

DP-68 K-MART PLAZA SOUTH
Southeast corner of 47th St. So.
and Broadway.

*Post 100
10-11-74*

ACTION

DATE

COMMITTEE _____

M.A.P.C. *Approved subject 12-12-74
App to conduct the*

B.C.C./B. O. C. *Approved 12-25*

Map No. 5541
Sec. 21
Twp. 28S
Range 1E

DATA SHEET
COMMUNITY UNIT PLAN

DP 68
Z-
Filed 10-7-74

APPLICATION REQUEST: Approval of proposed planned commercial development.

1. Applicant 47th St. Development Company
Address 320 Page Court Phone 265-9311
2. Agent Van Doren-Hazard-Stallings, et.al.
Address 260 North Rock Road Phone 686-7305
3. General Location Southeast corner of 47th St. So. & Broadway
Address _____
4. Proposed Use Shopping Center

AREA DATA

1. Acres 14 (_____ ft. by _____ ft.)
2. Existing Zoning "AA" & "LQ" Proposed Zoning "LC"
3. Area (is) (is not) platted. Nolan's Gardens Addition
4. Existing R/W _____ ft. _____ ft.
_____ St. _____ St.
Proposed R/W _____ ft. _____ ft.
_____ St. _____ St.

HISTORY

PROCEDURE DATA

1. MAPC Meeting:

Date 12.12.74 Action Approved subject to conditions

2. Governing Body BCC

Date 1-7-75 Action Approved

Handwritten:
Newly
Filed Kansas
City

April 12, 1977

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

Subject: 47th Street South and Broadway

Dear Mr. Higgins:

In checking out the circumstances of removal of the surfacing on the service road on the south side of 47th Street South from the K-Mart entrance west to Broadway, it has been determined that a contractor under the supervision of the City Engineer (but under contract to the developers of K-Mart) was responsible for the unauthorized removal. The contractor has agreed to replace it to the condition which existed prior to removal. This as I understand it is a light wearing surface mat and not a high type city standard paving.

Since you and I have talked, I find that McDonald's has submitted plans and requested a building permit. The plans are being reviewed and are generally acceptable (so I'm told) except for a revised site to be submitted (March 24, 1977) to the City Engineer to handle the drainage. The plans provide for the repaving of the service road from the Broadway barricade east to the existing asphalt (just east of the east line of the McDonald's site.) In addition Jack Gonzales of St. Louis, representing McDonald's, has also told Dean Sellar of Engineering they intend to repave the service road as indicated on the plan. This is necessary due to the drainage problem on site. I've been advised that even where the service road now remains and in front of what I'm told is the Pizza Hut site, it will have to be removed and repaved before building permits are issued (or as a condition thereof) due to the on-site drainage problems.

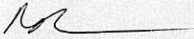
William P. Higgins, P.A.
April 12, 1977
Page 2

Based on the above, it seems that:

- 1) The road will have to be regraded to provide on-site drainage solution.
- 2) McDonald's have agreed to pave it.
- 3) Any surface replaced by the contractor would have to be taken out by McDonald's to accomplish 1) above.

Therefore, I would recommend you agree to let McDonald's proceed as indicated. Please advise if this meets with your approval.

Sincerely,


Robert A. Lakin, Director
Metropolitan Area Planning Department

cc: E. H. Denton, City Manager
Ray Bruggeman, Director of Public Works
Dick Linn, City Engineer
Eugene Pirtle, Law Department

RAL:ew

CITY MANAGER

February 4, 1977

Robert A. Lakin, Director of Planning

E. H. Denton, City Manager

William P. Higgins - Re:
47th South and Broadway

Please accept responsibility for coordinating the City's response to Mr. Higgins' letter of February 2, 1977, regarding the removal of the frontage road serving the property at the southeast corner of 47th Street South and Broadway.

E. H. Denton
City Manager

EHD:ps

Attachment

cc: Dick Linn, Engineer

R. W. Bruggeman, Director of Public Works

John Dekker, Director of Law (w/a)

2/10/77

2/11
2/18
2/25
2/28
3/15
3/23

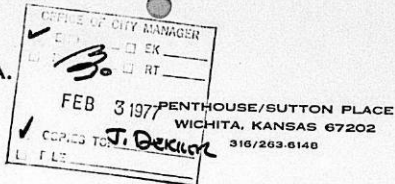
*2/10/77 - discusses assignment w/ RAL. In view of his
2/8 memo to Denton he reluctantly accepted
assignment even though he feels this
is not a planning matter. Law Dept will
make eventual response.*

*2.25 - Not assigned - Continue to
check with J. Dekker*

*2/25 - Pull up this is virtually solved.
RAL & Jim have been working on this -
RAL will "pull the final report together"*

LAW OFFICES
OF
WILLIAM P. HIGGINS, P.A.

February 2, 1977



Mr. Robert Lakin, Director
Wichita-Sedgwick County Metropolitan
Area Planning Commission
455 North Main Street
Wichita, Kansas 67202

Mr. Gene Denton, City Manager
455 North Main Street
Wichita, Kansas 67202

Mr. Dick Linn
Engineering Division
Public Works
455 North Main Street
Wichita, Kansas 67202

Mr. R. W. Bruggeman
Director of Public Works
455 North Main Street
Wichita, Kansas 67202

Mr. R. E. Mills
E. N. Maisel & Associates
P. O. Box 35425
Seven Oaks Station
Detroit, Michigan 48235

Re: Removal of frontage road on south side of 47th
Street South, serving property located on the
southeast corner of 47th and South Broadway

Gentlemen:

This is to advise you that I represent the property owners
who own the southeast corner of 47th and South Broadway,
said property being on the corner of the total development
of Dillons and K-Mart, which development is covered by a
Community Unit Plan and a Plat, all of which excludes my
clients' property.

February 2, 1977
Page two

Sometime since my clients purchased the property the frontage road, extending in front of their property on 47th Street from Broadway east, has been removed, purportedly by the contractor who is constructing the K-Mart center at that location. My clients have leases dividing their corner lot between Pizza Hut and McDonalds and the removal of this frontage road removes their access to 47th Street for portions of the lot.

Investigation indicates that the frontage road is in the highway right of way titled in the City of Wichita but controlled by the Department of Transportation and that the City of Wichita and/or the contractor failed to obtain a permit for the removal of said frontage road, as is required in these circumstances.

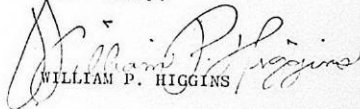
Mr. Glenn Anschutz of the Department of Transportation has made himself aware of the removal of this frontage road and our conversations with him indicate the state is not happy with said removal nor did it consent to said removal. The property affected by the removal of the frontage road, namely my clients' property, is not part of the CUP or Plat which allegedly provided for the removal of said frontage road during its progress through the regulatory agencies of the City and County Metropolitan Area Planning Commission prior to its being accepted.

The wrongful removal of this, it would appear, has placed someone in jeopardy for the removal of the access to my client's property, which at the present time is ready for development in conformity with the leases negotiated on the same. It would appear that either the contractor is responsible for removal and conversion of our access and our frontage road or the City is.

My clients are not at this time taking a posture of economic paranoia, but rather are interested in being contacted by one of the addressees of this letter, in an effort to reach a solution to a perplexing problem.

It would be appreciated if you gentlemen would contact me in the immediate future, so that we might discuss a method for handling this matter.

Yours truly,


WILLIAM P. HIGGINS

WPH/jsp

cc/ Mr. Lindy Andeel
Mr. Leslie Rudd
Mr. Herb Krumsick

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

OFFICE OF CITY MANAGER	
<input checked="" type="checkbox"/>	RECEIVED
<i>MS</i>	
FEB 9 1977	
<input type="checkbox"/>	COMM. TO:
<input type="checkbox"/>	COMM. FROM:

DATE February 8, 1977

TO John Dekker, Director of Law

FROM Robert A. Lakin, Director of Planning

SUBJECT Letter--Higgins re 47th Street South, Broadway to the East

Attached is a letter received by our office from Bill Higgins, representing property owners at the southeast corner of 47th and South Broadway. I am not too familiar with the removal of this road. It is our information, however, that the State was not only aware of it but a party to the design decisions resulting in the removal of this roadway.

