

DP-0

LAMBDALE SHOPPING CENTER AT  
SOUTHEAST CORNER OF OLIVER AND  
13TH STREET

10-23-62 BCC

Extend time restriction.

Order - copy from Mar 9, 1962.

" L. S. "

Commencement

**YAWMANVILLE** Filing Pockets  
A special "Y and L" fiber material of extreme  
strength and durability. MFG. solely by  
**YAWMAN - FINE, INC.**  
ROCHESTER, N.Y.

No. 4516 C Size 15 x 9 1/2 x 1 3/4 Expan.

Lambdale

SEDGWICK COUNTY 155/D 23-124  
FILED FOR RECORD AT  
2:02 P.M.

MICROFILMED  
OF RECORD

Approved by Board of Commissioners  
this MAR 27 1984

APR 5 1984  
6 83889

NOTICE OF SUPERSEDING COMMUNITY UNIT PLAN FILM 649 PAGE 124

NO. BETTE F. MCCART  
REGISTER OF DEEDS

*Ann Johnson  
Deputy*

PR 0

This is to serve notice that Lamsdale Shopping Center Community Unit Plan, platted as Lamsdale 4th Addition, Wichita Sedgwick County Metropolitan Area Planning Department file #DP-0 recorded with Sedgwick County Kansas Registrar of Deeds on Book 394, Pages 73, 74, 75, 76, 77, 78, 79 and 80 on April 23, 1957 is hereby superseded and rescinded by the Metropolitan Area Planning Commission on January 12, 1984 and replaced by Lamsdale Commercial Community Unit Plan, Wichita Sedgwick County Metropolitan Area Planning Department file #DP-135 as approved by the City of Wichita Commission on February 7, 1984.

We the undersigned as owners of the property contained within the herein described Community Unit Plans give our approval to the superseding.

WICHITA STATE UNIVERSITY

*H. R. Reidenbaugh*  
H. R. Reidenbaugh  
Executive Secretary

WESLEY MEDICAL ENDOWMENT FOUNDATION

*Duane L. Dyer*  
Duane L. Dyer  
President

WICHITA ART ASSOCIATION

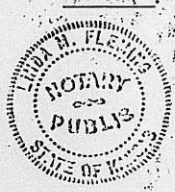
*Virginia Mastio*  
Virginia Mastio  
President

STATE OF KANSAS  
ss:  
SEDGWICK COUNTY

Personally appeared before me a notary public in and for the County and State aforesaid came \_\_\_\_\_  
H. R. Reidenbaugh, Duane L. Dyer, and Virginia Mastio  
to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated at Wichita, Kansas this 13th day of March

1984



*Linda M. Fleming*  
Notary Public  
LINDA M. FLEMING



wichita state university endowment association

*JH*  
*cut file*  
DP-0  
Lambdale CUP

July 14, 1983

Mr. Robert Lakin  
Director of Planning  
Metropolitan Area Planning Department  
City Building  
455 N. Main  
Wichita, Ks 67202

Dear Bob:

Thanks ever so much for coming to our meeting on Thursday morning. It was informative to everyone and very helpful to me in sharpening my own understanding of the matter.

We'll get some input from a few other people in town as to how we might best distribute the 25 acres between L.C and R6. We shall be coming to you with a revised plan.

Again our thanks.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. R. Reidenbaugh".

H. R. Reidenbaugh  
Executive Secretary

HRR:sg

File DRO

July 15, 1963

elic

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

DP-0 - Lamsdale Community Unit Plan

I have been discussing with various representatives of the ownership of the Lamsdale property its possible reuse, zoning, and handling of the case. You may remember this is the property at 13th and Oliver (southeast corner). We had a zone case about 4 or 5 years ago in which time the then City Commission denied the application for a reduced light commercial area and an increased residential area for multiple family. Subsequent to that time, the property has been given to the combined ownership of Wichita State University, Wesley Endowment Association, and the Wichita Art Association.

The property currently is zoned for light commercial (25 acres) and the balance for "AA" Single-Family. The light commercial is under a community unit plan approved in 1957. The format of these old community unit plans was a precise development plan with the document being recorded with the Register of Deeds. It has been my view that the only development that can take place on the area zoned "LC", and under this recorded CUP, is that which is precisely set forth on the plan. We had other CUP's of a similar nature, but were converted to the more flexible CUP's with the concurrence of their owners several years ago. Claud Lamb chose not to pursue our offer to make the conversion.

The post office has determined that it is an appropriate area for them to build a replacement for their Munger Station. You have seen separate correspondence on this subject directed through the Mayor's office. We have been supportive of the location in general, and I have indicated so to the various representatives of the owners, as well as to you and to the post office. I have also discussed this land use and the total site, its development, its problems and needed action, with Don Levi of the University. As near as I know, he and I are in general agreement.

I have advised the combined owners this morning at a meeting with the Wesley Endowment Association, as I have advised all others previously, including the Post Office representative, Paul Brown, that the best way to get the post office on the site is to amend the existing 25 acre CUP to a more reasonable "LC" area of 10 to 12 acres. At the same time they would

E. H. Denton, City Manager  
July 15, 1983  
Page 2

bring a revised CUP under the new format which would supersede the existing one. I see no problem either through the Planning Commission or staff in anything that would approach a normal corner type CUP. I sense some reluctance on members of the Board, particularly Fran Jabara, as to why won't the City just give the post office department a permit and let them go, and then whoever buys the remainder of the land can correct whatever deficiencies or problems that exist with the CUP. There is a certain element of "goodness" attached to this feeling because the money is going to be used for benevolent purposes, and the fact that these organizations have no "resources" of their own to proceed with amending the plans, CUP's, etc.

A couple of approaches have been suggested to me by Jabara and others. One, that the Feds just buy the property and go build the thing irrespective of the fact that it violates a recorded CUP. It has been my position that the City would not be able to issue a building permit in violation of the recorded CUP. We have had one other postal substation site, and that was on the Westway Shopping Center area, in which they complied with the CUP's there. The issues have further been raised that this is the Federal government and they don't have to obey local law. I think there is a federal regulation, however, that says that they should obey local zoning and other regulations. I have not researched this recently, and I don't know to what degree they are expected to comply by their own federal regulations. I suggested that we have had conflicts in the past of federal-local powers in which it has been suggested by some even if they built in violation of City regulations, the City still has no obligation to provide services. I told Jabara and the group this morning that the City wants no set of conflicts and it would be much easier to simply do the amendments as I suggested previously. I suppose that there may be some potential for sale to be made to the post office, and then the post office just simply saying that they are no longer under the CUP. However, with the recorded document with the Register of Deeds, I am convinced the property stays in the CUP irrespective of ownerships and will remain so until the CUP is amended, and I have so stated this to all the parties that I have talked to.

I don't know what the outcome will be, but by tone of questioning this morning by Jabara, I would fully expect that there will some contacts with either you or your Commissioners. If anyone receiving copies of this memorandum disagrees with my interpretation of the existing documents or their administration, I would appreciate being advised and setting a meeting to discuss the issue.

E. H. Denton, City Manager  
July 15, 1983  
Page 3

I do not view the suggested change procedures to eliminate the recorded CUP to be burdensome on them or us. I believe the City should expect and receive this type of cooperation from the owners of land irrespective of the fact that they are charitable organizations. If you have questions concerning the project or the layouts involved, I would be happy to brief you in further detail.

---

Robert A. Lakin  
Director of Planning

RAL:rme

cc: John Dekker, Director of Law  
Don Anderson, Director, Housing & Economic Development  
Jack H. Galbraith, Chief Planner, Current Plans Division  
Robert Feldner, Superintendent, Central Inspection

August 4, 1964

Mr. Claude R. Lamb  
621 Union National Building  
Wichita, Kansas

Dear Mr. Lamb:

Subject: Community Unit Plan -  
Planned Commercial Deve-  
lopment

We appreciate your meeting with Jack Galbraith and Jim Howe of our staff on July 22, 1964, to discuss the recently adopted Community Unit Plan Regulations as they relate to your proposals for the Lambdale Shopping Center.

On March 19, 1964, the Metropolitan Area Planning Commission recommended approval of proposed Community Unit Plan Regulations and directed the staff to contact the applicants of previously approved Community Unit Plan proposals, and inform them of the changes, and offer assistance, if desired, in amending the previously approved development plans to meet the new regulations. On May 19, 1964, the Board of City Commissioners approved these new regulations. Enclosed are copies of these new revisions.

The principal objectives of this revision were to eliminate the requirements for an economic study and to remove from the existing provisions the requirement of a time schedule of a proposed project. The Community Unit Plan is not limited to shopping center development, but includes planned commercial development in zoning districts of both "LC" and "C". The requirement for precise information regarding the size, shape, location and use of structures have been relaxed so that only generalized information of this sort is now required.

The intent and purpose of the proposed amendment is to promote well-planned and well-organized developments of commercial areas.

Page 2 - Mr. Claude R. Lamb  
August 4, 1964

which are held in single ownership or under single control, and which are six acres or more in size; to protect the public safety, convenience, health and general welfare through standards and provisions which establish requirements as to lot coverage, height, setback, and screening which permit review of size, shape and location of such facilities with due regard to the tract as a whole so as to ensure the development of commercial facilities with proper ingress and egress, parking, drainage facilities, screening, sign control, environmental control and other requirements and amenities.

Three Community Unit Plan Development proposals were approved by the Planning Commission at its regular meeting of July 2, 1964. As requested, the applicants submitted three copies of their proposed development plan to our office for review. The staff reviewed these proposals with the Engineering Division, Flood Control Division and Central Inspection Division of the Department of Public Works, and advised the applicant as to the deficiencies of their proposed plan in meeting the regulations. The applicants made these corrections and resubmitted twelve copies of the proposals to our office, and their request for Community Unit Plan review was placed on the Planning Commission agenda for approval.

I particularly call your attention to the fact that in each of these three proposals the developers established sign controls (height and number), and access controls where adjacent to residential areas, greater setbacks than the minimum requirements, and building height controls to assure compatibility with adjacent residential areas.

If you desire to submit your development plans meeting the new conditions of the Community Unit Plan Regulations, we will be anxious to assist you. We feel that these new regulations offer, to the developer, more flexibility in the proposed development than in the past. There is more flexibility in building location as long as adequate setbacks are provided and controls are established to assure protection of adjacent areas.

As you are aware, there are recorded restrictive covenants with the existing approved Community Unit Plan. Please have your attorney give us his thoughts on what is necessary to release these covenants. We will then check his suggestion with our legal counsel.

Page 3 - Mr. Claude E. Lamb  
August 4, 1964

If you have any questions concerning these new regulations  
for your planned commercial development proposals, please contact  
Jack H. Galbraith, Senior Planner, Regulations Division.

Sincerely,

Robert A. Lakin  
Assistant Planning Director

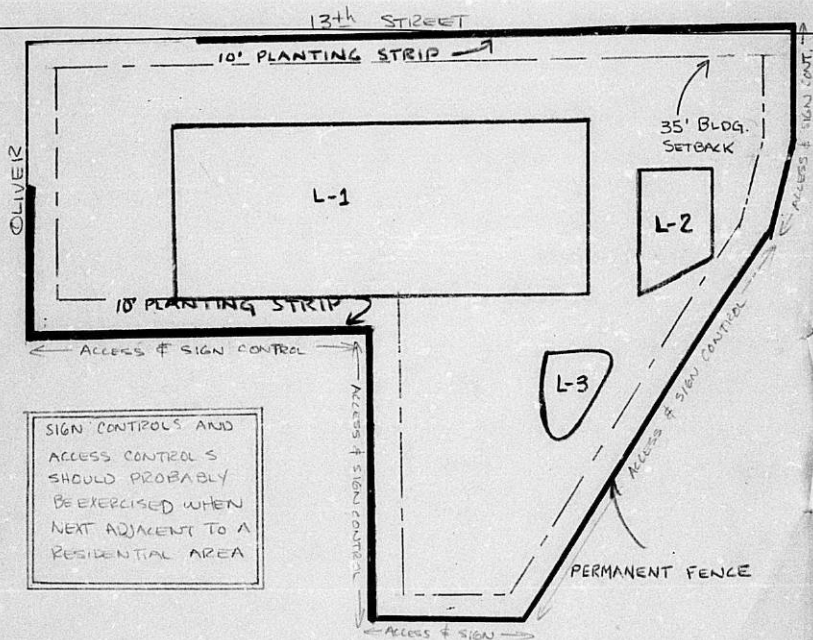
RAL:JHG:ber

cc: Jim Beckett  
621 Union National Building  
Wichita, Kansas

EXAMPLE:

LAMBDALE C.U.P.

- L-1 SHOPPING CENTER
- L-2 MEDICAL OFFICE BUILDINGS
- L-2 RESTAURANT, PRIVATE CLUB



1. SETBACK LINES
2. AREAS WITHIN WHICH BUILDING WILL BE LOCATED
3. MAXIMUM GROUND COVERAGE AREA
4. MAXIMUM GROSS FLOOR AREA
5. MAXIMUM BUILDING HEIGHT
6. MAXIMUM NUMBER OF CURB CUTS
7. MAXIMUM NUMBER OF ADVERTISING SIGNS
8. MAXIMUM SIGN HEIGHT
9. DRAINAGE FACILITIES
10. INTENDED GENERAL USE FOR EACH PARCEL
11. SIGN CONTROLS, IF ANY
12. SIGNS & OFF-STREET PARKING MAY BE LOCATED OUTSIDE OF BUILDING SETBACK AREAS.
13. SHOW TOPOGRAPHY AT TWO FOOT CONTOUR LEVELS
14. BUILDING MAY NOT COVER OVER 30% OF THE TOTAL SITE
15. INTERIOR TRAFFIC CIRCULATION SHOULD BE SHOWN.

SECTION 28.04.190 Community unit plan regulations.

Amend to read as follows:

B. PLANNED COMMERCIAL DEVELOPMENT

The intent and purpose of this section is to promote well-planned and well-organized developments of commercial areas which are held in single ownership or under single control and which are six (6) acres or more in size; to protect the public safety, convenience, health and general welfare through standards and provisions which establish requirements as to lot coverage, height, setback and screening which permit review of the size, shape and location of such facilities with due regard to the tract as a whole so as to ensure the development of commercial facilities with proper ingress and egress, parking, drainage facilities, screening, sign control, environmental control and other requirements and amenities. The character of the commercial development should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution, if any, in value of surrounding residential property.

1. Planned Commercial Development Provisions to be Applied to Certain Lands

The regulations of this section shall apply to development or construction on those contiguous lands held in a single ownership by one firm, company, individual, partnership, joint venture or corporation or under single control which are six (6) acres or more in size, and which are now or hereafter zoned either "LC" light commercial or "C" commercial, or a combination thereof.

2. Materials to be Submitted with Zoning Applications.

- a. When "LC" or "C" commercial district zoning is requested which meets the criteria in B.1 above, the applicants shall submit to the planning commission with their zoning application, a preliminary development plan covering the entire tract proposed for development

indicating existing conditions, existing and proposed development. The actual form of proposed buildings need not be shown, however, it shall be necessary to show through use of setback lines or other means of delineation, that area within which the buildings will be located, the maximum ground coverage area, maximum gross floor area, maximum height, the location and means of ingress and egress to streets and public ways, drainage facilities and intended general use (i.e. offices, shopping center, recreation center, motel and highway uses, etc.) for the development.

- b. The preliminary development plan shall be drawn to scale of not less than one hundred (100) feet to the inch, shall indicate topography at two (2) foot contour intervals and shall show existing streams or other significant natural features.
3. On lands already zoned "LC" or "C", or a combination thereof, meeting the conditions and criteria of subsection 3.1 of this section, there shall be submitted for approval by the planning commission a preliminary development plan as required in subsection 2 prior to any building permit being issued and no building permit shall be issued until a preliminary development plan has been approved.
4. Permitted Principal Uses and Structures
  - a. All uses permitted in the commercial zoning classification in which the development is proposed shall be permitted.
  - b. Advertising signs, relating to the proposed development, the stores and shops and products sold therein are permitted. No billboards shall be permitted.
  - c. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and

structures and which do not involve operations or structures not in keeping with the character of the district.

- d. In cases where community unit plan development propose a mixture of commercial uses and more restrictive uses, such as multiple-family dwellings, offices and other uses permitted in "AA", "A", "RB", "B" and "BB" zones, the development plan shall indicate the proposed areas and their proposed general type of use (four-plex, garden apartments, care home, etc.) and the provisions made for screening and buffering to protect these areas from adverse effects, if any, from commercial areas. The requirements such as lot area, setbacks, uses and height for uses not first permitted in "LC" or "C" shall be the same as the district in which such use is first permitted.

5. Minimum Yard Requirements.

The grouping of building and parking areas shall be designed to protect residential areas and screening from noise and light shall be provided where necessary; provided, however, that in no case shall the proposed design provide less than the following standards:

- a. All main buildings or structures shall set back from all street right-of-way lines a distance of not less than thirty-five (35) feet.
  - b. Where the proposed development abuts a residential district, no building shall be constructed less than thirty-five (35) feet from such district line.
  - c. There shall be a rear yard, alley, service drive or combination thereof of not less than thirty (30) feet.
- e. Maximum Lot Coverage.

Building shall cover not more than thirty (30) percent of the site on which the development is proposed.

7. Height Regulations.

As regulated in "LC" or "C" commercial districts except as provided in sub-item 4.

8. Screening and Landscaping.

a. A solid or semi-solid wall to prevent the passage of debris or light constructed of brick, stone, masonry, architectural tile or other similar material (not including wood, woven wire) at least five (5) feet but not more than eight (8) feet high shall be constructed.

1) Along the property line when an "A" "AA", "RB" or "B" district abuts the planned development area and is not separated by any public way, alley or street. Such wall shall be reduced to three (3) feet in height from the side yard or front yard setback line of said abutting property to the property line adjoining any public street (see Fig. 1).

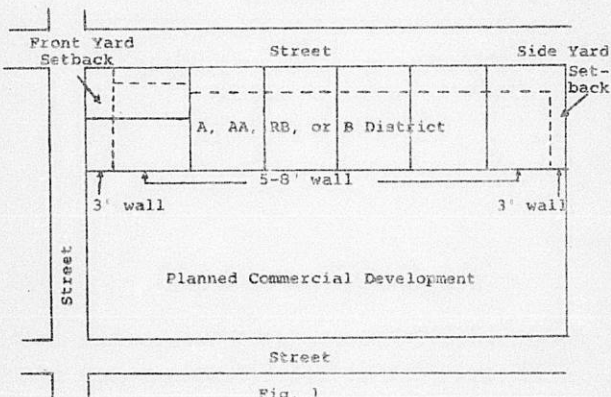


Fig. 1

- 2) Along the property line when adjacent to a residential district and separated by a public way, street or alley if the storage area, service area or rear of the building(s) face directly such "A", "AA", "RB" or "B" district.
- 3) When a part of the property on which there is a planned commercial development includes "R" or "BB" district as a buffer between adjacent "A", "AA" or "RB" district and the commercial development, then the wall shall be constructed at the boundary between the buffer and said "A", "AA", or "RB" district (see Fig. 2).

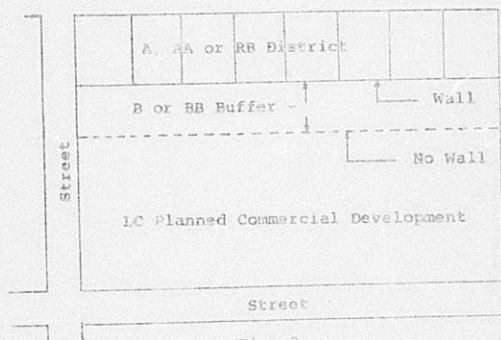


Fig. 2

- d. Low shrubbery not less than ten (10) feet in width shall be provided on the perimeter of the Planned commercial development when such area is adjacent to an "A", "AA", "RB" or "B" district and separated by a street and not under the provision of 8.a above. Said shrubbery shall be a type and maintained in such manner as to not constitute a traffic hazard.

9. The planning commission may in unusual situations where the objectives of the master plan and good planning practices are furthered, alter the foregoing requirements, including the modification of all or any part of the foregoing requirements; provided, however, that the commission must set forth specific reasons in writing as to the manner in which such modification meets the above criteria.

10. Administration.

- a. The planning commission shall review the preliminary development plan for compliance with the requirements of this section. In the course of such review, the planning commission may require changes in the preliminary development plan as a condition for approval of zoning. The planning commission may, but shall not be required to secure initial review and recommendation of said plan by its subdivision committee.
- b. If the planning commission shall approve said plan, it shall cause said plan to be filed with the director of planning and with the official charged with the enforcement of zoning. Approval may be made with such changes, special conditions and safeguards as are deemed by the planning commission to be in the public interest.
- c. If such plan is not approved or conditions attached for approval by the planning commission are not agreed on by the applicant, the applicant may request such plan be forwarded to the governing body for decision and approval. Such request must be made within fourteen (14) days of planning commission action.
- d. No building permit shall be issued on lands meeting the conditions and criteria under B.1.A of this section unless a development plan shall have been approved in accordance with provisions herein.

- e. After a plan has been submitted and approved for tracts as one unit, development in compliance with the plan may proceed on parts of a unit.
- f. Any substantial deviation as determined by the superintendent of central inspection from the plans submitted shall constitute a violation of the building permit authorizing construction of the proposed development. Changes in plans shall be resubmitted to the planning commission to ensure compliance with the requirements, purpose and intent of this section, and no building permit shall be issued for any construction which is not in conformity with an approved development plan.
- g. Notice of hearing of the plan shall be given by publication in a newspaper of general circulation in the city for one publication not less than twenty (20) days in advance of hearing.

DECEMBER 27, 1962

LAWRENCE CURFMAN, ASSISTANT CITY ATTORNEY  
R. A. LAKIN, SENIOR PLANNER

VACATION AND RE-DEDICATION OF EASEMENT IN THE LAMBSDALE  
COMMUNITY UNIT PLAN

ATTACHED IS A DRAFT OF AN APPLICATION FOR VACATION OF AN EASEMENT AND "CONTEMPORANEOUS RE-DEDICATION" OR AGREEMENT TO DEDICATE EASEMENTS FOR A DRAINAGE AREA IN FOURTH ADDITION TO LAMBSDALE. THERE IS A SELF-EXECUTING DRAINAGE EASEMENT AND AGREEMENT WHICH PROVIDED THAT IN THE EVENT THE LAMBSDALE COMMUNITY UNIT PLAN WAS NOT DEVELOPED WITHIN THE THEN EXISTING TIME SCHEDULE, THE CITY WOULD ACQUIRE CERTAIN DRAINAGE RIGHTS ACROSS THE PROPERTY. THESE EASEMENTS CAME INTO EXISTENCE ON OCTOBER 1, 1962, THROUGH AN AGREEMENT SIMILAR TO THE ATTACHED ONE.

IN ORDER TO REMOVE THE PERMANENT EASEMENT FROM THE TITLE SO THAT NEGOTIATIONS FOR THE DEVELOPMENT AND FINANCING OF THE CENTER WILL NOT BE HAMPERED, MR. MANKA WOULD LIKE TO HAVE THE EXISTING EASEMENT VACATED AND PROVIDE A SIMILAR AGREEMENT TO THE FIRST ONE EXCEPT THAT IT WOULD PROVIDE FOR TIME EXTENSIONS IN THE EVENT THE CENTER IS NOT BUILT BEFORE IT BECAME SELF-EXECUTING.

SINCE THIS IS SOMEWHAT DIFFERENT FROM OUR NORMAL VACATIONS AND GRANTS OF EASEMENTS, I WOULD LIKE YOUR ADVICE AND COMMENTS ON EITHER PROCEDURE OR FORM OF INSTRUMENTS SUBMITTED BY MR. MANKA. WE WILL, OF COURSE, CHECK WITH MITCHELL OR WILTON AS TO THE IMMEDIACY OF NEED BY THE CITY FOR THIS EASEMENT.

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:AN  
ATTACHMENT

CC: GEORGE WILTON,  
MAINTENANCE

NOVEMBER 15, 1962

C. H. FUNK, CITY CLERK  
ROBERT A. LAKIN, SENIOR PLANNER  
LAMBSDALE COMMUNITY UNIT PLAN

~~ATTACHED IS THE SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS~~  
IN CONNECTION WITH AMENDING THE TIME SCHEDULE FOR CONSTRUCTION  
OF THE LAMBSDALE COMMUNITY PLAN. THIS CONFORMS TO THE APPROVAL  
GIVEN BY THE CITY COMMISSION AT A PREVIOUS MEETING. THE PRO-  
POSED AMENDMENT TO DECLARATION OF RESTRICTIONS HAS BEEN  
APPROVED BY THE DEPARTMENT OF LAW. IT IS REQUESTED THAT THE  
MATTER BE PLACED ON YOUR AGENDA FOR THE CITY COMMISSION FOR  
THEIR CONSIDERATION ON NOVEMBER 20, 1962. I BELIEVE THE FOL-  
LOWING ACTION WOULD BE APPROPRIATE:

SUGGESTED ACTION:  
APPROVE THE SECOND AMENDMENT TO DECLARATION OF  
RESTRICTIONS AND AUTHORIZE THE APPLICANT TO FILE  
AN EXECUTED COPY WITH THE REGISTER OF DEEDS AND  
THE OFFICE OF THE CITY CLERK.

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:MM

ATTACHMENT

CC: J. ASHFORD MANKA, ATTORNEY  
COLORADO-DERBY BUILDING

COPY FROM  
**ADAMS, JONES, ROBINSON AND MANKA**  
ATTORNEYS AT LAW  
503 COLORADO - DERBY BUILDING  
202 WEST FIRST STREET  
WICHITA 2, KANSAS

MARK H. ADAMS  
CHARLES E. JONES  
WM. I. ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS II  
JOHN S. SEEBER  
PHILIP L. BOWMAN

JOE ROLSTON  
OF COUNSEL

November 23, 1962

AMHERST 2-0403

Mr. C. H. Funk, City Clerk  
City of Wichita  
City Building  
Wichita, Kansas

Re: Second Amendment to Declaration  
of Restrictions (Lambsdale  
Community Unit Plan)



Dear Mr. Funk:

As you know from the records of your office, the City Commission approved the amendment to the Declaration of Restrictions extending the time for commencement of construction in connection with the subject community unit plan zoning classification on October 23, 1962; and the form of amendment therefor was approved by the city's legal staff and also the City Commission at its meeting November 20, 1962.

In accordance with the approvals granted, the original of such amendment to restrictions has been filed of record on November 23, 1962 in the office of the Register of Deeds of Sedgwick County, Kansas and is recorded in Misc. Book 509, Page 66. A true copy of the original instrument so filed is enclosed herewith for the files of your office.

In order that the Metropolitan Area Planning Commission may also be kept advised on this action, a true copy of the subject restrictions as recorded is being transmitted to that office. The cooperation of the city departments in this matter has been appreciated.

Yours very truly,

ADAMS, JONES, ROBINSON & MANKA

By *J. Clifford Manka*

JAM:ep  
Encl.

cc: Metropolitan Area Planning Commission  
City Building Annex  
Wichita, Kansas  
Attention: Mr. Lakin

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED FOR RECORD AT  
NOV 23 1962  
23650

NO. RUFUS E. DEERING  
REGISTER OF DEEDS  
3-13-11

copy MISC BOOK 509 PAGE 66

SECOND AMENDMENT TO  
DECLARATION OF RESTRICTIONS

WHEREAS, on April 23, 1957, Claude R. Lambe and Pauline Parks Lambe, husband and wife, as owners, filed a certain Declaration of Restrictions in the office of the Register of Deeds of Sedgwick County, Kansas, in Book 394, Page 70, et seq., and affecting the following described real property, to wit:

Beginning at a point 40 feet East and 50 feet South of the Northwest corner of the Northwest Quarter of Section 13, Township 27 South, Range 1 East of the Sixth Principal Meridian, thence East 1494.98 feet more or less to a point 310 feet West of the Northwest corner of Lot 1, Block 11, Second Addition to Lamsdale, Wichita, Kansas, thence with an angle to the right of 90° 220 feet, thence with an angle to the right of 14° 194.97 feet more or less to a point 310 feet from and measured at right angle to the westerly line of Lots 7, 9 and 10, Block 11, said Second Addition to Lamsdale, thence southwesterly parallel to and 310 feet from the westerly line of said Lots 7, 9 and 10 extended, 890 feet more or less to a point 1190 feet South of the North line of Northwest Quarter of said Section 13, thence west parallel to said North line 239 feet more or less to a point 690 feet east of the west line of the Northwest Quarter of said Section 13, thence North parallel to said West line 557.24 feet more or less to a point 30 feet North of the South line of the North Half of the North Half of the Northwest Quarter of said Section 13, thence West 650 feet to a point 30 feet North and 40 feet East of the Southwest corner of the North Half of the North Half of the Northwest Quarter of Section 13, thence North 583 feet more or less to the place of beginning, in Sedgwick County, Kansas;

and,

WHEREAS, in accordance with paragraph 5 of said Declaration of Restrictions, said restrictions have been further modified, altered and changed as set out in First Amendment to Declaration of Restrictions under date of November 9, 1959 and recorded November 10, 1959 in Misc. Book 452, Page 269, et seq., in the office of the Register of Deeds of Sedgwick County, Kansas;

and,

WHEREAS, under paragraph 5 of said Declaration of Restrictions, said restrictions may be modified, altered or changed in any particular, or such restrictions may be removed altogether

by written instrument executed by the owners of the above lands, their heirs, successors and assigns, provided, written consent of the City of Wichita by its governing body is first obtained; and,

WHEREAS, the said owners, Claude R. Lambe and Pauline Parks Lambe, now desire to modify, alter, change and amend said Declaration of Restrictions and First Amendment to Declaration of Restrictions in the particulars below set out and as consented to by formal action and motion of the Board of City Commissioners and governing body of the City of Wichita, Kansas, on October 23, 1962, a certified transcript of the consent and action of said governing board of the City of Wichita and consent therefor being attached hereto and marked "Exhibit A".

NOW, THEREFORE, the Declaration of Restrictions above referred to and recorded in Book 394, Page 70, et seq., and as amended by First Amendment to Declaration of Restrictions recorded in Misc. Book 452, Page 269, et seq., is hereby modified, altered, changed and amended by deleting paragraph numbered "2. (Amended)" of the First Amendment to Declaration of Restrictions (Misc. Book 452, Page 269) and substituting in lieu thereof, an amended paragraph numbered 2, reading as follows:

"2. (Second Amendment) Development of the area shall proceed by commencement of Phase 1, shown in Exhibit No. 1, on or before the expiration of six (6) years from November 9, 1962 and shall be completed within eight (8) years from November 9, 1962. In the event Phase 1 is commenced, Phase 2, shown in Exhibit No. 1, shall be commenced on or before eight (8) years from November 9, 1962 and shall be completed within ten (10) years from November 9, 1962. The commencement of Phase 1, shown in Exhibit No. 1, shall be considered to be the securing of a building permit."

And, except as herein amended, the Declaration of Restrictions herein referred to remain in full force and effect.

EXECUTED at Wichita, Kansas, this 23<sup>rd</sup> day of November, 1962.

  
\_\_\_\_\_  
CLAUDE R. LAMBE

  
\_\_\_\_\_  
PAULINE PARKS LAMBE

STATE OF KANSAS )  
SEDGWICK COUNTY ) SS:

Before me, the undersigned, a Notary Public, within and for said County and State, on this 23<sup>d</sup> day of November, 1962, personally appeared CLAUDE R. LAMBE and PAULINE PARKS LAMBE, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Lela Marie Giferton  
Notary Public



My Commission Expires:  
May 5, 1964

EXHIBIT "A"

THE UNDERSIGNED, C. H. Funk, duly qualified and acting Clerk of the City of Wichita, hereby certifies that on the 23rd day of October, 1962, at a regular meeting of the Board of Commissioners of the City of Wichita, four (4) members of said Commission being present, the following action was taken:

"18. Lambdale Community Unit Plan - Request for Extension.

