now proposes a maximum gross floor area of 349,500 square feet. Other centers of comparable size have been required to provide accel-decel lanes adjacent to their property. This plan does not provide the necessary 60 feet of half-street right-of-way for Central and West Streets to accommodate such improvement.
3. In the original staff review, it was recommended that only 3 access points be proposed to West Street; however, the plan as submitted still proposes 4 access points.
4. The original CUP, approved by the Planning Commission in 1965, limits the building height to 50 feet. This plan indicates an 80-foot height limitation. The heights of structures on West Street are fairly well established and it would appear that 50 feet, as originally approved, would be more consistent with development in the area.
5. The applicant has requested a conditional waiver of the required wall on the west and south property lines until the shopping center structures are developed. It should be pointed out that one of the conditions of approval of the original development plan was that the required wall along the entire west property line was to be constructed within two years or sooner if a building permit was issued. Building permits have been issued and six years have passed and still the requirements for screening, designed for minimum aesthetic control, have not been installed. In viewing the area, it was noted that only a partial wall has been constructed adjacent to Florence.
6. Sidewalks do not exist on West Street adjacent to the area being requested for "LC" (Z-1303) or along Florence and, therefore, a satisfactory guarantee should be required in keeping with City Commission policy.
7. Inasmuch as the entire frontage on West Street east of subject property is zoned "LC", the screening provision indicated on the face of the plan may be deleted as well as 2(c) under General Notes.
8. On March 16, 1965, the City Commission approved the vacation of Newell Avenue between West Street and Florence as the result of an application filed by owners of the property contained in this request. The vacation file (V-0172) indicates that the applicant was to be responsible for the removal of the intersection return and constructing curb across the vacated right-of-way on West Street.

The Planning Department has been advised by the Department of Public Works that the entrance on West Street has not been closed nor has a barricade been installed adjacent to Florence, and that the general public continues to utilize the vacated right-of-way as though it were a public street. This has resulted in numerous complaints by citizens who complain of the poor condition of what they assume to be public street right-of-way. The Engineering Division has suggested that construction of the curb and installation of the barricade and construction of a ditch on Florence connecting the existing ditches to the north and south should be required as a condition of approval of these two applications. The Planning Department concurs with the City Engineer and is of the opinion that the foregoing should be completed prior to forwarding these cases to the City Commission.

9. If the Planning Commission determines that the request for additional "LC" is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
 - 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 re-submitted 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 development and be binding upon the present owners, their successors and assigns, unless amended.

Determinations should also be made as to the number of curb cuts permitted to West Street, the maximum height, whether or not 60 feet of half-street right-of-way is to be dedicated by separate instrument for West and Central, and the method of guaranteeing that the required wall will be installed. It is recommended that satisfactory arrangements be required for the closing of Newell, as this vacated street has remained open to public use since 1965.

GALBRAITH said the staff felt this would be a logical extension of "LC" zoning and an amendment to the CUP, subject to points brought out in the staff report, such as street dedication, sidewalk guarantee, construction of screening wall, approval of access points to West Street, and satisfactory arrangements for closing of Newell Street to traffic. He stated that the staff was specifically concerned as to any waiver of the screening wall in view of the fact that the wall previously required had not been installed when agreed upon. He further commented that the staff did not consider an 80-foot height necessary when uses are of the shopping center variety and the only possibility of an 80-foot height would be in the event of a high rise office building; however, this was not considered too significant as other CUP's have varied height limitations.

ROBERT PEAGINS, architect, represented the owner. He said there had been problems in closing Newell Street even though vacated because of drainage, but that it would be taken care of and the proper request made to the Traffic Engineering Division to install barricades to the entrance of Newell Street.

FEAGINS said that while this Center experienced a very slow start, activity has increased in the area and they have a tenant for a sizeable structure. He reviewed the development of this Center, noting that this is the third stage and it is desirable to have larger tracts of commercial for better control of traffic. FEAGINS referred to the required setbacks and dedications and said they would like to utilize such property under a minor street privilege permit until it is actually needed by the City. As for the height, FEAGINS said that 80 feet is the limit permitted in any light commercial zoning classification where it is not under a CUP, and in this case in order to develop this Center to its maximum potential there will be a major tenant utilizing around 70,000 square feet, and a need for offices, so there is a possibility of an 80-foot high structure.

FEAGINS asked that the screening wall not be required along the south because of the possibility of acquiring more land for eventual expansion of the Center which would necessitate the removal and relocation of the wall. He agreed to a wall along the west as building permits are obtained.

FEAGINS said he had discussed access to West Street with the Traffic Engineering Division and that Division has indicated approval of a large major entrance (50 feet wide) and two other access points.

FEAGINS also asked for a variation of the setback on West Street which has been suggested as 70 feet for a distance of 200 feet from the present entrance to 35 feet for the 200 feet and then increased to 70 feet for the balance. He pointed out that it is proposed to provide more parking than actually required by the City regulations.

No one appeared in opposition.

MOTION: KAMEN moved, JACKSON seconded and it carried unanimously that the planning commission recommend to the City Commission that Case No. Z-1303 be approved, and that the amendment to the CUP DP-4 be approved, subject to the following conditions:

1. The applicant shall dedicate necessary right-of-way for West Street and Central to provide for 60 feet of half street right-of-way.
2. The applicant shall guarantee the installation of sidewalk for West Street and Florence for the legal description in the zone case.
3. The construction of the required wall on the west and south is to occur prior to the issuance of any building permits.
4. Approval of three access points to West Street, one of which may be constructed to major entrance standards.
5. The applicant making satisfactory arrangements with the Department of Public Works (Traffic Engineering and Maintenance Division) for the closing of the entrance from Florence to vacated Newell Street.
6. Approval of 80-foot height.
7. 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.

8. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
 9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.
-

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Wescen Shopping Center, Inc.
1202 W. Douglas

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The east 30 feet of Lot 3, Block 8, Parkwilde Addition, and the east 10 feet and the north 10 feet of Lot 1, Wescen Addition, Wichita, Sedgwick County, Kansas.

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 7th day of September 19 71.