I believe that there will be representatives of the State in Wichita this week to discuss with Public Works and our office further modifications of 47th Street South resulting from platting activity in the immediate vicinity. It may be appropriate for you to meet with that representative at that time. Ray Bruggeman is coordinating this visit of the State people. Please check with his office. If there is any specific information that you need from our office, please advise.

I will await responding to Mr. Higgins until we have your clearance. I am of the opinion that we should not respond separately to Mr. Higgins, but only through Counsel, as this appears to be another one of Higgins' potential lawsuit items.

MS
Robert A. Lakin
Director of Planning

Attachment
Cpy ltr Higgins 2-2-77

cc: E. H. Denton, City Manager
R. W. Bruggeman, Director, Public Works
Dick Linn, Engineering Division, Public Works

RAL:ew

COPY



ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

September 26, 1975

Re: K-Mart Plaza South
Our Job No. 4-74-003-A0

Mr. Robert Feldner
City of Wichita
Supt. of Central Inspection
City Building Annex
104 South Main
Wichita, Kansas 67202

Dear Mr. Feldner:

I am forwarding for your review the screening and fencing plan K-Mart would like to construct around their garden store on the discount store they plan to build at 47th Street South and Broadway Avenue.

I am enclosing a copy of Mr. Galbraith's comments from the Metropolitan Area Planning Dept. concerning the proposed fencing plan. As K-Mart is planning on beginning construction in the near future, I would appreciate your comments as soon as possible.

Very truly yours,

John E. Lundblade
John E. Lundblade

JEL/js

cc/ Metro. Planning Dept.



September 9, 1975

John E. Lundblade
Van Doren-Hazard-Stallings
250 Rockborough Building
260 North Rock Road
Wichita, Kansas 67206

Subject: DP-68 - K-Mart C.U.P.

Dear Mr. Lundblade:

This is in response to your letter of September 8, 1975 requesting that we review the proposed fence material for the K-Mart Garden Shop. I have reviewed your submitted material which is for a semi-privacy fence of 50% coverage with Bob Lakin and it is his determination that such coverage does not meet the intent of the ordinance which requires screening to be of material capable of providing screening to hide outside storage from view. He asked that I remind you that when the material of an enclosure is not of the same material as the main building, landscaping shall be provided outside the enclosure and such landscaping plans are to be submitted for a review and approval by the Superintendent of Central Inspection.

Based on Section 23.04.090.1 of the City Code (see attached copy) we are of the opinion that either the enclosed material needs to be the same material as the main structure, or the type of material that will provide solid screening.

If you have any questions concerning this determination, please advise.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el
ATT.



ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

September 8, 1975

Re: K MART Plaza South
Fencing for Garden Shop

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

Attn: Mr. Jack Galbraith

Dear Mr. Galbraith,

I am forwarding for your review, the enclosure fence K MART would like to install around their garden shop at the proposed new store at 47th St. South and Broadway.

I talked to the K MART representatives last Friday and they indicated that they would be agreeable to screen plantings around the perimeter of the fence as you suggested when I talked to you last Thursday.

I would appreciate it if you could give us your decision on this matter as soon as possible as they hope to begin construction around the last of September.

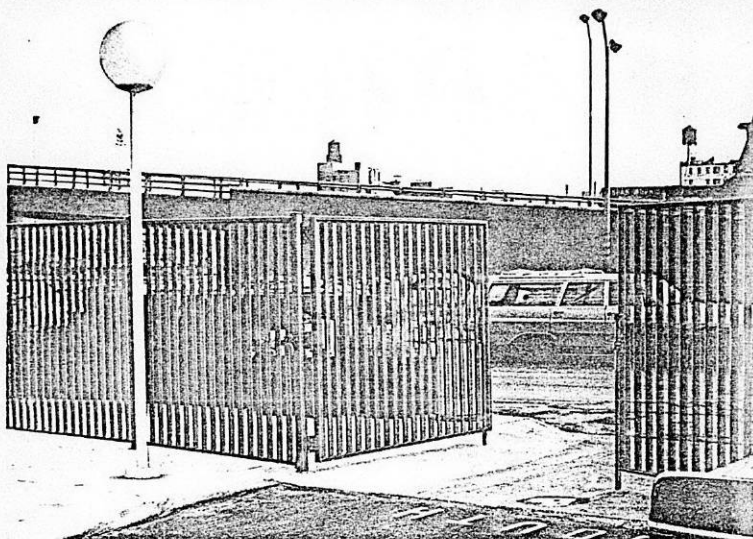
Very truly yours,

John E. Lundblade
John E. Lundblade

cc: Malan Construction Co.



Semi-privacy fence—practical only with tubular steel



Provides 50% coverage

Breaks up headlight glares
in parking areas.

Specified for New York City
Housing Authority, Park Dept.
City of New York, U. S. Engineers
and Housing Redevelopment
Board projects.

FENCE AVAILABLE UP TO 8'-0" HIGH
POST SPACING 6'-0" O. C.

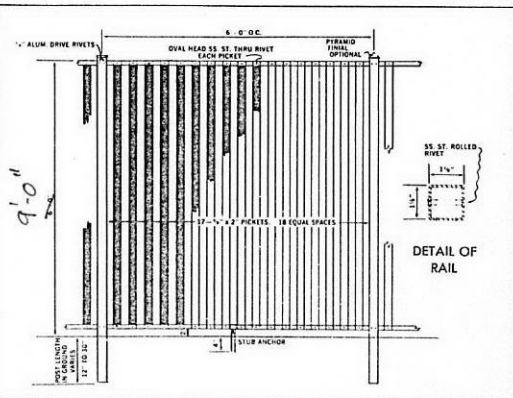
MATERIALS:
GALVANIZED POSTS—2½" Sq. Tubing
14 GA.

GALVANIZED RAILS—1½" Sq. Tubing
16 GA.

GALVANIZED PICKETS—¾" x 2"
Tubing 16 GA.

FINISH—see specifications on page 12

GATES, CUSTOM BUILT, see pages 8
and 9



June 27, 1975

Mr. John Lundblade
Vandoren-Hazard-Stallings
250 North Rock Road
Wichita, Kansas 67206

Subject: DP-68 - Commercial CUP -
SE corner of 47th Street
South and Broadway

Dear Mr. Lundblade:

I am in receipt of your letter of June 25, 1975 requesting an interpretation as to whether or not more than one building could be constructed on the K-Mart Plaza South CUP. As you are aware, the general provisions provide that the number of buildings shall not exceed one. Since your letter did not have an accompanying map showing the proposed location of the second building, it is difficult to make a final determination as to whether or not that would require an amendment to the CUP. I am of the opinion that if the two buildings are to be located in the area designated as the Merchantile Building and Market, that perhaps an administrative adjustment could be made in favor of those two buildings. However, should your plans propose a facility such as a tire, battery and accessory store near the setback line from 47th Street substantially isolated from the principal shopping center, then I would be of the opinion that an administrative adjustment should not be made and that subject CUP should be amended, describing two parcels and listing the proposed number of buildings for each.

John Lundblade
June 27, 1975
Page Two

If you can provide additional information as to your proposed plans I will be happy to pursue this matter further with the Director of Planning and the Superintendent of Central Inspection.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js



ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

June 25, 1975

Re: K MART PLAZA SOUTH
Preliminary Plat &
Associated Commercial CUP
Cases DP-68 & S/D 75-6
Job no. ENM #4-103-WK

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

Attn: Mr. Jack Galbraith

Dear Mr. Galbraith:

I have been informed by the applicants of the above referenced project that they now plan to construct two buildings instead of one as indicated in the provisions of the Commercial CUP. Will it be necessary to file an amended CUP due to this change and refile the Preliminary Plat? The CUP was approved by the Planning Comm. Dec. 12, 1974 and the Preliminary Plat was approved by the Subdivision Committee Feb. 6, 1975.