"At the regular meeting of the Metropolitan Area Planning Commission held on October 4, 1962, a request for modification of the Declaration of Restrictions applicable to the Lambdale Community Unit Plan was considered. The applicant asked that any reference to construction time be eliminated entirely, and if this is not done, then that an extension as proposed in his letter to the City Manager be granted, beginning with November 9, 1962, which is the expiration of the previous extension of time in which to commence construction. A copy of the existing restrictive covenants and an explanation of the existing time limitation as presented to the Metropolitan Area Planning Commission have been sent to the Commissioners.

"(After discussion by Commissioners and proponents for the applicants) Commissioner Byrd moved: That the Declaration of Restrictive covenants for the Lambdale Community Unit Plan be amended to provide for an additional six-year extension (from November 9, 1962) in which to commence Phase 1; and an additional two-year extension to commence Phase 2, in the event Phase 1 is commenced. Commencement of Phase 1 shall be considered to be the securing of a building permit. Motion carried unanimously."

EXECUTED, this 23rd day of November, 1962.

  
C. H. FUNK, City Clerk

OCTOBER 31, 1962

MR. PHILLIP L. BOWMAN, ATTORNEY  
COLORADO-DERBY BUILDING  
WICHITA, KANSAS

SUBJECT: LAMBSDALE COMMUNITY UNIT  
PLAN

DEAR MR. BOWMAN:

I HAVE CHECKED WITH MR. CURFMAN AND WE BOTH FEEL THAT THE BETTER PROCEDURE TO BE FOLLOWED WOULD BE TO HAVE THE RESTRICTIVE COVENANTS APPROVED BY THE CITY COMMISSION PRIOR TO THEIR RECORDING WITH THE REGISTER OF DEEDS. I HAVE SENT A THERMOFAX COPY OF THE RESTRICTIONS TO MR. CURFMAN FOR HIS REVIEW. I DO NOT BELIEVE WE WILL HAVE THEM BACK IN TIME TO PLACE THEM ON THE CITY MANAGER'S AGENDA FOR THURSDAY BUT MAY HAVE THEM BACK IN TIME TO PUT THEM ON THE CITY CLERK'S AGENDA FOR NEXT TUESDAY'S MEETING. AS SOON AS WE HAVE THE COVENANTS RETURNED FROM MR. CURFMAN, WE WILL ADVISE YOU AS TO THE DATE THEY WILL COME BEFORE THE CITY COMMISSION.

IF YOU HAVE ANY QUESTIONS AS TO THIS PROCEDURE, PLEASE CALL.

SINCERELY YOURS,

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:MM

ATTACHED

LAWRENCE CURFMAN  
ASSISTANT CITY ATTORNEY  
ROBERT A. LAKIN  
SENIOR PLANNER

OCTOBER 31, 1962

LAMBSDALE COMMUNITY UNIT PLAN

ATTACHED IS A THERMOFAX COPY OF THE DECLARATION OF RESTRICTIONS ON THE AMENDMENT TO THE COMMUNITY UNIT PLAN PROVISIONS. THE CITY COMMISSION ACTION ON THIS MATTER WAS TO EXTEND PHASE 1 AND 2 FOR 6 YEARS AND 8 YEARS RESPECTIVELY. IN THE PREVIOUS RESTRICTIONS, THERE WAS A TIME LIMIT RELATIVE TO THE COMPLETION DATE, BUT THE COMMISSION FELT THAT THIS PROVISION SHOULD BE ELIMINATED IN THE NEW AMENDMENTS. WOULD YOU PLEASE REVIEW THE ATTACHED AMENDMENTS AS TO FORM AND CONTENT. IF THEY ARE SATISFACTORY, I WOULD LIKE TO PLACE THEM ON THE CITY COMMISSION AGENDA MONDAY FOR COMMISSION APPROVAL. ALSO ATTACHED FOR YOUR INFORMATION IS A DITTO COPY OF THE ORIGINAL RESTRICTIONS AND THE FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIONS.

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:MM

ATTACHMENTS: 2

WICHITA-SEDGWICK COUNTY

DATE

*File*

**METROPOLITAN AREA PLANNING DEPARTMENT**

OCTOBER 24, 1962

**TO** ROBERT A. LAKIN, SENIOR PLANNER  
**FROM** LELAND R. EDMONDS, ASSISTANT PLANNING DIRECTOR  
**SUBJECT** LAMBSDALE COMMUNITY UNIT PLAN

FOR THE RECORDS, IT SHOULD BE NOTED THAT THE FOLLOWING ACTION WAS TAKEN AT THE MEETING OF THE BOARD OF CITY COMMISSIONERS ON OCTOBER 23:

A MOTION BY COMMISSIONER BYRD, SECONDED BY MAYOR BELL, TO EXTEND THE TIME FOR COMMENCEMENT OF CONSTRUCTION OF PHASE 1 FOR A PERIOD OF SIX YEARS FROM THE CURRENT EXPIRATION DATE; AND THE COMMENCEMENT OF CONSTRUCTION OF PHASE 2 FOR EIGHT YEARS FROM THE PRESENT EXPIRATION DATE.

COMMISSIONER BYRD INDICATED THAT HE DID NOT INTEND TO ESTABLISH A COMPLETION DATE AS HAD PREVIOUSLY BEEN ESTABLISHED IN THE RESTRICTIONS. HE ALSO NOTED THAT "COMMENCEMENT OF DEVELOPMENT" IS TO BE INTERPRETED AS "COMMENCEMENT OF CONSTRUCTION".

*LE*  
LELAND R. EDMONDS  
ASSISTANT PLANNING DIRECTOR

LRE:BR

OCTOBER 24, 1962

ROBERT A. LAKIN, SENIOR PLANNER  
LELAND R. EDMONDS, ASSISTANT PLANNING DIRECTOR

LAMBSDALE COMMUNITY UNIT PLAN

FOR THE RECORDS, IT SHOULD BE NOTED THAT THE FOLLOWING ACTION WAS TAKEN AT THE MEETING OF THE BOARD OF CITY COMMISSIONERS ON OCTOBER 23:

A MOTION BY COMMISSIONER BYRD, SECONDED BY MAYOR BELL, TO EXTEND THE TIME FOR COMMENCEMENT OF CONSTRUCTION OF PHASE 1 FOR A PERIOD OF SIX YEARS FROM THE CURRENT EXPIRATION DATE; AND THE COMMENCEMENT OF CONSTRUCTION OF PHASE 2 FOR EIGHT YEARS FROM THE PRESENT EXPIRATION DATE.

COMMISSIONER BYRD INDICATED THAT HE DID NOT INTEND TO ESTABLISH A COMPLETION DATE AS HAD PREVIOUSLY BEEN ESTABLISHED IN THE RESTRICTIONS. HE ALSO NOTED THAT "COMMENCEMENT OF DEVELOPMENT" IS TO BE INTERPRETED AS "COMMENCEMENT OF CONSTRUCTION".

LELAND R. EDMONDS  
ASSISTANT PLANNING DIRECTOR

LRE:BR

LAMBSDALE COMMUNITY UNIT PLAN  
SHOPPING CENTER REQUEST FOR CONSENT  
TO AMEND DECLARATION OF RESTRICTIONS

*Proposed  
10-23-62  
BLL*

This 26 acre tract situated at the Southeast corner of 13th and Oliver was allowed Light Commercial Zoning under the Community Unit Plan in May 1957, after the owners conformed to numerous Planning Commission requirements, including the imposition upon such lands of certain restrictions set out in "DECLARATION OF RESTRICTIONS" filed of record, concerning the use and improvement of such 26 acre Regional Shopping Center, subject to modification or amendments to such Restrictions by the owners upon conditions as provided under Item 5, reading:

" 5. THESE RESTRICTIONS MAY BE MODIFIED, ALTERED OR CHANGED IN ANY PARTICULAR, OR SUCH RESTRICTIONS MAY BE REMOVED ALTOGETHER BY WRITTEN INSTRUMENT EXECUTED BY THE UNDERSIGNED OWNERS, THEIR HEIRS, SUCCESSORS OR ASSIGNS; PROVIDED WRITTEN CONSENT OF THE CITY OF WICHITA BY ITS GOVERNING BODY IS FIRST OBTAINED."

Because of changes and conditions not foreseen when the restrictions as to time for development was imposed, and as provided by clause 5 of the "Declaration of Restrictions", the owners seek consent of the governing body of the City of Wichita to amend, modify, alter and change Item 2 of the subject "DECLARATION OF RESTRICTIONS", as amended, as follows:

1. By deleting Item 2 now reading:

"2. (Amended) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 36 months from November 9, 1959, and shall be completed within 48 months from November 9, 1959. Phase 2, shown by Exhibit No. 1, shall be commenced on or before 48 months from November 9, 1959 and shall be completed within 60 months from November 9, 1959."

and relieving the owners of the burden of a time limitation for the development of the Regional Shopping Center.

2. OR IN THE ALTERNATIVE: To amend said above Item 2, to read:

"2. (Second Amendment) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 72 months from November 9, 1962, and shall be completed within 84 months from November 9, 1962. Phase 2, shown by Exhibit No. 1, shall be commenced on or before 96 months from November 9, 1962 and shall be completed within 114 months from November 9, 1962."

*10-23-62  
BLL*  
*Byrd - bill (amend) Voto - 4-0*  
*6 yrs. exp. to start #I*  
*2 more yrs. exp. to start #II*  
*no intent to start completion date*  
*Commencement -*  
*be ready to go and able to obtain*  
*building permit - Cpl says by 10/11*  
*Commencement of Construction*

OCTOBER 18, 1962

BOARD OF CITY COMMISSIONERS  
CITY BUILDING  
WICHITA, KANSAS

GENTLEMEN:

RE: LAMBSDALE COMMUNITY UNIT  
PLAN  
REQUEST FOR EXTENSION

AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION HELD ON OCTOBER 4, 1962, A REQUEST FOR MODIFICATION OF THE DECLARATION OF RESTRICTIONS APPLICABLE TO THE LAMBSDALE COMMUNITY UNIT PLAN WAS CONSIDERED. THE APPLICANT ASKED THAT ANY REFERENCE TO CONSTRUCTION TIME BE ELIMINATED ENTIRELY, AND IF THIS IS NOT DONE, THEN THAT AN EXTENSION AS PROPOSED IN HIS LETTER TO THE CITY MANAGER BE GRANTED, BEGINNING WITH NOVEMBER 9, 1962, WHICH IS THE EXPIRATION OF THE PREVIOUS EXTENSION OF TIME IN WHICH TO COMMENCE CONSTRUCTION. A COPY OF THE EXISTING RESTRICTIVE COVENANTS AND AN EXPLANATION OF THE EXISTING TIME LIMITATION AS PRESENTED TO THE METROPOLITAN AREA PLANNING COMMISSION IS ATTACHED FOR THE INFORMATION OF THE BOARD OF CITY COMMISSIONERS.

AFTER DISCUSSION, IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THE DECLARATION OF RESTRICTIVE COVENANTS FOR THE LAMBSDALE COMMUNITY UNIT PLAN BE AMENDED TO PROVIDE FOR AN ADDITIONAL TWO-YEAR EXTENSION (FROM NOVEMBER 9, 1962) IN WHICH TO COMMENCE PHASE 1; AND AN ADDITIONAL ONE-YEAR EXTENSION TO COMMENCE PHASE 2, IN THE EVENT PHASE 1 IS COMMENCED.

RESPECTFULLY SUBMITTED,

L. L. LITTLE  
SECRETARY

LLL:RAL:BER  
ATTACHMENTS

OCTOBER 5, 1962

MR. CLAUDE R. LAMBE  
SUITE 621 UNION NATIONAL BUILDING  
WICHITA, KANSAS

SUBJECT: LAMBSDALE COMMUNITY  
UNIT PLAN

DEAR MR. LAMBE:

THE METROPOLITAN AREA PLANNING COMMISSION, AT ITS MEETING OF OCTOBER 4, 1962, UNANIMOUSLY RECOMMENDED TO THE BOARD OF CITY COMMISSIONERS THAT THE DECLARATION OF RESTRICTIVE COVENANTS FOR THE LAMBSDALE COMMUNITY UNIT PLAN BE AMENDED TO PROVIDE FOR AN ADDITIONAL TWO YEAR'S EXTENSION IN WHICH TO COMMENCE PHASE 1 AND AN ADDITIONAL ONE YEAR'S EXTENSION TO COMMENCE PHASE 2 IN THE EVENT PHASE 1 IS COMMENCED. THIS MATTER WILL BE FORWARDED TO THE BOARD OF CITY COMMISSIONERS FOR THEIR CONSIDERATION AT THEIR MEETING OF OCTOBER 23, 1962.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS MATTER, PLEASE CALL.

SINCERELY YOURS,

LELAND R. EDMONDS  
ASSISTANT DIRECTOR OF PLANNING

LRE/RAL:MM

cc: J. ASHFORD MANKA, ATTORNEY  
COLORADO-DERBY BUILDING  
WICHITA, KANSAS

Exempt - All Areas -  
Excl I Z - Annex -

er go :

1111'

LAMBSDALE COMMUNITY UNIT PLAN

1845 - AM-FH-13  
2:45 - CL

J. ASHFORD MANKA APPEARED AND REQUESTED THAT THE TIME LIMITATION BE ELIMINATED IN ITS ENTIRETY OR IF NOT, TO PROVIDE FOR A 6 TO 8 YEAR EXTENSION.

CLAUDE LAMB APPEARED. HE NOTED THAT THERE ARE ONLY 12 CITIES OVER 100,000 THAT HAVE A TIME LIMIT ON SHOPPING CENTER ZONING. HE FELT THE ORIGINAL TIME LIMIT WAS TOO SHORT. HE FEELS HE HAS COOPERATED WITH THE CITY IN EVERY WAY INCLUDING THE PAVING OF 10TH STREET, 12TH STREET, 13TH STREET AND OLIVER. THEY HAVE COMPLIED WITH ALL REQUESTS OF THE CITY RELATIVE TO MARKET ANALYSIS, TRAFFIC ANALYSIS, ETC.

DUE TO THE BUSINESS CONDITIONS LOCALLY AND THE NATIONAL ECONOMY, THEY HAVE NOT BEEN ABLE TO OBTAIN TENANTS FOR THE TYPE AND QUALITY OF SHOPPING CENTER THAT THEY PROPOSE.

THAT SEVERAL TIMES NEGOTIATIONS TOWARDS LEASING HAVE BROKEN DOWN DUE TO THE PENDING TIME LIMITATION AS WELL AS TO A DESIRE OF OUTSIDE COMPANIES TO WAIT OUT THE ECONOMIC "SLUMP".

Original approval -  
April 1957

Phase 1	Start 30 mo	Revisit 42 mo
" 2	" 36 mo	" 54 mo

Amended Oct 20, 1959

Phase 1	" 36	" 48 "
" 2	48	60 "

Proposed - Eliminate  
it.

Phase 1	72 from 11-62	" 84
" 2	96	114

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

OCTOBER 4, 1962

THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION WAS HELD ON THURSDAY, OCTOBER 4, 1962, AT 2 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS. CHARLES ANDERSON; HARRY B. DUGAN; CHARLES HARRIS; E. B. LAW; JOHN TROUT, JR.; MERRITT WINSBY; AND ERLE JENNINGS WERE PRESENT. MEMBER ABSENT WAS JOSEPH MEEHAN. ALSO PRESENT WERE L. L. LITTLE, DIRECTOR OF PLANNING; ROBERT A. LAKIN; JAMES HOWE, R. K. LISTER AND BERNIECE RATHKE OF THE PLANNING STAFF. E. B. LAW, CHAIRMAN, PRESIDED.

1. THE MINUTES OF THE SEPTEMBER 20, 1962 MEETING AND EVENING MEETING OF SEPTEMBER 6, 1962, WERE APPROVED AS MAILED.

PLANNING

2. DR 62-11 - HIGH-RISE APARTMENT - CENTRAL BUSINESS DISTRICT. CONSIDERATION OF STAFF REPORT SUBMITTED AT THE PLANNING COMMISSION MEETING OF SEPTEMBER 20, 1962.

THIS MATTER WAS BROUGHT BEFORE THE PLANNING COMMISSION BY A PROPOSED DEVELOPMENT OF A HIGH-RISE APARTMENT PROJECT IN THE CENTRAL BUSINESS DISTRICT AREA. THE PARTIES INTERESTED HAD REQUESTED THE LOT AREA PER FAMILY BE REDUCED IN THE CENTRAL BUSINESS DISTRICT IN ORDER TO CONSTRUCT THE NUMBER OF UNITS THEY DESIRED.

PAT KELLY, ATTORNEY, APPEARED REPRESENTING THE DEVELOPER.

LOT AREA WAS DETERMINED TO BE APPROXIMATELY 23,000 SQUARE FEET. WITH THE REQUIREMENT OF 250 SQUARE FEET PER FAMILY, THE TRACT INVOLVED WILL PERMIT THE CONSTRUCTION OF 92 UNITS. THE PLANS SUBMITTED BY THE APPLICANTS SHOW ONLY 90 UNITS. ON THIS BASIS THERE IS NO REASON WHY THE PROJECT COULD NOT PROCEED UNDER THE EXISTING ORDINANCE.

IT WAS AGREED BY THE ATTORNEY THAT PERHAPS THERE HAD BEEN A MISUNDERSTANDING PREVIOUSLY AS TO REQUIREMENTS IN THIS RESPECT.

IT WAS POINTED OUT THAT THERE IS A CITY HOUSING CODE AND PERHAPS OTHER CODES OR ORDINANCES WHICH WOULD AFFECT THE PROPOSED DEVELOPMENT, BUT SO FAR AS LOT AREA PER FAMILY, THE ORDINANCE NEEDS NO REVISION TO PERMIT THE DEVELOPMENT PROPOSED.

R. C. DES MARTEAU, EXECUTIVE DIRECTOR OF THE URBAN RENEWAL AGENCY, INDICATED THAT THEY HAD EXPERIENCED NO PROBLEMS IN THEIR SKYLINE PROJECT RELATING TO DENSITY REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT AREA.

MOTION: IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE STAFF REPORT BE RECEIVED AND FILED; AND NO CHANGE IN THE DENSITY REQUIREMENTS BE MADE AT THIS TIME.

-----

WINSBY ARRIVED.

-----

2A. LETTER FROM DON MCKAY, REPRESENTING THE ROADS AND HIGHWAY COMMITTEE OF THE WICHITA CHAMBER OF COMMERCE.

R. D. MCKAY, JR., CHAIRMAN OF THE ROADS AND HIGHWAY COMMITTEE OF THE WICHITA CHAMBER OF COMMERCE, APPEARED BEFORE THE PLANNING COMMISSION URGING THAT THE COMMISSION AND PLANNING DEPARTMENT GIVE FURTHER AND ADDITIONAL STUDY TO THE PROBLEM OF A NORTHEAST CIRCUMFERENTIAL LINK TO SERVE THE NORTHEAST QUADRANT OF THE CITY WITH CONNECTIONS TO U.S. 54 AT THE SOUTH END AND TO INTERSTATE 35W (CANAL ROUTE) AT THE NORTH END.

MR. MCKAY STRESSED THE POINT THAT THE COMMITTEE IS QUITE CONCERNED THAT THE CANAL ROUTE SHOULD GET UNDER CONSTRUCTION AT THE EARLIEST POSSIBLE DATE AND THAT NO ACTION SHOULD BE TAKEN WHICH MIGHT IN ANY MANNER FURTHER DELAY THE COMMENCEMENT OF THIS PROJECT.

IT WAS THE RECOMMENDATION OF THE COMMITTEE THAT THE PLANNING COMMISSION RESUME ITS STUDIES AND RESEARCH FOR THE DEVELOPMENT OF A NORTHEAST CIRCUMFERENTIAL ROUTE AND FOR ITS INCLUSION IN THE MASTER PLAN, BUT THAT IT BE DONE IN SUCH A MANNER AS WILL NOT OCCASION ANY FURTHER DELAY IN THE CONSTRUCTION PROGRAM OF THE CANAL BANK ROUTE.

THE CHAIRMAN ORDERED THE LETTER RECEIVED AND FILED, AND STATED THAT THE COMMENTS OF THE CHAMBER OF COMMERCE COMMITTEE WILL BE CONSIDERED BY THE PLANNING COMMISSION AND ITS STAFF.

-----

3. S-163 - SUBMISSION OF RESOLUTION FOR ADOPTION RE AMENDMENTS TO SUBDIVISION RULES AND REGULATIONS.

LAKIN SUBMITTED A RESOLUTION CONCERNING THE AMENDMENT TO THE SUBDIVISION RULES AND REGULATIONS RELATING TO FEES, WHICH AMENDMENTS HAVE PREVIOUSLY BEEN APPROVED BY THE PLANNING COMMISSION AT A PUBLIC HEARING ON SEPTEMBER 6, 1962.

**MOTION:** IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE FOLLOWING RESOLUTION BE ADOPTED BY THE PLANNING COMMISSION:

(THE RESOLUTION IS NOT SHOWN IN THE MINUTES AS MAILED BUT IS A PART OF THE PERMANENT MINUTES ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.)

4. R 52-5 - SUBMISSION OF PLANNING DEPARTMENT LAND USE REPORT.

THE DIRECTOR OF PLANNING SUBMITTED THE ABOVE REPORT AND REVIEWED IT BRIEFLY. HE STATED THAT THE LAST THREE ELEMENTS OF THE COMPREHENSIVE PLAN (FINANCIAL PLAN, PUBLIC FACILITIES PLAN, AND SUBDIVISION AND ZONING ORDINANCE REVISIONS) WILL BE BASED ON THIS REPORT. HE SUGGESTED THAT THE COMMISSION RECEIVE AND FILE THE REPORT.

**MOTION:** IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THIS REPORT BE RECEIVED AND FILED AND A MEETING FOR DISCUSSION OF THIS REPORT BE SET FOR NOVEMBER 1, 1962, AT 8 P.M., AND FURTHER THAT COPIES OF THIS REPORT BE MADE AVAILABLE TO INTERESTED CIVIC ORGANIZATIONS AND INDIVIDUALS.

5. LAMBSDALE COMMUNITY UNIT PLAN. REQUEST BY OWNERS OF LAMBSDALE COMMUNITY UNIT SHOPPING CENTER FOR MODIFICATION OF "DECLARATION OF RESTRICTIONS."

J. ASHFORD MANKA, ATTORNEY FOR MR. AND MRS. LAMBE, STATED THAT A FORMAL REQUEST FOR AN ELIMINATION OF ANY TIME LIMIT FOR DEVELOPMENT, OR, IF THAT IS NOT POSSIBLE, FOR AN EXTENSION OF THE COMMENCEMENT DATE FOR THIS DEVELOPMENT HAS BEEN REQUESTED FROM THE CITY COMMISSION AND PLANNING COMMISSION.

CLAUDE LAMBE, OWNER OF THE PROPERTY INVOLVED, SPOKE IN SUPPORT OF THE REQUEST FOR ELIMINATION OF THE TIME RESTRICTION. HE POINTED OUT THAT INFORMATION HE HAS OBTAINED FROM THE AMERICAN SOCIETY OF PLANNING OFFICIALS INDICATES THAT THERE ARE NOT OVER 12 CITIES IN THE UNITED STATES IN THE 100,000 POPULATION GROUP THAT HAVE A TIME LIMIT ON SHOPPING CENTER ZONING. HE INDICATED THAT THEY ARE WORKING UNDER A SEVERE HANDICAP WITH SUCH A TIME LIMIT. HE FELT THAT THE ORIGINAL TIME AND THE EXTENSION WERE MUCH TOO SHORT.

MR. LAMBE POINTED OUT THAT HE HAS COOPERATED WITH THE CITY IN EVERY WAY HE WAS REQUESTED, SUCH AS PAVING OF 13TH, 12TH AND 10TH STREETS AND OLIVER. FURTHER, HE HAS NEVER OPPOSED ANY REQUEST FOR ZONING IN THIS AREA BY OTHER OWNERS, OR ANYWHERE ELSE IN THE CITY, AND IT WAS NOT HIS INTENTION THAT OTHERS SHOULD NOT BE GRANTED COMMERCIAL ZONING.

HE REVIEWED THE VARIOUS STUDIES WHICH THEY HAVE HAD MADE IN CONNECTION WITH THIS CENTER - MARKET ANALYSIS, TRAFFIC ANALYSIS, ETC., AS WELL AS CONTINUOUS ATTEMPTS TO CLOSE FINAL NEGOTIATIONS WITH PROPOSED TENANTS. HE REVIEWED THE VOLUME OF CORRESPONDENCE WHICH THEY HAVE HAD WITH INTERESTED LESSEES AND POINTED OUT THE MANY CONTACTS THEY HAVE HAD WITH SHOPPING CENTER DEVELOPERS THROUGHOUT THE NATION. HE ALSO POINTED OUT THAT LARGE AMOUNTS OF MONEY WHICH HAVE BEEN EXPENDED IN CONNECTION WITH THIS PROJECT; INCLUDING ENGINEERING STUDIES, MARKET SURVEY, TRAFFIC ENGINEERING SURVEY, LAND PLANNING, ARCHITECTURAL FEES, ATTORNEY FEES, TRAVEL EXPENSE, TELEPHONE CALLS, ETC.

MR. LAMBE INDICATED THAT FINAL NEGOTIATIONS BROKE DOWN BECAUSE THEY WOULD NOT CONSENT TO LOWERING THE QUALITY OF THE SHOPPING CENTER. MR. LAMBE REFERRED TO THE FACT THAT MANY OF THE NATIONAL CHAIN STORES ARE WAITING BEFORE MAKING A COMMITMENT FOR A DECISION ON THE TFX CONTRACT WITH BOEING. FURTHER, HE POINTED OUT THAT BUSINESS CONDITIONS IN WICHITA HAVE BEEN IN A SLUMP FOR THE LAST FEW YEARS.

LAMBE NOTED THAT AN EXTENSION OR COMPLETE ELIMINATION OF THE TIME LIMIT MUST COME FIRST. MR. LAMBE INDICATED THAT TAXES ARE \$5,500 A YEAR, AND THAT WHEN THE CENTER IS DEVELOPED THE INCREASED TAXES TO THE CITY WILL BE QUITE A LARGE SUM. HE POINTED OUT THAT THE OWNERS OF THE PROPERTY ARE THE ONES LOSING MONEY, WITH CONTINUED PROMOTIONAL EXPENSE.

MR. LAMBE REVIEWED IN DETAIL THE STUDY AND TIME INVOLVED IN THE ORIGINAL DEVELOPMENT OF A COMMUNITY PLAN SECTION IN THE ZONING ORDINANCE, AS WELL AS THE NUMEROUS DETAILS INVOLVED IN ARRIVING AT SATISFACTORY RESTRICTIVE COVENANTS FOR THE DEVELOPMENT.

JIM BECKETT SPOKE ON BEHALF OF THE ELIMINATION OF ANY TIME REQUIREMENT. HE POINTED OUT THAT THE TYPE OF DEVELOPMENT PROPOSED ORIGINALLY FOR THIS CENTER IS OUTDATED AND THAT A COMPLETE REVISION OF THE PLAN SHOULD BE MADE BASED ON THE MALL TYPE DEVELOPMENT. HE POINTED OUT THE FACT THAT SUCH A CENTER MUST BE DEVELOPED BY EXPERIENCED DEVELOPERS AND THAT IT TAKES YEARS TO MATERIALIZE.

HE STATED THAT THEY HAVE SPENT 90% OF THEIR TIME WORKING TOWARD A HIGH-CLASS CENTER; HE HAS TRAVELED ALL OVER THE UNITED STATES, AND NO EXPENSE HAS BEEN SPARED. MANY TELEPHONE CALLS HAVE BEEN MADE AND VOLUMES OF CORRESPONDENCE CONDUCTED.

HE POINTED OUT THE FACT THAT THERE IS NO FHA OR URBAN RENEWAL TO FINANCE SUCH A DEVELOPMENT AS PROPOSED - IT HAS TO BE DONE BY INDIVIDUAL MONEY.

FRANCIS HARVEY, REALTOR, ALSO SPOKE IN SUPPORT OF ELIMINATING ENTIRELY THE TIME RESTRICTION. HE EXPRESSED CONFIDENCE IN THE CENTER AND THE SUCCESS OF THE CENTER WHEN CONSTRUCTED. HE STATED THAT IT WAS HIS UNDERSTANDING AT THE TIME THE ZONING WAS GRANTED THAT THE PURPOSE OF THE TIME LIMIT WAS TO KEEP FROM TYING UP ALL FOUR CORNERS, BUT IN THIS INSTANCE THAT HAS NOT BEEN THE CASE - THERE HAS BEEN NO DESIRE ON THE PART OF MR. LAMBE TO MONOPOLIZE THE LIGHT COMMERCIAL ZONING IN THIS AREA.

TROUT WAS EXCUSED FROM THE MEETING.

MR. MANKA POINTED OUT THAT THIS WOULD BE NOT ONLY AN ATTRACTIVE ADDITION TO THE CITY, BUT IS AN EFFORT TO BRING INTO THE CITY NEW "INDUSTRY", AND WOULD PROVIDE EMPLOYMENT. HE URGED THE COMMISSION TO ELIMINATE ANY SCHEDULE OF CONSTRUCTION ENTIRELY, AND IF THEY CANNOT DO THAT, THEN TO GRANT AN EXTENSION WHICH WOULD ALLOW SUFFICIENT TIME TO NEGOTIATE AND BUILD THE CENTER.

ONE OF THE COMMISSIONERS NOTED THAT IF THE EXTENSION WERE NOT GRANTED IT WOULD UNDOUBTEDLY CREATE A DEFINITE BARRIER FOR MR. LAMBE WHO HAS EXPENDED TIME, EFFORT AND MONEY TO DEVELOP A VERY HIGH-TYPE CENTER. HE INDICATED THAT HE WOULD BE IN FAVOR OF EXTENDING THE TIME 6 YEARS IN VIEW OF THE EFFORTS OF MR. LAMBE AND THE FACT THAT HE IS CLOSE TO NEGOTIATIONS WHICH WILL RESULT IN THE DEVELOPMENT.

ANOTHER COMMISSIONER POINTED OUT THAT SINCE THIS CENTER WAS ORIGINALLY APPROVED, TWO OTHER MAJOR COMMUNITY UNIT PLAN CENTERS HAVE BEEN DEVELOPED. HE DID NOT CONCUR IN THE EXTENSION OF 6 YEARS, BUT WOULD NOT OPPOSE A ONE-YEAR EXTENSION.

IT WAS THE FEELING OF THE CHAIRMAN THAT THE COMMISSION SHOULD OPERATE ON THE ASSUMPTION THAT IT DOES HAVE CONFIDENCE THAT THE INTENTIONS OF MR. LAMBE ARE SINCERE AND THAT THE PROGRAM IS PROGRESSING AS RAPIDLY AS IS POSSIBLE, OR THAT THE OPPOSITE IS TRUE, IN WHICH CASE ANY EXTENSION SHOULD BE DENIED.

THE CHAIRMAN POINTED OUT THAT SINCE THE DEVELOPMENT OF THIS PROPOSED CENTER IS NOT A CORPORATION, THERE IS THE POSSIBILITY THAT THE ENTIRE PROPOSAL COULD BE DROPPED AT ANY TIME, AND WAS NOT IN FAVOR OF TOO LONG AN EXTENSION.

**MOTION:** IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THE DECLARATION OF RESTRICTIVE COVENANTS FOR THE LAMSDALE COMMUNITY UNIT PLAN BE AMENDED TO PROVIDE FOR AN ADDITIONAL TWO-YEAR EXTENSION (FROM NOVEMBER 9, 1962) IN WHICH TO COMMENCE PHASE 1; AND AN ADDITIONAL ONE-YEAR EXTENSION TO COMMENCE PHASE 2 IN THE EVENT PHASE 1 IS COMMENCED.

-----

SUBDIVISIONS

6. S/D 62-24 - FINAL PLAT OF SANDLIAN'S FOURTH ADDITION, IN AN AREA SOUTH OF UNIVERSITY AND WEST OF TRACY.

**MOTION:** IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS PLAT BE APPROVED SUBJECT TO THE FOLLOWING:

1. SHOWING UNIVERSITY AVENUE AS TAFT STREET.
  2. RECORDING WITHIN 30 DAYS AFTER APPROVAL BY THE BOARD OF CITY COMMISSIONERS.
- 

7. CASE V-0216 - W. C. SCHROEDER REQUESTS VACATION OF A 16 FOOT EASEMENT IN LOT 1, BLOCK H, PLANEVIEW SUBDIVISION No. 1 - IN AN AREA ON THE EASE SIDE OF HILLSIDE SOUTH OF CESSNA STREET.