Fred Farha
Fred Farha

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 7th day of September, 1971,
came Fred Farha

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

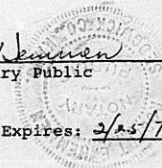
Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____

City Clerk

Robert E. Weisman
Notary Public

My Commission Expires: 2/25/75



MID-KANSAS CONSTRUCTION CO., INC.
1245 South Santa Fe P. O. Box 11204
WICHITA, KANSAS 67202
AM 4-2831

September 9, 1971

Wescen Shopping Center, Inc.
% Jack Bayouth
6572 E. Central
Wichita, Kansas

Job Name: Wescen
Central & Newell

We hereby submit specifications and estimates for the following:

1. Pave Drive with 2" Asphalt Surface Mix. Approximately 1300 SY
2. Remove existing road west of south entrance to parking lot. Provide new drainage ditches.
3. Relocate guard posts and supply new guard post.
4. All as per your plan dated September 7, 1971.
5. 200 ton base rock included in this quote. If not used deduct \$800.00

WE PROPOSE to furnish labor and material — complete in accordance with above specifications, for the sum of:
THREE THOUSAND ONE HUNDRED SIXTY FOUR ----- dollars (\$3,164.00).

Payment to be made as follows: IN ACCORDANCE WITH THE TERMS OF THE ATTACHED PROMISSORY NOTE

ACCEPTED. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

PLEASE SIGN AND RETURN YELLOW COPY ON ACCEPTANCE.

Date of Acceptance

By

Jack E. Bayouth

Respectfully submitted,

MID-KANSAS CONSTRUCTION CO., INC.

By

Larry Martin
Larry Martin/sv

30

Note: This proposal may be withdrawn by us if not accepted within ___ days.

CUSTOMER COPY

September 8, 1971

Mr. Robert Feagins
6572 East Central
Wichita, Kansas 67206

Reference: Z-1303 - "A" and "B" to "LC"
In an area north of St. Louis
between Florence and West

DP-4 - Amendment to CUP - In an
area north of St. Louis between
Florence and West

Dear Mr. Feagins:

Mr. Paul Graves, Traffic Engineer, and I have looked at the existing conditions created by the vacation of Newell Street between Florence and West Street. We are in agreement with your plan of September 7th showing you are going to (1) excavate a ditch along the east side of Florence through Newell Street placing the existing guard posts along the west side of the ditch as a warning to motorists; (2) plow up or otherwise obliterate the existing roadway from Florence east to the driveway from your parking lot; and (3) surface that portion of the vacated Newell from your driveway east to West Street.

Very truly yours,

G. H. Wilton
Superintendent
Public Works Maintenance

GHW:wmk

CC: Jack Galbraith, Chief Planner
R. W. Bruggeman, Director of Public Works
Paul Graves, Traffic Engineer
Bob Feldner, Central Inspection Superintendent
Bill Korber, 2522 East Kellogg, 67211
Wescen Shopping Center, Inc.
Attn: Jack E. Bayouth, President
1202 W. Douglas, 67203



F E A G I N S and K I R S C H
A R C H I T E C T S
NORMANDIE SHOPPING CENTER
6572 EAST CENTRAL MU 4-6576
WICHITA, KANSAS 67206

A
I
A



September 2, 1971

Mr. Jack H. Galbraith
Chief Planner - MAPC
City Bldg. Annex - 104 S. Main
Wichita, Kansas 67202

Re: Z-1303 & DP-4 (WESCEM)

Dear Jack:

The above cases were approved August 26, 1971, subject to several conditions as outlined in your letter dated August 30, 1971.

Condition 2. guarantees the installation of sidewalks for West Street and Florence. Shouldn't it read "West Street and Central"? Florence Street is still not improved at this time. *W. St. - West St and F. Street for legal description of zone case.*

Condition 3. requires construction of screen walls on Florence and the south property line prior to issuance of any building permit. This condition was discussed in some detail by MAPC. Would it be possible to discuss this matter further with the Board of City Commissioners on September 14, 1971, and recommend the following changes be considered?

- (a) Said building permit will be granted provided screening is constructed as part of work contract and screening just that portion of building erected. *260*
- (b) Screening Wall on south property line can be waived until such time as permanent building is erected along building setback line on the south or until property owner has given notice to MAPC planning department that no further land will be added to present C.U.P., whichever is earlier. *Project line*

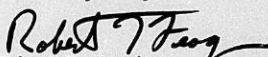
Condition 5. requires the closing of Newell Street. Enclosed is a copy of the owner's letter to Traffic Engineering authorizing that this work proceed in accordance with an agreed upon closing method.

Mr. Jack H. Galbraith
September 2, 1971
Page 2

Also, I discussed the requirement of constructing the deceleration lane with the owner. He agrees that either the City or the owner may authorize the construction of this work when it is deemed necessary.

Please let me hear from you if you have any comments.

Yours very truly,


Robert T. Feagins

cc: Wescon Shopping Center, Inc.
1202 W. Douglas
Wichita, Kansas 67203

May 26, 1971

Mr. Paul Graves
Traffic Engineer
City Building Annex
104 S. Main St.
Wichita, Kansas 67202

RE: Barricades at Newell St.
Wescen Shopping Center
Wichita, Kansas

Dear Mr. Graves:

In accordance with requirements of the Wescen C.U.P. both entrances to vacated Newell Street must be barricaded at West and Florence streets. In addition the shopping center parking lot approach from Newell must also be blocked to prevent traffic being trapped on Newell.

Our architect, Bob Feagins, discussed this problem with you and other City officials and stated that you would accommodate us by installing said barricades at our expense. The cost for said work should be billed directly to Wescen Shopping Center, Inc., in care of me.

Mr. Feagins has made it clear that the above barricade work would be a temporary measure only and that more permanent steps must be taken at a later date to block off Newell Street in full conformance with the then prevailing C.U.P. requirements.

Please proceed with the work as soon as possible.

Yours very truly,

Fred Farha

FH:nj

cc: Jack Bayouth, President
Phil Laham

9/9/71
This letter is of no
value as new agreement
has now been made.
We need latest agreement

August 30, 1971

Mr. Robert Feagins
6572 East Central
Wichita, Kansas 67206

Re: Z-1303 - "A" and "B" to "LC"
In an area north of St. Louis
between Florence and West

DP-4 - Amendment to CUP - In an
Area north of St. Louis between
Florence and West

Dear Mr. Feagins:

At the regular meeting of the Metropolitan Area Planning Commission on August 26, 1971, the above-captioned cases were considered. It was the action of the Planning Commission to recommend approval of the zone change request subject to the approval of the Community Unit Plan. It was the action of the Planning Commission to recommend approval of the Community Unit Plan, subject to the following conditions:

- OK* The applicant shall dedicate necessary right-of-way for West Street and Central to provide for 60 feet of half street right-of-way.
- OK* The applicant shall guarantee the installation of sidewalk for West Street and Florence for the legal description in the zone case. *petition*
3. The construction of the required wall on the west and south is to occur prior to the issuance of any building permits.
4. Approval of three access points to West Street, one of which may be constructed to major entrance standards.
5. The applicant making satisfactory arrangements with the Department of Public Works (Traffic Engineering and Maintenance Divisions) for the closing of the entrance from Florence to vacated Newell Street.
6. Approval of 80-foot height.