There will be no changes in the proposed building setbacks as indicated on the plats approved.

Your prompt attention in this matter will be greatly appreciated.

Very truly yours,

John E. Lundblade

John E. Lundblade

cc: Malan Const. Co.
Dale Fair
Dennis Eskie



EXCERPT FROM PLANNING COMMISSION MINUTES OF DECEMBER 12, 1974:

- 16a. Case No. Z-1667 - 47th Street Development Co. requests change from "AA" and "LC" to "LC" for:

Part of Lots 2, 5 and 7 and all of Lots 3 and 4 in Nolan's Gardens, an addition to Wichita, Sedgwick County, Kansas, located in the NW quarter of Sec. 21-28S-R1E of the 6th P.M., and being more particularly described as follows: Beginning at a point 136.00 ft. S and 352.00 ft. E of the NW corner of said NW quarter; thence easterly, along the S line of 47th St. So., bearing S 89°26' E a distance of 402.30 ft.; thence along a curve to the left with a radius of 3899.83 ft., a central angle of 2°12'52", an arc distance of 150.73 ft., a long chord of 150.72 ft. bearing N 89°28' E to a point; thence parallel with the west line of said NW quarter bearing S 0°19' W, a distance of 802.92 ft.; thence parallel with the N line of said NW quarter, bearing N 89°26' W, a distance of 875.00 ft. to a point on the E line of Broadway Ave.; thence along said E line bearing N 0°19' E, a distance of 587.50 ft. to the NW corner of Lot 4 of said Nolan's Gardens; thence along the N line of said Lot 4, bearing S 89°26' E, a distance of 322.00 ft.; thence parallel with the W line of said NW quarter, bearing N 0°19' E, a distance of 212.50 ft. to the point of beginning. Generally located on the southeast corner of 47th St. South and Broadway.

- 16b. Case No. DP-68 - 47th Street Development Co. requests approval of a commercial development plan for property legally described as:

Part of Lots 2, 5 and 7 and all of Lots 3 and 4 in Nolan's Gardens an addition to Wichita, Sedgwick County, Kansas, located in the NW quarter of Sec. 21-28-S-R1E of the 6th P.M., and being more particularly described as follows: Beginning at a point 136.00 ft. south and 352.00 ft. E of the NW corner of said NW quarter, thence easterly, along the S line of 47th St. So., bearing S 89°26' E, a distance of 402.30 ft.; thence along a curve to the left with a radius of 3899.83 ft., a central angle of 1°50'49", an arc distance of 125.71 ft., a long chord of 125.71 feet bearing N 89°39' E to a point; thence parallel with the west line of said NW quarter, bearing S 0°19' W, a distance of 802.03 feet; thence parallel with the north line of said NW quarter, bearing N 89°26' W, a distance of 850.00 ft. to a point on the east line of Broadway Ave.; thence along said E line bearing N 0°19' E, a distance of 587.50 ft. to the NW corner of Lot 4 of said Nolan's Gardens; thence along the N line of said Lot 4, bearing S 89°26' E, a distance of 322.00 ft.; thence parallel with the W line of said NW quarter, bearing N 0°19' E, a distance of 212.50 ft. to the point of beginning. Generally located on the southeast corner of 47th Street South and Broadway.

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

Comments

1. The applicants presently have approximately 6.9 acres of "LC" zoning and are requesting additional "LC" zoning, making a total of approximately 14.5 acres.

The preliminary zoning maps associated with the new zoning ordinance project this area to be classified the M-1-A low density Light Industrial District.

2. As required by the CUP provisions of the zoning ordinance, and where a tract of land contains more than 6 acres proposed for commercial development, a preliminary development plan has been submitted for review. The development plan indicates information on net area, maximum building heights, land coverage and floor area ratio, proposed uses, maximum curb cuts, sign controls, and is in general agreement with the comments made by the staff in the original review with the applicant.

3. It should be noted that the applicants are requesting a waiver of the required 10-foot planting screen adjacent to the north property line on 47th Street South due to existing nonconforming commercial uses. (Note General Provisions #8.)
4. The Flood Control Division advises that storm water run-off from subject property cannot be handled by curb and gutter sections on either Broadway or 47th Street South and, therefore, it will be necessary that satisfactory arrangements be made to drain the property east to the Big Slough by either an open channel or underground storm sewer prior to development of subject property.
5. The applicant should be advised that any outside storage, including plant materials or other products associated with a garden center, must comply with Section 28.04.090.1.28 of the zoning ordinance, which requires screening to hide the storage from view. Such storage shall not extend into any required setback area and it is considered as floor area in the calculation of off-street parking requirements.
6. The applicant should also be advised that the designated Floor Area Ratio of 0.20 is very minimal and would not permit any additional expansion. As proposed, subject building could only be one story in height at 20 percent coverage.
7. In the discussion of subject plan with the consultant for the State Highway Commission, he cautioned that the proposed plans for South Broadway improvements will not permit medial breaks any closer than the two entrances suggested to Broadway. He cautions that, as proposed, these entrances are almost too close to provide for adequate left turn holding bays. He also points out that future public streets to the south of subject property must be at a distance sufficient in length, if medial breaks are desired, to permit the design of adequate holding bay areas.
8. Upon the determination of the appropriateness of the zone change request and the proposed development plan, approval should be subject to the consideration of the following recommended conditions:
 - a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
 - b. Expand "General Provision #9" by adding "and required right-of-way to accommodate proposed improvements."
 - c. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and City Commission, 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.
 - d. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration.
 - e. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

GALBRAITH said the plan has been changed to provide for a garden shop, thus increasing the floor area ratio from 126,000 to 189,000 square feet. This reduces the front building setback on Broadway from 100 feet to 50 feet because the building has been enlarged. He said the setback for development to the west of Broadway is 100 feet, however, the applicant proposes only one building so perhaps a 50-foot setback would be acceptable.

GALBRAITH said that minor changes have been proposed by Mr. Lundblade, the engineer, in addition to the setback, and with the addition of the garden shop, a condition should be added requiring compliance with the screening provisions. GALBRAITH suggested the possibility of moving the building farther to the east to observe more than a 50-foot setback, but realized that there are some drainage problems on the east and there is the need for traffic circulation, and the developer feels there is a need for two rows of 90° parking.

JOHN LUNDBLADE, representing the applicant, said he concurred with the staff recommendation, except with respect to the 100-foot setback from Broadway and they do need to observe only a 50-foot setback in order to carry out the development. He pointed out the problems associated with the area east of the proposed building, and the fact that it is impossible to rearrange the building in a logical way to observe more than a 50-foot setback.

LUNDBLADE passed around a drawing showing the area to be taken for highway improvements, pointing out the fact that additional right-of-way will be required from his client's property in widening of the road and no additional right-of-way is proposed from the area on the west side of the road. He stated that there will be only one building and the rest of the area will be used for parking. LUNDBLADE said one reason they moved to this site was because of setback problems associated with the original site at the northeast corner of this intersection, and it was planned on the basis of a 35-foot setback until after a meeting with the staff when they were informed that more would be required.

In discussing right-of-way for highway improvements, LAKIN said that it appears funding for such is in doubt and that it may be sometime before the improvements are made. He pointed out also that in this particular location the design of the improvement has been off-center, with additional right-of-way required from subject property and none from the area on the west.

HENNESSY felt that some agreement could be arrived at to permit the development proposed. LUNDBLADE said they were 135 feet off of the center line.

DENNIS ESKIE, also representing the applicant, spoke in support of the request and the need for observing only a 50-foot setback. He stated that the design of the building is "locked in" being one followed by all K-Mart Stores throughout the country.