**MOTION:** IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS REQUEST BE APPROVED SUBJECT TO THE FOLLOWING:

1. ANY RELOCATION OR RECONSTRUCTION OF UTILITIES NECESSITATED BY THIS VACATION BEING AT THE SOLE EXPENSE OF THE APPLICANT.
  2. ALL PROCEEDINGS BEING WITHOUT COST TO THE CITY, COUNTY OR UTILITIES.
-

ZONING

DEFERRED CASES

8. CASE No. Z-0398 - DALE SPURRIER AND DALE SPURRIER, TRUSTEE REQUEST CHANGE FROM "B" TO "E" FOR LOTS 22, 23 AND 24 ON TAFT, SHIRK'S FIRST SUBDIVISION OF WINNE'S ADDITION TO WICHITA AND LOT 21, ON LACLEDE AVENUE, SHIRK'S FIRST SUBDIVISION OF RESERVE "A" IN WINNE'S ADDITION TO WICHITA. GENERALLY LOCATED NORTH OF TAFT ON THE EAST SIDE OF LACLEDE.

ROBERT H. NELSON, ATTORNEY, WAS PRESENT TO SPEAK IN SUPPORT OF THIS APPLICATION. HE REVIEWED BRIEFLY THE PLANS OF THE APPLICANT TO CONSTRUCT A BUILDING FOR THE MANUFACTURE AND COMPOUNDING OF SANITARY CHEMICALS, WHOLESALE BUSINESS. THEY HAVE AN AGREEMENT WITH THE MIDLAND VALLEY RAILROAD FOR SIDING INASMUCH AS A GREAT AMOUNT OF THEIR BUSINESS IS SHIPPED OUT AND ALSO MATERIALS USED ARE SHIPPED IN TO SOME EXTENT. MR. NELSON STATED THAT IT WAS HIS UNDERSTANDING THAT WHEN THIS CASE WAS DEFERRED ON AUGUST 2, 1962, THE STAFF WAS TO PREPARE A REPORT AND RECOMMENDATION FOR ZONING IN THIS AREA.

THE DIRECTOR OF PLANNING REPORTED THAT IT IS THE STAFF RECOMMENDATION THAT SUBJECT AREA IS NOT SUITABLE FOR RESIDENTIAL DEVELOPMENT.

IT WAS POINTED OUT THAT IN THE CENTER CITY REPORT, THIS PROPERTY IS INDICATED AS PUBLIC OR QUASIPUBLIC USE, AND THE STAFF WAS ASKED WHETHER OR NOT INVESTIGATION HAD BEEN MADE OF PUBLIC BODIES AS TO THE POSSIBILITY OF THEIR USING AND ACQUIRING THIS TRACT.

THE DIRECTOR OF PLANNING REPORTED THAT THE STATE HIGHWAY DEPARTMENT IS NOT INTERESTED IN THE PROPERTY FOR PUBLIC USE BUT THAT HE DOES NOT KNOW ABOUT OTHER PUBLIC BODIES.

ONE OF THE COMMISSIONERS POINTED OUT THAT IF THIS GENERAL AREA IS MADE LIGHT INDUSTRIAL, THERE IS THE POSSIBILITY OF HAVING STRUCTURES ERECTED WHICH COULD BE UNSIGHTLY OR OUT OF THE VIEW FROM THE HIGHWAY. HE SUGGESTED THAT IF THE APPLICATION IS APPROVED, SOME CONSIDERATION BE GIVEN TO RETAINING A STRIP ALONG THE NORTH SIDE OF TAFT STREET TO SERVE AS A BUILDING SETBACK LINE.

MRS. WALTER STRANGE APPEARED ON BEHALF OF HER MOTHER WHO LIVES TO THE NORTH OF SUBJECT PROPERTY, AND ON BEHALF OF TWO OTHER PROPERTY OWNERS IN THE AREA ALONG THE SOUTH SIDE OF UNIVERSITY, AND SPOKE IN OPPOSITION, POINTING OUT THAT SUCH DEVELOPMENT AS PROPOSED WOULD BE DETRIMENTAL TO THEIR PROPERTY.

DALE SPURRIER WAS PRESENT AND IN DISCUSSING THE PLOT PLAN, HE STATED THAT IT IS PLANNED TO HAVE PARKING FACILITIES ALONG THE NORTH SIDE OF TAFT AND THAT IT IS NOT THEIR INTENTION TO CONSTRUCT A BUILDING RIGHT TO THE PROPERTY LINE AT THIS LOCATION.

**MOTION:** IT WAS MOVED AND SECONDED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS APPLICATION BE GRANTED EXCEPT FOR THE SOUTH 20 FEET OF LOTS 22, 23 AND 24, SHIRK'S FIRST SUBDIVISION OF WINNE'S ADDITION, WHICH IS RECOMMENDED FOR "B" ZONING; FURTHER THAT THE COMMISSION WILL LOOK WITH FAVOR ON OTHER APPLICATIONS FOR INDUSTRIAL ZONING IN THIS AREA.

THE STAFF WAS ALSO DIRECTED, IN SUBMITTING THE ABOVE RECOMMENDATION TO THE CITY COMMISSION, TO STATE THAT IN THE CENTER CITY PLAN, THIS PROPERTY IS INDICATED FOR PUBLIC OR QUASIPUBLIC USES AND THAT SEEMS TO BE A GOOD USE BUT AS FAR AS CAN BE DETERMINED, THERE IS NO INTEREST ON THE PART ON ANY PUBLIC BODY TO ACQUIRE THIS LAND.

MOTION CARRIED BY A VOTE OF 3 IN FAVOR AND 2 OPPOSED.

FOR THE RECORD, HARRIS INDICATED THAT HE VOTED IN OPPOSITION, INASMUCH AS SUBJECT PROPERTY IS INDICATED IN THE CENTER CITY PLAN FOR PUBLIC AND QUASIPUBLIC USE, AND IT WAS HIS RECOMMENDATION TO THE CITY COMMISSION THAT THE CITY CONDEMN THE ENTIRE BLOCK FOR A PUBLIC OR QUASIPUBLIC USE. HE DID NOT THINK THIS WAS A DESIRABLE LOCATION FOR AN EXPANSION OF LIGHT INDUSTRIAL USES, AND IT WAS HIS FEELING THAT LIGHT INDUSTRIAL DEVELOPMENT IN THIS AREA MAY CAUSE TRAFFIC PROBLEMS WITH REFERENCE TO THE DANGER OF OBSTRUCTION OF VISION AT THE INTERSECTION OF TAFT AND McLEAN.

NEW CASES

9. CASE No. SCZ-0141 - CASE INITIATED BY PLANNING COMMISSION TO ESTABLISH ZONING FOR AREA COMING WITHIN JURISDICTION OF THE COUNTY ZONING RESOLUTION, GENERALLY LOCATED TO THE NORTHEAST, EAST AND SOUTHEAST OF THE CITY OF WICHITA.

LAKIN REVIEWED EXISTING LAND USE IN SUBJECT AREA. HE STATED THAT ON SEPTEMBER 26, 1962, A MEETING WAS HELD WITH PROPERTY OWNERS IN SUBJECT AREA AND INFORMAL DISCUSSION HAD OF THE PROPOSED ZONING.

HE NOTED THAT THE ZONING COMMITTEE HAS RECOMMENDED THAT NO COMMERCIAL OR INDUSTRIAL ZONING BE RECOMMENDED EVEN THOUGH THERE IS A SALVAGE YARD, 2 KENNELS, THE VFW CLUB AND THE KIDDIES COUNTRY CLUB IN THE AREA, WHICH UNDER THE ZONING AS RECOMMENDED WOULD BE NON-CONFORMING. LAKIN STATED THAT THE OWNERS OF THE SALVAGE YARD BUSINESS HAD BEEN REPRESENTED AT THE ZONING COMMITTEE HEARING AND HAD ASKED THAT THEIR PROPERTY BE ZONED SO THAT THEIR USE OF THE PROPERTY WOULD BE A CONFORMING USE.

IT WAS POINTED OUT THAT THERE IS NO CLASSIFICATION IN THE COUNTY ZONING RESOLUTION WHICH AUTOMATICALLY PERMITS THIS TYPE OF BUSINESS - EVEN IN A HEAVY INDUSTRIAL DISTRICT, IT REQUIRES SPECIAL PERMISSION BY THE COUNTY COMMISSIONERS. IT WAS POINTED OUT ALSO THAT IN THIS CASE WHERE STRUCTURES ARE BEING UTILIZED IN WHAT WOULD BE A NON-CONFORMING USE, EXPANSION UP TO 50% IS PERMITTED.

ROY WASSON, ATTORNEY, APPEARED ON BEHALF OF MR. AND MRS. PENNINGTON, OWNERS OF THE SALVAGE BUSINESS LOCATED ON 143RD STREET EAST BETWEEN 13TH AND 21ST STREETS. HE STATED THAT MR. PENNINGTON BUYS OLD TRACTORS AND FARM MACHINERY WHICH HE DISMANTLES BY USING WRENCHES, SLEDGE HAMMERS AND ACETYLENE TORCHES. HE STATED ALSO THAT THE DWELLING WHERE MR. AND MRS. PENNINGTON RESIDE ON THEIR PROPERTY IS USED AS AN OFFICE, AND THAT A GARAGE AND ANOTHER BUILDING IS USED IN THE CONDUCT OF THEIR OPERATION. HE CONTINUED THAT HIS CLIENTS PREFER, HOWEVER, TO HAVE THEIR OPERATION CONFORMING AND LEGAL UNDER THE LAW.

NO ONE ELSE WAS PRESENT TO SPEAK IN CONNECTION WITH THE ZONING OF THE NEW AREA COMING WITHIN THE JURISDICTION OF THE COUNTY ZONING RESOLUTION.

**MOTION:** IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THE ZONING BE ESTABLISHED AS FOLLOWS FOR THE FOLLOWING REASONS:

1. MR. PENNINGTON'S USE IS A LEGAL NON-CONFORMING USE AND HE CAN CONTINUE TO USE IT AS SUCH.
2. IT WOULD BE UNDESIRABLE AND UNWARRANTED TO SPOT A PIECE OF INDUSTRIAL ZONING IN THE AREA.
3. IT WOULD REQUIRE HEAVY INDUSTRIAL ZONING FOR THE USE NOW BEING MADE OF MR. PENNINGTON'S PROPERTY.

<u>LEGAL DESCRIPTION</u>	<u>RECOMMENDED ZONING CLASSIFICATION</u>
SE $\frac{1}{4}$ 2-27S-R2E *	R
SW $\frac{1}{4}$ 2-27S-R2E * #	R
NE $\frac{1}{4}$ 11-27S-R2E * #	R
SE $\frac{1}{4}$ 11-27S-R2E #	R-1
NW $\frac{1}{4}$ 11-27S-R2E #	R-1
NE $\frac{1}{4}$ 12-27S-R2E *	R
SE $\frac{1}{4}$ 12-27S-R2E *	R
SW $\frac{1}{4}$ 12-27S-R2E	R
NW $\frac{1}{4}$ 12-27S-R2E *	R
NE $\frac{1}{4}$ 13-27S-R2E	R
SE $\frac{1}{4}$ 13-27S-R2E EXCEPT BROOKHAVEN ESTATES AND BROOKWOOD ADDITION	R
BROOKHAVEN ESTATES AND BROOKWOOD ADDITION (SE $\frac{1}{4}$ 13-27S-R2E)	R-1
SW $\frac{1}{4}$ 13-27S-R2E #	R
NW $\frac{1}{4}$ 13-27S-R2E	R
NE $\frac{1}{4}$ 14-27S-R2E #	R-1
SE $\frac{1}{4}$ 14-27S-R2E #	R-1
NE $\frac{1}{4}$ 24-27S-R2E	R
SE $\frac{1}{4}$ 24-27S-R2E	R
SW $\frac{1}{4}$ 24-27S-R2E #	R-1
NW $\frac{1}{4}$ 24-27S-R2E #	R-1
NE $\frac{1}{4}$ 25-27S-R2E	R-1
SE $\frac{1}{4}$ 25-27S-R2E	R
NW $\frac{1}{4}$ 25-27S-R2E #	R-1
SW $\frac{1}{4}$ 25-27S-R2E #	R-1
SE $\frac{1}{4}$ 35-27S-R2E #	R-1
NE $\frac{1}{4}$ 36-27S-R2E	R
SE $\frac{1}{4}$ 36-27S-R2E	R
SW $\frac{1}{4}$ 36-27S-R2E	R
NW $\frac{1}{4}$ 36-27S-R2E #	R
NE $\frac{1}{4}$ 1-28S-R2E *	R
SE $\frac{1}{4}$ 1-28S-R2E *	R
SW $\frac{1}{4}$ 1-28S-R2E*	R
NW $\frac{1}{4}$ 1-28S-R2E	R
NE $\frac{1}{4}$ 2-28S-R2E #	R
SE $\frac{1}{4}$ 2-28S-R2E	R
SW $\frac{1}{4}$ 2-28S-R2E #	R
NW $\frac{1}{4}$ 2-28S-R2E #	R-1
NE $\frac{1}{4}$ 10-28S-R2E # *	R
NW $\frac{1}{4}$ 10-28S-R2E # *	R-1
NE $\frac{1}{4}$ 11-28S-R2E *	R
NW $\frac{1}{4}$ 11-28S-R2E *	R
SE $\frac{1}{4}$ 3-28S-R2E #	R-1

\* THAT PART WITHIN THREE MILES OF THE CITY LIMITS OF WICHITA AS OF JULY 27, 1962.

# EXCEPT THAT PART ON WHICH A ZONING CLASSIFICATION HAS PREVIOUSLY BEEN ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS.

10. CASE No. Z-0408 - Rock Road Improvement, Inc. REQUESTS CHANGE FROM "AA" TO "LC" FOR TRACT BEGINNING AT A POINT ON THE WEST LINE OF THE SE $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 27 SOUTH, RANGE 2 EAST, 300 FEET NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF U. S. 54 HIGHWAY; THENCE EAST PARALLEL WITH SAID RIGHT-OF-WAY LINE 450 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SE $\frac{1}{4}$ , 220 FEET; THENCE WEST PARALLEL WITH SAID RIGHT-OF-WAY LINE, 392 FEET; THENCE SOUTH 129.7 FEET, MORE OR LESS, TO A POINT 465 FEET NORTH OF THE SOUTH LINE OF SAID  $\frac{1}{4}$  SECTION; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID  $\frac{1}{4}$  SECTION, 58 FEET TO THE WEST LINE OF SAID  $\frac{1}{4}$  SECTION; THENCE SOUTH 90 FEET TO THE PLACE OF BEGINNING. GENERALLY LOCATED AT THE NORTHEAST CORNER OF GOUVENEUR ROAD AND KELLOGG.

EARL GRAVES APPEARED IN SUPPORT OF THIS APPLICATION AND OUTLINED PLANS FOR THE DEVELOPMENT OF A MOTEL AND RESTAURANT ON SUBJECT PROPERTY, WHICH IS SHOWN AS LOT 2 OF ROCKWOOD SOUTH FIRST ADDITION, WHICH PLAT WAS APPROVED IN FINAL FORM BY THE COMMISSION ON SEPTEMBER 20, 1962. HE STATED THAT IN ORDER FOR THE NATIONAL MOTEL CHAIN TO USE THE FRONTAGE ALONG KELLOGG, THEY REQUIRE A GREATER DEPTH WHICH IS THE REASON FOR THE REQUEST.

VINCENT BOGART, ATTORNEY, SPOKE ON BEHALF OF EASTGATE SHOPPING CENTER. HE STATED THAT THEY ARE NOT OPPOSED TO THE PROPOSED MOTEL AS SUCH, BUT WITH THEM IT IS A MATTER OF POLICY. HE REFERRED TO THE FACT THAT THE NORTH SIDE OF KELLOGG BETWEEN ROCK ROAD AND EASTBOROUGH IS ZONED LIGHT COMMERCIAL FOR 300 FEET, ALL UNDER ONE OWNERSHIP BUT ARE NOT BEING REQUIRED TO DEVELOP UNDER THE COMMUNITY UNIT PLAN, SUCH AS EASTGATE WAS REQUIRED TO DO.

MR. BOGART POINTED OUT THAT THERE IS APPROXIMATELY 21 ACRES OF LIGHT COMMERCIAL ZONING IN THE TRACT ON THE NORTH SIDE OF KELLOGG BETWEEN ROCK ROAD AND EASTBOROUGH, WHICH CAN BE DEVELOPED WITHOUT COMPLYING WITH COMMUNITY UNIT PLAN RESTRICTIONS. HE CONSIDERED IT UNFAIR TO CONTINUE TO FORCE EASTGATE TO COMPLY WITH THE MANY RESTRICTIONS WHICH HAVE BEEN IMPOSED ON THEIR DEVELOPMENT. HE NOTED THAT EASTGATE HAS COMPLIED WITH ALL THE REGULATIONS IMPOSED ON IT, AND HAS MANY TIMES TURNED DOWN SUCH DEVELOPMENT AS FILLING STATIONS AND OTHER USES WHICH WOULD BE IN OPPOSITION TO THE PLAN, AND HAVE HAD TO MAKE OTHER ADJUSTMENTS TO FIT THE PLAN.

MR. BOGART ASKED THAT THE RESTRICTIONS BE REMOVED FROM THE EASTGATE DEVELOPMENT IF THE NORTH SIDE OF KELLOGG IN SUBJECT AREA IS TO BE PERMITTED TO DEVELOP WITHOUT RESTRICTIONS OF ANY KIND. HE FELT THAT THE POLICY REQUIREMENTS SET UP AT THE TIME OF EASTGATE COMMUNITY UNIT APPROVAL SHOULD BE REMOVED.

ONE OF THE COMMISSIONERS FELT THAT THE DEVELOPMENT OF A HOTEL AS PROPOSED WAS NOT COMPARABLE TO THE EASTGATE SHOPPING CENTER, AND FURTHER THAT IT WAS DETERMINED BY THE PLANNING COMMISSION SEVERAL YEARS AGO THAT THE LAND ALONG KELLOGG WILL SUBSTANTIALLY ALL BE CONSIDERED COMMERCIAL AS DICTATED BY ECONOMICS AND A STAFF STUDY COMPLETED SEVERAL YEARS AGO.

MOTION: IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY AS TO THOSE VOTING THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THIS APPLICATION BE APPROVED. WINSBY ABSTAINED FROM DISCUSSION OR VOTING.

---

11. PROMOTIONS IN PLANNING STAFF.

THE DIRECTOR OF PLANNING STATED THAT THE FOLLOWING PROMOTIONS HAVE TAKEN PLACE IN THE PLANNING DEPARTMENT, AND THAT INTERVIEWS HAVE BEEN SCHEDULED FOR ADDITIONAL CANDIDATES TO FILL VACANT POSITIONS NOW AVAILABLE:

LELAND R. EDMONDS, ASSISTANT DIRECTOR OF PLANNING  
E. L. FALK AS ACTING SENIOR PLANNER  
JACK BEEBE AS PLANNER III  
LYNN SHIRKEY AS PLANNER I.

---

13. POLICY COMMITTEE.

THE CHAIRMAN POINTED OUT THAT THE PLANNING COMMISSION DOES HAVE A POLICY COMMITTEE AND THAT IT WOULD BE DESIRABLE FOR THAT COMMITTEE TO HAVE A MEETING AT SUCH TIME AS THE STAFF HAS HAD AN OPPORTUNITY TO COMPILE THE VARIOUS POLICIES NOW IN AFFECT, WHICH WOULD BE REVIEWED BY THE COMMITTEE.

IT WAS SUGGESTED THAT THE COMMISSION CONSIDER THE MATTER OF COMMUNITY UNIT PLANS SOON AND REVIEW THE INCONSISTENCIES WHICH DO EXIST.

HARRIS REPORTED THAT THE STAFF IS IN THE PROCESS OF COMPILING THE POLICIES. HE STATED THAT A REVISION OF THE ZONING ORDINANCE AND SUBDIVISION RULES AND REGULATIONS IS LONG OVERDUE AND DOUBTED THE WISDOM OF ATTEMPTING TO FORMULATE NEW POLICIES BASED ON AN OUTDATED ORDINANCE AND SUBDIVISION REGULATIONS. HE STATED THAT THE STAFF IS DOING THE BACKGROUND WORK NECESSARY FOR SUCH REVISIONS.

---

MEETING ADJOURNED ABOUT 5:30 P.M.

L. L. LITTLE  
SECRETARY

ADAMS, JONES, ROBINSON AND MANKA

ATTORNEYS AT LAW

503 COLORADO-DERBY BUILDING  
202 WEST FIRST STREET

WICHITA 2, KANSAS

MARK H. ADAMS  
CHARLES E. JONES  
WILL ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS, II  
JOHN S. SEEKER  
FLOYD E. JENSEN

September 27, 1962

JOE HOLSTON  
OF COUNSEL

AMHERST 2-0403

Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas

Attention: Mr. Robert A. Lakin, Senior Planner

Re: Request By Owners to City of Wichita  
Governing Body For Consent to Modification  
of "Declaration of Restrictions"  
LAMBSDALE SHOPPING CENTER - COMMUNITY UNIT PLAN



Gentlemen:

As will be noted from the enclosed letter addressed to Russell E. McClure, City Manager, the owners of property known as "Lambsdale Shopping Center", are making application to the governing body of the City of Wichita for consent to modification of restrictive covenants and conditions imposed upon the lands zoned as light commercial under the Community Unit Plan regulations applicable to a shopping center.

It appears to the writer that the procedure in respect to the consent for the modification of "Declaration of Restrictions" currently applicable to such lands is uncertain, but as stated in the letter to the City Manager, we are contemporaneously making a request to the Metropolitan Area Planning Commission for consideration and recommendation to the City Commission respecting the owners' request for consent to the modification of applicable restrictions and conditions as noted. For the purposes of the request to the Metropolitan Area Planning Commission, we ask that you please consider the attached letter to Mr. McClure as a part of this communication to your department.

The owners sincerely believe they will receive fair consideration of the city departments or agencies and the City Commissioners for elimination of paragraph 2 of the original and first amendment to the "Declaration of Restrictions" imposed upon the Lambsdale Shopping Center. [I do not believe any purpose will be served at this time in extending this letter by outlining the many reasons why, despite every diligent effort, the owners have not been able to commence construction of a very valuable and attractive shopping

Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
September 27, 1962  
Page 2

center improvement for this community. Many, many reasons also exist why a fixed time limitation for commencement and completion of a several million dollar privately financed shopping center is an undue burden and terrific handicap on a property owner. We trust that matters pertaining to the reasonableness of the owners' request so as to accomplish a very beneficial contribution to this community, will be considered by the Planning Commission.

In the event the city governing body or its agencies will not favorably consider elimination of the time for development and completion restriction imposed, the landowners, as stated in the letter to the City Manager, seek consent for modification of such time restrictions as stated in the letter to Mr. McClure.

We know that your office will inform us of scheduling the application herewith for an early hearing and we will appreciate advice from your office of the time therefor. I also express thanks to the departments bringing this matter to a study as has recently been done.

Respectfully submitted,

ADAMS, JONES, ROBINSON & MANKA

By *J. Robert Manka*

JAM:gp



*Claude R. Lambe Company*

*Oil Properties Investments*

*Wichita, Kansas*

September 27, 1962

Mr. Russell E. McClure, City Manager  
City of Wichita, Kansas  
City Building  
Wichita 2, Kansas

Re: Request to City of Wichita  
Governing Body For Consent to  
Modification of "Declaration of  
Restrictions" - Lambdale Shopping  
Center - Community Unit Plan

Dear Mr. McClure:

Request is hereby made upon the governing body or Board of City Commissioners of Wichita by Mrs. Lambe and myself as owners of the above property for consent of such governing body to our land-owners' proposed modification and amendment to "Declaration of Restrictions" filed of record April 23, 1957 in Book 394, Page 70, et seq., and a subsequent amendment thereto recorded in Book 452, Page 269, in the office of the Register of Deeds of Sedgwick County, Kansas. The nature of modification and amendment to such restrictive covenants will be noted more in detail below.

We believe the City Code applicable to matter of this kind are somewhat indefinite as to procedures or the Section 28.04.190 of the Code of the City of Wichita does not appear to direct procedure for processing this request. Accordingly, in connection with this request we are following what we believe to be the ordinary procedure in respect to zoning matters. Or, we are having contemporaneously submitted, a similar application to the Wichita-Sedgwick County Metropolitan Area Planning Commission in this matter, and a copy of such application is included herewith. Under such circumstances and procedure it is assumed that the governing body of the City of Wichita will take no action on the application herewith until the matter has been considered and recommendations submitted to the Commission from the Metropolitan Area Planning Commission.

By way of background on the request herewith, we were heretofore granted approval under City Ordinance or Resolution No. 19 adopted May 9, 1957, for light commercial zoning of an approximate 26 acre tract of land situated at the Southeast corner of 13th and Oliver Streets - Lambdale Shopping Center - as

Mr. Russell E. McGuire, City Manager  
September 27, 1962  
Page 2

provided by city ordinance covering Community Unit Plan Regulations (now Code of the City of Wichita, Section 28.04.190, B. Shopping Center). In securing such zoning classification, a number of conditions and restrictions applicable to such lands and development were imposed by the city or its departments; and, as required by the city such conditions and restrictions were incorporated in a "Declaration of Restrictions" instrument executed by the owners and placed of record on or about April 23, 1957 at the book and page noted above. The instrument establishing conditions and restrictions for the development of Lambdale Shopping Center states under item or paragraph 5 thereof, the following:

"5. These restrictions may be modified, altered or changed in any particular, or such restrictions may be removed altogether by written instrument executed by the undersigned owners, their heirs, successors or assigns; provided written consent of the City of Wichita by its governing body is first obtained."

The original restrictive covenants contained a clause or paragraph numbered 2 requiring that development of the area as a shopping center by the owners, be commenced and completed as to certain phases thereof upon a time schedule fixed by the city.

Pursuant to the provisions of item or paragraph 5 quoted above, the landowners were granted consent by resolution of the governing body of the City of Wichita on October 29, 1959, to modify and amend paragraph 2 of the original "Declaration of Restrictions" so as to delete the original paragraph 2 thereof and substitute an amended and new paragraph 2 concerning the time for commencement and completion of development, reading as follows:

"2. (Amended) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 36 months from November 9, 1959, and shall be completed within 48 months from November 9, 1959. Phase 2, shown by Exhibit No. 1, shall be commenced on or before 48 months from November 9, 1959 and shall be completed within 60 months from November 9, 1959."

In accordance with such consent by the city for modification of restriction as to time for commencement and completion of development, the original Declaration of Restrictions was amended to provide the amended paragraph 2 quoted above, such "First Amendment to Declaration of Restrictions" being filed on November 10, 1959 and recorded in Misc. Book 452, Page 269, in the office of the Register of Deeds of Sedgewick County, Kansas.

The owners of the Lambdale Shopping Center lands have made every possible diligent effort to carry out the plan to construct

Mr. Russell E. McClure, City Manager  
September 27, 1962  
Page 3

a high class and architecturally unique shopping center for this community, but the economic trends and conditions have not permitted progress thereon to the extent that construction can not be commenced within the time limit now imposed, for a \$3,500,000 to \$4,000,000 community improvement.

The owners respectfully request the written consent of the governing body of the City of Wichita to a proposed modification, amendment and change to be made by the owners so as to eliminate and remove the original time restrictions or conditions of item or paragraph 2 of the "Declaration of Restrictions" under instrument recorded in Book 394, Page 70 and the modification thereof under "First Amendment to Declaration of Restrictions" recorded in Book Misc. 432, Page 269. However, if for reasons deemed legally sufficient by the governing body that a condition as to time for commencement and completion of development of Lambdale Shopping Center must be imposed, in the alternative, consent is sought from such governing body in accordance with paragraph 5 of the restrictive covenants, for further modification of item or paragraph 2 of such "Declaration of Restrictions", as amended and quoted above, so as to read:

"2. (Second Amendment) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 72 months from November 9, 1962, and shall be completed within 84 months from November 9, 1962. Phase 2, shown by Exhibit No. 1, shall be commenced on or before 96 months from November 9, 1962 and shall be completed within 114 months from November 9, 1962."

It may be preferred that the time restrictive covenants or conditions be expressed or state in "years" from November 9, 1962, if such restriction is to be required.

Respectfully submitted,

*Claude R. Lamb*

MR. and MRS. CLAUDE R. LAMB

CEL:gp

COPY FROM  
**ADAMS, JONES, ROBINSON AND MANKA**  
ATTORNEYS AT LAW  
808 COLORADO - DERBY BUILDING  
202 WEST FIRST STREET  
WICHITA 2, KANSAS

MARK H. ADAMS  
CHARLES E. JONES  
Wm. I. ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS II  
JOHN S. SEESER  
FLOYD E. JENSEN

JOE ROLSTON  
OF COUNSEL

September 27, 1962

AMHERST 2-0408

Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
City Building Annex  
104 South Main  
Wichita, Kansas

Attention: Mr. Robert A. Lakin, Senior Planner

Re: Request By Owners to City of Wichita  
Governing Body For Consent to Modification  
of "Declaration of Restrictions"  
LAMSDALE SHOPPING CENTER - COMMUNITY UNIT PLAN

Gentlemen:

As will be noted from the enclosed letter addressed to Russell E. McClure, City Manager, the owners of property known as "Lambdale Shopping Center", are making application to the governing body of the City of Wichita for consent to modification of restrictive covenants and conditions imposed upon the lands zoned as light commercial under the Community Unit Plan regulations applicable to a shopping center.

It appears to the writer that the procedure in respect to the consent for the modification of "Declaration of Restrictions" currently applicable to such lands is uncertain, but as stated in the letter to the City Manager, we are contemporaneously making a request to the Metropolitan Area Planning Commission for consideration and recommendation to the City Commission respecting the owners' request for consent to the modification of applicable restrictions and conditions as noted. For the purposes of the request to the Metropolitan Area Planning Commission, we ask that you please consider the attached letter to Mr. McClure as a part of this communication to your department.

The owners sincerely believe they will receive fair consideration of the city departments or agencies and the City Commissioners for elimination of paragraph 2 of the original and first amendment to the "Declaration of Restrictions" imposed upon the Lambdale Shopping Center. I do not believe any purpose will be served at this time in extending this letter by outlining the many reasons why, despite every diligent effort, the owners have not been able to commence construction of a very valuable and attractive shopping

Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
September 27, 1962  
Page 2

center improvement for this community. Many, many reasons also exist why a fixed time limitation for commencement and completion of a several million dollar privately financed shopping center is an undue burden and terrific handicap on a property owner. We trust that matters pertaining to the reasonableness of the owners' request so as to accomplish a very beneficial contribution to this community, will be considered by the Planning Commission.

In the event the city governing body or its agencies will not favorably consider elimination of the time for development and completion restriction imposed, the landowners, as stated in the letter to the City Manager, seek consent for modification of such time restrictions as stated in the letter to Mr. McClure.

We know that your office will inform us of scheduling the application herewith for an early hearing and we will appreciate advice from your office of the time therefor. I also express thanks to the departments bringing this matter to a study as has recently been done.

Respectfully submitted,

ADAMS, JONES, ROBINSON & NANKA

By

*J. Ashford Manka*

JAM:gp



*Claude R. Lambe Company*  
*Oil Properties Investments*  
*Wichita, Kansas*

September 27, 1962

Mr. Russell E. McClure, City Manager  
City of Wichita, Kansas  
City Building  
Wichita 2, Kansas

Re: Request to City of Wichita  
Governing Body For Consent to  
Modification of "Declaration of  
Restrictions" - Lamsdale Shopping  
Center - Community Unit Plan

Dear Mr. McClure:

Request is hereby made upon the governing body or Board of City Commissioners of Wichita by Mrs. Lambe and myself as owners of the above property for consent of such governing body to our land-owners' proposed modification and amendment to "Declaration of Restrictions" filed of record April 23, 1957 in Book 394, Page 70, et seq., and a subsequent amendment thereto recorded in Book 452, Page 269, in the office of the Register of Deeds of Sedgwick County, Kansas. The nature of modification and amendment to such restrictive covenants will be noted more in detail below.