Page 2 - Mr. Robert Feagins
August 30, 1971

7. 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.
8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.
9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for development and be binding upon the present owners, their successors and assigns, unless amended.

OK Prior to the zone case and CUP being forwarded to the Board of City Commissioners, it is necessary that you have the corrections made and submit ten corrected copies of the CUP plan to our office. It is also necessary that you submit the required dedication for street, guarantee for sidewalk and secure letters from the Traffic Engineering Division and the Maintenance Division of the Department of Public Works stating that ~~all~~ factory arrangements have been made for the closing of the entrance to vacated Newell on Florence. *see 10/1 will be done*

Attached is the dedications that should be executed and returned to our office. Also attached is a corrected copy of the CUP for your review and use in making the necessary corrections.

If all of these conditions can be complied with and submitted to our office by 5:00 p.m. on September 8, 1971, these cases will be forwarded to the Board of City Commissioners for their consideration at their regular meeting on September 14, 1971, at 9:00 a.m. in Room 201 City Building, 204 South Main, Wichita, Kansas.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

Page 3 - Mr. Robert Feagins
August 30, 1971

cc: Wescon Shopping Center, Inc.
Attention: Jack E. Bayouth, President
1202 West Douglas
Wichita, Kansas 67203

R. W. Bruggeman, Director of Public Works
Paul Graves, City Traffic Engineer
George Wilton, Supt. of Maintenance
Bill Korber, 2522 East Kellogg 67211

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, _____

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The east 30 feet of Lot 3, Block 8, Parkwilde Addition, and the east 10 feet and the north 10 feet of Lot 1, Wescon Addition, Wichita, Sedgwick County, Kansas.

do hereby dedicate the above described real estate to the public for _____ street purposes.

Executed this _____ day of _____ 19 ____.

STATE OF KANSAS)
SEDGWICK COUNTY)ss

BE IT REMEMBERED, that on this _____ day of _____, came _____

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

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

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____, _____

City Clerk

Notary Public

My Commission Expires: _____

RE: AGENDA ITEM NO. 21a & 21b

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

HAPC HEARING DATE: AUG. 26, 197

Case No. Z-1303
DP-4

Request: "A" and "B" to "LC"
Amendment to Commer-
cial CUP

Location: South side of Central between West Street and Florence

Reason: None stated

Acres: Z-1303 -- 1.6
DP-4 -- 11.2

Size: 125 ft. by 590 ft.
580 ft. by 875 ft.

	<u>Land Use</u>	<u>Zoning</u>
Existing North	Shopping Center & Single family Service Station, drive-in restaurant & Western Auto Store	"A", "B" & "LC"
East	General Business & trailer court	"LC"
South	Single-family & drive-in restaurant	"A" & "LC"
West	Single-family & undeveloped	"AA"

Existing R/W - Central (half) 50 ft. Platted: Yes
Proposed R/W - Central (half) 60 ft.
Existing R/W - West (half) 30 & 50 ft.
Proposed R/W - West (half) 60 ft.
Sidewalks exist on Central and West adjacent to Wescon Addition.
Sidewalk on Florence adjacent to Wescon Addition has been guaranteed.
History: Z-0400 - Approved by HAPC: 9-6-62
V-0172 - Approved by HAPC: 9-6-62
DP-4 - Approved by HAPC: 2-18-65

Comments

1. Wescon, Inc., has submitted an application for 1.6 acres of additional "LC" zoning making a total of 11.2 acres under their ownership. In conjunction with the zoning application, the applicant has submitted an amended development plan under the Community Unit Plan provisions of the ordinance.
2. This shopping center now proposes a maximum gross floor area of 349,500 square feet. Other centers of comparable size have been required to provide accel-decel lanes adjacent to their property. This plan does not provide the necessary 60 feet of half-street right-of-way for Central and West Streets to accommodate such improvement.

3. In the original staff review, it was recommended that only 3 access points be proposed to West Street; however, the plan as submitted still proposes 4 access points.
4. The original CUP, approved by the Planning Commission in 1965, limits the building height to 50 feet. This plan indicates an 80-foot height limitation. The heights of structures on West Street are fairly well established and it would appear that 50 feet, as originally approved, would be more consistent with development in the area.
5. The applicant has requested a conditional waiver of the required wall on the west and south property lines until the shopping center structures are developed. It should be pointed out that one of the conditions of approval of the original development plan was that the required wall along the entire west property line was to be constructed within two years or sooner if a building permit was issued. Building permits have been issued and six years have passed and still the requirements for screening, designed for minimum aesthetic control, have not been installed. In viewing the area, it was noted that only a partial wall has been constructed adjacent to Florence.
6. Sidewalks do not exist on West Street adjacent to the area being requested for "LC" (Z-1303) or along Florence and, therefore, a satisfactory guarantee should be required in keeping with City Commission policy.
7. Inasmuch as the entire frontage on West Street east of subject property is zoned "LC", the screening provision indicated on the face of the plan may be deleted as well as 2(c) under General Notes.
8. On March 16, 1965, the City Commission approved the vacation of Newell Avenue between West Street and Florence as the result of an application filed by owners of the property contained in this request. The vacation file (V-0172) indicates that the applicant was to be responsible for the removal of the intersection return and constructing curb across the vacated right-of-way on West Street.

The Planning Department has been advised by the Department of Public Works that the entrance on West Street has not been closed nor has a barricade been installed adjacent to Florence, and that the general public continues to utilize the vacated right-of-way as though it were a public street. This has resulted in numerous complaints by citizens who complain of the poor condition of what they assume to be public street right-of-way. The Engineering Division has suggested that construction of the curb and installation of the barricade and construction of a ditch on Florence connecting the existing ditches to the north and south should be required as a condition of approval of these two applications. The Planning Department concurs with the City Engineer and is of the opinion that the foregoing should be completed prior to forwarding these cases to the City Commission.