HENNESSY commented that this is apparently a developer with the money and the addition of the improvements to the tax rolls would be beneficial.

GOEBEL noted that there is no main entrance planned from the side of the building to Broadway, such as TG&Y, where there is an entrance to their automobile service area direct from Broadway. He felt that TG&Y does not really have the setback that is represented by the picture shown.

ESIE stated again that there is no flexibility possible in the building and that they have worked 2 1/2 years, including the first attempt to locate at the northeast corner of this intersection, and that they actually could not proceed if required to have a 100-foot setback.

GRAGERT was reluctant to agree to a lesser setback, but said he did appreciate the honesty of the applicant, but not the situation.

No one appeared in opposition.

MOTION: That the Planning Commission recommend to the City Commission that Z-1667 be approved, and that DP-68 be approved with a 50-foot setback from Broadway and subject to the following conditions:

- A. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the application be considered denied and closed.
- B. Expand General Provision #9 by adding: "and required right-of-way to accommodate proposed improvements."
- C. Change General Provision #7 to read as follows: Approval of the request for waiver of planting screen adjacent to 47th Street South.
- D. Change General Provision #8 to read as follows: Outdoor storage of merchandise for the designated garden shop area is permitted in accordance with Section 28.04.090.1,2,28 of the zoning ordinance, subject to the approval of the screening plans by the Director of Planning and the Superintendent of Central Inspection.
- E. Delete General Provision #6.B.
- F. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and City Commission, 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.
- G. Any major changes in this development plan being resubmitted to the Planning Commission and City Commission for their consideration.
- H. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

Dopper moved, Hennessy seconded and it carried unanimously. (Arnholz, Gardenhire and Hill absent.)



ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

December 18, 1974

Re: K MART PLAZA SOUTH
Community Unit Plan
Subject DP-68
Our Job No. 4-74-003A0

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

Attn: Mr. Jack Galbraith

Dear Mr. Galbraith:

Submitted herewith for your review as instructed by your letter dated December 13, 1974, are ten (10) copies of the corrected K MART PLAZA SOUTH Community Unit Plan.

Very truly yours,

John E. Lundblade

John E. Lundblade

cc: Jerry Feldman
Dale Fair
Jim Rogers
Dennis Eskie
Dan Glickman

December 13, 1974

Mr. John Lundblade
VanDoren-Hazard-Stallings
250 North Rock Road
Wichita, Kansas 67206

Re: Z-1667 - "AA" and "LC"
to "LC" and DP-68 - Com-
mercial CUP - Southeast
corner of 47th Street
South and Broadway

Dear Mr. Lundblade:

At the regular meeting of the Metropolitan Area Planning Commission on December 12, 1974, the above-captioned cases were considered. The action of the Commission was to recommend the approval of the zone change request and the CUP subject to the following conditions:

- A. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
- B. Expand General Provision #9 by adding: "and required right-of-way to accommodate proposed improvements."
- C. Change General Provision #7 to read as follows: Approval of the request for waiver of planting screen adjacent to 47th Street South.
- D. Change General Provision #8 to read as follows: Outdoor storage of merchandise for the designated garden shop area is permitted in accordance with Section 28.04.090.1.2.28 of the zoning ordinance, subject to the approval of the screening plans by the Director of Planning and the Superintendent of Central Inspection.
- E. Delete General Provision #6.B.
- F. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and City Commission, and any substantial deviation

Page 2 - Mr. John Lundblade
December 13, 1974

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.

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

Enclosed is a marked copy of the CUP for your information and files. If we receive 10 copies of the corrected CUP by December 30, 1974, these cases will be forwarded on to the City Commission for their consideration on January 7, 1975, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

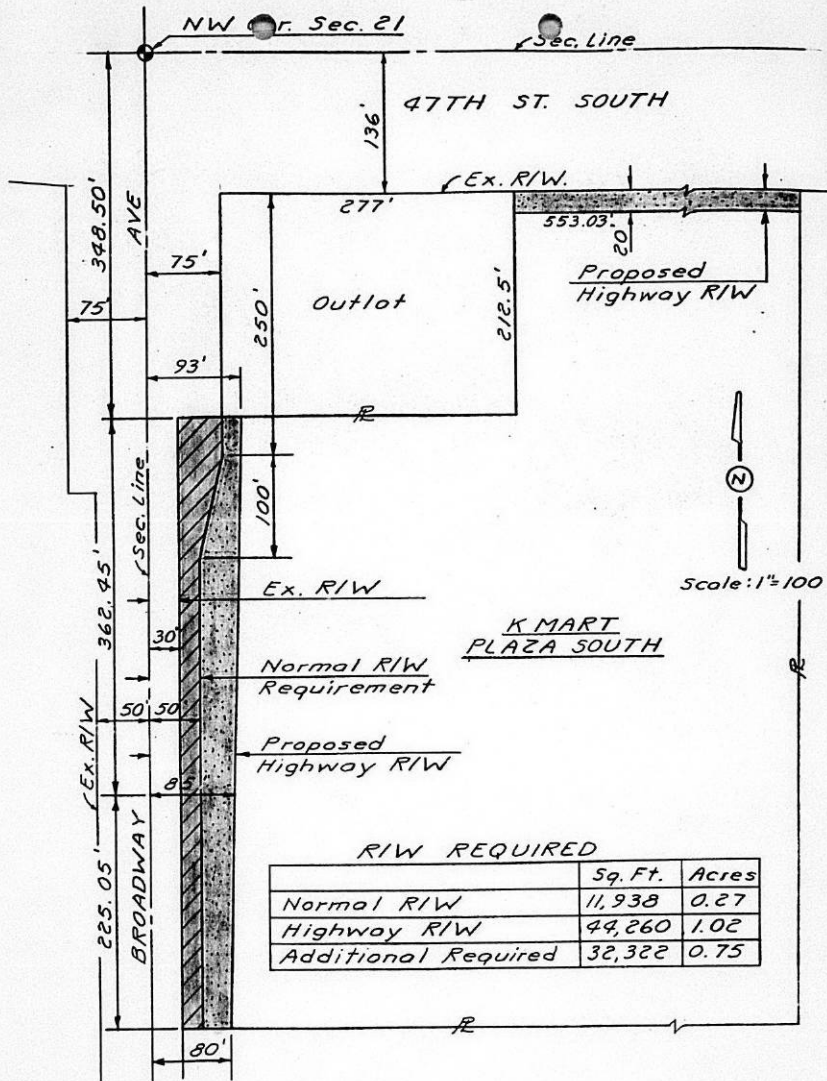
If you have any questions concerning this matter or revision to the CUP, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Enclosure

cc: 47th Street Development Co., 320 Page Court 67202
Van Doren-Hazard-Stallings, 260 North Rock Road 67206
Dale Fair, 320 Page Court 67202
Dan Glickman, Vickers-RSB&T Building 67202
Dennis Eskie, c/o E. N. Maisel & Associates,
21675 Coolidge Road, Oak Park, Michigan 48237
City Manager's Office





ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

December 11, 1974

Re: K MART PLAZA SOUTH SHOPPING CENTER
Community Unit Plan
Subject DP-68
Our Job No. 4-74-003AO

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

Attn: Mr. Jack Galbraith

Dear Mr. Galbraith:

Since your staff review of the above referenced Community Unit Plan, it has been brought to our attention that the proposed building to be constructed on the site has a garden shop planned to be connected to one end of the mercantile building. The builder is also considering reversing the building so that the market would now be along Broadway.

Since the garden shop cannot be constructed within the recommended 100 foot building setback along Broadway, we are going to request at the Subdivision Committee hearing December the 12th that the building setback along Broadway be reduced to 50 feet and that the maximum building coverage and floor area be increased to 30% or 189,520 S.F. with a floor ratio of 0.30.

Enclosed please find a revised Community Unit Plan indicating the changes we desire as described above.