We believe the City Code applicable to matter of this kind are somewhat indefinite as to procedures or the Section 26.04.190 of the Code of the City of Wichita does not appear to direct procedure for processing this request. Accordingly, in connection with this request we are following what we believe to be the ordinary procedure in respect to zoning matters. Or, we are having contemporaneously submitted, a similar application to the Wichita-Sedgwick County Metropolitan Area Planning Commission in this matter, and a copy of such application is included herewith. Under such circumstances and procedure it is assumed that the governing body of the City of Wichita will take no action on the application herewith until the matter has been considered and recommendations submitted to the Commission from the Metropolitan Area Planning Commission.

By way of background on the request herewith, we were heretofore granted approval under City Ordinance or Resolution No. 19 adopted May 9, 1957, for light commercial zoning of an approximate 26 acre tract of land situated at the Southeast corner of 13th and Oliver Streets - Lamsdale Shopping Center - as

Mr. Russell E. McClure, City Manager  
September 27, 1962  
Page 2

provided by city ordinance covering Community Unit Plan Regulations (now Code of the City of Wichita, Section 28.04.190, B. Shopping Center). In securing such zoning classification, a number of conditions and restrictions applicable to such lands and development were imposed by the city or its departments; and, as required by the city such conditions and restrictions were incorporated in a "Declaration of Restrictions" instrument executed by the owners and placed of record on or about April 23, 1957 at the book and page noted above. The instrument establishing conditions and restrictions for the development of Lamsdale Shopping Center states under item or paragraph 5 thereof, the following:

"5. These restrictions may be modified, altered or changed in any particular, or such restrictions may be removed altogether by written instrument executed by the undersigned owners, their heirs, successors or assigns; provided written consent of the City of Wichita by its governing body is first obtained."

The original restrictive covenants contained a clause or paragraph numbered 2 requiring that development of the area as a shopping center by the owners, be commenced and completed as to certain phases thereof upon a time schedule fixed by the city.

Pursuant to the provisions of item or paragraph 5 quoted above, the landowners were granted consent by resolution of the governing body of the City of Wichita on October 20, 1959, to modify and amend paragraph 2 of the original "Declaration of Restrictions" so as to delete the original paragraph 2 thereof and substitute an amended and new paragraph 2 concerning the time for commencement and completion of development, reading as follows:

"2. (Amended) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 36 months from November 9, 1959, and shall be completed within 48 months from November 9, 1959. Phase 2, shown by Exhibit No. 1, shall be commenced on or before 48 months from November 9, 1959 and shall be completed within 60 months from November 9, 1959."

In accordance with such consent by the city for modification of restriction as to time for commencement and completion of development, the original Declaration of Restrictions was amended to provide the amended paragraph 2 quoted above, such "First Amendment to Declaration of Restrictions" being filed on November 10, 1959 and recorded in Misc. Book 452, Page 269, in the office of the Register of Deeds of Sedgwick County, Kansas.

The owners of the Lamsdale Shopping Center lands have made every possible diligent effort to carry out the plan to construct

Mr. Russell E. McClure, City Manager  
September 27, 1962  
Page 3

a high class and architecturally unique shopping center for this community, but the economic trends and conditions have not permitted progress thereon to the extent that construction can not be commenced within the time limit now imposed, for a \$3,500,000 to \$4,000,000 community improvement.

The owners respectfully request the written consent of the governing body of the City of Wichita to a proposed modification, amendment and change to be made by the owners so as to eliminate and remove the original time restrictions or conditions of item or paragraph 2 of the "Declaration of Restrictions" under instrument recorded in Book 394, Page 70 and the modification thereof under "First Amendment to Declaration of Restrictions" recorded in Book Misc. 452, Page 269. However, if for reasons deemed legally sufficient by the governing body that a condition as to time for commencement and completion of development of Lambdale Shopping Center must be imposed, in the alternative, consent is sought from such governing body in accordance with paragraph 5 of the restrictive covenants, for further modification of item or paragraph 2 of such "Declaration of Restrictions", as amended and quoted above, so as to read:

"2. (Second Amendment) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 72 months from November 9, 1962, and shall be completed within 84 months from November 9, 1962. Phase 2, shown by Exhibit No. 1, shall be commenced on or before 96 months from November 9, 1962 and shall be completed within 114 months from November 9, 1962."

It may be preferred that the time restrictive covenants or conditions be expressed or state in "years" from November 9, 1962, if such restriction is to be required.

Respectfully submitted,

*Claude R. Lanbe*

MR. and MRS. CLAUDE R. LANBE

CRL:gp

TO: METROPOLITAN AREA PLANNING COMMISSION  
FROM: ROBERT A. LAKIN, SENIOR PLANNER  
SUBJECT: LAMBSDALE SHOPPING CENTER COMMUNITY UNIT PLAN

THE COMMUNITY UNIT PLAN FOR THE LAMBSDALE AREA AT THE SOUTHEAST CORNER OF 13TH AND OLIVER WAS ESTABLISHED BY THE CITY COMMISSION AFTER RECOMMENDATION OF THE PLANNING COMMISSION UNDER THE PROVISIONS OF SECTION 28.04.190.B. THIS SECTION IS SET OUT IN FULL AS FOLLOWS:

SECTION 28.04.190 - COMMUNITY UNIT PLAN REGULATIONS.

B. SHOPPING CENTER

THE INTENT AND PURPOSE OF THIS CHAPTER IS TO PERMIT DIVERSIFICATION OF THE COMMUNITY PLAN WITHOUT IN ANY WAY JEOPARDIZING OR REDUCING ZONING STANDARDS WHICH PROMOTE THE PUBLIC SAFETY, CONVENIENCE, HEALTH, GENERAL WELFARE, AS WELL AS PRESERVE PERSONAL AND PROPERTY RIGHTS. IT IS RECOGNIZED THAT THE COMMUNITY PLAN IS FOR THE PURPOSE OF ACCOMPLISHING A HARMONIOUS DEVELOPMENT OF THE MUNICIPALITY, AS WELL AS PROMOTING ECONOMY IN THE PROCESS OF DEVELOPMENT WITHIN WHICH MAJOR SHOPPING CENTERS HAVE A PLACE.

1. APPLICATION

IN THOSE INSTANCES WHERE A PROPOSED "LC" DISTRICT WOULD EXCEED SIX ACRES, THEN IN ADDITION TO THE NORMAL INFORMATION IN CONJUNCTION WITH AN APPLICATION, THE APPLICANT SHALL FURNISH:

- 1.1 A SITE PLAN, TO SCALE, INDICATING THE LOCATION OF STRUCTURES, USES, PEDESTRIAN AND VEHICULAR CIRCULATION, OFF-STREET PARKING AND LOADING, TRAFFIC SOLUTION AND THE LOCATION OF PROPOSED CURB CUTS, AS WELL AS PERSPECTIVES TO ASSURE HARMONY WITH THE SURROUNDING NEIGHBORHOOD, AS WELL AS WITHIN THE DEVELOPMENT ITSELF.
- 1.2 A TIME SCHEDULE OF DEVELOPMENT OF THE PROPOSED PLAN TO DEMONSTRATE READINESS TO FURNISH THE PROPOSED SERVICE.

2. LEGISLATIVE CONDITIONS IN AMENDMENTS.

- 2.1 IF AN APPLICATION FOR SUCH A ZONING AMENDMENT CONTAINS REPRESENTATIONS THAT A SPECIFIED AREA WILL BE DEVELOPED IN ACCORDANCE WITH A GIVEN PLAN AND TIME SCHEDULE, AND IF THE AREA IS REZONED FOR SUCH USE, THE BOARD OF CITY COMMISSIONERS, AFTER CITY PLANNING COMMISSION STUDY, PUBLIC HEARING AND REPORT, SHALL FIX

CONDITIONS IN THE AMENDMENT SO AS TO REQUIRE PERFORMANCE OF DEVELOPMENT IN CONFORMANCE WITH AN APPROVED FINAL PLAN AND TIME SCHEDULE. SUCH CONDITIONS, AMONG OTHER THINGS, SHALL PROVIDE THAT, UPON FAILURE TO DEVELOP THE AREA IN ACCORDANCE WITH THE CONDITIONS FIXED BY THE BOARD OF CITY COMMISSIONERS, THE BOARD OF CITY COMMISSIONERS SHALL HAVE THE RIGHT AND POWER TO AGAIN REZONE THE AREA, AFTER PLANNING COMMISSION HEARING AND REPORT. IN SUCH INSTANCE, NO PERMITS FOR THE CONSTRUCTION OF ANY STRUCTURES WITHIN THE AREA SHALL BE ISSUED UNTIL THE AREA HAS BEEN EXAMINED AND ZONED OR REZONED FOR ITS MOST APPROPRIATE USE. ANY PERSON WHO APPLIES FOR A PERMIT TO ERECT A STRUCTURE IN THE AREA SHALL BE DEEMED CONCLUSIVELY TO HAVE ASSENTED TO ALL CONDITIONS FIXED BY THE BOARD OF CITY COMMISSIONERS.

- 2.2 ALL CONDITIONS FIXED BY THE BOARD OF CITY COMMISSIONERS IN AMENDMENTS RELATING TO SUCH REZONING SHALL RUN WITH THE LAND IN THE AREA INVOLVED AND SHALL BE BINDING UPON APPLICANTS FOR AMENDMENTS, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

RESTRICTIVE COVENANTS HAVE BEEN FILED RELAYING TO THE TYPE OF DEVELOPMENT AND AS TO THE TIMING OF DEVELOPMENT. AS A PART OF THE RESTRICTIVE COVENANTS, PLOT PLANS SHOWING BUILDING LOCATION, ACCESS POINTS, INTERNAL CIRCULATION, SCREENING, ETC. WERE ALSO FILED FOR RECORD. THE RESTRICTIVE COVENANTS AS AMENDED PROVIDED THAT PHASE I SHALL BE COMMENCED ON OR BEFORE THE EXPIRATION OF 36 MONTHS FROM NOVEMBER 9, 1955 AND SHALL BE COMPLETED WITHIN 48 MONTHS FROM THAT DATE. THE 36 MONTHS ALLOWED FOR COMMENCEMENT OF THE PROJECT WILL ELAPSE ON NOVEMBER 9, 1962. COPIES OF THE RESTRICTIVE COVENANTS ARE ATTACHED FOR YOUR INFORMATION.

AS SET FORTH IN SUBSECTION 2.1 OF THE EXTRACT OF THE ZONING ORDINANCE, THE CITY COMMISSION SHALL HAVE THE RIGHT UPON FAILURE TO DEVELOP THE AREA IN ACCORDANCE WITH CONDITIONS ESTABLISHED BY THEM TO AGAIN REZONE THE AREA AFTER PLANNING COMMISSION HEARING AND REPORT.

THIS MATTER IS SUBMITTED TO THE PLANNING COMMISSION FOR ITS CONSIDERATION AS TO EITHER EXTENDING THE TIME LIMITS AS NOW APPROVED; OR TO INITIATE PROCEEDINGS AFTER THE EXPIRATION OF THE 36-MONTH PERIOD TO REZONE THIS PROPERTY. IF REZONING IS CONSIDERED APPROPRIATE, THE STAFF SHOULD RECEIVE DIRECTION AS TO WHAT ZONING CLASSIFICATION SHOULD BE CONSIDERED.

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:mm

ATTACHMENT: RESTRICTIVE COVENANTS

DECLARATION OF RESTRICTIONS

THE UNDERSIGNED, CLAUDE R. LAMBE AND PAULINE PARKS LAMBE,  
HUSBAND AND WIFE, BEING THE OWNERS OF THE REAL ESTATE DESCRIBED AS  
FOLLOWS, TO-WIT:

BEGINNING AT A POINT 40 FEET EAST AND 50 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE EAST 1494.98 FEET MORE OR LESS TO A POINT 310 FEET WEST OF THE NORTHWEST CORNER OF LOT 1, BLOCK 11, SECOND ADDITION TO LAMBSDALE, WICHITA, KANSAS, THENCE WITH AN ANGLE TO THE RIGHT OF 90° 220 FEET, THENCE WITH AN ANGLE TO THE RIGHT OF 142° 194.97 FEET MORE OR LESS TO A POINT 310 FEET FROM AND MEASURED AT RIGHT ANGLE TO THE WESTERLY LINE OF LOTS 7, 9 AND 10, BLOCK 11, SAID SECOND ADDITION TO LAMBSDALE, THENCE SOUTHWESTERLY PARALLEL TO AND 310 FEET FROM THE WESTERLY LINE OF SAID LOTS 7, 9 AND 10 EXTENDED, 890 FEET MORE OR LESS TO A POINT 1190 FEET SOUTH OF THE NORTH LINE OF NORTHWEST QUARTER OF SAID SECTION 13, THENCE WEST PARALLEL TO SAID NORTH LINE 289 FEET MORE OR LESS TO A POINT 690 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13, THENCE NORTH PARALLEL TO SAID WEST LINE 557.24 FEET MORE OR LESS TO A POINT 30 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13, THENCE WEST 650 FEET TO A POINT 30 FEET NORTH AND 40 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, THENCE NORTH 583 FEET MORE OR LESS TO THE PLACE OF BEGINNING, IN SEDGWICK COUNTY, KANSAS,

HEREBY IMPOSE THE FOLLOWING RESTRICTIONS UPON THE USE AND OCCUPANCY OF SAID REAL ESTATE, WHICH RESTRICTIONS SHALL RUN FOR A PERIOD OF THIRTY (30) YEARS FROM THE DATE HEREOF, SHALL BE CONSTRUED AS RUNNING WITH THE LAND AND SHALL BIND ALL SUBSEQUENT OWNERS, LESSEES AND LIENHOLDERS.

1. ALL STRUCTURES, STREETS, DRIVES, WALKS, PARKING AREA, LOADING ZONES, TREES, SHRUBS AND FENCES SHALL BE CONSTRUCTED, REPAIRED AND MAINTAINED DURING THE TERM HEREOF IN ACCORDANCE WITH EXHIBITS NO. 1 AND 2 ATTACHED TO AND MADE A PART OF THESE RESTRICTIONS.

2. DEVELOPMENT OF THE AREA SHALL PROCEED BY COMMENCEMENT OF PHASE 1, SHOWN BY EXHIBIT NO. 1, ON OR BEFORE THE EXPIRATION OF 30 MONTHS FROM THE EFFECTIVE DATE OF ZONING SAID AREA FOR A MAJOR SHOPPING CENTER, AND SHALL BE COMPLETED WITHIN 42 MONTHS FROM THE EFFECTIVE DATE OF SAID ZONING. PHASE 2, SHOWN BY EXHIBIT NO. 1, SHALL BE COMMENCED ON OR BEFORE THE EXPIRATION OF 36 MONTHS FROM SAID EFFECTIVE DATE OF ZONING AND SHALL BE COMPLETED WITHIN 54 MONTHS OF THE EFFECTIVE DATE OF ZONING.

3. LIGHTS INSTALLED IN CONNECTION WITH DEVELOPMENT OF THE AREA SHALL BE REFLECTED AWAY FROM RESIDENTIAL PROPERTY ADJOINING THE AREA.

4. OWNERS AGREE TO BEAR THE COST OF PAVING IN EXCESS OF 48 FEET IN WIDTH AND THE INSTALLING OF MEDIAL STRIPS IN THOSE PORTIONS OF OLIVER AND 13 STREETS ABUTTING SAID ADDITION, ALL AS SHOWN ON EXHIBIT 1 ATTACHED. THE 48 FEET OF PAVEMENT IS NORMAL FOR MAJOR TRAFFIC STREET CONSTRUCTION AND WILL BE SHARED IN THE NORMAL MANNER BY THE PROPERTY OWNERS AND THE CITY AT LARGE IN ACCORDANCE WITH THE REGULAR PROCEDURE OF THE BOARD OF CITY COMMISSIONERS. THE FUNDS NECESSARY TO COVER THE COST OF THE MEDIAL STRIPS AND THE COST OF PAVING IN EXCESS OF 48 FEET IN WIDTH SHALL BE DEPOSITED IN ESCROW WITH THE CITY TREASURER BEFORE A CONTRACT IS AWARDED FOR CONSTRUCTION OF THE PAVEMENT.

5. THESE RESTRICTIONS MAY BE MODIFIED, ALTERED OR CHANGED IN ANY PARTICULAR, OR SUCH RESTRICTIONS MAY BE REMOVED ALTOGETHER BY WRITTEN INSTRUMENT EXECUTED BY THE UNDERSIGNED OWNERS, THEIR HEIRS, SUCCESSORS OR ASSIGNS; PROVIDED WRITTEN CONSENT OF THE CITY OF WICHITA BY ITS GOVERNING BODY IS FIRST OBTAINED.

6. IN ADDITION TO OTHER REMEDIES PROVIDED BY LAW, ENFORCEMENT OF THESE CONDITIONS MAY BE COMPELLED WITH APPROPRIATE INJUNCTION PROCEEDINGS BY THE CITY OF WICHITA OR BY ANY PROPERTY OWNERS WHOSE PROPERTY IS ADVERSELY AFFECTED BY NONCOMPLIANCE WITH THESE RESTRICTIONS.

s/ CLAUDE R. LAMBE  
CLAUDE R. LAMBE

s/ PAULINE PARKS LAMBE  
PAULINE PARKS LAMBE

FIRST AMENDMENT TO  
DECLARATION OF RESTRICTIONS

WHEREAS, ON APRIL 23, 1957, CLAUDE R. LAMBE AND PAULINE PARKS LAMBE, HUSBAND AND WIFE, AS OWNERS, FILED A CERTAIN DECLARATION OF RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS OF SEDGWICK COUNTY, KANSAS, IN BOOK 394, PAGE 70, ET SEQ., AND AFFECTING THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT:

BEGINNING AT A POINT 40 FEET EAST AND 50 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE EAST 1494.98 FEET MORE OR LESS TO A POINT 310 FEET WEST OF THE NORTHWEST CORNER OF LOT 1, BLOCK 11, SECOND ADDITION TO LAMBSDALE, WICHITA, KANSAS, THENCE WITH AN ANGLE TO THE RIGHT OF 90° 220 FEET, THENCE WITH AN ANGLE TO THE RIGHT OF 14° 194.97 FEET MORE OR LESS TO A POINT 310 FEET FROM AND MEASURED AT RIGHT ANGLE TO THE WESTERLY LINE OF LOTS 7, 9 AND 10, BLOCK 11, SAID SECOND ADDITION TO LAMBSDALE, THENCE SOUTHWESTERLY PARALLEL TO AND 310 FEET FROM THE WESTERLY LINE OF SAID LOTS 7, 9 AND 10 EXTENDED, 890 FEET MORE OR LESS TO A POINT 1190 FEET SOUTH OF THE NORTH LINE OF NORTHWEST QUARTER OF SAID SECTION 13, THENCE WEST PARALLEL TO SAID NORTH LINE 289 FEET MORE OR LESS TO A POINT 690 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13, THENCE NORTH PARALLEL TO SAID WEST LINE 557.24 FEET MORE OR LESS TO A POINT 30 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13, THENCE WEST 650 FEET TO A POINT 30 FEET NORTH AND 40 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 13, THENCE NORTH 583 FEET MORE OR LESS TO THE PLACE OF BEGINNING, IN SEDGWICK COUNTY, KANSAS,

AND;

WHEREAS, UNDER PARAGRAPH 5 OF SAID DECLARATION OF RESTRICTIONS, SAID RESTRICTIONS MAY BE MODIFIED, ALTERED OR CHANGED IN ANY PARTICULAR, OR SUCH RESTRICTIONS MAY BE REMOVED ALTOGETHER BY WRITTEN INSTRUMENT EXECUTED BY THE OWNERS OF THE ABOVE LANDS, THEIR HEIRS, SUCCESSORS AND ASSIGNS, PROVIDED, WRITTEN CONSENT OF THE CITY OF WICHITA BY ITS GOVERNING BODY IS FIRST OBTAINED; AND,

WHEREAS, THE SAID OWNERS, CLAUDE R. LAMBE AND PAULINE PARKS LAMBE, NOW DESIRE TO MODIFY, ALTER, CHANGE AND AMEND SAID DECLARATION OF RESTRICTIONS IN THE PARTICULARS BELOW SET OUT AND AS CONSENTED TO BY FORMAL ACTION AND MOTION OF THE BOARD OF CITY COMMISSIONERS AND GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, ON OCTOBER 20, 1959, A CERTIFIED TRANSCRIPT OF THE CONSENT AND ACTION OF SAID GOVERNING BOARD OF THE CITY OF WICHITA AND CONSENT THEREFOR BEING ATTACHED HERETO AND MARKED "EXHIBIT A".

NOW, THEREFORE, THE DECLARATION OF RESTRICTIONS ABOVE REFERRED TO AND RECORDED IN BOOK 394, PAGE 70, ET SEQ., IS HEREBY MODIFIED, AL ALTERED, CHANGED AND AMENDED BY DELETING PARAGRAPH NUMBERED 2 THEREOF AND SUBSTITUTING IN LIEU THEREOF, AN AMENDED PARAGRAPH NUMBER 2 READING AS FOLLOWS:

"2. (AMENDED) DEVELOPMENT OF THE AREA SHALL PROCEED BY COMMENCEMENT OF PHASE 1, SHOWN BY EXHIBIT No. 1, ON OR BEFORE THE EXPIRATION OF 36 MONTHS FROM NOVEMBER 9, 1959, AND SHALL BE COMPLETED WITHIN 48 MONTHS FROM NOVEMBER 9, 1959. PHASE 2, SHOWN BY EXHIBIT No. 1, SHALL BE COMMENCED ON OR BEFORE 48 MONTHS FROM NOVEMBER 9, 1959 AND SHALL BE COMPLETED WITHIN 60 MONTHS FROM NOVEMBER 9, 1959."

EXECUTED AT WICHITA, KANSAS, THIS 9TH DAY OF NOVEMBER, 1959.

s/ CLAUDE R. LAMBE  
CLAUDE R. LAMBE

s/ PAULINE PARKS LAMBE  
PAULINE PARKS LAMBE

AUGUST 30, 1962

MR. J. ASHFORD MANKA, ATTORNEY  
COLORADO-DERBY BUILDING  
WICHITA, KANSAS

SUBJECT: LAMBSDALE COMMUNITY  
UNIT PLAN

DEAR MR. MANKA:

THIS IS TO ACKNOWLEDGE OUR TELEPHONE CONVERSATION OF YESTERDAY  
RELATIVE TO YOUR REQUEST FOR A TWO-WEEK DEFERRAL OF PLACING  
THE LAMBSDALE COMMUNITY UNIT PLAN MATTER BEFORE THE PLANNING  
COMMISSION. I HAVE DELINEATED THIS ITEM FROM THE PLANNING  
COMMISSION AGENDA AND HAVE SET IT OVER FOR TWO WEEKS. IT WILL  
APPEAR ON SEPTEMBER 20, 1962, FOR CONSIDERATION BY THE PLAN-  
NING COMMISSION.

AS I POINTED OUT TO YOU, THIS IS BEING SUBMITTED TO THEM AS  
THEIR REQUEST FOR INSTRUCTIONS CONCERNING THE HANDLING OF  
THIS CASE IN THE FUTURE AND IS NOT A PUBLIC HEARING CALLING  
FOR SPECIFIC ACTION AT THIS TIME. UNLESS REQUESTED, NO  
ADDITIONAL NOTICE WILL BE GIVEN ON THIS ITEM. IF YOU HAVE  
ANY QUESTIONS CONCERNING THIS MATTER, PLEASE CALL.

SINCERELY YOURS,

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:MM

cc: CLAUDE R. LAMBE  
SUITE 621 UNION NATIONAL BUILDING

AUGUST 16, 1962

CLAUDE R. LAMBE COMPANY  
SUITE 621, UNION NATIONAL BUILDING  
WICHITA 2, KANSAS

SUBJECT: EXPIRATION OF TIME  
LIMITATIONS - COMMUNITY  
UNIT PLAN (LAMBSDALE  
SHOPPING CENTER)

DEAR MR. LAMBE:

AS YOU ARE UNDOUBTEDLY AWARE, THE TIME LIMITATIONS UNDER WHICH THE LAMBSDALE COMMUNITY UNIT SHOPPING CENTER WAS GRANTED, WILL EXPIRE ON NOVEMBER 9, 1962. AS YOU WILL REMEMBER, THE AMENDED TIME LIMITATIONS PROVIDE THAT PHASE I OF THE OPERATION MUST COMMENCE NO LATER THAN 36 MONTHS FROM NOVEMBER 9, 1959.

SINCE EITHER AMENDMENTS TO THE RESTRICTIONS OR CHANGES IN THE ORIGINAL PLAN DO REQUIRE A CERTAIN AMOUNT OF TIME FOR PROCESSING, WE ARE SUBMITTING THIS MATTER TO THE METROPOLITAN AREA PLANNING COMMISSION FOR ITS CONSIDERATION AT ITS MEETING OF SEPTEMBER 6, 1962. WE WILL ASK THEM TO PROVIDE DIRECTION TO THE STAFF AS TO WHAT FURTHER DISPOSITION AND PROCESSING SHOULD BE CARRIED OUT RELATIVE TO THE LAMBSDALE SHOPPING CENTER.

I NOTICE FROM THE FILES THAT J. ASHFORD MANKA WAS YOUR ATTORNEY IN THE LAST PROCEEDING BEFORE THE PLANNING COMMISSION AND I AM TAKING THE LIBERTY OF SENDING HIM A COPY OF THIS LETTER SO THAT HE MAY BE AWARE OF THE MATTER APPEARING ON THE PLANNING COMMISSION AGENDA. IF YOU HAVE ANY QUESTIONS CONCERNING THE MATTER AS IT APPEARS BEFORE THE PLANNING COMMISSION ON SEPTEMBER 6, PLEASE FEEL FREE TO CALL.

SINCERELY YOURS,

ROBERT A. LAKIN  
SENIOR PLANNER

RAL:MM

cc: J. ASHFORD MANKA  
COLORADO-DERBY BUILDING

COPY FROM  
ADAMS, JONES, ROBINSON AND MANKA  
ATTORNEYS AT LAW  
BOARD OF TRADE BUILDING  
WICHITA 2, KANSAS

November 11, 1959

TELEPHONE  
AMHERST 2-0400

MARK H. ADAMS  
CHARLES E. JONES  
WM. I. ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS II  
JOHN S. SEEBER

Mr. C. H. Funk, Clerk  
City of Wichita  
City Building  
Wichita, Kansas

Re: First Amendment to Declaration of  
Restrictions - Lamsdale Shopping Center  
13th and Oliver Streets, Wichita, Kansas

Dear Mr. Funk:

On November 9, the writer left with you an unexecuted copy of the instrument by which the owners of the above property propose to amend a Declaration of Restrictions affecting such property and heretofore recorded in Book 394, Page 70, which changes were approved and consented to by the Board of City Commissioners of Wichita at its meeting on October 20, 1959. We were advised that the form of proposed First Amendment to these restrictions had been approved by the appropriate city departments.

Accordingly, the owners of the above property have completed execution of the amendment form and filed the original thereof with the Register of Deeds of Sedgwick County, Kansas, on November 10, 1959, a copy of such amendment as so filed in Misc. Book 452, Page 269, et seq., certified by the Register of Deeds of Sedgwick County, Kansas, under date of November 10, 1959 is enclosed herewith for your files.

We are also forwarding a similarly certified copy of such amendment to the Wichita-Sedgwick County Metropolitan Area Planning Commission, to the attention of Leland R. Edmonds.

Yours very truly,

ADAMS, JONES, ROBINSON & MANKA

BY *J. Ashford Manka*

JAM:gp  
Encl.



cc: Mr. Leland R. Edmonds  
Metropolitan Area Planning Commission  
City Building Annex  
Wichita, Kansas

STATE OF KANSAS }  
DEPARTMENT OF REVENUE }  
FILED FOR RECORD AT }  
3:40 P.M. }  
NOV 10 1959

NO. 32527  
RUFUS E. DEERING  
REGISTER OF DEEDS

*M. R. Ashford*

FIRST AMENDMENT TO  
DECLARATION OF RESTRICTIONS

WHEREAS, on April 23, 1957, Claude R. Lambe and Pauline Parks Lambe, husband and wife, as owners, filed a certain Declaration of Restrictions in the office of the Register of Deeds of Sedgwick County, Kansas, in Book 394, Page 70, et seq., and affecting the following described real property, to wit:

Beginning at a point 40 feet East and 50 feet South of the Northwest corner of the Northwest Quarter of Section 13, Township 27 South, Range 1 East of the Sixth Principal Meridian, thence East 1494.98 feet more or less to a point 310 feet West of the Northwest corner of Lot 1, Block 11, Second Addition to Lambdale, Wichita, Kansas, thence with an angle to the right of 90° 220 feet, thence with an angle to the right of 140° 194.97 feet more or less to a point 310 feet from and measured at right angle to the westerly line of Lots 7, 9 and 10, Block 11, said Second Addition to Lambdale, thence southwesterly parallel to and 310 feet from the westerly line of said Lots 7, 9 and 10 extended, 890 feet more or less to a point 1190 feet South of the North line of Northwest Quarter of said Section 13, thence west parallel to said North line 289 feet more or less to a point 690 feet east of the West line of the Northwest Quarter of said Section 13, thence North parallel to said West line 557.24 feet more or less to a point 30 feet North of the South line of the North Half of the North Half of the Northwest Quarter of said Section 13, thence west 650 feet to a point 30 feet North and 40 feet East of the Southwest corner of the North Half of the North Half of the Northwest Quarter of Section 13, thence North 583 feet more or less to the place of beginning, in Sedgwick County, Kansas,

and;

WHEREAS, under paragraph 5 of said Declaration of Restrictions, said restrictions may be modified, altered or changed in any particular, or such restrictions may be removed altogether by written instrument executed by the owners of the above lands, their heirs, successors and assigns, provided, written consent of the City of Wichita by its governing body is first obtained; and,

WHEREAS, the said owners, Claude R. Lambe and Pauline Parks Lambe, now desire to modify, alter, change and amend said

Declaration of Restrictions in the particulars below set out and as consented to by formal action and motion of the Board of City Commissioners and governing body of the City of Wichita, Kansas, on October 20, 1959, a certified transcript of the consent and action of said governing board of the City of Wichita and consent therefor being attached hereto and marked "Exhibit A".

NOW, THEREFORE, the Declaration of Restrictions above referred to and recorded in Book 394, Page 70, et seq., is hereby modified, altered, changed and amended by deleting paragraph numbered 2 thereof and substituting in lieu thereof, an amended paragraph number 2 reading as follows:

"2. (Amended) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 36 months from November 9, 1959, and shall be completed within 48 months from November 9, 1959. Phase 2, shown by Exhibit No. 1, shall be commenced on or before 45 months from November 9, 1959 and shall be completed within 60 months from November 9, 1959."

EXECUTED at Wichita, Kansas, this 19<sup>th</sup> day of November, 1959.

Claude R. Lambe  
CLAUDE R. LAMBE

Pauline Parks Lambe  
PAULINE PARKS LAMBE

STATE OF KANSAS )  
                  ) SS:  
SEDGWICK COUNTY )

Before me, the undersigned, a Notary Public, within and for said County and State, on this 19<sup>th</sup> day of November, 1959, personally appeared CLAUDE R. LAMBE and PAULINE PARKS LAMBE, to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My Commission Expires:

Jan 24, 1960

Seamus S. Quinn  
Notary Public

EXHIBIT "A"

THE UNDERSIGNED, C. H. Funk, duly qualified and acting Clerk of the City of Wichita, hereby certifies that on the 20th day of October, 1959, at a regular meeting of the Board of Commissioners of the City of Wichita, all members of said Commission being present, the following action was taken:

" Request to amend restrictive covenants approved for Lambesdale Comm.