9. If the Planning Commission determines that the request for additional "LC" is proper and the CUP is satisfactory, then the following conditions would be consistent with other approved CUP's:
- 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 re-submitted 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 development and be binding upon the present owners, their successors and assigns, unless amended.

Determinations should also be made as to the number of curb cuts permitted to West Street, the maximum height, whether or not 60 feet of half-street right-of-way is to be dedicated by separate instrument for West and Central, and the method of guaranteeing that the required wall will be installed. It is recommended that satisfactory arrangements be required for the closing of Newell, as this vacated street has remained open to public use since 1965.

DP-4 - 79 NOTICES MAILED 8-12-71 FOR MAPC 8-26-71

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

NOTICE TO ADJOINING PROPERTY OWNERS:

AUG 12 1971

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on AUG 26 1971 at which time you may appear either in person or by agent or attorney, if you so desire.

DP-4 - Lot 1, Wescen Addition and Lots 3 and 4, Block 8, Parkwilde Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Central and West Streets.

The Development Plan originally approved on February 18, 1965, has been resubmitted as required under the Community Unit Plan provisions of Section 28.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file in the Planning Department office, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

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

Increase of gross site area from 422,275 square feet to 491,971 square feet.

Increase of maximum land coverage from 126,682 square feet to 147,591 square feet.

Increase of the approximate gross floor area from 300,000 square feet to 349,500 square feet.

Increase of the building setback lines adjacent to West Street and Central from 35 feet to 70 feet.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, Robert A. Lakin, 104 South Main, 7 days prior to the meeting. The Chairman or the Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

Robert A. Lakin
Secretary

19

July 30, 1971

Mr. Robert Feagins
6572 East Central
Wichita, Kansas 67206

Subject: Amendment to the
Wescen CUP

Dear Mr. Feagins:

In our letter to you dated July 28, 1971 we outlined several changes which we suggested should be made on the revised preliminary Development Plan to be submitted for the Wescen Shopping Center. In reviewing the original revised Plan with the Traffic Engineering Division, it was recommended that due to the proposed gross floor area of 349,500 square feet, an additional 10 feet of right-of-way along Central and West Street should be dedicated to provide for accel-decel lanes. Examples where additional street right-of-way was required to be dedicated to provide for the construction of accel-decel lanes are The Mall CUP (gross floor area 379,153 sq. ft.), University Gardens CUP (gross floor area 202,792 sq. ft.) and Marina Lakes CUP (gross floor area 330,685 sq. ft.).

It is the position of the Traffic Engineer and the Planning Department concurs that when a large shopping center is proposed that the construction of an accel-decel lane should be required to provide for a smooth traffic flow. Although this was not one of the suggested changes in our previous letter to you, due to an oversight on our part, it will be one of the recommendations made by the staff at the time the case is considered by the Planning Commission at their meeting of August 26, 1971.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
cc Wescen Inc. 1202 W. Douglas 67203
Bill Korber, 2522 E. Kellogg 67211

July 28, 1971

Mr. Robert Feagins
6572 East Central
Wichita, Kansas 67206

Dear Mr. Feagins:

Subject: Amendment to the
Wescen CUP

We have reviewed the revised Preliminary Development Plan submitted for the Wescen Shopping Center with representatives of the Engineering, Traffic Engineering and Flood Control Divisions of the Department of Public Works. Following are the comments made by this office, as well as other divisions, in consideration of the submitted plan:

Setbacks

The 35-foot setbacks from West Street and Central, as originally approved on the CUP, are not comparable to the setbacks of other approved plans. We would suggest that a 70-foot setback be established on Central in line with the existing structure and a 70-foot setback on West Street. (This change should also be reflected under Parcel # 1)

Curb Cuts

Show existing approach at south end of building and eliminate approach opposite Newell Street.

Structures

Show existing structure in southwest corner of tract as required under Item B 2.

Existing Screening

The existing masonry wall adjacent to Florence shall be indicated on the development plan and the height indicated.

Page 2 - Robert Feagins
July 28, 1971

General Notes

Amend to read as follows:

1. Sign Control - Advertising signs shall be permitted along Central and West Street. No signs shall be permitted on Florence Street. All signs shall advertise only services, articles and products offered within the building located upon the premises whereon the sign is located. All signs shall not exceed 30 feet in height and shall not be placed so as to project over any public right-of-way. No billboards shall be permitted.

2. Screening - (a) A five to eight foot solid or semi-solid wall of brick, stone, masonry, architectural tile, or similar material shall be constructed along the west property line except for points of ingress and egress, but shall be reduced to three feet in height for the north 70 feet and the south 35 feet.

(b) A five to eight foot wall of the same material described in (a) above shall be constructed along the west 300 feet of the south property line, but shall be reduced to three feet in height for the west 35 feet.

(c) Waiver of screening requirements under

8 b CUP.

3. Curbcuts - Maximum number allowed to Central Avenue. 2 points
Maximum number allowed to West Street. 3 points
Maximum number allowed to Florence Street. 3 points

4. The transfer of title of all or any portion of the land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the Plan on any portion thereof, but said Plan shall run with the land and be binding upon present owners, their successors and assigns.

These are most of the comments we have at this time. Corrections as suggested should be made and 14 copies submitted to this office. The closing date for the Planning Commission meeting of August 26, 1971 is July 28. If you intend to have this scheduled for that date, it will be necessary for you to furnish this office with the corrected copies of the Plan by Friday, July 30, 1971.

Page 3 - Robert Feagins
July 28, 1971

We have forwarded a marked copy of the Plan to Bill Korber. If, after you have reviewed the comments that we have made you should have any questions, we would be glad to discuss these matters at your convenience.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls

cc Wescon, Inc., 1202 West Douglas 67203
Bill Korber, 2522 East Kellogg 67211

July 20, 1971

Dick Linn, City Engineer
Paul Graves, Traffic Engineer
M. S. Mitchell, Asst. Supt. of Maintenance

Jack H. Galbraith, Chief Planner

Amendment to the Wescen CUP (Case No. DP-4)

Attached for your information and review is a copy of the proposed amendment to the Wescen CUP. This proposed amendment is the result of their making the application for a change of zoning for an additional 120 feet of "LC" zoning adjacent to the south property line of the original CUP.