Very truly yours,

John E. Lundblade
John E. Lundblade

cc: Jerry Feldman
Dan Glickman
Jim Rogers
Dennis Eskie
Dale Fair

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 12-12-74

Case No. Z-1667 Case No. DP-68 +	Request: "AA" and "LC" to "LC" Approval of Commercial CUP
--	--

Location: Southeast corner of 47th
Street South and Broadway

Reason: The existing property is proposed to be developed
as a shopping center.

Acres: 14.5	Size: 552 ft. by 875 ft. Irregular shape
-------------	---

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"AA" & "LC"
North	Private club & telephone substation	"AA", "LC" & "C"
East	Undeveloped	"AA"
South	Farm house	"AA"
West	Shopping Center (TG&Y)	"AA" & "LC"

Necessary street and drainage
rights-of-way to be acquired
at the time of platting.

Platted: Portions of
platted lots
Sidewalk: No
History: No

Comments

1. The applicants presently have approximately 6.9 acres of "LC" zoning and are requesting additional "LC" zoning, making a total of approximately 14.5 acres.

The preliminary zoning maps associated with the new zoning ordinance project this area to be classified the M-1-A low density Light Industrial District.

2. As required by the CUP provisions of the zoning ordinance, and where a tract of land contains more than 6 acres proposed for commercial development, a preliminary development plan has been submitted for review. The development plan indicates information on net area, maximum building heights, land coverage and floor area ratio, proposed uses, maximum curb cuts, sign controls, and is in general agreement with the comments made by the staff in the original review with the applicant.
3. It should be noted that the applicants are requesting a waiver of the required 10-foot planting screen adjacent to the north property line on 47th Street South due to existing nonconforming commercial uses. (Note General Provisions #8.)

4. The Flood Control Division advises that storm water run-off from subject property cannot be handled by curb and gutter sections on either Broadway or 47th Street South and, therefore, it will be necessary that satisfactory arrangements be made to drain the property east to the Big Slough by either an open channel or underground storm sewer prior to development of subject property.
5. The applicant should be advised that any outside storage, including plant materials or other products associated with a garden center, must comply with Section 28.04.090.1.28 of the zoning ordinance, which requires screening to hide the storage from view. Such storage shall not extend into any required setback area and it is considered as floor area in the calculation of off-street parking requirements.
6. The applicant should also be advised that the designated Floor Area Ratio of 0.20 is very minimal and would not permit any additional expansion. As proposed, subject building could only be one story in height at 20 percent coverage.
7. In the discussion of subject plan with the consultant for the State Highway Commission, he cautioned that the proposed plans for South Broadway improvements will not permit medial breaks any closer than the two entrances suggested to Broadway. He cautions that, as proposed, these entrances are almost too close to provide for adequate left turn holding bays. He also points out that future public streets to the south of subject property must be at a distance sufficient in length, if medial breaks are desired, to permit the design of adequate holding bay areas.
8. Upon the determination of the appropriateness of the zone change request and the proposed development plan, approval should be subject to the consideration of the following recommended conditions:
 - a. Platting of subject property within one year from the date of approval by the Board of City Commissioners; or the applications be considered denied and closed.
 - b. Expand "General Provision #9" by adding "and required right-of-way to accommodate proposed improvements."
 - c. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission and City Commission, 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.
 - d. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration.

Page 3 - Case No. Z-1667 and Case No. DP-68
December 12, 1974

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



ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

December 5, 1974

Re: K MART PLAZA SOUTH SHOPPING CENTER
Community Unit Plan
Subject DP-68
Our Job No. 4-74-003AO

Wichita-Sedgwick County
Metropolitan Planning Dept.
City Building Annex
104 South Main
Wichita, Kansas 67202

Attn: Mr. Jack Galbraith

Dear Mr. Galbraith:

In response to your letter dated October 30, 1974,
we are submitting a sketch of possible land use of the
owners remaining property to the south and to the east
of K MART Plaza South.

Very truly yours,

John E. Lundblade

John E. Lundblade

cc: Jerry Glickman
Dale Fair



OP-68 - 12 NOTICES TO ADJOINING PROPERTY OWNERS MAILED 11-29-74 for MAPC 12-12-74

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

November 27, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 1:30 p.m. on December 12, 1974, at which time you may appear either in person or by agent or attorney, if you so desire.

DP-69 - Part of Lots 2, 5 and 7 and all of Lots 3 and 4 in Nolan's Gardens, an addition to Wichita, Sedgwick County, Kansas, located in the NW quarter of Sec. 21-28-S-R1E of the 6th P.M., and being more particularly described as follows:

Beginning at a point 136.00 ft. south and 352.00 ft. E. of the NW corner of said NW quarter, thence easterly, along the S line of 47th St. So., bearing S 89° 26' E, a distance of 402.30 ft.; thence along a curve to the left with a radius of 3899.83 ft., a central angle of 1° 50' 49", an arc distance of 125.71 ft., a long chord of 125.71 feet bearing N 89° 39' E to a point; thence parallel with the west line of said NW quarter, bearing S 0° 19' W, a distance of 802.03 feet; thence parallel with the north line of said NW quarter, bearing N 89° 26' W, a distance of 850.00 ft. to a point on the east line of Broadway Ave.; thence along said E line bearing N 0° 19' E, a distance of 587.50 ft. to the NW corner of Lot 4 of said Nolan's Gardens; thence along the N line of said Lot 4, bearing S 89° 26' E, a distance of 322.00 ft.; thence parallel with the W line of said NW quarter, bearing N 0° 19' E, a distance of 212.50 ft. to the point of beginning. Generally located on the southeast corner of 47th St. South and Broadway.

This Development Plan has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Code of the City of Wichita. The Development Plan is on file in the office of the Planning Director, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, and is available for public information and review.

12

DP-68

The Development Plan on file proposes an approximate 14.8 acre commercial development which will include a department store, restaurant and supermarket. Included in the Development Plan is information concerning building setbacks, maximum ground coverage by structures, maximum number of curb cuts, sign and building height limitations and screening.

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



ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7103

November 8, 1974

Re: K MART PLAZA SOUTH SHOPPING CENTER
Community Unit Plan
Our Job No. 4-73-003 A0

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

Attn: Mr. Jack Galbraith

Dear Mr. Galbraith:

In regards to your letter dated October 30, 1974, concerning the K Mart South Commercial C.U.P., we would like to request a waiver be granted of the required planting screen along the south side of 47th Street opposite the existing "AA" zoning across the street north. This request is being made because the existing use of the property to the north does not conform to "AA" zoning.

Included with this letter are fifteen (15) copies of the revised Community Unit Plan. These revisions are based on the recommendations in your letter dated October 30, 1974.

Very truly yours,

John E. Lundblade

JEL:et

cc: Dan Glickman
Jim Rogers
Dale Fair
Jerry Feldman
Dennis Eskie



November 8, 1974

Mr. Wilmer Freund
Delamater, Freund and Scherer, P.A.
Century Plaza Building
Wichita, Kansas 67202

Subject: Revised Plans for DP-68
K-Mart South C.U.P.
SE corner 47th St. So. and
Broadway

Dear Mr. Freund:

On this date John Lundblade submitted the enclosed revised copy of a C.U.P. for the above captioned project. This plan supposedly reflects highway improvements and additional street rights-of-way in accordance with plans proposed by your office. This is submitted for your information and files, and if you have any comments we would appreciate hearing from you. If you need additional copies of the plan to transmit to the State Highway Department, or if you think it advisable that we contact them, please let us know.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

Attachment

November 8, 1974

Paul Graves, Traffic Engineer

Jack H. Galbraith, Chief Planner

Revised Plans for DP-68 - K-Mart South Community Unit Plan

Attached is a copy of the revised community Unit plan for the K-Mart project proposed at the southeast corner of 47th Street South and Broadway. This plan reflects additional right-of-way for both streets and supposedly indicates the proposed highway improvements as recommended by the firm of Delamater, Freund and Scherer. This plan is being submitted to you for your information and files. We would appreciate any additional comments you might have.