Report from the Metropolitan Area Planning Commission in reference to the request from Mr. and Mrs. Claude R. Lambe to amend paragraph 2 of the restrictive covenants approved for the Lambesdale Community Unit Plan, presented. The Planning Commission recommended that this paragraph be amended to provide for an extension of 24 months to commence construction of Phase 1 and an extension of 36 months to commence construction of Phase 2. . . . . (and discussion by Commission and applicants' representative)

" Stevens moved that paragraph 2 of the restrictive covenants be amended to provide for an extension of 36 months to commence construction on Phase 1 and an extension of 48 months to commence construction of Phase 2, such extensions to be from November 9, 1959. Motion carried unanimously."

EXECUTED, this 9<sup>th</sup> day of November, 1959.

(Seal)

C. H. Funk  
C. H. FUNK, City Clerk

misc book 452  
Page 71

**THE CITY OF WICHITA**

**OFFICE OF** Assistant City Attorney


**DATE** October 29, 1959

**TO** Leland R. Edmonds, Senior Planner

**FROM** Lawrence E. Curfman

**SUBJECT** Declaration of Restrictions--  
Lambesdale Shopping Center

Returned herewith is the draft copy amendment to the declaration of restrictions covering the Lambesdale Shopping Center. It appears to me to satisfactorily cover everything that needs to be covered. This may be regarded as my approval both as to form and content.

  
LAWRENCE E. CURFMAN  
Assistant City Attorney

LEC:ta  
Encl.

cc: Fred W. Aley, Esq.  
Frank H. Backstrom, Esq.



FIRST AMENDMENT TO  
DECLARATION OF RESTRICTIONS

WHEREAS, on April 23, 1957, Claude R. Lambe and Pauline Parks Lambe, husband and wife, as owners, filed a certain Declaration of Restrictions in the office of the Register of Deeds of Sedgwick County, Kansas, in Book 394, Page 70, et seq., and affecting the following described real property, to wit:

Beginning at a point 40 feet East and 50 feet South of the Northwest corner of the Northwest Quarter of Section 13, Township 27 South, Range 1 East of the Sixth Principal Meridian, thence East 1494.98 feet more or less to a point 310 feet West of the Northwest corner of Lot 1, Block 11, Second Addition to Lambsdale, Wichita, Kansas, thence with an angle to the right of  $90^{\circ}$  220 feet, thence with an angle to the right of  $14^{\circ}$  194.97 feet more or less to a point 310 feet from and measured at right angle to the westerly line of Lots 7, 9 and 10, Block 11, said Second Addition to Lambsdale, thence southwesterly parallel to and 310 feet from the westerly line of said Lots 7, 9 and 10 extended, 890 feet more or less to a point 1190 feet South of the North line of Northwest Quarter of said Section 13, thence west parallel to said North line 289 feet more or less to a point 690 feet east of the West line of the Northwest Quarter of said Section 13, thence North parallel to said west line 557.24 feet more or less to a point 30 feet North of the South line of the North Half of the North Half of the Northwest Quarter of said Section 13, thence West 650 feet to a point 30 feet North and 40 feet East of the Southwest corner of the North Half of the North Half of the Northwest Quarter of Section 13, thence North 583 feet more or less to the place of beginning, in Sedgwick County, Kansas.

and;

WHEREAS, under paragraph five of said Declaration of Restrictions, said restrictions may be modified, altered or changed in any particular, or such restrictions may be removed altogether by written instrument executed by the owners of the above lands, their heirs, successors and assigns, provided, written consent of the City of Wichita by its governing body is first obtained; and,

WHEREAS, the said owners, Claude R. Lambe and Pauline Parks Lambe, now desire to modify, alter, change and amend said Declaration of Restrictions in the particulars below set out and as consented to by formal action and motion of the Board of City Commissioners and governing body of the City of Wichita, Kansas, on October 23, 1959, a certified transcript of the consent and action of said governing

board of the City of Wichita and consent thereto being attached hereto and marked "Exhibit A".

NOW, THEREFORE, the Declaration of Restrictions above referred to and recorded in Book 394, Page 70, et seq., is hereby modified, altered, changed and amended by deleting paragraph number two thereof and substituting in lieu thereof an amended paragraph number two reading as follows:

"2. (Amended) Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 36 months from November 9, 1959, and shall be completed within 48 months from November 9, 1959. Phase 2, shown by Exhibit No. 1, shall be commenced on or before ~~xxxx~~ 48 months from November 9, 1959 and shall be completed within 60 months from November 9, 1959."

EXECUTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_,

1959.

\_\_\_\_\_  
CLAUDE R. LARBE

\_\_\_\_\_  
PAULINE FARNS LARBE

ACKNOWLEDGMENT

EXHIBIT "A"

THE UNDERSIGNED, C. H. Funk, duly qualified and acting Clerk of the City of Wichita, hereby certifies that on the 20th day of October, 1959 at a regular meeting of the Board of Commissioners of the City of Wichita, all members of said Commission being present, the following action was taken:

" Request to amend restrictive covenants approved for Lambesdale Comm.

Report from the Metropolitan Area Planning Commission in reference to the request from Mr. and Mrs. Claude R. Lambe to amend paragraph 2 of the restrictive covenants approved for the Lambesdale Community Unit Plan, presented. The Planning Commission recommended that this paragraph be amended to provide for an extension of 24 months to commence construction of Phase 1 and an extension of 36 months to commence construction of Phase 2. . . . . (and discussion by Commission and applicants' representative)

" Stevens moved that paragraph 2 of the restrictive covenants be amended to provide for an extension of 36 months to commence construction on Phase 1 and an extension of 48 months to commence construction of Phase 2, such extensions to be from November 9, 1959. Motion carried unanimously."

EXECUTED, this \_\_\_\_\_ day of \_\_\_\_\_, 1959.

\_\_\_\_\_  
C. H. FUNK, City Clerk

METROPOLITAN PLANNING

OCTOBER 28, 1959

*File*

LAWRENCE E. CURFMAN, ASSISTANT CITY ATTORNEY

LELAND R. EDMONDS, SENIOR PLANNER

DECLARATION OF RESTRICTIONS  
LAMSDALE SHOPPING CENTER

ATTACHED IS A DRAFT COPY OF AN AMENDMENT TO  
DECLARATION OF RESTRICTIONS PERTAINING TO THE  
LAMSDALE SHOPPING CENTER. AN EXTENSION OF  
TIME FOR THE COMMENCEMENT OF CONSTRUCTION AND  
TIME FOR COMPLETION OF CONSTRUCTION WAS APPROVED  
BY THE BOARD OF CITY COMMISSIONERS ON OCTOBER  
20, 1959.

THIS DRAFT, AS FAR AS WE CAN DETERMINE, CORRECTLY  
REFLECTS THE EXTENSION INTENDED BY THE COMMISSION.  
THE LEGAL DESCRIPTION HAS ALSO BEEN CHECKED AND  
FOUND TO BE CORRECT. WILL YOU PLEASE CHECK AS TO  
FORM AND GENERAL CONTENT?

AS THIS IS THE ONLY COPY WE HAVE AT THE MOMENT,  
WILL YOU PLEASE RETURN SAME WHEN THROUGH?

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:RAL:BER  
ATTACHMENT

CC: FRANK H. BACKSTROM  
FRED W. ALEY

COPY FROM  
**ADAMS, JONES, ROBINSON AND MANKA**  
ATTORNEYS AT LAW  
BOARD OF TRADE BUILDING  
WICHITA 2, KANSAS

October 26, 1959

MARK H. ADAMS  
CHARLES E. JONES  
WM. L. ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS II  
JOHN S. SEEBER

TELEPHONE  
AMHERST 2-0403

**Mr. Frank H. Backstrom**  
City Manager  
City Building  
Wichita, Kansas

Re: Consent and Amendment to  
Declaration of Restrictions  
Lambsdale Shopping Center  
Community Unit Plan

Dear Mr. Backstrom:

Mr. and Mrs. Claude R. Lambe express appreciation for the consideration given to their request for extension of construction or time limitations regarding the subject shopping center by the City Commission on October 20.

As you will recognize, our clients' next procedure is to file of record an amendment for modification of the recorded Declaration of Restrictions in respect to paragraph two thereof so as to provide for an extension on the time limitation for commencement and completion of the two phases of the Lambsdale Shopping Center Development. We, on behalf of our clients, believe this step could be taken without imposing further upon the city administrative offices, but believe in the interest of cooperation and clarity that we should confer and coordinate with your office as to the form of amendment to the Declaration of Restrictions which is proposed for filing. We are also submitting our proposed amendment of restrictions form to the Wichita-Sedgwick County Metropolitan Area Planning Commission office for their consideration.

Accordingly, we hand you herewith a photocopy of "First Amendment to Declaration of Restrictions" covering the modification or amendment thereto as consented to or approved by the City Commission on October 20, 1959. We ask that you please advise us at your early convenience as to whether or not the form of proposed amendment meets with the approval of your office and follows the action of the City Commission, as we believe it does. We are also prepared to meet with you or city representatives as you may suggest regarding this matter we are submitting.

Yours very truly,

ADAMS, JONES, ROBINSON AND MANKA

By *J. Ashford Manka*

JAM:gp

cc: Mr. L. L. Little, Director of Planning  
Wichita-Sedgwick County Metropolitan Area Planning Commission



File.

EXCERPT FROM CITY COMMISSION MEETING ON OCTOBER 20, 1959 IN REGARD TO LAMBSDALE  
COMMUNITY UNIT PLAN

~~XX~~

Stamm Mr. Mayor, may I ask, has Mr. Manka a copy of that statement?

" I looked through my papers and I don't have. I overlooked that.  
Apparently when I gathered up my papers in my haste I didn't pick that up.

" Thank you very much. I am sorry to interrupt you.

LITTLE: Mr. Mayor, gentlemen of the Commission, this is a request for an amendment to the Community Unit Plan known as Lambsdale. This is one of three Community Unit Plans, the other two are Westway and Eastgate. Eastgate and Westway are currently under construction. I think a bit of history - each of the other two have both received additional time grants because of either changing market conditions or arranging for financing and leasing and so forth. With this in mind, it was presented to the Planning Commission and they concurred in the extension as requested and it is so recommended to you today.

FUGATE: Any questions of Mr. Little?

Madden: May I inquire

MADDEN: What extensions were requested that is by Mr. Lambe, was that it?

LITTLE: Yes sir. No extension except in ~~XXXX~~ the timing at which construction would commence.

MADDEN: What time did he ask for?

LITTLE: An additional 24 months. May I call your attention, by the way, if I may interject this, to a typographical error in our part, or somebody's part, Paragraph 2 of the restrictive covenants rather than paragraph 4. It's a small item but to straighten the record out on your agenda. The extension of 24 months to commence construction on Phase 1 and 36 months on Phase 2.

MADDEN: Is that correct?

LITTLE: Yes, sir. That's correct. The item paragraph number was wrong.

FUGATE: In other words, Mr. Little, the 24 months extension is a two year extension and not merely revising or amending the statement to state 24 months. This is a definite 24 month extension.

LITTLE: Precisely, sir, in terms of the restrictive covenants which were filed of record as required.

MADDEN: May I inquire for what date, Mr. Little, November the 3rd.

LITTLE: 9th, November the 9th, sir.

MADDEN: 9th of what?

LITTLE: 1959 would be the effective date of the 24 month extension.

MADDEN: 24 months from November 9th to start construction, is that it?

LITTLE: Yes, sir, on Phase 1 and 36 months on Phase 2, sir.

MADDEN: From November 9th.

LITTLE: From November 9th, also. That is the common date.

MADDEN: Is that satisfactory with the petitioner?

MANKA: With your permission, sir

FUGATE: Mr. Manka, would you identify yourself, please.

MANKA: I'm Ashford Manka, appearing here for Mr. and Mrs. Claude Lambe. If I may off the record say that

May I inquire  
MADDEN: What is your business, Mr. Manka

MANKA: I am the brother lawyer of yours and Mayor Fugate. I want to make a remark off the record as a citizen and unrelated to Mr. Lambe's matter that I compliment each of you on the unanimous decision you made this morning, respecting the compensation to members of this Commission and Mr. Madden and the rest of you I will claim some credit for having - I won't say I did it - but I put in a bid, too because I think we are being more realistic. One of our great civic problems has been inadequate compensation to men who will contribute service and time and I will with my little effort be happy to say that I concurred in your action.

MADDEN: Mr. Manka, may I inquire, will you assist me in getting an increase in the salary for the members of the legislature?

MANKA: I have \_\_\_\_\_ that. Yes sir, I have.

MADDEN: Thank you very much, Mr. Manka.

MANKA: Gentlemen, let me make one remark. I will try to be very brief. Our original request was to grant us additional time or rather approve our amendment to restrictive covenants, declarations of restrictions, which were filed of record in connection with the rezoning of this 26 acre area as a major shopping center under the community unit plan. We asked for an additional 36 months on Phase 1 to commence and an additional 48 months on Phase 2. The Planning Commission was friendly with us, they recommended 24 months on Phase 1 and 36 months on Phase 2. We believe our request was reasonable and we submit it again today to call your attention ~~XXXX~~ to this. Merely by saying that any time limitation is a tremendous handicap upon a major improvement to our community life. The type I gave you gentlemen each copies of ~~XXX~~ plats and general plot that is filed of record in connection with the restrictive covenant declaraction back in April, 1957. We would like to have your consideration of the additional time of 12 months in each phase as recommended by the Planning Commission and is I might say, anyone who gets a half \_\_\_\_\_ most of us appreciate that but we still feel that the original request was not unreasonable. This is a rather informal matter. I have with me a photostatic copy of the original restrictive covenant that was filed to comply with the plan and outline and it permits the very ~~X~~ procedure for you to consider modification and we ~~XXX~~ are only asking modification on the time of construction phase. Just let me add one statement: as we improve the plan here to improve with the area involved we add to the tax structure of this community. We believe it would be an effective area. WE, as developers, and my clients, do have difficulty on any time limitation. If you have ever tried to dispose of anything, I don't care of its even selling insurance, if you only had ten days to get it done, you might persuade me as if you had your year to work on it. Now as we start,<sup>and</sup>as we have for the two years and a half that this has been in process, there has been unlimited effort and so frequently the prospect <sup>with</sup>and/the money conditions makes it extremely difficult to be operating under a time limit. I assure you on behalf of the owners of the plan to build this community aid an attractive community unit center

that they wouldn't postpone it one week but there have been many, many things without recounting them you know what exists in the economic field right now that has prevented this up to this time. Thank you.

FUGATE: Any questions of Mr. Manka? Mr. Madden.

MADDEN: Mr. Manka, in your request you stated you asked for 36 months on phase 1 and 48 on phase 2, that is

\_\_\_\_\_: The other way around.

MANKA: No, that's right.

MADDEN: And was granted 24 and 36.

MANKA: Yes, sir.

MADDEN: Now, I noticed on your brief on this subject in those items attached of these very reputable concerns throughout the United States, I'm familiar with some of these \_\_\_\_\_ deal

MANKA: Yes

MADDEN: and also Lenox square <sup>I</sup> know that they had unlimited time down there in which to get that together which was a gigantic concern and this apparently would run into how many million do you figure?

MANKA: Estimated this would be a three and one-half, ~~quarter~~ to three and one-half million.

MADDEN: And I think the Lenox one ran into about 7 million.

MANKA: Yes, it's a double size, three times - almost three times the area.

MADDEN: And by reason of limitations, it's like, as all we lawyers know, when we are fighting a deadline on briefs or abstracts we cannot do our best because we are forced to complete to protect the interests of our client. Now if no doubt have no question or doubt in my mind that Mr. Lambe is doing everything and has done everything in the past to try to bring this about and bring to us an area up there of development, which I think would be of great benefit to the Northeastern part of the city as its growing out. Is there, in your opinion, would this 24 months and 36 months work a hardship on you?

MANKA: Mr. Madden, it is one of those factors that I would say, honestly, any time limitation does and we originally, I could tell you that my clients asked for more but I asked well let's stay back to a bit more reason. We chose the 36 months and the 48 months. <sup>MADDEN: it</sup> Well, if/was granted to 36 and 48 months would that delay this development? If we grant that, <sup>you</sup> would-grant that you would move as rapidly as possible, if you could get it done in 24 months, would you do it?

MANKA: Surely, yes sir. I would say that it would just put us in a position where we know <sup>that</sup> we aren't backed up either and that we can go ahead and continue the effort to get this area developed as it is contemplated.

MADDEN: My interest in the matter is this. You know I don't hate money, ~~XXXXXX~~ as I stated, and I want, if possible, to get these things done and get them on the tax role as you say from a tax standpoint we need taxes down here and with this increase in salary that has been given to commissioners and the mayor here we're going to have to go out here somewhere and dig up some money to pay those salaries and so I was wondering if we granted the delay if you people would delay here and by that time 36 months I won't be here. As a matter of fact, I won't be here in 24 months, will I?

MANKA: No, I never thought of that, no.

\_\_\_\_: You brought it up, you know.

MANKA: Of course, I have doubts about that, Mr. Commissioner.

MADDEN: You have doubts about that?

MANKA: That you won't be here, yes sir.

MADDEN: Okay. I thank you very much, Mr. Manka. For your remarks on this and the other remarks.

FUGATE : Mr. Stevens

STEVENS: As I understand it, you requested 36 and 48 and the Planning Commission approved 24 and 36.

MANKA: That's correct, sir.

STEVENS: Now, I don't want to ~~take~~ this question. I'm in favor of course of granting the extension, but I just wonder when we're dealing in property such as we

are here, in a community unit plan, which of course was a policy development by the Planning Commission, ~~XXXXXX~~ aren't we dealing in something, of course, that deals directly with the constitution, I'm wondering if actually the community unit plan and all these restrictive covenants, have they ever been tested in court?

MANKA : Mr. Stevens, they have not been tested in Kansas courts. The particular <sup>WITH</sup> restrictions ~~IN~~ which we are concerned, we preferred not to test them.

STEVENS : As for these restrictive covenants, have they ever been tested in court?

MANKA : Commissioner Stevens, they have not been tested in our Kansas courts. <sup>with</sup> The particular restrictions/which we are concerned, we preferred not to test them. We felt that to work with the Planning ~~XXXXXXXXXX~~ agencies of our community ~~XXXXXX~~ was preferable, anticipating that we would receive fair consideration for an honest and fair request. There are a number of things in this type of planning that any land <sup>to</sup> owner objects/and this land owner honestly if he objected to the limitations and the many restrictions ~~XXXXXX~~ were placed but he accepted what he could get, and the time limitation was perhaps one of the most objectionable. Other burdens ~~were~~ the things that with money you could meet and adjust yourself to it but the time limitation was one of the burdens. On the other hand, with the restriction as it provided for consideration, modification it seemed preferable to submit the matter for consideration and assuming rightfully that fair consideration to a fair request would be given and I think, I could say this, as much as a curb stone view, there is considerable doubt on zoning which ties it up in good time.

STEVENS: I've always felt that way too. However, I don't think this commission has a desire to create a hardship upon any property owner and know that when you are undertaking a project such as this, this is no small item and of course knowing that area and knowing that 13th is not a beautiful picture as it is with that vacant land, however, they are to be commended in the fine way in which they have kept the area looking under the circumstances and I feel that actually the element of time is <sup>significant</sup> very ~~important~~ and important, here and I'm going to move this morning that we grant the 36 month extension on the commencement of construction on Phase 1 and the 48 month extension on the commencement of construction on Phase 2.

7

MADDEN: I'll second that, Mr. Mayor and may I interject this. I think Mr. Manka has earned his fee here and I don't want him to talk any more, he's liable to ~~take~~ *talk* himself out of it. I have heard of that being done before and if none of the other commissioners have any comment I'd call for the question.

**FUGATE**

Manka: Let me ask one other question, gentlemen, you do not correspond in the extent of the completion time.

\_\_\_\_\_: Yes

\_\_\_\_\_: We would stay within the original completion time.

\_\_\_\_\_: \_\_\_\_\_

\_\_\_\_\_: I'll put that in a motion.

\_\_\_\_\_: I see no objection to this at all. Does that answer your question gentlemen.

**FUGATE**: What is the motion in regard to the extension of completion time limit there on that.

**STEVENS**: We likewise extend it 36 and 48.

\_\_\_\_\_: Is that correct, Mr. Manka, do you have a definite date on completion?

MANKA: It was the same as originally ~~asked~~ on the commencement date, 48 months completion on Phase 1 was 48 months to complete and - to commence - 36 months to commence and 48 months to complete - 1 year. On Phase 2 - I'm wrong I asked for 42 months to commence Phase 2 and to complete in 54 months. Yes, I talked myself out of 46 months. I'd rather stay with my record.

\_\_\_\_\_: 42?

MANKA: Yes, sir.

\_\_\_\_\_: Well, if that's the way you want it, I'll amend my motion to 42 months.

**MANKA**: May I ask - I know how important these things are and even 6 months could be \_\_\_\_\_ valuable to you.

8

MANKA: Well, that <sup>was</sup> ~~XXXXXX~~ the way I asked it, if I might, I would ask for the additional 6 months to be allowed.

STEVENS: I would rather my motion stay as it is. It was 48.

FUGATE: ~~XXX~~ You answered the question, gentlemen.

FUGATE : Do you wish to be heard? Would you state your name.

BECKETT: I'm Jim Beckett. I worked with Mr. Lambe on this project and the 48 months would help us a great deal, but our completion schedule was 12 months after the commencement on each Phase. In other words, 36 -48 48-72.

MADDEN: Mr. Mayor, this was on what? 32-42?

\_\_\_\_\_ : 36-42 and 36-48.

All  
FUGATE: /Those in favor, ~~XXXXXXXXXXXX~~ signify by saying aye.

FUGATE: Opposed? Carried unanimously.

honest and fair request. There are a number of things in this type of planning that any landowner objects to, and this landowner, honestly he objected to the limitations and the many restrictions were placed, but he accepted what he could get, and the time limitation was perhaps most, one of the most objectionable. Other burdens were the things that with money you could meet and adjust yourself to it, but the time limitation was one, one of the burdens that was most difficult. On the other a hand, with the restriction as it provided for consideration and modification, it seemed preferable to submit the matter for consideration, assuming rightfully that fair consideration to a fair request could be received. And I think, I could say this, as much as a curbstone view, there is considerable doubt on zoning which ties it up into a time, proposal of time limitations.

Stevens: Well I've always felt that way too. However, I don't think this Commission has the desire to create hardship on any property owner and I know that when you are undertaking a project such as this, this is no small item. And of course knowing that area and knowing that 13th is not a beautiful picture as it is, with that vacant land, however they are to be commended in the fine way in which they've kept the area looking under the circumstances. And I, I feel that actually the element of time is very significant and important here. And I, I'm going to move this morning that we grant the 36 month extension upon the commencement of construction upon phase 1 and the 48 extension upon the commencement of construction on phase 2.

Madden: I'll second that Mr. Mayor, and may I suggest this. I think that

Mr. Manka has earned his fee here and I don't want him to talk any more, he's liable to talk himself out of it. I've heard of that being done before, and if none of the other Commissioners have any comment, I'd call for the question.

Manka: Let us ask one other question gentlemen. Should you not correspondingly extend the completion time to be consistent?

Stevens: Yes, yes.

Manka: Naturally we would stay within the original completion time, but --

Madden: With due diligence, you would proceed with due diligence.

Manka: Oh yes.

Madden: Uh-huh.

Stevens: With the consent of the second, I'll include that in my motion.

Madden: Yeah, I'll accept that.

Parate: I, I see no objection to this at all. Are you ready for the question gentlemen?

Stevens: Question.

Lindsay: Well Mr. Mayor --

Parate: Mr. Lindsay.

Lindsay: -- may I inquire what, what is the motion in regard to the extension of completion time? I'm not clear on that?

Parate: To likewise extend it 36 and, or 48 months.

Lindsay: Do you have it, is that correct Mr. Manka? Do you have a definite date on that?

Manka: I've got that date, wait till I get my memorandums here. It was the same as originally, only commencement date. 48 months completion on phase 1. It was 48 months to complete and to commence, 36 months to commence and 48 months to complete, one year. On Phase 2,

I'm wrong. I asked for 42 months to commence phase 2 and to complete in 54 months.

Madden: You talked yourself out of it.

Manka: Yes, I talked myself out of four to six months.

Fugate: How many months there, Mr. Manka?

Manka: Well I'd rather stay with my record.

Madden: 42?

Manka: Yes sir.

Stevens: Well if that's the way you want it, I'll amend my motion to include the 42 months.

Manka: That's the way I asked --

Madden: (indiscernible)

Stevens: I know how important these things are, and even six months could be vital to you.

Manka: I, that was the way I asked it. If I might, I would ask for the additional six months.

Stevens: Well I would rather my motion stay as it is with 48.

Fugate: Are you ready for the question gentlemen?

Hindsley: I believe this gentlemen --

Fugate: Do you wish to be heard? Yes, would you state your name.

Beckett: I'm Jim Beckett. I work with Mr. Lamb on this project. And the 48 months would help us a great deal, but our completion schedule is 12 months after the commencement on each phase. In other words, 36, 48, 48, and 72.

Stevens: That would be extended 12 months.

Beckett: Yes sir.

Symph: Question.

Fugate: Those --

Madden: Mr. Mayor, this is an what? 72, 42; 36, 42?

Fugate: 36, 48.

Manka: 36, 48.

Madden: Oh, 36, 48? Question.

Fugate: Those in favor signify by saying aye. Opposed. Carried unanimously.  
Item 9, Mr. Manager, or Mr. Clerk.

Funk: A communication from Mayor A. J. Celebrezze of Cleveland, President of the American Municipal Association, extending an invitation to the officials of the City of Wichita to attend the 36th Annual American Municipal Congress to be held in Denver, Colorado, November 29th to December 2nd, 1959. The theme for this year's Municipal Congress is "Better Transportation for your City". The Congress will discuss methods to systematically collect and analysis basic facts on street use, traffic, parking, transit systems, and finances to enable the city to prepare and carry out a comprehensive program for solving urban traffic and transportation problems. In addition, the Congress will revise and adopt the National Municipal Policy for 1960 to serve as a guide for cities in their relations with state, federal, and other local governments.

Fugate: Mr. Manager.

Lindsley: Mr. Mayor.

Fugate: Mr. Manager first please gentlemen.

Backstrom: Well gentlemen, I think this is the one convention or conference that's extremely valuable to the legislative body of the City, and I hope that as many of the Commissioners could attend this year as

October 16, 1959

J. Ashford Manka  
Board of Trade Building  
Wichita, Kansas

Subject: Lambdale Community  
Unit Plan

Dear Mr. Manka:

This is to advise you that at its regular meeting of October 15, 1959, the Metropolitan Area Planning Commission was pressed to clarify this previous action relative to time extensions to be recommended for subject community unit planning. The Planning Commission has recommended to the Board of City Commissioners that Condition Number 4 of the respective covenants for this Community Unit Plan be amended to read as follows:

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

This matter will now be presented to the Board of City Commissioners and its consideration on October 20, 1959. If you have any questions concerning this matter, please do not hesitate to call on us.

Very truly yours,

Leland R. Edmonds  
Senior Planner

cc: Richard Mullin

IRE/js

CC  
10-20-59  
App as Rev  
by PC at meeting  
of 10-15-59

October 15, 1959

Board of City Commissioners  
City Building  
Wichita, Kansas

Gentlemen:

Subjects: Lambdale Community  
Unit Plan

At its regular meeting of October 15, 1959, the Metropolitan Area Planning Commission considered a request to amend paragraph 4 of the restrictive covenants approved for the Lambdale Community Unit plan.

The Planning Commission has recommended that this paragraph be amended to provide for an extension of 24 months to commence construction of Phase 1, and an extension of 36 months to commence construction of Phase 2.

Respectfully submitted,

L. L. Little  
Director of Planning

LLL:LRE:ber

MEMORANDUM

October 15, 1959

TO: METROPOLITAN AREA PLANNING COMMISSION

FROM: L. L. LITTLE, DIRECTOR OF PLANNING

SUBJECT: Lombdale Community Unit Plan

On October 1, 1959, the proponents of the Lombdale Community Unit Plan appeared before the Planning Commission requesting an extension of time to commence construction of both Phases 1 and 2. After careful deliberation, the Planning Commission moved to grant an extension of 24 months for beginning Phase 1 and 36 months for beginning Phase 2.

The original condition for which amendment was requested read as follows:

"Phase 1, as indicated on Exhibit No. 1, will be started within 30 months after the effective date of zoning and completed within 42 months of the effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning."

The action taken by the Planning Commission on October 1, made no mention of the time extension which should be applied to the completion schedule for each of Phases 1 and 2. It is assumed by the Department, however, that a scheduling comparable to that originally approved was anticipated by the motion. Accordingly, it would appear to the Department that it is the recommendation of the Planning Commission that condition No. 4 be amended to read as follows:

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

This matter is placed before the Planning Commission for clarification of its recommendation. Mr. Maden, counsel for the proponent, and Mr. Mallin, counsel for the opponents, have been notified of this request for clarification.

*L. L. Little*  
L. L. Little  
Director of Planning

File

**ADAMS, JONES, ROBINSON AND MANKA**

ATTORNEYS AT LAW  
BOARD OF TRADE BUILDING  
WICHITA 2, KANSAS

October 12, 1959

MARK H. ADAMS  
CHARLES E. JONES  
WM. I. ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS, II  
JOHN S. SCERBER

TELEPHONE  
AMHERST 2-0403

Wichita - Sedgwick County Metropolitan  
Area Planning Commission  
City Building Annex  
104 S. Main Street  
Wichita 2, Kansas



Attention: Mr. Leland R. Edmonds, Senior Planner

RE: Extension Of Developments  
Stipulation  
Community Unit Zoning  
Lembsdale Shopping Center  
13th and Oliver

Gentlemen:

The writer assures you that he was much taken aback to learn late Thursday afternoon that the above matter which was before the Planning Commission on October 1, had not been referred to City Commission for consideration at its forthcoming meeting Tuesday, October 13. I had been aware from a remark made by Mr. Edmonds on October 2 that there was some probable uncertainty as to the clarity of the motion by the members of the Planning Commission as to our client's request on the occasion of the action favorably recommending the requested relief, subject to modification, at the October 1 meeting. However, inasmuch as there was no further contact, I had concluded that the matter and recommendation of the Planning Commission would be referred on to the City Commission for consideration in regular course.

Remembering the long session of the Planning Commission on October 1, it might be understood that an accident could occur and perhaps I was somewhat remiss in not raising a question as to the meaning of or for clarification of the motion and recommendation concerning our client's matter when it was put and favorably acted upon. In any event, we feel an unintentional mistake has been made and believe it is proper to follow the suggestion of Chairman Lester Wilkinson that the matter be clarified or corrected by the Planning Commission at its next session on October 15. We do hope that this matter can be set at an early spot on the Commission's agenda or docket and further processing of this matter through the City Commission will be expedited inasmuch as the time factor may be important.

Inasmuch as the subject matter will again be before the Planning Commission for the purposes mentioned above, I have thought

Wichita - Sedgwick County Metropolitan  
Area Planning Commission  
Page two  
October 12, 1959

it also advisable to try and be of some assistance to the Commission as to the form of motion which is perhaps in order in a proceeding of this kind. As your files show, a number of conditions were made applicable to the Lambsdale Shopping Center and required to be set out in an instrument entitled "Declaration Of Restrictions" on a form prescribed or approved on behalf of the city and which was filed of record on April 23, 1957, in Book 394, Page 70. Such Declaration of Restrictions contains a paragraph numbered 5 reading as follows:

"5. These restrictions may be modified, altered or changed in any particular, or such restrictions may be removed altogether by written instrument executed by the undersigned owners, their heirs, successors or assigns; Provided written consent of the City of Wichita by its governing body is first obtained."