It should be noted that the original CUP provided for 3 curb cuts to West Street and 3 curb cuts to Florence Street in addition to 2 curb cuts to Central. This preliminary plan as submitted proposed one additional curb cut to both West Street and Florence Street.

We would appreciate any comments you have by the first part of next week as they propose to make any corrections you suggest by next Wednesday, July 28, 1971 in order that this matter may be scheduled for hearing by the Metropolitan Area Planning Commission on August 26, 1971.

JHG:GLS:ls
Attachment

APPLICATION FOR COMMUNITY UNIT PLAN
(PLANNED RESIDENTIAL OR COMMERCIAL DEVELOPMENT)
FOR PROPERTY LOCATED WITHIN THE LIMITS OF THE
CITY OF WICHITA, KANSAS

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants and/or their agent or agents.

a. Applicant Wescon Shopping Center Inc. Att: Jack E. Bayouth Pres.

Address 1202 W. Douglas 67203 Phone _____

Agent Robert Feagins _____

Address 6572 E. Central 67206 Phone 684-6576

b. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

c. Applicant _____

Address _____ Phone _____

Agent _____

Address _____ Phone _____

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

II.A The applicant hereby requests Community Unit Plan approval on

property zoned _____ and legally described as Lot(s)

_____, Block(s) _____,

_____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

Lot 1, Wescon Add. and Lots 3 and 4, Blk 8, Parkwilde Add.

II.B There are 11.7 acres (round to nearest tenth) in the above

described property.

ADDENDUM
to
STATEMENT OF OWNERSHIP
(Tracer No. 10235)

A Tract of land located at the SW Corner of the intersection of Central Avenue and West Street, in the City of Wichita, described as follows:

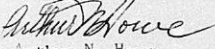
"That part of Lots 1 and 3 of Block 1, Parkwilde Addition to the City of Wichita, Sedgwick County, Kansas, described as follows:

Beginning at the Northeast corner of Lot 1; thence West 145 feet; thence South 145 feet; thence East 145 feet; thence North 145 feet to the point of beginning, according to the recorded plat thereof, subject, however, to rights of way of record over the North 20 feet and the East 20 feet thereof for street purposes."


Fidelity
Title
Company,
inc.

Last record owner: ZAKIA BAYOUTH;
(widow of Ellis J. Bayouth)
Address: 2201 Mohawk Lane,
Wichita, Kansas 67203

Dated at Wichita, Kansas this 22nd day of September,
A.D., 1971.

FIDELITY TITLE COMPANY, INC.,
By 
Arthur N. Howe,
Vice President

Tracer No. 10235-A



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

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

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All owners within 500 feet of Lot 1
 Westcen Addition and Lots 3 & 4 in
 Block 8 Parkwilde Addition.


 Fidelity
 Title
 Company,
 inc.

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

Lot 1 Wescen Addition.	Wescen Inc. C/O Jack Bayouth 1202 W. Douglas	67203
Lot 1 Burris Addition	George Matson Velma J. Matson (Unknown)	
Lots 3 & 4 in Block 8 Parkwilde Add.	<i>none found</i> Wescen Inc. C/O Jack Bayouth 1202 W. Douglas	67203
Lot 5 Block 8 Parkwilde Addition.	Fred L. Brundige Winifred Brundige 1414 Lieunett	67203
Lot 6 Block 8 Parkwilde Add.	Herbert L. Moore Norva Moore 651 Westfield	67209

N $\frac{1}{2}$ of Lot 7 Block 8 Parkwilde Add.

✓George H. Tittsworth
Raymond D. Kuhns
505 N. West St. 67213

Lot 1 Allisons Add.

✓Richard D. Allison
Juanita W. Allison
634 S. Chautauqua 67211

E 75' of S $\frac{1}{2}$ Lot 8 & E 75' of Lot 10
and N 50' of W 150' of S $\frac{1}{2}$ Lot 8 all
in Block 8 Parkwilde Add.

✓Roy S. Herring
Edith A. Herring
4102 W. St. Louis 67212

W 75' of E 150' of Lot 8 & W 75' of
E 150' of Lot 10 Blk 8 Parkwilde Add.

✓Sybil Wilder
4104 W. St. Louis 67212

N $\frac{1}{2}$ of Lot 8 Block 8 Parkwilde Add.

✓Donald L. Welch
Bertha Mae Welch
524 N. Florence 67212

S 10' of W 150' of Lot 8 and N 30' of
W 150' of Lot 10 Blk 8 Parkwilde Add.

✓Chester A. Lawson
RR # 2 V.C., Ks. 67147

S 90' of W 150' of Lot 10 Blk 8 Park-
wilde Add.

✓Geo W. Ward
502 N. Floreene 67212

Lot 1 Block 9 Parkwilde Add Except
S 90' of W 150'

✓Cecil O. Hanes
Ruby Hanes
4011 W. St. Louis 67212

E 100' of Lot 1 Block 9 Parkwilde Add.

✓Lawrence F. Roth
Geraldine R. Roth
123 S. Young 67209

Lot 2 Except the E $\frac{1}{2}$ Block 9 in
Parkwilde Add.

✓Walter E. Dietrich
448 N. Florence 67212

E $\frac{1}{2}$ of Lot 2 Block 9 Parkwilde Add.

✓Joel M. Henderson
Myrtle M. Henderson
4115 W. St. Louis 67212

E $\frac{1}{2}$ of Lot 1 Block 10 Parkwilde Add.

✓Mid Kansas Federal Sav & Ln
Assn..
230 S. Market 67202

W $\frac{1}{2}$ of Lot 1 Block 10 Parkwilde Add.

✓Clarence R. Golden
Betty L. Golden
4221 W. St. Louis 67212

S $\frac{1}{2}$ of Lot 9 Block 7 Parkwilde Add.

✓Jerry L. Hood
Katherine K. Hood
501 N. Florence 67212

N $\frac{1}{2}$ of Lot 9 Block 7 Parkwilde Add.

✓Beverly Mess
503 N. Florence 67212


Fidelity

Title
Company,
inc.




Fidelity
Title
Company
inc.