JHG:js

Attachment

October 30, 1974

Dan Glickman
Attorney at Law
Vickers-KSB&T Building
Wichita, Kansas 67202

Subject: DF-68 - K-Mart South
Commercial C.U.P. at southeast
corner of Broadway and 47th St. So.

Dear Mr. Glickman:

We have reviewed the commercial Preliminary Development Plan for the proposed 14 acre tract located on the southeast corner of Broadway and 47th Street South and the following are our comments as well as other departments of the City concerning this project.

In our review of the proposed plan with the Flood Control Division, we have been advised that storm water run-off from subject property cannot be handled by curb and gutter sections on either Broadway or 47th Street South and, therefore, it will be necessary that satisfactory arrangements be made to drain the property east to the Big Slough either by open channel or underground storm sewer prior to development. We would recommend that you and your consultant continue in your efforts to resolve this drainage problem with the Flood Control Division prior to your revising the C.U.P.

As your consultant is aware, additional right-of-way is to be acquired for the improvement of U.S. 81 from 47th Street South to 71st Street South in the near future. We would suggest, therefore, that this be taken into consideration in establishing the building setback line from Broadway on the C.U.P. at the time of revision. Should your consultant have any questions in regards as to how the acquisition will affect your clients property, Wilmer Freund of Delamater, Freund and Scherer, P.A. could be contacted.

Dan Glickman
October 30, 1974
Page Two

General Provision #13 indicates "the number of buildings shall not exceed four", whereas the plan indicates only one structure. If it is proposed that additional free standing buildings are to be constructed, we would suggest that four parcels be indicated on the plan with the appropriate information listed for each parcel i.e; setbacks, maximum gross floor area, maximum building heights, etc. Also, for a commercial development of this size, the 35-foot setbacks on Broadway and 47th Street South should be increased to at least 100 feet. I am sure you are aware, that the C.U.P.'s provisions were established to minimize strip development, and unless an adequate setback is proposed, all that can be expected is individual uses next to these two major streets.

In reviewing General Provision #11 it is noted that no provision has been made for a planting screen on 47th Street South across from the existing "AA" zoning. If it is intended that you will request a waiver of the required planting screen at the time this matter is considered by the Planning Commission, it is suggested that you submit a letter to this effect at the time revised copies of the development plan are submitted to our office.

In addition to these comments, the following additions or changes should be indicated on the plan:

1. A parcel number(s) shall be indicated on the plan and the following format be used for all parcel(s) information:
Parcel No. _____
 1. Net Area: _____ acres or _____ square feet.
 2. Maximum building coverage: 30% or _____ square feet.
 3. Maximum building height: _____ feet.
 4. Maximum floor area: _____ square feet.
 5. Floor area ratio: _____.
 6. Proposed use:

Inasmuch as the foregoing should be used, General Provisions No. 2, 3, 4 and 6 may be deleted and the remaining provisions re-numbered accordingly.

- OK 2. "New" General Provision #2 shall be amended to read as follows: Minimum building setbacks shall be as indicated on the plan.
- OK 3. "New" General Provision #4 shall be amended to read as follows: Curb cuts shall not exceed two (2) along Broadway and two (2) along 47th St. South frontage road.

Dan Glickman
October 30, 1974
Page Three

OK 4. Amend "new" General Provision #7 to read as follows:
Screening:

- A. A 5 to 8 foot high solid or semi-solid wall of brick, stone, masonry, architectural tile or similar material (not including woven wire or wood) shall be constructed along the south and east property lines; such wall to be reduced to 3 feet in height within 35 feet adjacent to Broadway and 47th Street South frontage road. This wall to be constructed only as the center develops and buildings are constructed and only if abutting property is utilized for residential purposes. No wall shall be constructed in any utility easement.
- B. A planting screen as indicated on the plan shall be provided and maintained and shall consist of low shrubbery and trees not less than ten (10) feet in width and shall be of such a type, and maintained in such a manner, as to not constitute a traffic hazard.

OK Add a General Provision #8 to read as follows: A landscape plan shall be prepared by a landscape architect for the planting screen and shall be submitted to the Planning Department for their review and approval prior to issuance of any building permits.

? 6. Add a General Provision #14 to read as follows: At the time of platting the applicant shall guarantee the installation of an accel-decel lane along Broadway.

Omit. General Provision #4 specifies the number of curb cuts to be permitted to each street and, therefore, those shown on the plan should be omitted inasmuch as their exact location will be determined at the time of platting.

These are most of the comments we have at this time. We would hope that a sketch plat of the applicant's entire ownership would be submitted prior to our advertising this case for public hearing

Dan Glickman
October 30, 1974
Page Four

so that the drainage problem might be resolved. Inasmuch as there appears to be major changes that need to be redesigned on the C.U.P., please submit five revised copies for our final review prior to the scheduling of this case for public hearing.

If you have any questions concerning our comments, or desire to discuss these matters with us, please call. Enclosed is a marked copy of the C.U.P. for your review with your consultant.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:GLS:js

cc: John Lundblade, Van Doren-Hazard-Stallings, 260 N. Rock Road 67206
47th Street Development Company, 320 Page Court 67202

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 7, 1974

TO X Dick Linn, City Engineer
Paul Graves, City Traffic Engineer
M. S. Mitchell, Flood Control Supervisor

FROM Jack H. Galbraith, Chief Planner

SUBJECT DP-68 - K-Mart Plaza South Shopping Center CUP

Attached is a copy of the CUP received this date for an area at the southeast corner of Broadway and 47th Street South.

We would appreciate your reviewing this plan and advising us of any comments you have by October 14, 1974.

JHG:ber

Attachment

① R/W 47th St. So.



October 8, 1974

Dan Glickman
Attorney at Law
Vickers-KSB&T Bldg.
Wichita, Kansas 67202

Subject: DP-68 - K-Mart Plaza
South

Dear Mr. Glickman:

Yesterday John Lundblade submitted an application for a change in zoning and a Community Unit Plan for an area at the southeast corner of Broadway and 47th Street South. Subject area was reported as being less than 15 acres in size and, therefore, an abstract ownership list for a distance of only 500 feet is required rather than the 1,000 ft. ownership list later received from Fidelity Title Company.

Enclosed please find the submitted abstract list. There would appear to be no reason to send notices to a greater distance than required by the application and I would recommend that you have the abstract company recertify those names which are within 500 feet of the application area. Also, there is a separate ownership list required for the associated zone change request. That list should be certified for a distance of only 200 feet.

The Community Unit Plan has been assigned case number DP-68 and we have forwarded copies of the CUP to representatives of the Department of Public Works for their comments. We will respond to the CUP within approximately two weeks.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

cc: John Lundblade, Van Doren-Hazard-Stallings, 260 N. Rock Rd.

October 7, 1974

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

DP-68 - K-Mart Plaza South Shopping Center CUP

Attached is a copy of the CUP received this date for an area at the southeast corner of Broadway and 47th Street South.

We would appreciate your reviewing this plan and advising us of any comments you have by October 14, 1974.

JHG:ber

Attachment



ARCHITECTS - ENGINEERS

VAN DOREN - HAZARD - STALLINGS

250 ROCKBOROUGH BUILDING, 260 NORTH ROCK ROAD WICHITA, KANSAS 67206
TELEPHONE 316 686-7303

DP-68

October 7, 1974

Re: K MART PLAZA SOUTH SHOPPING CENTER
Community Unit Plan
Our Job No. 4-74-003 A0

Metropolitan Planning Dept.
City Building Annex
104 South Main
Wichita, Kansas 67202

Gentlemen:

Submitted herewith for your review are five (5) copies of the Community Unit Plan for K MART PLAZA SOUTH SHOPPING CENTER. Included with this submittal is a check for \$400 to cover the filing fee for change in zoning to accompany the proposed shopping center.