The present request, we believe, is to secure the consent of the change in the restrictions or conditions of the City of Wichita, by its proper boards and governing body, but only as to item number 2 thereof covering the time schedule for commencement and completion of the various phases of the shopping center as heretofore proved. Accordingly, we suggest that the Planning Commission Motion on the request of the owners might be somewhat along the following form:

Be it resolved that the request of Claude R. Lambe and Pauline Parks Lambe for modification and amendment to time schedule condition for construction of Lambsdale Shopping Center be granted in part and that this Commission recommend to the Governing Board of the City of Wichita that the City of Wichita consent to the change or amendment of Item 2 of "Declaration of Restrictions" filed of record April 23, 1957 in Book 394, Page 70 of the Register of Deeds in Sedgwick County, Kansas, by the owners of Lambsdale Shopping Center, to provide that the development of Phase 1, shown by Exhibit No. 1, be commenced on or before 24 months from the date of Consent to such change in restrictions by the City of Wichita and

Wichita - Sedgwick County Metropolitan  
Area Planning Commission  
Page three  
October 12, 1959

be completed within \_\_\_\_\_ months  
(originally 42 months) thereafter; and  
to provide that development of Phase 2,  
shown by Exhibit 1, be commenced on or  
before 36 months from the date of consent  
to such change in restrictions by the City  
of Wichita and be completed within \_\_\_\_\_  
months (originally 54 months) thereafter.

You will note that our references to the Paragraphs immediately above are different than the initial written request for extension of time schedule in our letter of September 11, 1959. The difference in Paragraph numbering is that the letter of September 11 referred to the development condition under numbered Paragraph 4 as this subject was on the City Commission agenda on January 29, 1957, and the numbered paragraphs mentioned in the preceding form of motion correspond to the numbered paragraphs as they were finally incorporated in the "Declaration of Restrictions" as such instrument or form thereof was finally approved by the representatives of the City and recorded. If your office does not have a copy of the restrictions as recorded in Book 394, Page 71, kindly advise us and we will immediately furnish copies thereof to you.

Respectively submitted,

ADAMS, JONES, ROBINSON & MANKA

By *J. Ashford Manka*

JAM:pc

cc: Mr. Wilkinson, Chairman  
Wichita - Sedgwick County Metropolitan Area Planning Commission  
Biting Building  
Wichita, Kansas

P. S. Mr. Leland R. Edmonds  
Since dictating the above letter, I have received your  
letter of October 9 confirming our conversation that  
afternoon, and I thank you for this advice. JAM

October 9, 1959

Mr. Richard F. Mullins, Attorney  
Beacon Building  
Wichita, Kansas

Re: Lamsdale Community  
Unit Plan

Dear Mr. Mullins:

This will confirm our conversation of October 8, 1959, regarding the subject Community Unit Plan. This matter will be placed on the agenda of the Planning Commission for October 15, at which time the Planning Commission will be asked to clarify its action of October 1, 1959. On October 1, the Planning Commission recommended an extension of time be granted to commence construction of phases one and two of this shopping center.

The Planning Commission will meet on October 15, 1959, at 2:00 p.m. The meeting will be held in Room 401, City Building Annex, 104 South Main, Wichita, Kansas.

Very truly yours,

Leland R. Edmonds  
Senior Planner

LRE/br

October 9, 1959

Mr. J. Ashford Manka, Attorney  
Board of Trade Building  
Wichita, Kansas

Re: Lambdale Community  
Unit Plan

Dear Mr. Manka:

This will confirm our telephone conversation of October 8, 1959. In that conversation I advised you that this matter would be placed before the Planning Commission again on October 15, 1959, to seek clarification of its October 1 action.

You will recall, on October 1 the Planning Commission recommended that an extension of twenty-four months from the present date be allowed to commence construction of phase one. It was further recommended that phase two construction start be extended thirty-six months from the present date. The Planning Commission did not, however, specifically make a recommendation concerning the extension of the completion dates for either phase one or two. This is considered to be of sufficient importance both to your client and to the public interest to warrant the schedule re-examination.

This matter will be considered by the Planning Commission on October 15, 1959, at 2:00 p.m. This meeting will be held in Room 401, City Building Annex, 104 South Main, Wichita, Kansas.

Very truly yours,

Leland R. Edmonds  
Senior Planner

LRE/br

October 5, 1959

Mr. Lester Wilkinson, Chairman  
Metropolitan Area Planning Commission  
1011 Bitting Building  
Wichita, Kansas

RE: Lombsdale Community Unit Plan

Dear Mr. Wilkinson:

You will recall that the proponents of the Lombsdale Community Unit Plan appeared before the Planning Commission on October 1, 1959, requesting an extension of time to commence construction of both Phases 1 and 2. The Planning Commission, after careful deliberation, moved to grant an extension of 24 months for beginning Phase 1 and 36 months for beginning Phase 2.

The original condition for which amendment was requested read as follows:

"Phase 1, as indicated on Exhibit No. 1, will be started within 30 months after the effective date of zoning and completed within 42 months of the effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning."

The action taken by the Planning Commission on October 1, made no mention of the time extension which should be applied to the completion schedule for each of Phases 1 and 2. It is assumed by the Department, however, that a scheduling comparable to that originally approved was anticipated by the motion. Accordingly, it would appear to the Department that it is the recommendation of the Planning Commission that condition No. 4 be amended to read as follows:

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

Page 2 - Mr. Lester Wilkinson,  
October 5, 1959

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

This matter has been discussed with Mr. Manka, the attorney for the proponents in this case, on October 2, and he generally agrees with the Department in its interpretation of the Planning Commission's intended action. We would appreciate your comments concerning this matter prior to sending it to the City Commission for consideration. It is anticipated that this matter will be forwarded to the City Commission for consideration on October 13, 1959. We would, therefore, appreciate your suggestions and comments concerning it prior to October 8, 1959.

Very truly yours,

L. L. Little,  
Director of Planning

LL:LRE:sdh

*Recd MAPP  
5:22 pm  
10-1-59  
TDR*

**MONTGOMERY WARD**

**CHICAGO 7**

September 22, 1957

Mr. Claude R. Lamb  
Claude R. Lamb Company  
Suite 621 - Union Nat'l. Bldg.  
Wichita 2, Kansas

Re: Lambdale Center  
Wichita, Kansas

Dear Mr. Lamb:

This will acknowledge our recent correspondence and phone conversation with Mr. James Beckett.

Please be advised that our Store Research and Development Department has recently completed a thorough economic analysis of the metropolitan Wichita area. Data has not been completely compiled as of this writing. However, indications are that Wards will have a definite interest in your site.

We are well aware of the zoning and timing problem which confronts you at the present time. You are perfectly free to advise any local authority that we still have a very definite interest in your site.

We here at Wards are in the hopes that you will be successful in getting an extension of time so that the Lambdale Shopping Center can be developed since we are sure that a development of the magnitude which you plan will be very beneficial to all of your tenants and the city of Wichita.

Yours very truly,

C. M. Upham, Jr.  
Real Estate Department

CMU:mn

ADAMS, JONES, ROBINSON AND MANKA  
ATTORNEYS AT LAW  
BOARD OF TRADE BUILDING  
WICHITA 2, KANSAS

MARK H. ADAMS  
CHARLES E. JONES  
WM. I. ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS, II  
JOHN S. SEEGER

September 30, 1959

TELEPHONE  
AMHERST 2-0403

*Rec'd 4<sup>30</sup> p.m.  
9-30-59  
JRM*

TO: Metropolitan Area Planning Commission

Re: Request For Extension of  
Development Time Condition  
Lambesdale Shopping Center

Dear Commission Member:

Mr. and Mrs. Claude R. Lambe have by recommended letter procedure submitted an application to the Planning Commission (now on the agenda for October 1) for a modification or extension of a time condition prescribed in connection with development or construction of the above shopping center.

Realizing the limitations and burdens upon Commission Members when an owner presents his request "cold", we, on behalf of the owners of the above land, are distributing to each member of the Planning Commission - and the Administrative Staff - a brief resume of reasons which we believe sustain the reasonableness and propriety of the request for modification of conditions now before the Commission. We have avoided - as we believe we should - contacting the individual commission members on our client's property problem, and hope we will be of some assistance to the Commission when the matter is considered at the public hearing on Thursday.

Respectfully submitted,

ADAMS, JONES, ROBINSON & MANKA

BY

Mr. L. L. Little  
Mr. Leland R. Edmonds

The foregoing memo delivered to Planning Commission Members.

*J. Ashford Manka*  
J. ASHFORD MANKA

TO: Metropolitan Area Planning Commission

SUBJECT: EXTENSION OF DEVELOPMENT SCHEDULE FOR  
MAJOR SHOPPING CENTER  
COMMUNITY UNIT PLAN - SOUTHEAST CORNER  
13TH AND OLIVER, WICHITA

Claude R. Lambe and Pauline Parks Lambe, owners of property above, have requested from the Metropolitan Area Planning Commission modification and extension of development schedule heretofore recommended or prescribed among conditions respecting the zoning of 26 acres of land at the above location to "LC" classification for a major shopping center in accordance with Section 21-24B of the applicable zoning ordinance. Such zoning classification for said lands were established by Resolution of the Board of Commissioners of the City of Wichita, Kansas, effective and to be in force from and after its adoption and publication in the official city paper, publication of said Resolution being made in The Wichita Beacon on May 9, 1957, as Resolution No. 19, after unanimous recommendation therefor by the former City Planning Commission.

All conditions for zoning by the former Planning Commission have heretofore been met by the owners, except the one prescribing a time schedule for commencement and completion of development of the proposed shopping center. This "time" condition which the owners respectfully request be extended is summarized as follows:

- (a) That development of the major shopping center, Phase 1, was to have been started within 30 months after the effective date of zoning and be completed within 42 months after the effective date of zoning, be modified or amended to permit this phase of development to start within 36 months from the

current date and be completed within 48 months from the current date.

- (b) That development of the major shopping center, Phase 2, was to have been started within 36 months after the effective date of zoning and be completed within 54 months after the effective date of zoning, be modified or amended to permit this phase of development to start within 42 months from the current date and be completed within 54 months from the current date.

The owners have been unable, despite diligent efforts, to actually start construction and development of the high quality shopping center improvements planned for erection upon said lands by the owners, within the time heretofore prescribed. The above request for extension of time is believed wholly reasonable and fair to the owners and beneficial to the public and community affairs.

The owners prior to the unanimous recommendation by the Planning Commission for the major shopping center development proposed by them, incurred great expenses to meet the requests for study and statistics and other conditions prescribed by the commission. At this time no special purpose will be served by a history or resume of the extended time and effort and study by the Planning Commission, its staff and the owners which eventually received the approval of such commission as to zoning of the lands as "LC" classification and the development as a high class major shopping area.

For many years the owners' "vision" of a high class shopping community development has received tenacious and continuous efforts from the owners and ever since the adoption of zoning therefor, the efforts to complete development have been redoubled. Persons familiar with the economics of major improvements and development of large building projects know the many obstacles and problems encountered before such a project can be actually commenced. Any effort to fix a rigid time schedule for the construction of a major shopping center of the class contemplated and the true goal of these owners, is wholly unrealistic and unreasonable. These owners make no apology for their ambition and plans to provide a shopping area which will be an unparalleled asset to Wichita and beautiful development in the area where the land is situated. These objectives for a high quality and modern development has been one of the obstacles to an early commencement of construction, coupled with business and financial trends or conditions for nearly two years. It is to be borne in mind that this shopping community development plan is not merely brick or cinder block walls and roofs with acres of concrete parking slabs, it is in keeping with the nationally known superior type shopping centers, such as:

UTICA SQUARE, Tulsa, Oklahoma (23 Acres)  
LAKESIDE, Denver, Colorado (58 Acres)  
PRESTON CENTER, Dallas, Texas (25 Acres)  
COUNTRY CLUB PLAZA, Kansas City (36 Acres)  
LENOX SQUARE, Atlanta, Georgia ( 75 Acres)  
BELLEVIEW, Oklahoma City, Oklahoma (41 Acres)  
OLD ORCHARD, Chicago, Illinois (75 Acres)

Conceivably the owners could present many experts to

demonstrate the detail as to their "vision" of development and the good progress which has been made toward actual accomplishment, but at this time has not reached the point where the approximate 3½ Million Dollar betterment to this community and area can be started by turning dirt on this land. Throughout the period since these lands were zoned for the major shopping development, the owners have encountered much difficulty by the time schedule originally prescribed for starting the successive phases of construction, but primarily phase 1. It will be borne in mind (and we are sure these factors are known to the Commission members) that the development and actual construction of the shopping community intended and promised to this city, involves great details, the major ones being:

LAND PLANNING, ARCHITECTURE, LEASING, FINANCING,  
CONSTRUCTION BIDS AND CONTRACTS, ETC.

The attached reproduction of a letter from DR. HOMER HOYT OF HOMER HOYT ASSOCIATES dated September 10, 1959 illustrates the views of a nationally known authority in the field of Major Shopping Centers who has personal acquaintance with the subject land and its use for the purpose contemplated as a betterment to this city. Illustrations of announced development and construction schedules for shopping centers and other major improvements and building plans in this community followed by radical revisions and extensions therefor can be illustrated by the dozens.

The feasibility of the \$3,250,000.00 shopping community project, exclusive of land, under consideration and the contribution therefrom to the employment and economy of this city and resulting taxation factors - a shopping center and business area provides tax

revenue many times in excess of its burden on the community for schools and other services as are required by a comparable housing area - now appears more encouraging than at any time since the zoning for such was approved. The owners are prepared, if desired by the Commission, to review the great effort and expense they have made over many years, particularly since the major shopping center improvement became possible after May 9, 1957. In an effort to avoid being burdensome to the Commission, the latest evidence of real progress toward the accomplishment of this goal, provided reasonable time therefor is allowed, is evidenced from reproduced copies of the attached letters, namely:

1. LETTER DATED SEPTEMBER 1, 1959 FROM ED NOBLE,  
PRESIDENT OF "LENOX SQUARE", DEVELOPERS OF A  
RECENTLY COMPLETED \$10,000,000 REGIONAL SHOPPING  
CENTER IN ATLANTA, GEORGIA.
2. LETTER DATED MARCH 31, 1959 FROM C. M. UPHAM, JR.,  
REAL ESTATE DEPARTMENT EXECUTIVE OF MONTGOMERY WARD.

The owners believe their goal for a beautiful shopping development for this community can be accomplished if they are granted the extension of time or schedule to start and complete construction on the property as requested in their letter to the Commission on September 11, 1959. It is inconceivable that this request can have any community effect other than to promote the economic, business and community welfare and service to our city and its citizens.

The owners assert or admit that PERSONAL PRIDE is a factor in their visions, plans, efforts and request herewith for "Lambesdale

Shopping Center", that they may be the "FIRST" to provide or give their home city of Wichita a pleasant shopping community with beauty, charm and public business services THAT ARE EXCELLED NOWHERE!

Respectfully submitted,

Claude R. Lambe  
Pauline Parks Lambe

ADAMS, JONES, ROBINSON & MANKA  
202 Board of Trade Building  
Wichita, Kansas  
Attorneys for Petitioners

**HOMER HOYT ASSOCIATES**  
THE WOODNER  
3636 SIXTEENTH STREET, N.W.  
WASHINGTON 10, D.C.

ECONOMIC ANALYSES OF CITIES, COUNTIES AND STATES  
MARKET SURVEYS OF SHOPPING CENTERS  
APPRAISALS OF COMMERCIAL PROPERTIES

September 10, 1959

Mr. Claude R. Lambe  
621 Union National Bank Bldg.,  
Wichita, Kansas

Dear Mr. Lambe:

Knowing all the time, effort and money you have expended trying to develop a quality shopping center in Lambdale, I feel that you deserve an extension of time of at least 24 to 36 months in the zoning. Very few cities have a time limit on zoning. The original time granted was much too short for a major regional center to be developed. My experience with several hundred centers in the United States is that it takes an average of five years, with a minimum time of at least three years, to put together a regional shopping center. This time is required because of the following steps that must be taken: first, the market survey, requiring three to six months to complete; second, the preliminary architectural plans three to six months; third, the securing of leases from major tenants such as a department store, who may study the market survey and architectural plans a year before making a decision, and a large variety store; fourth, securing permanent mortgage financing, six months; fifth, preparing final architectural plans to suit needs of individual tenants, four or five months; sixth, securing the construction loan, four or five months; seventh, awarding a construction contract; eighth, starting construction and carrying to completion, which alone requires a year.

Building a small center requires much less time, because the plan for a strip center is very simple and stores can be added one by one. A mall type center cannot be built piecemeal. The major store must be secured before leases can be signed with other tenants. The architectural plan must be complete at the outset. It is a serious mistake to start a major center by leasing to supermarkets or to small local stores, because these stores do not fit into the final plan and the regional center, when finally completed, is a makeshift affair.

I know personally that you have devoted the last three years to making contacts with important national department and chain stores who are interested in Lambdale and of one which was ready to negotiate a lease but has delayed because of a change in personnel. Delay has also been caused by the tightness of the money market.

However, to my own knowledge, you are now about to receive the benefits of your past efforts and to secure the major leases and financing necessary to pave the way for the construction of Lambdale.

Continued-

HOMER HOYT ASSOCIATES

- 2 -

Mr. Claude R. Lambe

Wichita needs a well planned regional shopping center. There are sufficient local and community centers. Such a regional center with ample parking, will draw customers from a wide trade area outside Wichita and will increase the tax revenues of the city. Since a new shopping center requires no building of schools and requires slight additional municipal outlays for highways, fire and police protection, most of the taxes received are a net gain to the city or a surplus above cost of city services. For these benefits Wichita will receive, you certainly should be given an extension of time to carry out plans for constructing a regional center which will be the showplace of Wichita.

Sincerely yours,

HH g

President  
HOMER HOYT ASSOCIATES



*Lenox and Peachtree Road, Northeast Atlanta 5, Georgia*

• OFFICES

1192 PEACHTREE ROAD, N. E.

ATLANTA 5, GEORGIA

AIR MAIL

SPECIAL DELIVERY

September 1, 1959

Mr. Claude R. Lambe  
621 Union National Bank Building  
Wichita, Kansas

Dear Claude:

As you know, we are very interested in helping you plan and develop your Lambsdale Center. We have in the past six months checked literally dozens of sites for regional centers all over the country. We were initially attracted to your site because of the economic study done by Dr. Homer Hoyt, who also did the study on our Lenox Square Regional Center. After reviewing his work and checking the site in Wichita ourselves, we feel, without question, Lambsdale is one of the finest locations we have seen for the development of a medium sized, high classed regional center.

Because of the economic area, population and growth of the Lambsdale region, we think a center should develop at Lambsdale of the same quality as we have here at Lenox Square in Atlanta. It should not be as large, of course, but to develop it comparable in character will certainly take almost as much time. We were a little over four years in the planning, leasing and construction of our Center in Atlanta; therefore, I would strongly suggest that anything less than thirty-six months on your zoning for Lambsdale would not give us nor anyone time to do the job properly.

In concluding, it will interest you to know we have done some checking with various key tenants and find a great deal of interest on their part in Wichita and, particularly, in your Lambsdale Center.

Mr. Claude R. Lambe

September 1, 1959

As you know, the magnitude of our Lenox Square Center has delayed getting our negotiations with you completed although we are sold on the need for a large quality center in Lambdale of the character and charm you have insisted must be produced as a fitting climax to your thirty-five years as a realtor. The extension to your zoning must come first, however. We wish you success as it can be most worthwhile for both the developer and the City of Wichita. If properly done, it will attract people from the entire state as a model for good planning and public attractiveness.

Yours most sincerely,

Ed Noble, President

EN:kb

# MONTGOMERY WARD

CHICAGO 7

March 27, 1959

Mr. Claude R. Lamb  
Claude R. Lamb Company  
Suite 621- Union Nat'l. Bldg.  
Wichita 2, Kansas

Re: Lamedale Shopping Center  
Wichita, Kansas

Dear Mr. Lamb:

This will acknowledge your recent correspondence and our conversation with Mr. Beckett.

Please be advised that Montgomery Ward is definitely interested in the Wichita area and the Lamedale Shopping Center. We are now contemplating a new store opening in Wichita in 1961. We have all of the information forwarded by you in our files and would like to state that we sincerely believe that your site has excellent possibilities as a regional shopping center.

We would like to suggest that you plan Lamedale Shopping Center in two stages with the first phase excluding a major department store. It is quite possible that Montgomery Ward would have a further interest in the site after the first phase of the center is completed and in operation.

We are aware of the zoning and timing problem you have. You are free to advise any local authority of the fact that we are very definitely interested in your site subject to a final market analysis by our Research Department.

I would appreciate your keeping this office advised as to the plans and progress of the above center.

Yours very truly,

C. M. Uphan, Jr.  
Real Estate Department

CMU:am

September 18, 1959

Mr. J. Ashford Manka  
Board of Trade Building  
Wichita, Kansas

Dear Mr. Manka:

Subject: Lambdale Community Unit Plan

This is to advise you that at its regular meeting of September 17, 1959, the Metropolitan Area Planning Commission informally considered the letter from your client, Mr. Lamb, requesting an extension of the time limits for the construction of Phases 1 and 2 of subject community unit plan. The Planning Commission has directed the Planning Staff to present to it a procedure by which the Planning Commission may properly hear and make a recommendation on this request.

This Department will prepare a report for the Planning Commission on this subject in conjunction with our legal counsel. The proposed procedure will be discussed with you prior to the next meeting of the Planning Commission so that we may have the benefit of your comments and counsel.

Very truly yours,

Leland R. Edmonds  
Senior Planner

LRE:dw



*Claude R. Lambe Company*

*Oil Properties Investment*

SUITE 621 UNION NATIONAL BUILDING

*Wichita 2, Kansas*

September 11, 1959

Metropolitan Planning Commission  
City Building Annex  
Wichita, Kansas

Re: Extension of Development Stipulation  
Community Unit Zoning  
Lambesdale Shopping Center  
13th and Oliver

Gentlemen:

Claude R. Lambe and Pauline Parks Lambe, owners of the above real property rezoned under Community Unit Plan for L.C. use by City Ordinance or Resolution No. 19, adopted and published on May 9, 1957, respectfully request modification of the following development schedule or condition imposed against the recommended zoning change by the City Planning Commission of the City of Wichita:

Change of Planning Commission Stipulation or Condition No. 4, which read:

4. The development will be in accordance with the following time schedule:

Phase 1, as indicated on Exhibit No. 1, will be started within 30 months after the effective date of zoning and completed within 42 months of effective date of zoning.

Phase 2, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.

So that such condition would read:

4. The development will be in accordance with the following time schedule:



*Claude R. Lambe Company*

*Oil Properties Investment*

SUITE 621 UNION NATIONAL BUILDING

*Wichita 2, Kansas*

September 11, 1959

Metropolitan Planning Commission  
City Building Annex  
Wichita, Kansas

Re: Extension of Development Stipulation  
Community Unit Zoning  
Lambesdale Shopping Center  
13th and Oliver

Gentlemen:

Claude R. Lambe and Pauline Parks Lambe, owners of the above real property rezoned under Community Unit Plan for L.C. use by City Ordinance or Resolution No. 19, adopted and published on May 9, 1957, respectfully request modification of the following development schedule or condition imposed against the recommended zoning change by the City Planning Commission of the City of Wichita:

Change of Planning Commission Stipulation or  
Condition No. 4, which read:

4. The development will be in accordance with the following time schedule:

Phase 1, as indicated on Exhibit No. 1, will be started within 30 months after the effective date of zoning and completed within 42 months of effective date of zoning.

Phase 2, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.

So that such condition would read:

4. The development will be in accordance with the following time schedule:

Phase 1, as indicated on Exhibit No. 1, will be started within 36 months after the modification and extension of development condition and completed within 48 months after said extension of time for development.

Phase 2, as indicated on Exhibit No. 1, will be started within 42 months after the modification and extension of development condition and completed within 54 months after said extension of time for development.

The landowners and petitioners respectfully advise that many circumstances have occurred since the initial approval of rezoning by the City Planning Commission, after extended studies, modifications and alterations of proposed plan as recommended by the Planning Commission staff and members, and the prescribed stipulated time for the development of the shopping center project. The petitioners at this time refer particularly to the many problems a property owner faces in developing a high quality and commercially beneficial shopping center to both the owners and the community, and the market conditions which have prevailed most of the time since the Resolution or Ordinance changing the zoning classification was adopted and published on May 9, 1957. There are many other factors which have made it impossible for the owners and petitioners to comply with the development time schedule prescribed by the City Planning Commission and the petitioners are prepared to submit to your Commission other controlling circumstances which have prevented compliance with the time schedule for development originally prescribed in any manner, by formal hearing or conference as your Commission may prefer.

Accordingly, it is further requested that this request for modification in zoning change be placed upon the Commission's agenda at its next regular meeting, such request for modification for change in zoning is sought only in respect to the condition prescribing the schedule of development or improvement of the area as required among the several stipulations or conditions prescribed by the Planning Commission on its original approval and recommendation for rezoning of the property to L.C.

Respectfully submitted,

*Gaude P. Lambie*

Phase 1, as indicated on Exhibit No. 1, will be started within 36 months after the modification and extension of development condition and completed within 48 months after said extension of time for development.

Phase 2, as indicated on Exhibit No. 1, will be started within 42 months after the modification and extension of development condition and completed within 54 months after said extension of time for development.

The landowners and petitioners respectfully advise that many circumstances have occurred since the initial approval of rezoning by the City Planning Commission, after extended studies, modifications and alterations of proposed plan as recommended by the Planning Commission staff and members, and the prescribed stipulated time for the development of the shopping center project. The petitioners at this time refer particularly to the many problems a property owner faces in developing a high quality and commercially beneficial shopping center to both the owners and the community, and the market conditions which have prevailed most of the time since the Resolution or Ordinance changing the zoning classification was adopted and published on May 9, 1957. There are many other factors which have made it impossible for the owners and petitioners to comply with the development time schedule prescribed by the City Planning Commission and the petitioners are prepared to submit to your Commission other controlling circumstances which have prevented compliance with the time schedule for development originally prescribed in any manner, by formal hearing or conference as your Commission may prefer.

Accordingly, it is further requested that this request for modification in zoning change be placed upon the Commission's agenda at its next regular meeting, such request for modification for change in zoning is sought only in respect to the condition prescribing the schedule of development or improvement of the area as required among the several stipulations or conditions prescribed by the Planning Commission on its original approval and recommendation for rezoning of the property to L.C.

Respectfully submitted,

*Claude P. Lambie*

ADAMS, JONES, ROBINSON AND MANKA

ATTORNEYS AT LAW  
BOARD OF TRADE BUILDING  
WICHITA 2, KANSAS

MARK H. ADAMS  
CHARLES E. JONES  
WM. I. ROBINSON  
J. ASHFORD MANKA  
CLIFFORD L. MALONE  
MARK H. ADAMS, II  
JOHN G. SEEBER

September 11, 1959

TELEPHONE  
AMHERST 2-0403

Metropolitan Planning Commission  
City Building Annex  
Wichita, Kansas

Re: Extension of Development Stipulation  
Community Unit Zoning  
Lambesdale Shopping Center  
13th and Oliver

Gentlemen:

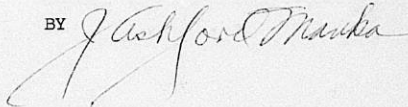
Attached hereto please find a letter form request to your Commission asking that the Commission's forthcoming agenda include consideration or hearing upon the request of Mr. and Mrs. Claude R. Lambe respecting an extension of time of the condition heretofore prescribed by the Planning Commission as to the time within which development must be commenced and completed on the above shopping center.

As attorneys for the owners and petitioners, we will appreciate advice that you can have this on the Commission's agenda for next Thursday, September 17.

Yours very truly,

ADAMS, JONES, ROBINSON & MANKA

BY



JAM:gp  
Encl.

FRED W. ALEY  
City Attorney  
THOMAS A. WOOD  
Chief Assistant  
LAWRENCE E. CURFMAN  
DOUGLAS E. SHAY  
PAUL J. DONALDSON  
ROBERT C. HELSEL  
EUGENE I. PIRTLE  
ARTHUR G. JOHNSON  
CHARLES A. SPARKS  
Assistant City Attorneys



## The City of Wichita, Kansas

DEPARTMENT OF LAW

OFFICE OF CITY ATTORNEY

September 10, 1959

Mr. L. L. Little,  
Director of Planning  
City Hall Annex  
Wichita, Kansas

Re: Status of Lambsdale  
Community Unit Plan

Dear Mr. Little:

This is in reply to your several memoranda to me in regard to the above matter, including your memorandum of August 31 and your memorandum of September 9..

I have reviewed your file, have talked with Mr. James Beckett and Mr. J. Ashford Manka, both representing Mr. Lamb, and on different occasions. I have also reviewed the applicable section of the zoning ordinance, being Section 21-24. I have not done any other research.

I am not intending, in this letter, to answer any of the other questions which might arise in connection with the possible rezoning, extension of time or modification of conditions. It is my opinion, however, that where one of the conditions imposed at the time the plan was approved was "Phase 1 started within 30 months after effective date of the zoning" and the resolution accomplishing the zoning change was published on May 9, 1957, the date of commencement of Phase 1 would be thirty months after May 9, 1957 or November 9, 1959.

Returned herewith is your entire file.



Very truly yours,

*Lawrence E. Curfman*  
LAWRENCE E. CURFMAN  
Assistant City Attorney

LEC:ta  
Encl.

cc: Fred W. Aley



THE CITY OF WICHITA, KANSAS

September 10, 1959  
DEPARTMENT OF LAW

Mr. L. L. Little,  
Director of Planning  
City Hall Annex  
Wichita, Kansas

Re: Status of Lamsdale  
Community Unit Plan

Dear Mr. Little:

This is in reply to your several memoranda to me in regard to the above matter, including your memorandum of August 31 and your memorandum of September 9.

I have reviewed your file, have talked with Mr. James Beckett and Mr. J. Ashford Manka, both representing Mr. Lamb, and on different occasions. I have also reviewed the applicable section of the zoning ordinance, being Section 21-24. I have not done any other research.

I am not intending, in this letter, to answer any of the other questions which might arise in connection with the possible rezoning, extension of time or modification of conditions. It is my opinion, however, that where one of the conditions imposed at the time the plan was approved was "Phase 1 started within 30 months after effective date of the zoning" and the resolution accomplishing the zoning change was published on May 9, 1957, the date of commencement of Phase 1 would be thirty months after May 9, 1957 or November 9, 1959.

Returned herewith is your entire file.

Very truly yours,

LAWRENCE E. CURPMAN  
Assistant City Attorney

LEC:ta  
Encl.

cc: Fred W. Aley

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

**OFFICE OF METROPOLITAN PLANNING**

**DATE** September 9, 1959

*File*

**TO** Lawrence Curfman, Assistant City Attorney  
**FROM** L. L. Little, Director of Planning  
**SUBJECT** Status of Lambsdale Community Unit Plan

The following material has been prepared by Glen O. Eicher of our staff and to our best information recounts the history of Planning Commission and City Commission action and requirements regarding the above cited plan.

- A. On January 29, 1957, the City Planning Commission approved subject Community Unit Plan.
- B. On January 29th of 1957 a petition for a change from "AA", "A", and "LC" to "IC" was granted, subject to requirements as recommended by the Planning Commission. This petition was granted with recommendation that a Mr. Beckett should discuss the extension of time provision with the City Planning Commission for their consideration and recommendation. The recommended requirements of this petition were:
  1. Petitioner will agree to bear cost of installation of medial strip as indicated on plot plan and additional width of pavement to 48 foot.
  2. Installation of any lights are to be reflected away from adjoining property owners.
  3. Development will be in accordance with the revised Exhibits No. 1 and No. 2.
  4. Development will be in accordance with the following time schedule:

Phase 1 on Exhibit 1 shall be started 24 months after effective date of zoning and completed within 36 months.

Phase 2 on Exhibit 1 shall be started in 36 months and completed in 54 months after effective date of zoning.
  5. This area will be platted and proper dedications will be given on Oliver and 13th Street as indicated on the plot plan.

6. Declaration of restrictions to be filed of record at Register of Deeds office indicating:

1. Development will take place in accordance with Exhibits 1 and 2 indicating construction time schedule, indicating the commitment of improvement of Oliver and 13th Street as noted on Exhibit 1, and indicating the manner in which deed restrictions may be modified, and indicating the manner in which deed restrictions will be enforced.

C. The City Engineer recommends in addition:

1. Funds necessary to cover cost of medial strip and additional pavement width as specified in condition No. 1, to be deposited in escrow with City Treasurer before the contract is awarded for construction of the pavement.
2. Details of design of all improvements on city street rights-of-way are to be approved by the City Engineer.
3. The fence along the south side of the property (12th Street) is to be reduced in height to 4 foot from the east property line of Oliver to the setback line east of Oliver.