S $\frac{1}{2}$ of Lot 7 Block 7 Parkwilde Add.	✓Fred Schenkel Marie Schenkel 3205 29th St. Great Bend, Ks 67530
N $\frac{1}{2}$ of Lot 7 Block 7 Parkwilde Add.	✓Ernest J. Stephens Jane E. Stephens 509 N. Florence 67212
Lot 5 Block 7 Parkwilde Add.	✓Alton Powell Betty Jo Powell 1757 N. West 67203
S $\frac{1}{2}$ of Lot 3 Block 7 Parkwilde Add.	✓Jack Olin Steele 1410 W 47th St. So 67217
N $\frac{1}{2}$ of Lot 3 Block 7 Parkwilde Ad.	✓Kenneth Ray Young Ethel Jeannette Young 748 N. Anna 67212
S $\frac{1}{2}$ of Lot 1 Block 7 Parkwilde Add.	✓D.B. Young Kathryn Young 555 N. Florence 67212
N $\frac{1}{2}$ of Lot 1 Block 7 Parkwilde Add.	✓Ethel Maude Sweet 1005 W. Washington Harrisonville Mo. 64701
Lot 2 Block 7, Except the E 150' Parkwilde Add.	✓Stanley J. Grow Ruth G. Grow 2347 S. St. Francis 67211
E 90' of Lot 2 Block 7 Parkwilde Add. E 90' of the S $\frac{1}{2}$ Lot 4 Blk 7 Parkwilde	✓Simon J. Hein Edna M. Hein 4307 Newell 67212
W 60' of E 150' of Lot 2 Block 7 Parkwilde Add.	✓Roy E. Hughes Mildred B. Hughes 4317 Newell 67212
N $\frac{1}{2}$ of Lot 4 Block 7 Exc E 90' Parkwilde Add.	✓S. M. Makowsky 746 Eisenhour 67212
E 90' of N $\frac{1}{2}$ of Lot 4 Block 7 Parkwilde E 90' of N $\frac{1}{2}$ Lot 6 & N $\frac{1}{2}$ Lot 8 Block 7 Parkwilde Add.	△Simon J. Hein Edna M. Hein 4307 Newell 67212
S $\frac{1}{2}$ of Lot 6 Block 7 Parkwilde Add.	✓Theodore Gray Lela Mae Gray 623 N. Tracy 67212
N $\frac{1}{2}$ of Lot 6 Block 7 Parkwilde	✓Charles Peterson Florence Peterson 532 N. Tracy 67212

S $\frac{1}{2}$ of Lot 8 Block 7 Parkwilde Add.	✓George L. Ward Gladys E. Ward 1951 Everett 67213
N $\frac{1}{2}$ of Lot 10 Block 7 Parkwilde Add.	✓John P. Deen Mable Deen 506 N. Tracy 67212
E $\frac{1}{2}$ of S $\frac{1}{2}$ of Lot 10 Block 7 Parkwilde Add.	— Carl T. Brown (Unknown)
W $\frac{1}{2}$ of S $\frac{1}{2}$ of Lot 10 Block 7 Parkwilde Add.	✓ <i>none found</i> Roy W. Brooker Mary S. Brooker 502 N. Tracy 67212
W $\frac{1}{2}$ of E' of Lots 1 & 3 in Block 2 Parkwilde Addition.	✓Arthur M. Harrison Nancy E. Harrison 4207 W. Central 67212
E $\frac{1}{4}$ of Lots 1 & 3 Block 2 Parkwilde Add.	✓Blu A. Moore 420 1 W. Central 67212
E $\frac{1}{2}$ of W $\frac{1}{2}$ of Lots 1 & 3 Block 2 Parkwilde Add.	✓William W. Ritter Fern Ritter 9204 Maple 67209
N $\frac{1}{2}$ of Lot 5 Block 2 Parkwilde Add.	✓Patricia D. Richey 1605 Burns 67203
S $\frac{1}{2}$ of Lot 5 all of Lot 7 Block 2 Parkwilde Ad.	✓Roscoe Libby Bonnie Libby 623 N. Florence 67212
Lot 9 and N $\frac{1}{2}$ of Lot 8 Block 2 Parkwilde Add.	Δ Ethel Maude Sweet 1005 W. Washington Harrisonville Mo 64701
W $\frac{1}{2}$ of E $\frac{1}{2}$ of Lots 2 & 4 Block 2 Parkwilde Add.	✓Edna Berril 408 $\frac{1}{2}$ S. Fern 67213
E $\frac{1}{2}$ of W $\frac{1}{2}$ and W 75' of Lots 2 & 4 in Block 2 Parkwilde Add.	✓William E. Porter Corinee Porter 645 McLean Blvd. 67203
N $\frac{1}{2}$ of Lot 6 Block 2 Parkwilde Add.	✓Fay Jayne Marie Jayne 4826 Newell 67212
S $\frac{1}{2}$ of Lot 6 Block 2 Parkwilde Ad.	✓Andrew J. Dougherty Martha Dougherty 628 N. Tracy 67212
S $\frac{1}{2}$ of Lot 8 Block 2 Parkwilde Add.	✓James A. Kealy 618 N. Tracy 67212


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N $\frac{1}{2}$ of Lot 10 Block 2 Parkwilde Add.	✓Dwight Root Betty M. Root 610 N. Tracy 67212
S $\frac{1}{2}$ of Lot 10 Block 2 Parkwilde Add.	✓Donald E. Miller Betty J. Miller 602 N. Tracy 67212
Lot 1 Westex Addition.	✓Donald R. Rubottom Dorothy A. Rubottom 2954 S. Elizabeth 67217
Lot 2 Westex Addition	✓Mid Kansas Federal S & Loan Assn. 230 S. Market 67202
Beg 80' W of SE Cor Lot 2 Central Pl Add. N 326.7 feet, W 107.15 ft, S 326.7' E to Place of Beg.	✓Wilbur D. VanEtten Eldon L. VanEtten 4316 W. Central 67212
E80' of S 326.7' of Lot 2 Central P. Add.	✓Floyd E. Price Margie Price 2101 Walker 67213
Beg 815' W & 30' N of SE cor SE $\frac{1}{4}$ Sec. 14, T-27 S Range 1 W., N 355.2 ft, W 75' S 355.2 ft E to Beg.	✓Joseph K. Kabalan Marie K. Kabalan 701 SW 25th Rd Miami, Florida 33129
Beg 665' W & 30' N of SE cor SE $\frac{1}{4}$ Sec. 14, T-27 Range 1 W., N 355.2 ft, W 75' S 355.2 ft E to B ^g .	✓Willard L. Gettle Jr. Patricia A. Gettle 1602 E. Central 67214
Beg 590 ft W & 30' N of SE cor SE $\frac{1}{4}$ Sec. 14 T-27 Range 1 W., N 355.2 ft W 75 ft, S 355.2 ft E to Beg.	✓C.J. Hysom L. Ann Hysom 4200 W. Central 67212
Beg 590 W & 30' N of SE cor SE $\frac{1}{4}$ Sec. 14 T-27 S. Range 1 West, N 355.2 ft, W 400 ft S 355.2 ft E to Beg Exc E 300 ft.	✓James B. Forster Marie Forster 4214 W. Central 67212
Lot 11 Howald Jamison Add	✓Johnie Eli Helen Eli 4223 W. Elm 67212
Lot 12 " " "	✓Dale M. Smith Patricia A. Smith 4215 W. Elm 67212
Lot 13 " " "	✓Earl L. Ogletree Imogene F. Ogletree 4205 W. Elm 67212
Lot 14 " " "	Merle D. Lowes Marie A. Lowes (Unknown) <i>none found</i>