Very truly yours,

John E. Lundblade
John E. Lundblade

cc: Jim Rogers
Daniel Glickman
Jerry Feldman
Dale Fair

DP-68

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 ✓ 47th Street Development Co.

Address 320 Page Court 12720th Phone 265-9311

Agent ✓ Van Doren-Hazard-Stallings

Address 260 North Rock Road Phone 686-7303

b. Applicant _____

Address _____ Phone _____

Agent ✓ Dale Fair

Address 320 Page Court, Wichita, KS Phone 265-9311

c. Applicant _____

Address _____ Phone _____

Agent ✓ Dan Glickman

Address Vickers-KSB&T Bldg. Phone 265-7741

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

II.A The applicant hereby requests Community Unit Plan approval on property zoned "AA" & "LC" 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.)

See attached plat and description

II.B There are 14.0 acres (round to nearest tenth) in the above described property.

III. This property is located at (address) 47th Street South & Broadway Ave.

The general location is (use appropriate section)

- a. at the southeast corner of 47th Street South
and Broadway Avenue; or
- b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

IV. I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize that this application cannot be processed unless it is completely filled in and accompanied by a current abstractor's certificate as required in the instruction sheet.

47th Street Development Co. _____

Van Doren-Hazard Stallings

By John E. Stallings
Authorized Agent (if any)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
_____ (AM, PM) on _____ (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$_____.

Name

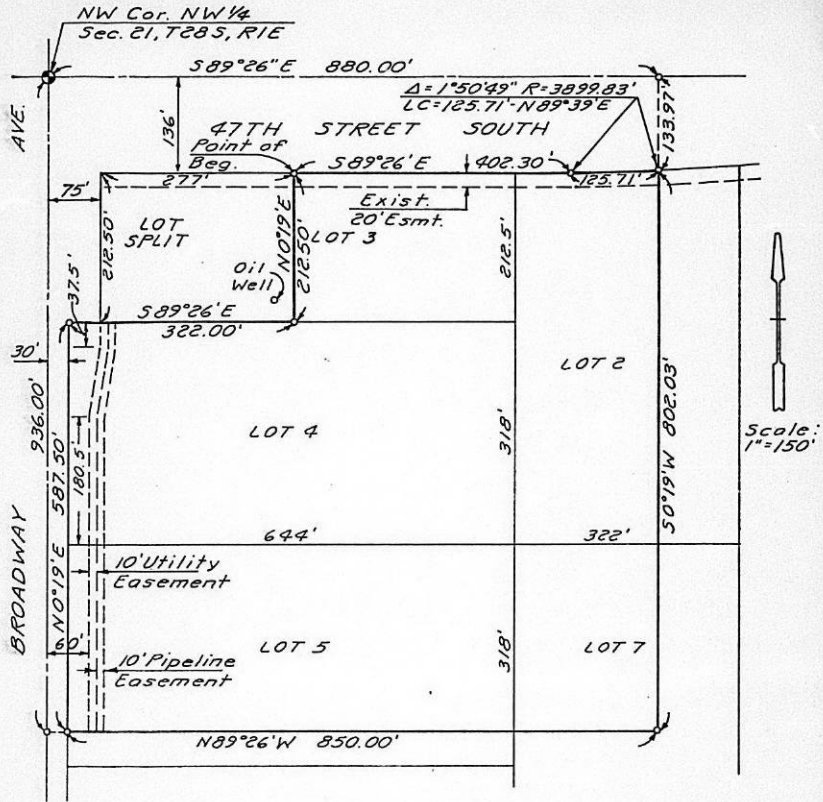
Title

K MART PLAZA SOUTH

Part of Lots 2, 5 and 7 and all of Lots 3 and 4 in Nolan's Gardens an addition to Wichita, Sedgwick County, Kansas, located in the northwest quarter of Section 21, Township 28 South, Range 1 East of the 6th P.M., and being more particularly described as follows:

Beginning at a point 136.00 feet south and 352.00 feet east of the northwest corner of said northwest quarter; thence easterly, along the south line of Forty-seventh Street South, bearing S 89° 26' E, a distance of 402.30 feet; thence along a curve to the left with a radius of 3809.83 feet, a central angle of 1° 50' 49", an arc distance of 125.71 feet, a long chord of 125.71 feet bearing N 89° 39' E to a point; thence parallel with the west line of said northwest quarter, bearing S 0° 19' W, a distance of 802.03 feet; thence parallel with the north line of said northwest quarter, bearing N 89° 26' W, a distance of 850.00 feet to a point on the east line of Broadway Avenue; thence along said east line bearing N 0° 19' E, a distance of 587.50 feet to the northwest corner of Lot 4 of said Nolan's Gardens; thence along the North line of said Lot 4, bearing S 89° 26' E, a distance of 322.00 feet; thence parallel with the west line of said northwest quarter, bearing N 0° 19' E, a distance of 212.50 feet to the point of beginning, containing 14.042 acres, more or less.

OK for legal



K-MART PLAZA SOUTH
Part of Nolan's Gardens

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 of the owners within 500 feet of Part of Lots 2, 5 & 7 & all of Lots 3 & 4, in Nolan's Gardens an Addition to Wichita, Sedgwick County, Kansas, located in the NW $\frac{1}{4}$ of Section 21, Twp. 28 South, Range 1 East of the 6th P.M., & being more particularly described as follows: Beginning at a point 136.00 feet South & 352.00 feet East of the NW corner of said NW $\frac{1}{4}$; thence Easterly, along the South line of forty-seventh Street South, bearing S89° 26' E, a distance of 402.30 feet; thence along a curve to the left with a radius of 3899.83 feet, a central angle of 1° 50' 49", an arc distance of 125.71 feet, a long chord of 125.71 feet bearing N 89° 39' E to a point; thence parallel with the west line of said NW $\frac{1}{4}$, bearing S 0° 19' W, a distance of 802.03 feet; thence parallel with the North line of said NW $\frac{1}{4}$, bearing N89° 26' W, a distance of 850.00 feet to a point on the East line of Broadway Avenue; thence along said E line bearing N 0° 19' E, a distance of 587.50 feet to the NW corner of Lot 4 of said Nolan's Gardens; thence along the North line of said Lot 4, bearing S 89° 26' E, a distance of 322.00 feet; thence parallel with the West line of said NW $\frac{1}{4}$, bearing N 0° 19' E, a distance of 212.50 feet to a point of beginning.

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.)

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
All of Lots 1 thru 8, except the West Half of Lot 3,		NOLAN'S GARDENS	James E. & Margaret Mary Phillips No Address Found 1237 <i>Morgantown</i> 67212
The West Half of Lot 3,		NOLAN'S GARDENS	Gerald & Maxine Bruinhorst 5140 S. Broadway Wichita, Kansas 67216
The South 121 feet of the West 360 feet of the Southwest Quarter of Section 16, Township 28, Range 1 East			J. W. Kammerer 4756 S. Broadway Wichita, Kansas 67216
East 217.8 feet; West 577.8 feet; South 300 feet of Southwest Quarter of Section 16, Township 28, Range 1 East			Southwestern Bell Telephone 823 Quincy Topeka, Kansas
Beginning 577.8 feet East of the SW corner of the SW $\frac{1}{4}$ of Section 16, Township 28, Range 1 East, thence East 205.2 feet, thence North 300 feet, thence West 205.2 feet, thence South to beginning			Kansas Developers Inc. 5900 East Central Wichita, Kansas 67208


 Sedgwick
 Title
 Company
 Inc.