D. Extension of time on Phase 1 changed by new recommendation of Planning Commission to Board of City Commissioners on March 5, 1957. There is one exception to this new resolution. The City Planning Commission recommendation is that the City Planning Commission of February 19, 1957 considered request for change in time schedule of Phase 1. We recommend requirement 4 be amended to read:

The development will be in accordance with the following time schedule:

1. Phase 1 started within 30 months after effective date of the zoning.
2. Phase 2 started 30 months and completed within 54 months after zoning effective date.

It was added by another amendment that Phase 1 shall be completed within 42 months.

Page 3 - Lawrence Curfman  
September 9, 1959

E. SUMMARY

It appears at this point that the petition for zoning was approved by the Board of City Commissioners on January 29, 1957, and was amended as to time requirement on March 3, 1957. However, the zoning ordinance was not adopted by the Board of City Commissioners until May 7, 1957, which is not listed in the minute book, in the index, or in the minutes, but is noted on the newspaper article publication of May 9. That publication is the effective date of the zoning change of this petition and 30 months hence would be on November 9, 1959. It appears that the petitioner has approximately two months before construction must commence.

LL:ber

L. L. Little  
Director of Planning

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING COMMISSION

OFFICE OF Metropolitan Planning

DATE September 8, 1959

TO Leland R. Edmonds, Senior Planner

FROM Glen O. Eicher, Planner I

SUBJECT

Status of Lambdale Community  
Unit Plan

On September 8 I did a recheck of the Board of City Commissioners minute book and came up with the following information on subject Community Unit Plan.

1. On January 29th of 1957 a petition for a change from AA, A, and LC to LC was granted subject to requirements as recommended by the Planning Commission. This petition was granted with recommendation that a Mr. Beckett should discuss the extension of time provision with the City Planning Commission for their reconsideration and recommendation. The recommended requirements of this petition were:

1. Petitioner will agree to bear cost of installation of medial strip as indicated on plot plan and additional width of pavement to 48 foot.
2. Installation of any lights are to be reflected away from adjoining property owners.
3. Development will be in accordance with the revised exhibits No. 1 and No. 2.
4. Development will be in accordance with the following time schedule.  
Phase 1 on exhibit 1 shall be started 24 months after effective date of zoning and completed within 36 months.  
Phase 2 on exhibit 1 shall be started in 36 months and completed in 54 months after effective date of zoning.
5. This area will be platted and proper dedications will be given on Oliver and 13th Street as indicated on the plot plan.
6. Declaration of restrictions to be filed on record at Register of Deeds Office indicating:
  1. Development will take place in accordance with Exhibits 1 and 2 indicating construction time schedule, indicating the commitment of improvement of Oliver and 13th Street as noted on Exhibit 1, and indicating the manner in which deed restrictions may be modified, and indicating the manner in which deed restrictions will be enforced.

II. The City Engineer recommends in addition:

1. Funds necessary to cover cost of medisl strip and additional pavement width as specified in condition no. 1 to be deposited in escrow with City Treasurer before the contract is awarded for construction of the pavement.
2. Details of design of all improvements on city street right-of-ways are to be approved by the City Engineer.
3. The fence along the south side of the property (12th Street) is to be reduced in height to 4 foot from the east property line of Oliver to the setback line east of Oliver.

These recommended requirements are to be submitted prior to time of passage of zoning resolution.

III Extension of time on Phase 1 changed by new recommendation of Planning Commission to Board of City Commissioners on March 5, 1957. There is one exception to this new resolution. The City Planning Commission recommendation is that the City Planning Commission of February 19, 1957 considered request for change in time schedule of Phase 1. We recommend requirement 4 be amended to read:

The development will be in accordance with the following time schedule:

- a. Phase 1 started within 30 months after effective date of the zoning
- b. Phase 2 started 30 months and completed within 54 months after zoning effective date

It was added by another amendment that Phase 1 shall be completed within 42 months. It appears at this point that the petition for zoning was approved by the Board of City Commissioners on January 29, 1957 and was amended as to time requirement on March 3, 1957. However, the zoning ordinance was not adopted by the Board of City Commissioners until May 7, 1957 which is not listed in the minute book, in the index, or in the minutes but is noted on the newspaper article publication of May 9. That publication is the effective date of the zoning change of this petition and 30 months hence would be on November 9, 1959. It appears that the petitioner has approximately two months before construction must commence.

Glen Eicher  
Planner I

GE:dw

LAMBSDALE COMMUNITY UNIT PLAN

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

LAMSDALE COMMUNITY UNIT PLAN

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

LANSDALE COMMUNITY UNIT PLAN

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

LANSDALE COMMUNITY UNIT PLAN

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

LAMBDALE COMMUNITY UNIT PLAN

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

LAMBDALE COMMUNITY UNIT PLAN

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

LANSING COMMUNITY UNIT PLAN

"Phase 1, as indicated on Exhibit No. 1, will be started within 54 months after the effective date of zoning and completed within 66 months of effective date of zoning."

"Phase 2, as indicated on Exhibit No. 1, will be started within 72 months of the effective date of zoning and completed within 90 months of the effective date of zoning."

**WICHITA-SEDGWICK COUNTY**  
METROPOLITAN AREA PLANNING COMMISSION  
OFFICE OF Metropolitan Planning

**DATE** September 8, 1959

**TO** Leland R. Edmonds, Senior Planner  
**FROM** Glen O. Eicher, Planner I

**SUBJECT**

Status of Lamsdale Community  
Unit Plan

On September 8 I did a recheck of the Board of City Commissioners minute book and came up with the following information on subject Community Unit Plan.

**I.** On January 29th of 1957 a petition for a change from AA, A, and LC to LC was granted subject to requirements as recommended by the Planning Commission. This petition was granted with recommendation that a Mr. Beckett should discuss the extension of time provision with the City Planning Commission for their reconsideration and recommendation. The recommended requirements of this petition were:

1. Petitioner will agree to bear cost of installation of medial strip as indicated on plot plan and additional width of pavement to 48 foot.
2. Installation of any lights are to be reflected away from adjoining property owners.
3. Development will be in accordance with the revised exhibits No. 1 and No. 2.
4. Development will be in accordance with the following time schedule.

Phase 1 on exhibit 1 shall be started 24 months after effective date of zoning and completed within 36 months.

Phase 2 on exhibit 1 shall be started in 36 months and completed in 54 months after effective date of zoning.

5. This area will be platted and proper dedications will be given on Oliver and 13th Street as indicated on the plot plan.
6. Declaration of restrictions to be filed on record at Register of Deeds Office indicating:
  1. Development will take place in accordance with Exhibits 1 and 2 indicating construction time schedule, indicating the commitment of improvement of Oliver and 13th Street as noted on Exhibit 1, and indicating the manner in which deed restrictions may be modified, and indicating the manner in which deed restrictions will be enforced.

**II.** The City Engineer recommends in addition:

1. Funds necessary to cover cost of medial strip and additional pavement width as specified in condition no. 1 to be deposited in escrow with City Treasurer before the contract is awarded for construction of the pavement.
2. Details of design of all improvements on city street right-of-ways are to be approved by the City Engineer.
3. The fence along the south side of the property (12th Street) is to be reduced in height to 4 foot from the east property line of Oliver to the setback line east of Oliver.

These recommended requirements are to be submitted prior to time of passage of zoning resolution.


III

Extension of time on Phase 1 changed by new recommendation of Planning Commission to Board of City Commissioners on March 5, 1957. There is one exception to this new resolution. The City Planning Commission recommendation is that the City Planning Commission of February 19, 1957 considered request for change in time schedule of Phase 1. We recommend requirement 4 be amended to read:

The development will be in accordance with the following time schedule:

- a. Phase 1 started within 30 months after effective date of the zoning
- b. Phase 2 started 30 months and completed within 54 months after zoning effective date

It was added by another amendment that Phase 1 shall be completed within 42 months. It appears at this point that the petition for zoning was approved by the Board of City Commissioners on January 29, 1957 and was amended as to time requirement on March 3, 1957. However, the zoning ordinance was not adopted by the Board of City Commissioners until May 7, 1957 which is not listed in the minute book, in the index, or in the minutes but is noted on the newspaper article publication of May 9. That publication is the effective date of the zoning change of this petition and 30 months hence would be on November 9, 1959. It appears that the petitioner has approximately two months before construction must commence.

  
Glen Eicher  
Planner I

GE:dw

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**  
**OFFICE OF METROPOLITAN PLANNING**

**DATE** August 5, 1959

**TO** L. L. Little, Director of Planning  
**FROM** Leland R. Edmonds, Senior Planner

**SUBJECT** Lambsdale Shopping Center  
Community Unit Plan

A check of the records indicates the following pertinent dates with respect to the Lambsdale Community Unit Plan approval:

January 29, 1957 Board of City Commissioners approved the application for zone change from "AA" and "A" to community unit plan approval.

March 5, 1957 Board of City Commissioners approved request for extension of consideration dates:

- a. Phase one to start 30 months after the effective date of the zoning change, to be completed 42 months after the effective date of the zoning change.
- b. Phase two to start 36 months after the effective date of the zoning change, and to be completed 54 months after the effective date of the zoning change.

On the basis of the March 5, 1957, action of the Board of City Commissioners, it would appear that phase one should have been started on or before July 29, 1959, to be completed on or before January 29, 1961. It would appear further that phase two should start on or before January 29, 1960, to be completed on or before July 29, 1962.

Section 21-24 the Code of the City of Wichita provides in sub-paragraph 2.1 as follows: "such considerations, among other things, shall provide that, upon failure to develop the area in accordance with the conditions fixed by the Board of City Commissioners, the Board of City Commissioners shall have the right and power to again rezone the area, after Planning Commission hearing and report. In such instance no permits for the construction of any structures within the area shall be issued until the area has been examined and zoned or rezoned for its most appropriate use."

It would appear that this portion of the code provides clearly that the Planning Commission has the right to initiate a hearing to rezone this property (Lambsdale C.U.P.) from Community Unit Plan of zoning to "AA" and pass its recommendation to the City Commission. It does not appear that such a hearing is mandatory. I would suggest, however,

Page 2 - L. L. Little, Director of Planning  
August 5, 1959

that the Building Inspection Superintendent would refuse to grant a permit at this time, in as much as the final date for beginning construction has passed.

I would suggest that this matter should be called to the Planning Commissions attention. Accordingly, I have prepared a memorandum for your signature (attached hereto) which could be placed on the Planning Commission's August 20 agenda. I would also suggest that we should notify Mr. Maple officially by memorandum (again attached) that the starting date has passed.



Leland R. Edmonds,  
Senior Planner

LRE:sdh

Attachments - 2

August 5, 1959

L. L. Little, Director of Planning

Leland R. Edmonds, Senior Planner

Lambdale Shopping Center  
Community Unit Plan

A check of the records indicates the following pertinent dates with respect to the Lambdale Community Unit Plan approval:

January 29, 1957 Board of City Commissioners approved the application for zone change from "AA" and "A" to community unit plan approval.

March 5, 1957 Board of City Commissioners approved request for extension of consideration dates:

- a. Phase one to start 30 months after the effective date of the zoning change, to be completed 42 months after the effective date of the zoning change.
- b. Phase two to start 36 months after the effective date of the zoning change, and to be completed 54 months after the effective date of the zoning change.

On the basis of the March 5, 1957, action of the Board of City Commissioners, it would appear that phase one should have been started on or before July 29, 1959, to be completed on or before January 29, 1961. It would appear further that phase two should start on or before January 29, 1960, to be completed on or before July 29, 1962.

Section 21-24 the Code of the City of Wichita provides in sub-paragraph 2.1 as follows: "such considerations, among other things, shall provide that, upon failure to develop the area in accordance with the conditions fixed by the Board of City Commissioners, the Board of City Commissioners shall have the right and power to again rezone the area, after Planning Commission hearing and report. In such instance no permits for the construction of any structures within the area shall be issued until the area has been examined and zoned or rezoned for its most appropriate use."

It would appear that this portion of the code provides clearly that the Planning Commission has the right to initiate a hearing to rezone this property (Lambdale C.U.P.) from Community Unit Plan of zoning to "AA" and pass its recommendation to the City Commission. It does not appear that such a hearing is mandatory. I would suggest, however,

Page 2 - L. L. Little, Director of Planning  
August 5, 1959

that the Building Inspection Superintendent would refuse to grant a permit at this time, in as much as the final date for beginning construction has passed.

I would suggest that this matter should be called to the Planning Commission's attention. Accordingly, I have prepared a memorandum for your signature (attached hereto) which could be placed on the Planning Commission's August 20 agenda. I would also suggest that we should notify Mr. Maple officially by memorandum (again attached) that the starting date has passed.

Leland R. Edmonds,  
Senior Planner

IRE:sdh

Attachments - 2

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**  
**OFFICE OF METROPOLITAN PLANNING**

**DATE** August 5, 1959

**TO** Metropolitan Area Planning Commission

**FROM** L. L. Little, Director of Planning

**SUBJECT** Lambsdale Community Unit Plan

Examination of the files indicates that Lambsdale Community Unit Plan approval was granted by the Board of City Commissioners on January 29, 1957. Board of City Commission action on March 5, 1957, approved and amended phasing for construction as follows:

Phase One - Begin within 30 months of the effective date of rezoning; complete within 42 months of the effective date of rezoning.

Phase Two - Begin within 36 months of the effective date of rezoning; complete within 54 months of the effective date of rezoning.


In accordance with the March 5, 1957 action of the Board of City Commissioners, the Lambsdale Community Unit Plan should follow the following dates:

Phase One - Begin on or before July 29, 1959; complete on or before January 29, 1961.

Phase Two - Begin on or before January 29, 1960; complete on or before July 29, 1962.

Section 21-24, sub-paragraph 2.1 of the Code of the City of Wichita provides that the Board of City Commissioners, after appropriate hearing by the Planning Commission, may rezone this property if all conditions to approval have not been met.

This information is submitted to you for your information and such action as you consider appropriate.

  
L. L. Little,  
Director of Planning

LLL:IRE:sdh

METROPOLITAN PLANNING

August 5, 1959

Metropolitan Area Planning Commission

L. L. Little, Director of Planning

Lambdale Community Unit Plan

Examination of the files indicates that Lambdale Community Unit Plan approval was granted by the Board of City Commissioners on January 29, 1957. Board of City Commission action on March 5, 1957, approved and amended phasing for construction as follows:

Phase One - Begin within 30 months of the effective date of rezoning; Complete within 42 months of the effective date of rezoning.

Phase Two - Begin within 36 months of the effective date of rezoning; complete within 54 months of the effective date of rezoning.

In accordance with the March 5, 1957 action of the Board of City Commissioners, the Lambdale Community Unit Plan should follow the following dates:

Phase One - Begin on or before July 29, 1959; complete on or before January 29, 1961.

Phase Two - Begin on or before January 29, 1960; complete on or before July 29, 1962.

Section 21-24, sub-paragraph 2.1 of the Code of the City of Wichita provides that the Board of City Commissioners, after appropriate hearing by the Planning Commission, may rezone this property if all conditions to approval have not been met.

This information is submitted to you for your information and such action as you consider appropriate.

L. L. Little,  
Director of Planning

LLL:LRE:sdh

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**  
**OFFICE OF METROPOLITAN PLANNING**

**DATE** August 5, 1959

**TO** Metropolitan Area Planning Commission  
**FROM** L. L. Little, Director of Planning

**SUBJECT** Lambdale Community Unit Plan

Examination of the files indicates that Lambdale Community Unit Plan approval was granted by the Board of City Commissioners on January 29, 1957. Board of City Commission action on March 5, 1957, approved and amended phasing for construction as follows:

**Phase One** - Begin within 30 months of the effective date of rezoning; Complete within 42 months of the effective date of rezoning.

**Phase Two** - Begin within 36 months of the effective date of rezoning; complete within 54 months of the effective date of rezoning.

In accordance with the March 5, 1957 action of the Board of City Commissioners, the Lambdale Community Unit Plan should follow the following dates:

**Phase One** - Begin on or before July 29, 1959; complete on or before January 29, 1961.

**Phase Two** - Begin on or before January 29, 1960; complete on or before July 29, 1962.

Section 21-24, sub-paragraph 2.1 of the Code of the City of Wichita provides that the Board of City Commissioners, after appropriate hearing by the Planning Commission, may rezone this property if all conditions of approval have not been met.

This information is submitted to you for your information and such action as you consider appropriate.

L. L. Little,  
Director of Planning

LL:LRK:cdh

Metropolitan Planning

August 5, 1959

S. B. Maple, Building Inspection Superintendent

L. L. Little, Director of Planning

Lambdale Community Unit Plan

Examination of our files indicates that the construction of phase one of Lambdale Community Unit Plan should have begun on or before July 29, 1959, and construction of phase one should be completed on or before January 29, 1961.

This information is provided to you for your Community Unit Plan files in the event an application is made for construction permit on this project.

L. L. Little,  
Director of Planning

LLL:IRE:sdh

TO: Metropolitan Area Planning Commission

SUBJECT: EXTENSION OF DEVELOPMENT SCHEDULE FOR  
MAJOR SHOPPING CENTER  
COMMUNITY UNIT PLAN - SOUTHEAST CORNER  
13TH AND OLIVER, WICHITA

Claude R. Lambe and Pauline Parks Lambe, owners of property above, have requested from the Metropolitan Area Planning Commission modification and extension of development schedule heretofore recommended or prescribed among conditions respecting the zoning of 26 acres of land at the above location to "LC" classification for a major shopping center in accordance with Section 21-24B of the applicable zoning ordinance. Such zoning classification for said lands were established by Resolution of the Board of Commissioners of the City of Wichita, Kansas, effective and to be in force from and after its adoption and publication in the official city paper, publication of said Resolution being made in The Wichita Beacon on May 9, 1957, as Resolution No. 19, after unanimous recommendation therefor by the former City Planning Commission.

All conditions for zoning by the former Planning Commission have heretofore been met by the owners, except the one prescribing a time schedule for commencement and completion of development of the proposed shopping center. This "time" condition which the owners respectfully request be extended is summarized as follows:

- (a) That development of the major shopping center, Phase 1, was to have been started within 30 months after the effective date of zoning and be completed within 42 months after the effective date of zoning, be modified or amended to permit this phase of development to start within 36 months from the

current date and be completed within 48 months from the current date.

- (b) That development of the major shopping center, Phase 2, was to have been started within 36 months after the effective date of zoning and be completed within 54 months after the effective date of zoning, be modified or amended to permit this phase of development to start within 42 months from the current date and be completed within 54 months from the current date.

The owners have been unable, despite diligent efforts, to actually start construction and development of the high quality shopping center improvements planned for erection upon said lands by the owners, within the time heretofore prescribed. The above request for extension of time is believed wholly reasonable and fair to the owners and beneficial to the public and community affairs.

The owners prior to the unanimous recommendation by the Planning Commission for the major shopping center development proposed by them, incurred great expenses to meet the requests for study and statistics and other conditions prescribed by the commission. At this time no special purpose will be served by a history or resume of the extended time and effort and study by the Planning Commission, its staff and the owners which eventually received the approval of such commission as to zoning of the lands as "LC" classification and the development as a high class major shopping area.

For many years the owners' "vision" of a high class shopping community development has received tenacious and continuous efforts from the owners and ever since the adoption of zoning therefor, the efforts to complete development have been redoubled. Persons familiar with the economics of major improvements and development of large building projects know the many obstacles and problems encountered before such a project can be actually commenced. Any effort to fix a rigid time schedule for the construction of a major shopping center of the class contemplated and the true goal of these owners, is wholly unrealistic and unreasonable. These owners make no apology for their ambition and plans to provide a shopping area which will be an unparalleled asset to Wichita and beautiful development in the area where the land is situated. These objectives for a high quality and modern development has been one of the obstacles to an early commencement of construction, coupled with business and financial trends or conditions for nearly two years. It is to be borne in mind that this shopping community development plan is not merely brick or cinder block walls and roofs with acres of concrete parking slabs, it is in keeping with the nationally known superior type shopping centers, such as:

UTICA SQUARE, Tulsa, Oklahoma (23 Acres)

LAKESIDE, Denver, Colorado (58 Acres)

PRESTON CENTER, Dallas, Texas (25 Acres)

COUNTRY CLUB PLAZA, Kansas City (36 Acres)

LENOX SQUARE, Atlanta, Georgia ( 75 Acres)

BELLEVIEW, Oklahoma City, Oklahoma (41 Acres)

OLD ORCHARD, Chicago, Illinois (75 Acres)

Conceivably the owners could present many experts to

demonstrate the detail as to their "vision" of development and the good progress which has been made toward actual accomplishment, but at this time has not reached the point where the approximate 3½ Million Dollar betterment to this community and area can be started by turning dirt on this land. Throughout the period since these lands were zoned for the major shopping development, the owners have encountered much difficulty by the time schedule originally prescribed for starting the successive phases of construction, but primarily phase 1. It will be borne in mind (and we are sure these factors are known to the Commission members) that the development and actual construction of the shopping community intended and promised to this city, involves great details, the major ones being:

LAND PLANNING, ARCHITECTURE, LEASING, FINANCING,  
CONSTRUCTION BIDS AND CONTRACTS, ETC.

The attached reproduction of a letter from DR. HOMER HOYT OF HOMER HOYT ASSOCIATES dated September 10, 1959 illustrates the views of a nationally known authority in the field of Major Shopping Centers who has personal acquaintance with the subject land and its use for the purpose contemplated as a betterment to this city. Illustrations of announced development and construction schedules for shopping centers and other major improvements and building plans in this community followed by radical revisions and extensions therefor can be illustrated by the dozens.

The feasibility of the \$3,250,000.00 shopping community project, exclusive of land, under consideration and the contribution therefrom to the employment and economy of this city and resulting taxation factors - a shopping center and business area provides tax

revenue many times in excess of its burden on the community for schools and other services as are required by a comparable housing area - now appears more encouraging than at any time since the zoning for such was approved. The owners are prepared, if desired by the Commission, to review the great effort and expense they have made over many years, particularly since the major shopping center improvement became possible after May 9, 1957. In an effort to avoid being burdensome to the Commission, the latest evidence of real progress toward the accomplishment of this goal, provided reasonable time therefor is allowed, is evidenced from reproduced copies of the attached letters, namely:

1. LETTER DATED SEPTEMBER 1, 1959 FROM ED NOBLE, PRESIDENT OF "LENOX SQUARE", DEVELOPERS OF A RECENTLY COMPLETED \$10,000,000 REGIONAL SHOPPING CENTER IN ATLANTA, GEORGIA.
2. LETTER DATED MARCH 31, 1959 FROM C. M. UPHAM, JR., REAL ESTATE DEPARTMENT EXECUTIVE OF MONTGOMERY WARD.

The owners believe their goal for a beautiful shopping development for this community can be accomplished if they are granted the extension of time or schedule to start and complete construction on the property as requested in their letter to the Commission on September 11, 1959. It is inconceivable that this request can have any community effect other than to promote the economic, business and community welfare and service to our city and its citizens.

The owners assert or admit that PERSONAL PRIDE is a factor in their visions, plans, efforts and request herewith for "Lambesdale

Shopping Center", that they may be the "FIRST" to provide or give their home city of Wichita a pleasant shopping community with beauty, charm and public business services THAT ARE EXCELLED NOWHERE!

Respectfully submitted,

Claude R. Lambe  
Pauline Parks Lambe

ADAMS, JONES, ROBINSON & MANKA  
202 Board of Trade Building  
Wichita, Kansas  
Attorneys for Petitioners

**HOMER HOYT ASSOCIATES**

THE WOODNER  
3626 SIXTEENTH STREET, N.W.  
WASHINGTON 10, D. C.

ENGINEERING ANALYSES OF CITIES, COUNTIES AND STATES  
MARKET SURVEYS OF SHOPPING CENTERS  
APPRAISALS OF COMMERCIAL PROPERTIES

September 10, 1959

Mr. Claude R. Lambe  
21 Union National Bank Bldg.  
Wichita, Kansas

Dear Mr. Lambe:

Knowing all the time, effort and money you have expended trying to develop a quality shopping center in Lambdale, I feel that you deserve an extension of time of at least 24 to 36 months in the zoning. Very few cities have a time limit on zoning. The original time granted was much too short for a major regional center to be developed. My experience with several hundred centers in the United States is that it takes an average of five years, with a minimum time of at least three years, to put together a regional shopping center. This time is required because of the following steps that must be taken: first, the market survey, requiring three to six months to complete; second, the preliminary architectural plans three to six months; third, the securing of leases from major tenants such as a department store, who may study the market survey and architectural plans a year before making a decision, and a large variety store; fourth, securing permanent mortgage financing, six months; fifth, preparing final architectural plans to suit needs of individual tenants, four or five months; sixth, securing the construction loan, four or five months; seventh, awarding a construction contract; eighth, starting construction and carrying to completion, which alone requires a year.

Building a small center requires much less time, because the plan for a strip center is very simple and stores can be added one by one. A mall type center cannot be built piecemeal. The major store must be secured before leases can be signed with other tenants. The architectural plan must be complete at the outset. It is a serious mistake to start a major center by leasing to supermarkets or to small local stores, because these stores do not fit into the final plan and the regional center, when finally completed, is a makeshift affair.

I know personally that you have devoted the last three years to making contacts with important national department and chain stores who are interested in Lambdale and of one which was ready to negotiate a lease but has delayed because of a change in personnel. Delay has also been caused by the tightness of the money market.

However, to my own knowledge, you are now about to receive the benefits of your past efforts and to secure the major leases and financing necessary to pave the way for the construction of Lambdale.

Continued-

HOMER HOYT ASSOCIATES

- 2 -

Mr. Claude R. Lamb

Wichita needs a well planned regional shopping center. There are sufficient local and community centers. Such a regional center with ample parking, will draw customers from a wide trade area outside Wichita and will increase the tax revenues of the city. Since a new shopping center requires no building of schools and requires slight additional municipal outlays for highways, fire and police protection, most of the taxes received are a net gain to the city or a surplus above cost of city services. For these benefits Wichita will receive, you certainly should be given an extension of time to carry out plans for constructing a regional center which will be the showplace of Wichita.

Sincerely yours,

HH g

President  
HOMER HOYT ASSOCIATES



*Lenox and Peachtree Road, Northeast Atlanta 5, Georgia*

6 OFFICES

3331 PEACHTREE ROAD, N.E.

ATLANTA 5, GEORGIA

AIR MAIL

SPECIAL DELIVERY

September 1, 1959

Mr. Claude R. Lambe  
621 Union National Bank Building  
Wichita, Kansas

Dear Claude:

As you know, we are very interested in helping you plan and develop your Lamsdale Center. We have in the past six months checked literally dozens of sites for regional centers all over the country. We were initially attracted to your site because of the economic study done by Dr. Homer Hoyt, who also did the study on our Lenox Square Regional Center. After reviewing his work and checking the site in Wichita ourselves, we feel, without question, Lamsdale is one of the finest locations we have seen for the development of a medium sized, high classed regional center.

Because of the economic area, population and growth of the Lamsdale region, we think a center should develop at Lamsdale of the same quality as we have here at Lenox Square in Atlanta. It should not be as large, of course, but to develop it comparable in character will certainly take almost as much time. We were a little over four years in the planning, leasing and construction of our Center in Atlanta; therefore, I would strongly suggest that anything less than thirty-six months on your zoning for Lamsdale would not give us nor anyone time to do the job properly.

In concluding, it will interest you to know we have done some checking with various key tenants and find a great deal of interest on their part in Wichita and, particularly, in your Lamsdale Center.

-2-

Mr. Claude R. Lambe

September 1, 1959

As you know, the magnitude of our Lenox Square Center has delayed getting our negotiations with you completed although we are sold on the need for a large quality center in Lambdale of the character and charm you have insisted must be produced as a fitting climax to your thirty-five years as a realtor. The extension to your zoning must come first, however. We wish you success as it can be most worthwhile for both the developer and the City of Wichita. If properly done, it will attract people from the entire state as a model for good planning and public attractiveness.

Yours most sincerely,

Ed Noble, President

EN:kb

# MONTGOMERY WARD

CHICAGO 7

March 31, 1959

Mr. Claude R. Lambe  
Claude R. Lambe Company  
Suite 621- Union Nat'l. Bldg.  
Wichita 2, Kansas

Re: Lansdale Shopping Center  
Wichita, Kansas

Dear Mr. Lambe:

This will acknowledge your recent correspondence and our conversation with Mr. Beckett.

Please be advised that Montgomery Ward is definitely interested in the Wichita area and the Lansdale Shopping Center. We are now contemplating a new store opening in Wichita in 1961. We have all of the information forwarded by you in our files and would like to state that we sincerely believe that your site has excellent possibilities as a regional shopping center.

We would like to suggest that you plan Lansdale Shopping Center in two stages with the first phase excluding a major department store. It is quite possible that Montgomery Ward would have a further interest in the site after the first phase of the center is completed and in operation.

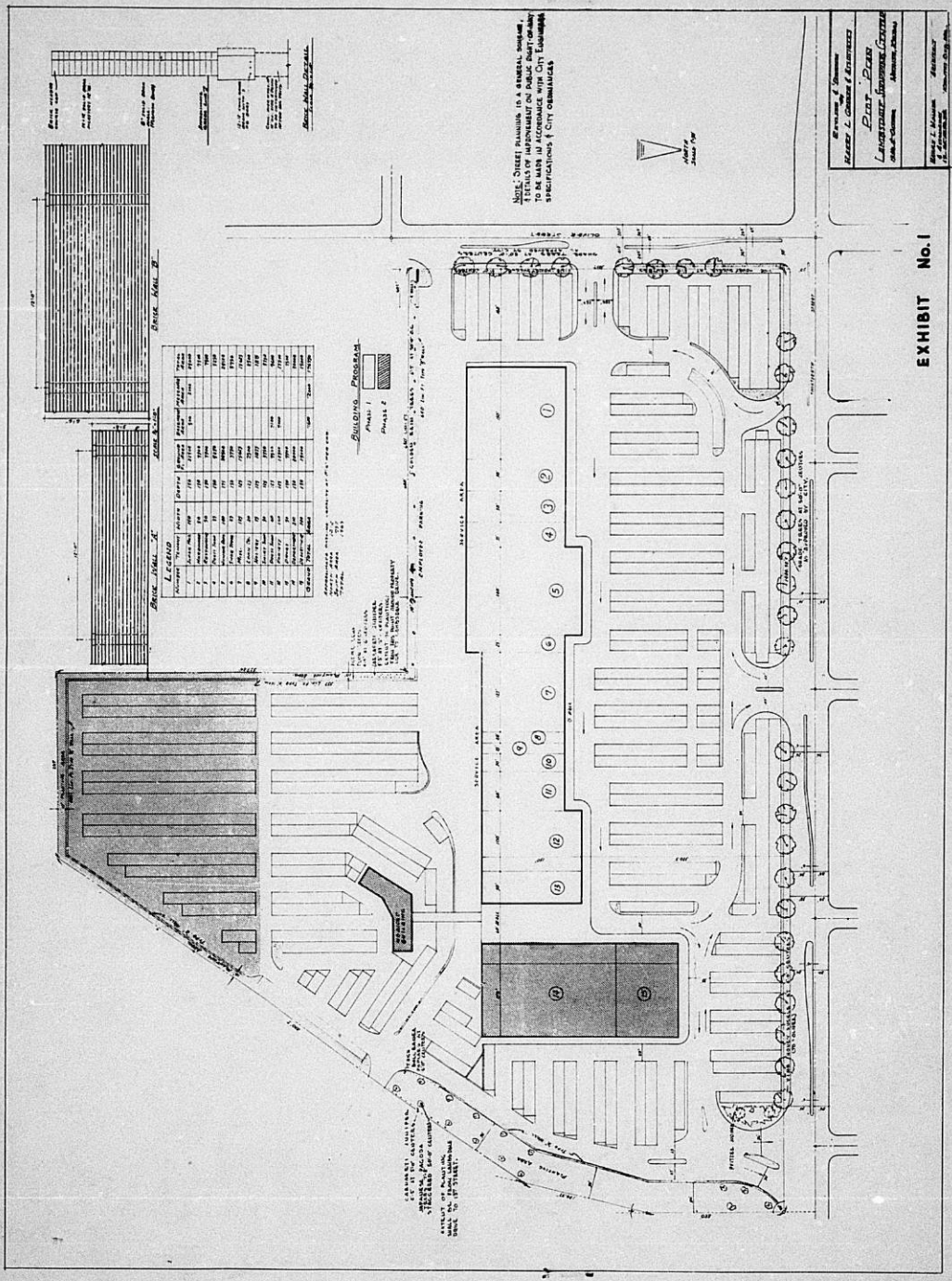
We are aware of the zoning and timing problem you have. You are free to advise any local authority of the fact that we are very definitely interested in your site subject to a final market analysis by our Research Department.