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Lot 15	Howald Jamison Addition.	Ray D. Houston Thelma Houston (Unknown)
Lot 16	" " "	✓ James W. McCreath Burnetta M. McCreath 4109 W. Elm 67212
Lot 17	" " "	✓ W.A. Sallinger Faye Sallinger 4101 W. Elm 67212
Lot 18	" " "	✓ Daniel Francis Musil 4025 W. Elm 67212
Lot 20	" " "	✓ Jaco Inc. (Unknown) <i>1040 S. West</i>
Lots 1 & 2	Gresham Addition.	✓ Melvin R. Czaplinski Marjorie " 725 Colorado Ct. 67212
Lot 3	" "	✓ Hazel Ohmie 459 N. Knight 67212
Lots 4 & 5	" "	✓ William E. Weidensoul 2044 S. Terrace 67218
Lots 6, 7, 8, 9, 10	" "	— Progressive Development Inc. (Unknown) <i>none found</i>
Lots 10 & 11	" "	✓ Apco Oil Corp. 1202 S. Washington 67211
Lot 13 Gresham Add & N 22 feet of Lots 1 - 2 in L.R. Jones Add.		✓ Phillip G. Backett 959 N. Emporia 67202 ✓ Lloyd R. Jones 1960 135th St W 67235 ✓ John W. Morgan (Unknown) <i>1432 Payne</i> ✓ Ross A. Padgham 4624 E. Kellogg 67218
Lot 1 Exc N 22 ft L.R. Jones Add.		— Leona Johnson (Unknown) . 67218 <i>448 S. Brookside</i>
Lot 2 Exc N 22 ft L.R. Jones Add.		— John W. Morgan (Unknown)
All of Rexteller Addition.		✓ NBW Building Corp. C/O National Bank of Wichita 714 N. West St. 67212


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Lot 11 Exc E 172.78 ft Knight Acres &
Exc W 150 ft of N 175 feet.

✓ Garnett Building Co. Inc.
1111 E. Kellogg 67213

Beg NW cor Lot 11 Knight Acres, E 150'
S 125' W 150' N to Beg.

✓ Phillips Peto Co.
Security Life Bld
Denver Colo 80202

Beg 125' S of NW cor Lot 11 Knight Acres
E 150' S 50' W 150 N To Beg.

✓ Victor F. Lygrisse
Bly Lygrisse
5611 N Hydraulic 67219

E 172.78 ft Lot 11 Exc W 50' Knight Acres
W 50 ft of E 172.78' Lot 11 Knight Acres

✓ Joseph P. White
Alice Margaret White
3917 W. Central 67203

Lot 13 Knight Acres

✓ Robert L. Myers
Tressa L. Myers
RR # 1 Box 216A
Rose Hill, Ks. 67133



S 27 ft Lot 14 All Lot 15 Knight Acres

✓ J.G. Ripstra Trustee # 3
1015 E. Douglas 67214

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N 216 ft of W 236 ft Lot 14 Knight Acres

✓ J.G. Ripstra
W.M. Turner
1015 E. Douglas 67214

Lot 1 Alcon Add.

✓ Alfred A. Caro
Louise Caro
1559 Willow Road 67208

Lot 1 Ashford Add.

✓ Chin Wee
Yini Ngo Wee
456 N. West St. 67212

Dated at Wichita, Kansas this 23rd day of July 1971.

FIDELITY TITLE COMPANY INC.

10235
No. ~~10236~~

By *C. G. Bullock*
VP



Form 3-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	<u>600</u>	

DESCRIPTION	AMOUNT
<u>CWP Gap</u>	<u>400⁰⁰</u>
<u>Zone Chng-City</u>	<u>200⁰⁰</u>