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
		SW $\frac{1}{4}$, Section 16, Township 28, Range 1 East, except the North 270 feet of the West 363 feet and except beginning 1930.6 feet North and 30 feet East of the Southwest corner of the Southwest Quarter, thence Southeasterly 549.87 feet, thence South 168.92 feet, thence West 265.9 feet, thence South 220 feet, thence West 263.97 feet, thence North to beginning and except the South 121 feet, thence West 360 feet of the Southwest Quarter and except the East 423 feet of the West 783 feet of the South 300 feet of the Southwest Quarter and except Aikman Addition, and Except Morris Addition and Except Brookings by Pass Addition and Except Riverside Drainage, and Except Highway 235, all in Section 16, Township 28, South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas.	✓ Hazel O. Brookings % Albert Kamas - Attorney 612 Union National Building Wichita, Kansas 67202
		East Half of the Northeast Quarter Section 20, Township 28, Range 1 East, Sedgwick County, Kansas	X International Ventures Inc. No Address Found
		The South 649 feet & East 630 feet of E $\frac{1}{2}$ of South 80 acres of SE $\frac{1}{4}$ of Section 17, Township 28, Range 1 East, except West 450 feet of the South 250 feet & except the West 400 feet of the North 100 feet of the South 330 feet.	✓ Norma Faye Shepler Rural Route #2 Lathan, Kansas
	Lot 1, Block A,	K. E. TAGUE	X Kenneth E. Sr. & Floann Tague No Address Found
		Northeast Quarter of the North west Quarter, except the West 1 rod, Section 21, Township 28, Range 1 East, Sedgwick County, Kansas	o Esther M. McMillin Route #3 Independence, Kansas
		West 1 rod of the Northeast corner of the Northwest Quarter of Section 21, Township 28, Range 1 East, Sedgwick County, Kansas	✓ Allen B. & Esther McMillin Route #3 Independence, Kansas



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
Lot 9, except the South 100 feet		NOLAN'S GARDENS	James E. & Margaret Mary Phillips No Address Found
Lot 10, except the South 100 feet,		NOLAN'S GARDENS	James E. & Margaret Mary Phillips No Address Found
Lot 11,		NOLAN'S GARDENS	James E. & Margaret Mary Phillips No Address Found



Dated at Wichita, Kansas, this 10th day of October, 1974.

FIDELITY TITLE COMPANY, INC.

By *Rita Shay*
Asst. Sec. ag

Tracer No. 25977



Map No. 5541
 Sec. 21
 Twp. 28S
 Range 1E

DATA SHEET
 (ZONING & CONDITIONAL USE)

Z- 1667
 SCZ- _____
 CU- _____
 Filed 10-7-74

APPLICATION DATA: From "AA" & "LC" to "LC"

1. Applicant: 47th Street Development Co.
 Address 320 Page Court Phone 265-9311
2. Agent: Van Doren-Hazard-Stallings, et.al.
 Address 260 North Rock Road Phone 686-7203
3. General Location: Southeast corner of 47th St. South and Broadway
 Address _____
4. Proposed Use: Shopping Center

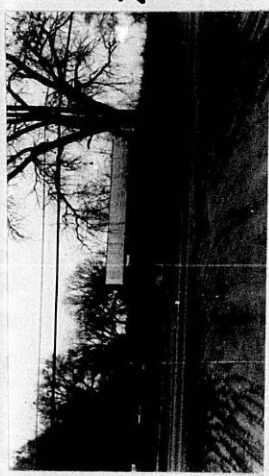
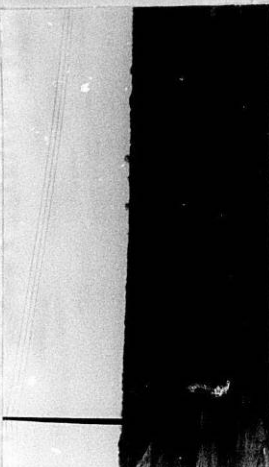
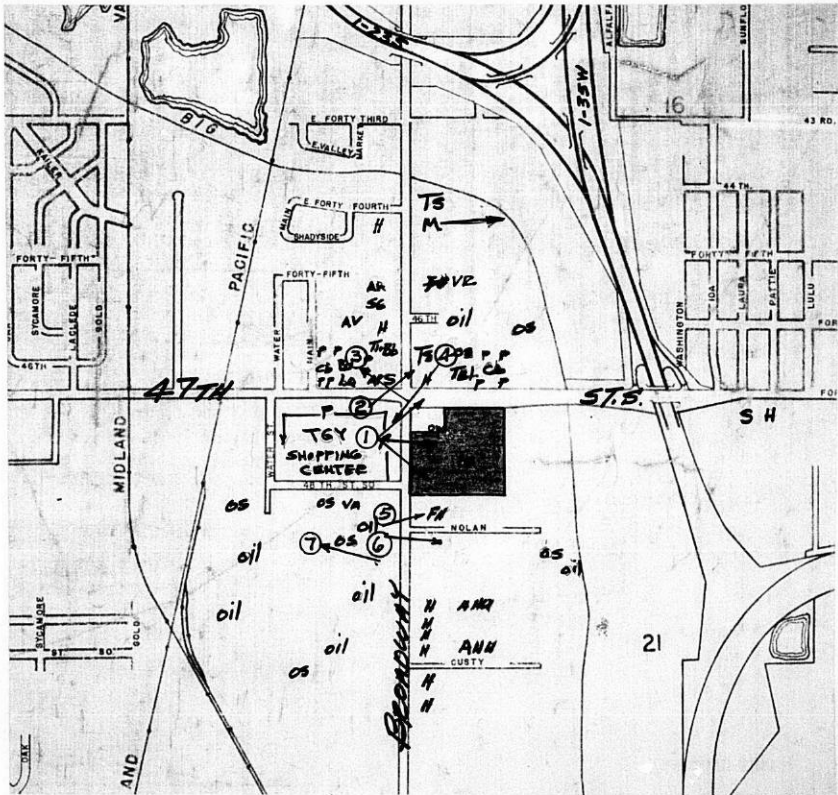
AREA DATA:

1. Acres: 14.8 (552 (IRREGULAR) ft. by 875 ft.)
2. Adjoining Zoning: E AA S AA W LC & AA N C, LC, & AA
3. Land Use: East UNDEVELOPED South FARM HOUSE
 West SHOPPING CENTER North WIFE CLUB & TERRACE POW. STATION
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: OIL STORAGE TANK
6. Area (is) ~~XXXXXX~~platted.

PHOTO DATA:

Taken by B Date 11-27-74 Time 11:10

* NO PAVING SIDEWALKS.



7.

6.

5.



1.



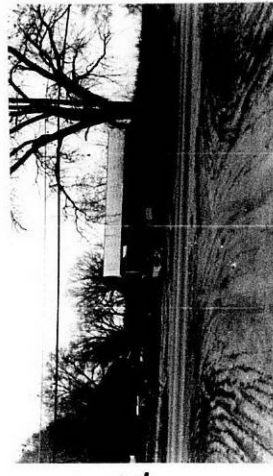
4.



7.



3.



6.



2.



5.

Map No. 5541
 Sec. 21
 Twp. 28S
 Range 1E

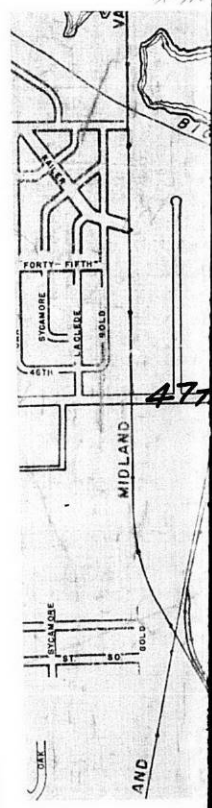
APPLICATION DATA

1. Applicant: _____
- Address _____
2. Agent: _____
- Address _____
3. General Location _____
4. Proposed Use _____

AREA DATA:

1. Acres: _____
2. Adjoining Zones _____
3. Land Use: _____
4. Sketch Plan _____
5. Present Land Use _____
6. Area (is) (X) _____

PHOTO DATA:
 Taken by _____



*

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

Roll # 1

*