<u>Wesley Spring Center</u>

<u>1202 W. Douglas</u>

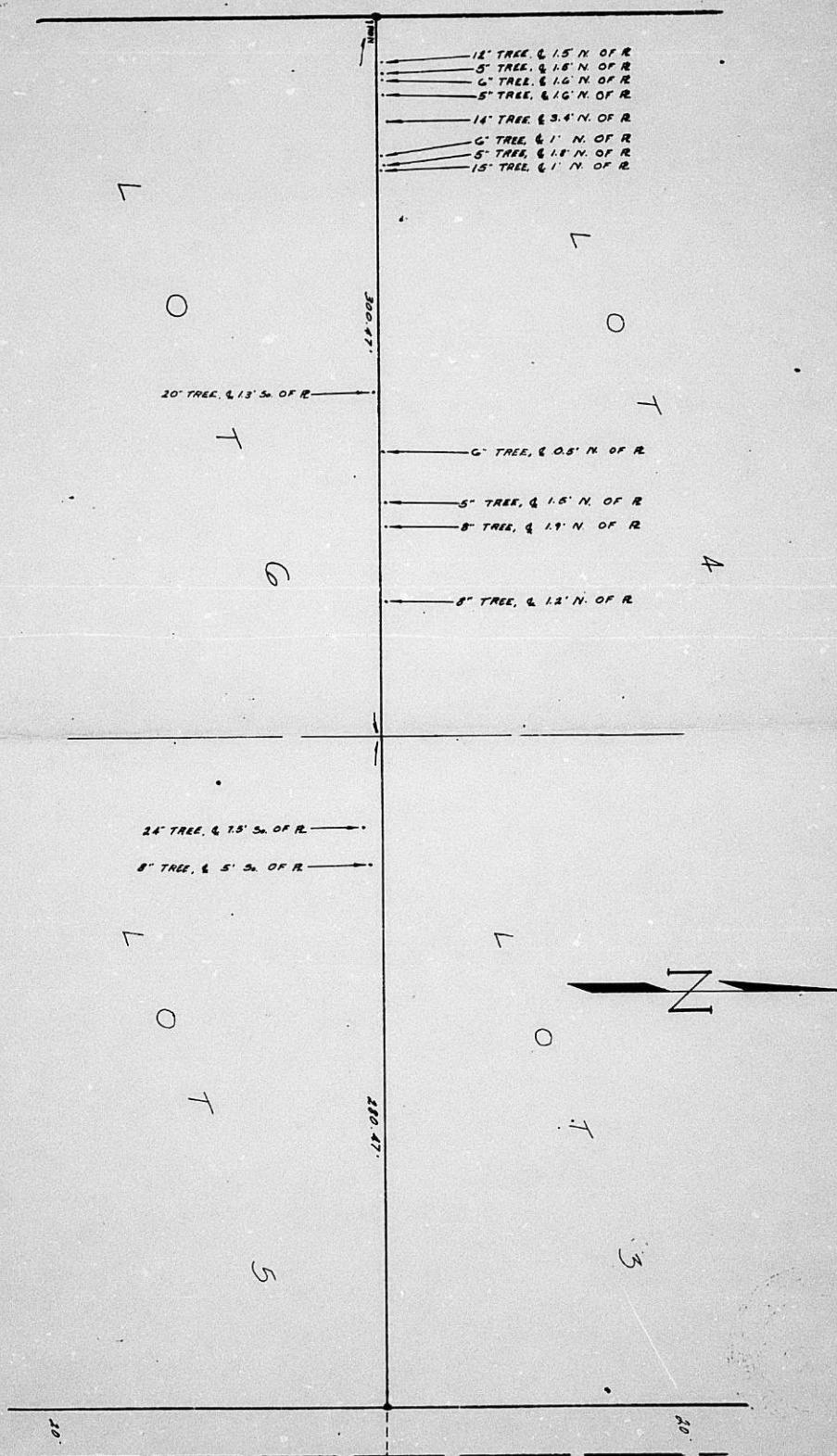
<u>AA-407103</u>	Due Date
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Comments:

PAID
JUL 20 1971

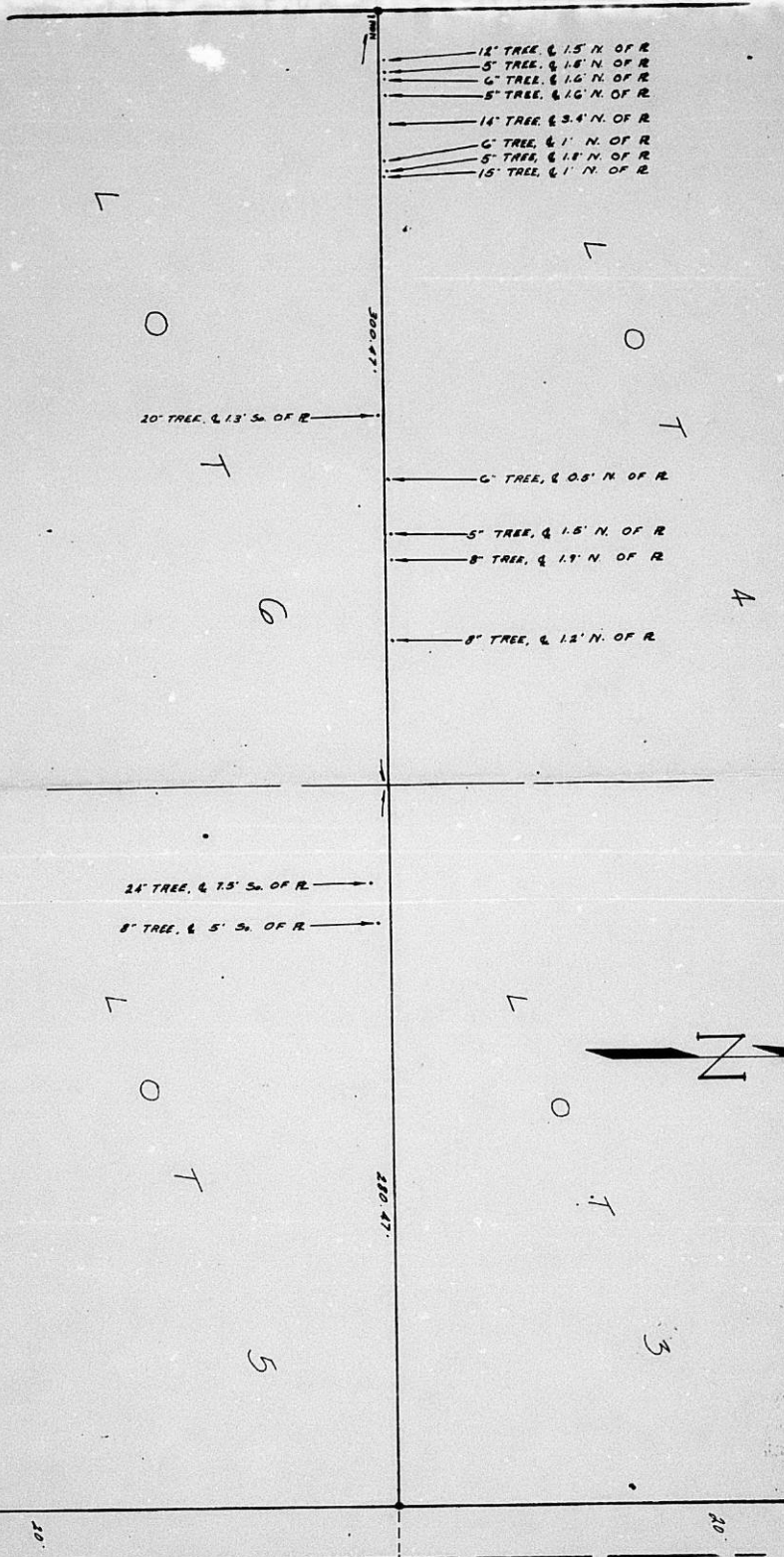
Date <u>7-19-71</u>	By <u>Lo</u>
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FLORENCE ST



BAUGHMAN

WEST ST



WEST ST

BRUCHMANN Co JULY 3, '75

*

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

Roll # 1

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