I would appreciate your keeping this office advised as to the plans and progress of the above center.

Yours very truly,

C. M. Upham, Jr.  
Real Estate Department

CNU:am



**BUILDING PROGRAM**

NO.	DESCRIPTION	AREA	TYPE	REMARKS
1	REAR YARD	100	REAR YARD	
2	SIDE YARD	100	SIDE YARD	
3	REAR YARD	100	REAR YARD	
4	SIDE YARD	100	SIDE YARD	
5	REAR YARD	100	REAR YARD	
6	SIDE YARD	100	SIDE YARD	
7	REAR YARD	100	REAR YARD	
8	SIDE YARD	100	SIDE YARD	
9	REAR YARD	100	REAR YARD	
10	SIDE YARD	100	SIDE YARD	
11	REAR YARD	100	REAR YARD	
12	SIDE YARD	100	SIDE YARD	
13	REAR YARD	100	REAR YARD	
14	SIDE YARD	100	SIDE YARD	

**BUILDING PROGRAM**

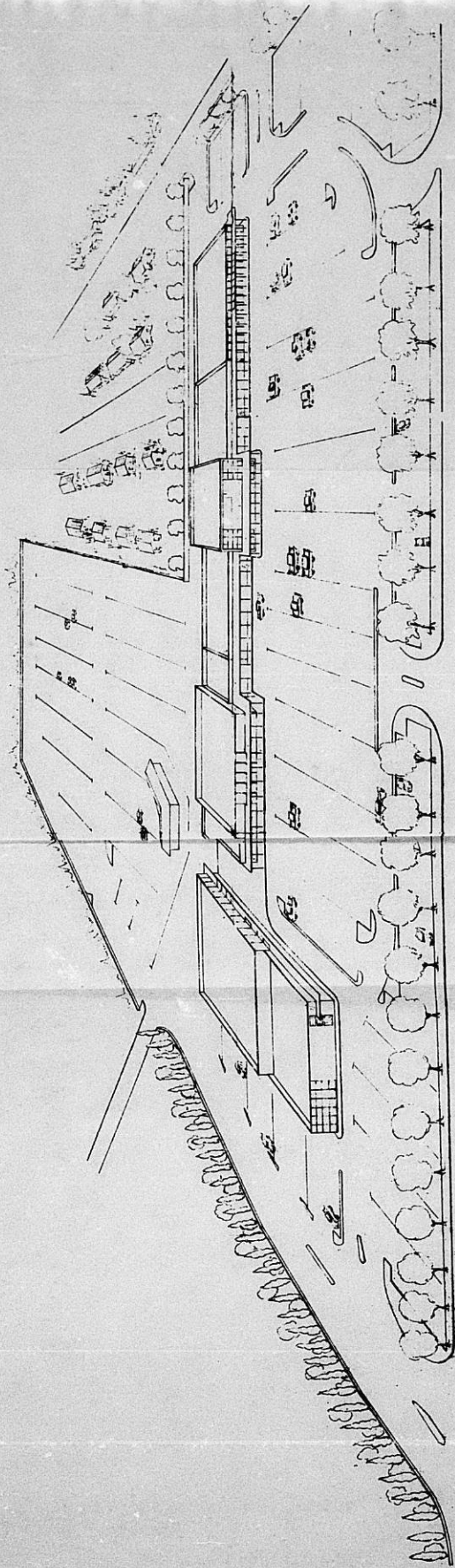
PHASE 1

PHASE 2

NOTE: STREET PLANNING IS A GENERAL SKETCH TO BE MADE IN ACCORDANCE WITH CITY ZONING REGULATIONS & CITY ORDINANCES

Prepared by: **Robert L. Collins & Associates**  
 Date: **1954**  
 Location: **Langhorne, Pennsylvania**  
 Project: **Langhorne Industrial Center**

**EXHIBIT No. 1**



L A M B S D A L L E <sup>13<sup>th</sup></sup> & O L I V E R S H O P P I N G C E N T E R

MADE IN U.S.A.  
APR 2 1967  
11487  
WALL GROUP

*Handwritten signature*

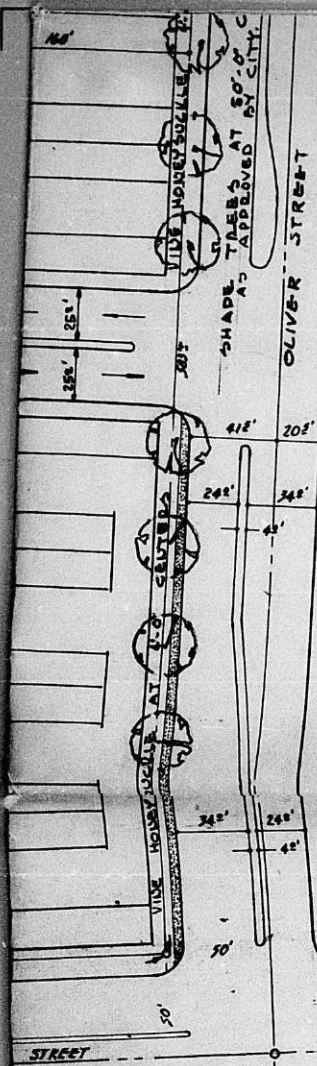
Reel 974 Paper 1125 11 Jan  
EXHIBIT No.2

**NOTE:** STREET PLANNING IS A GENERAL SCHEME,  
 & DETAILS OF IMPROVEMENT ON PUBLIC RIGHT-OF-WAY  
 TO BE MADE IN ACCORDANCE WITH CITY ENGINEERS  
 SPECIFICATIONS & CITY ORDINANCES



NORTH  
 SCALE 1"=50'

**OFFICE COPY**  
 DO NOT REMOVE



STATE OF KANSAS  
 SEDGWICK COUNTY  
 FILED FOR RECORD AT  
 4:00 P.M.  
 APR 23 1957  
 NO. 11496  
 RUFUS E. DEERING  
 REGISTER OF DEEDS

*Rufus E. Deering*

DP-0

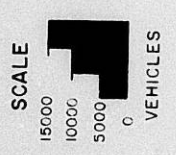
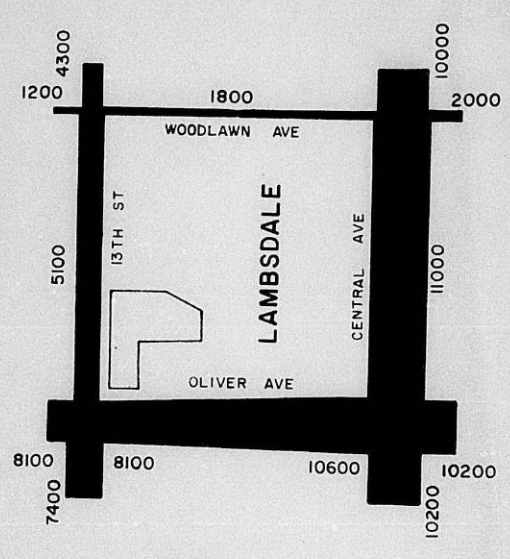
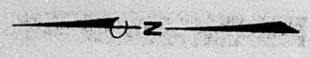
DESIGNED & DRAWN BY  
**HARRY L. GRIGER & ASSOCIATES**

**PILOT PLAN**  
**LAMBSDALE SHOPPING CENTER**  
 13th & OLIVER WICHITA, KANSAS

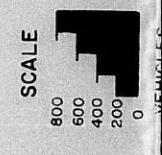
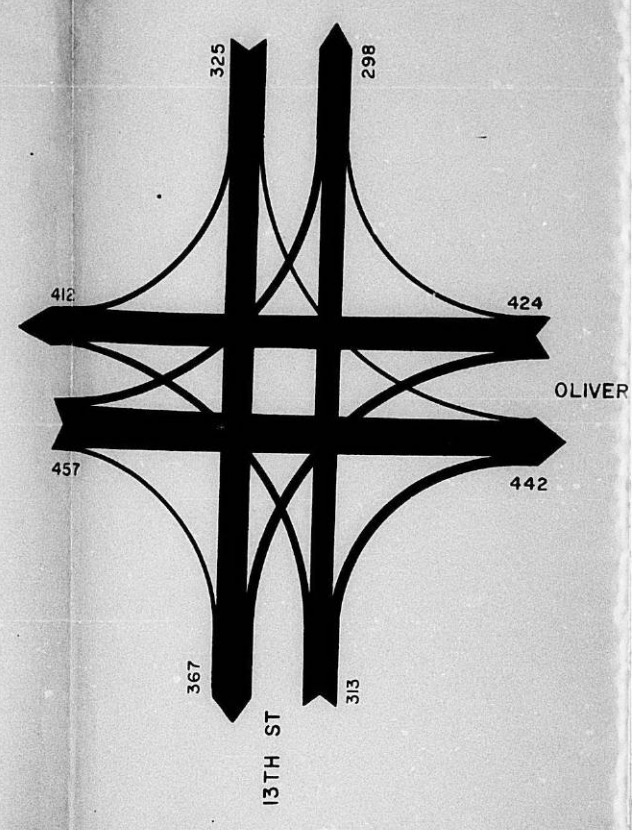
**HARRY L. GRIGER** ARCHITECT  
 & ASSOCIATES  
 15 N. JACKSON KANSAS CITY, MO.

Book 394 Pages 73-74-75-76-77-78-79+80  
**BIT No. 1**

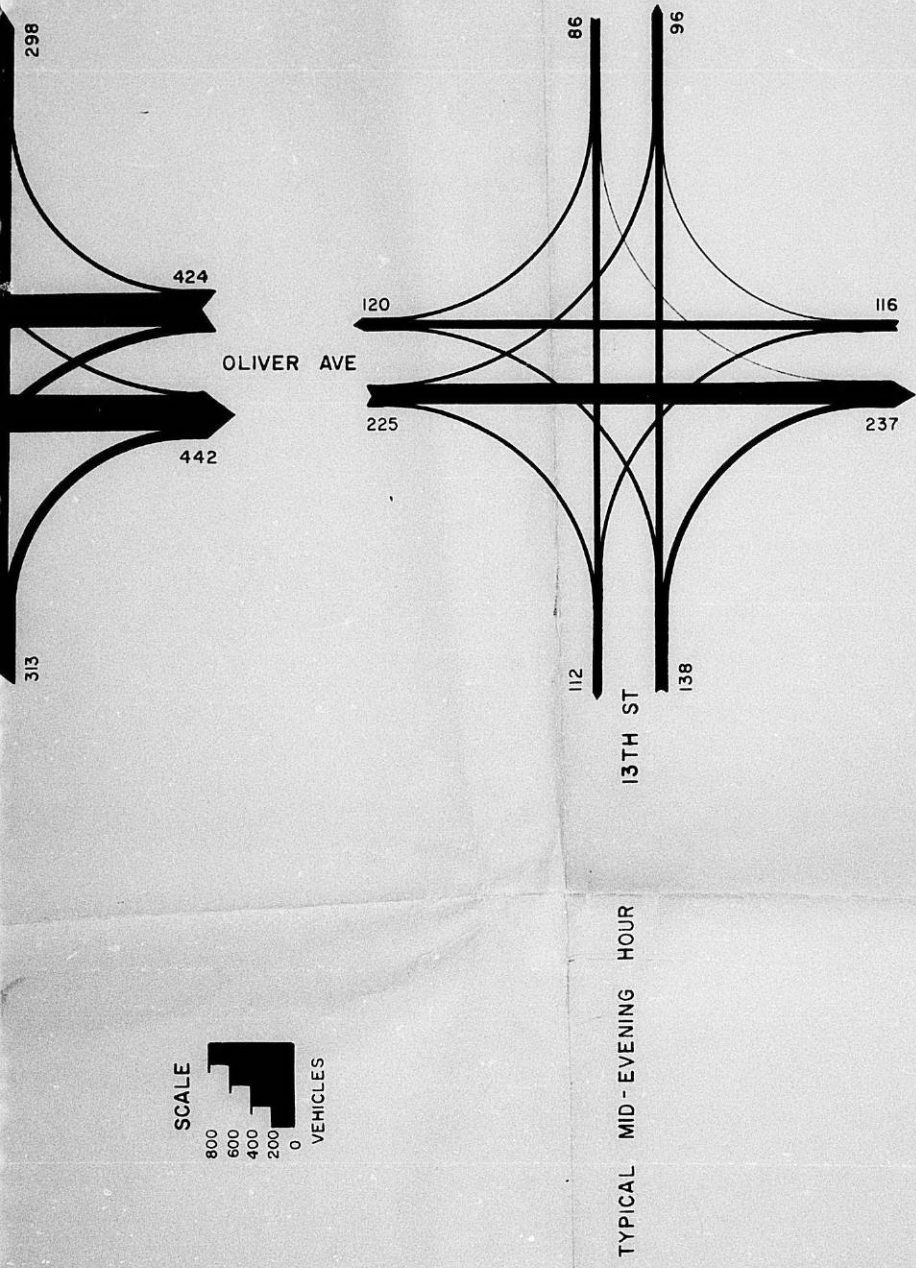
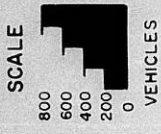
23560  
 261360  
 271260  
 283500



**24 HOURS**

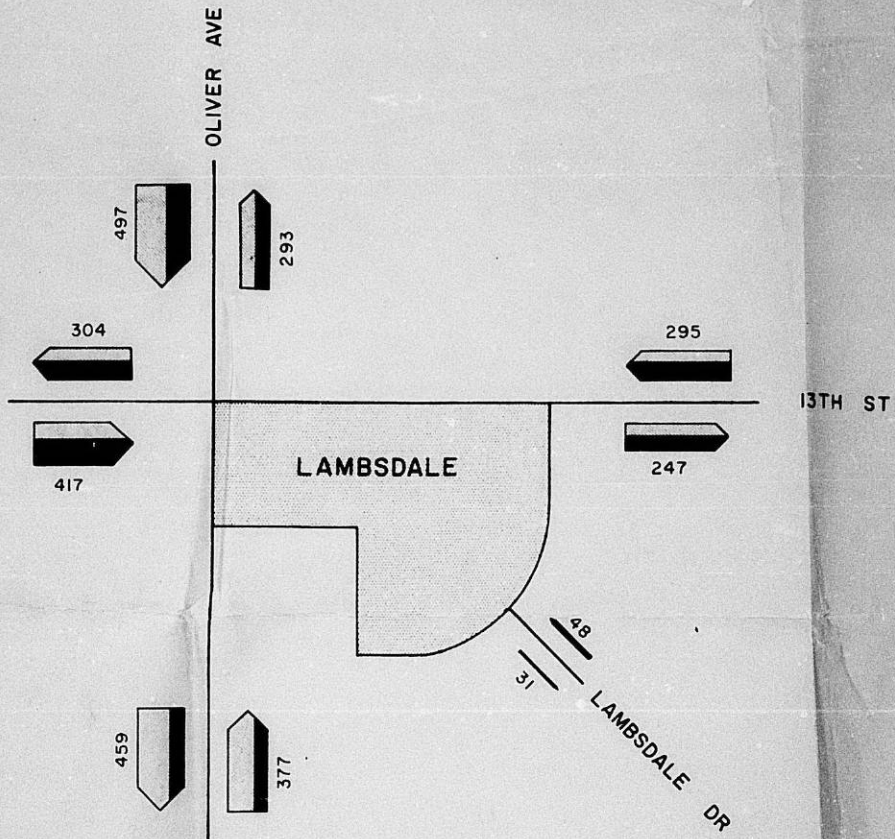


**PEAK HIGHWAY RUSH HOUR**



PRESENT TRAFFIC VOLUMES  
TYPICAL 1956 DAY  
WICHITA, KANSAS

FIGURE 4

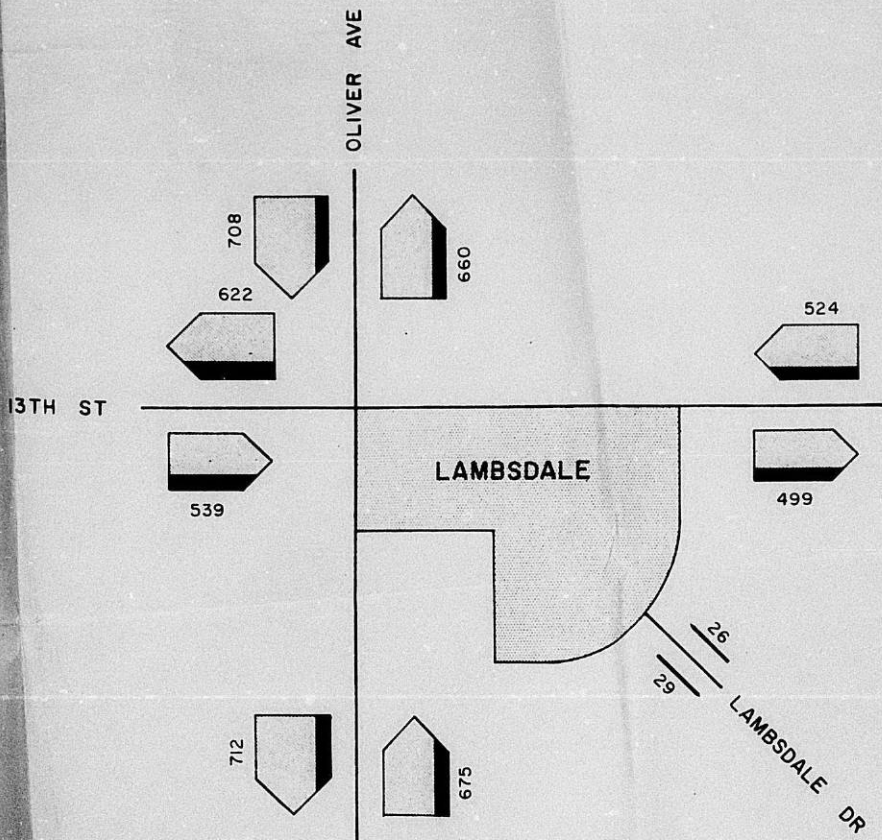


EVENING SHOPPING PEAK HOUR

# ANTICIPATED TRAFFIC

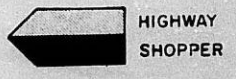
TYPICAL 1960 DAY

WICHITA, KANSAS



PEAK HIGHWAY RUSH HOUR

LEGEND: TYPE TRAFFIC

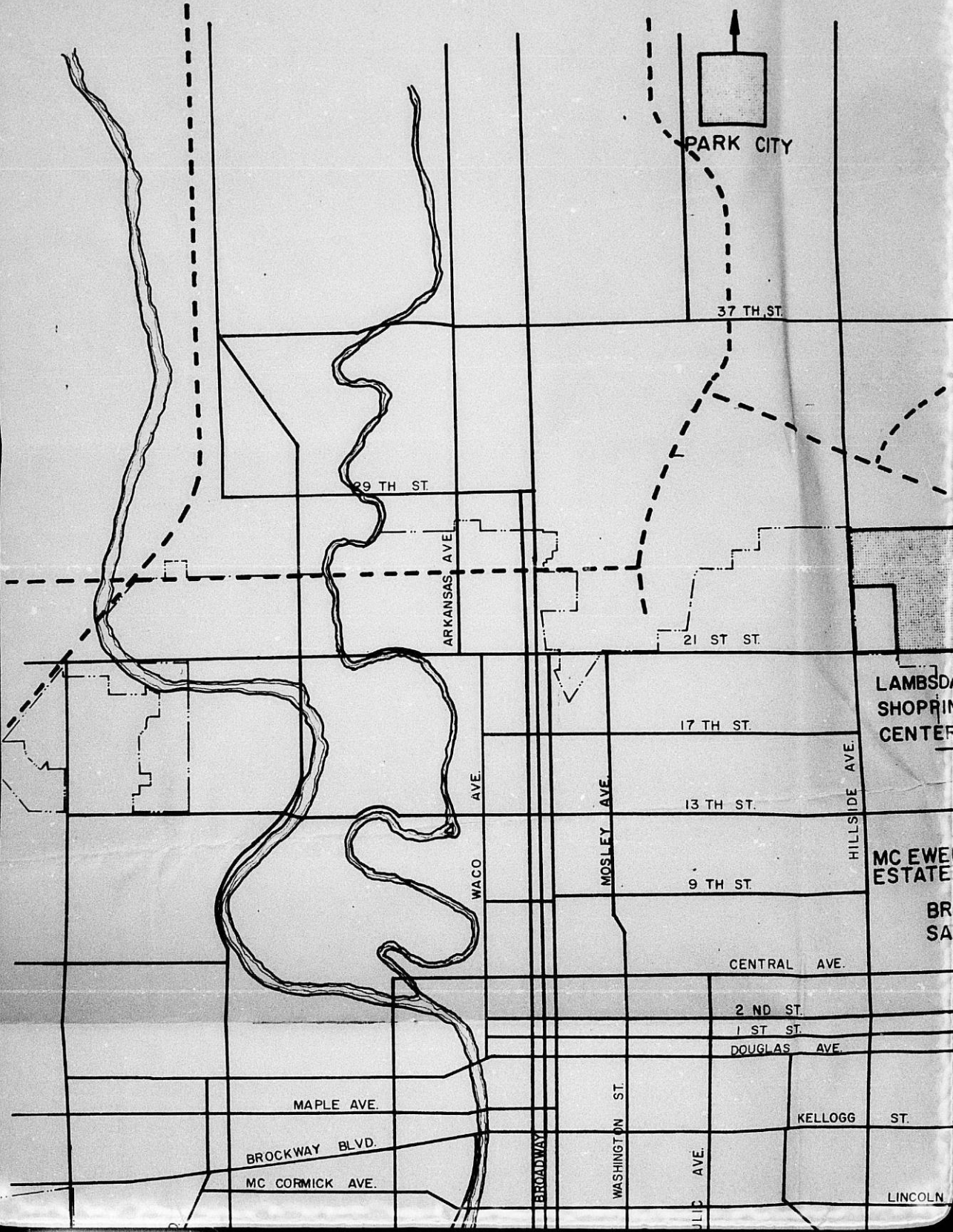


# TRAFFIC VOLUMES

AL 1960 DAY

PHITA, KANSAS

FIGURE 7



PARK CITY

37 TH ST.

29 TH ST

ARKANSAS AVE

21 ST ST.

LAMBSDA  
SHOPPIN  
CENTER

17 TH ST.

13 TH ST.

9 TH ST.

MC EWE  
ESTATE

BR  
SA

CENTRAL AVE.

2 ND ST.

1 ST ST.

DOUGLAS AVE.

MAPLE AVE.

BROCKWAY BLVD.

MC CORMICK AVE.

WACO AVE.

MOSLEY AVE.

HILLSIDE AVE.

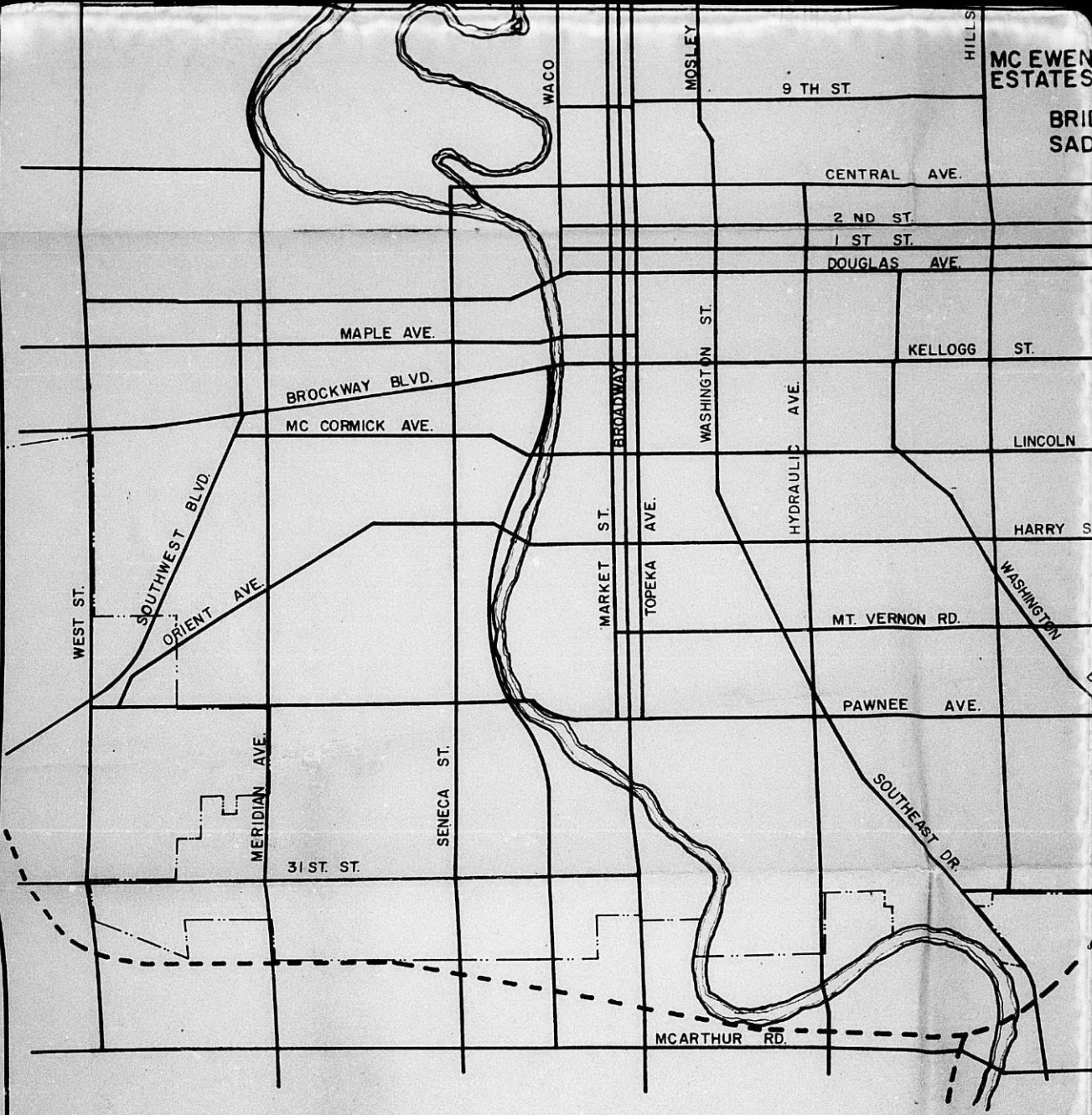
WASHINGTON ST.

CLIP AVE.

KELLOGG ST.

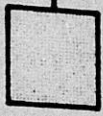
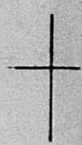
LINCOLN

BROADWAY

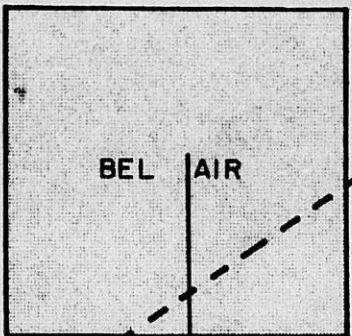


**NEW REAL ESTATE DEV**  
**LAMBSDALE SHOPPING C**  
**WICHITA , KANSAS**

( "Base" )



PARK CITY



BEL AIR

37 TH. ST.

21 ST. ST.

17 TH. ST.

13 TH. ST.

9 TH. ST.

CENTRAL AVE.

2 ND. ST.

1 ST. ST.

DOUGLAS AVE.

KELLOGG ST.

LINCOLN ST.

LAMBSDALE SHOPPING CENTER

DON HAND

SPRING ACRES

MC EWEN ESTATES

BRIDLE SADDLE CLUB

COURT AND

PINE VALLEY ESTATES

WOODLAWN VILLAGE

VICKERS

HILLSIDE AVE.

OLIVER ST.

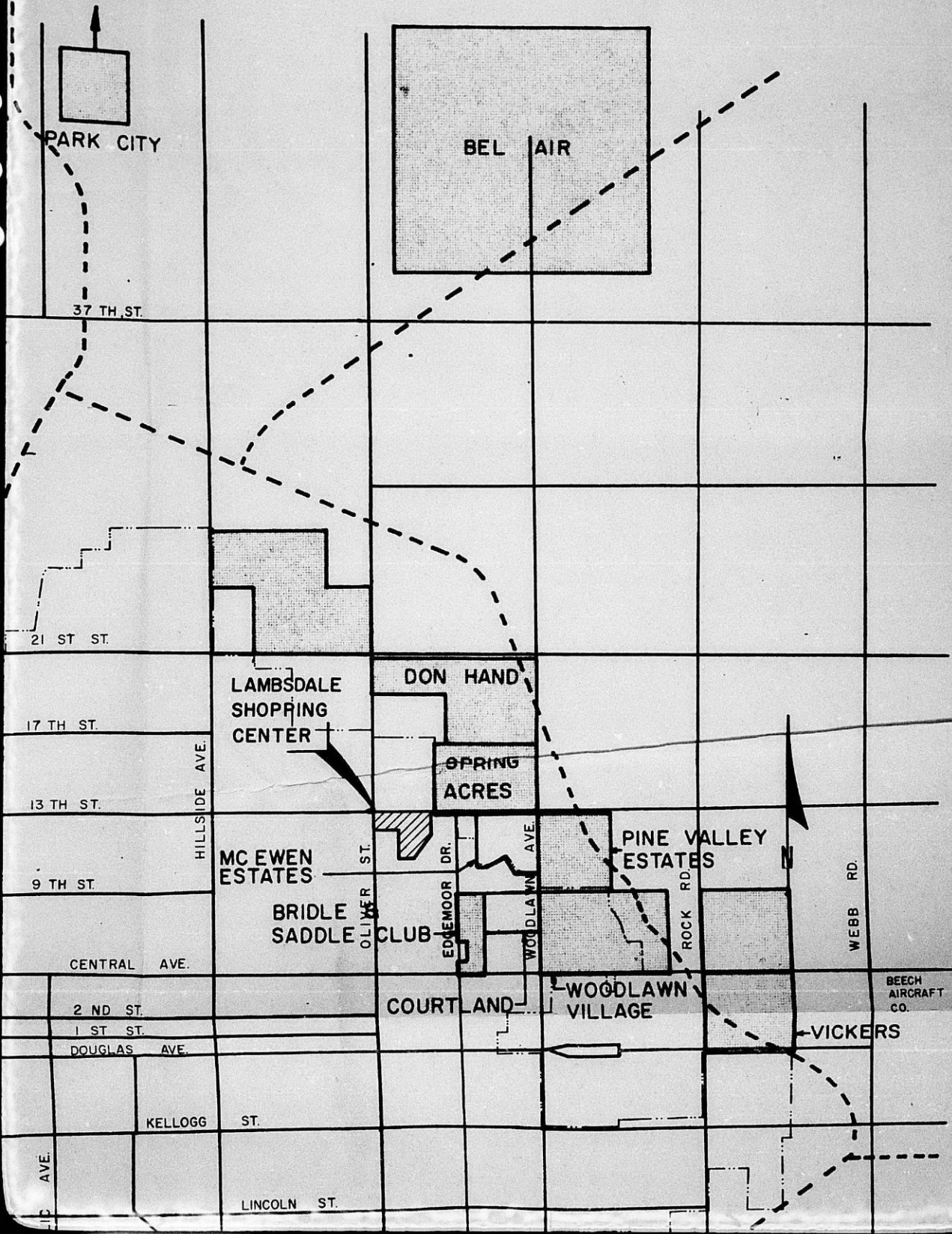
EDGEWOOD DR.

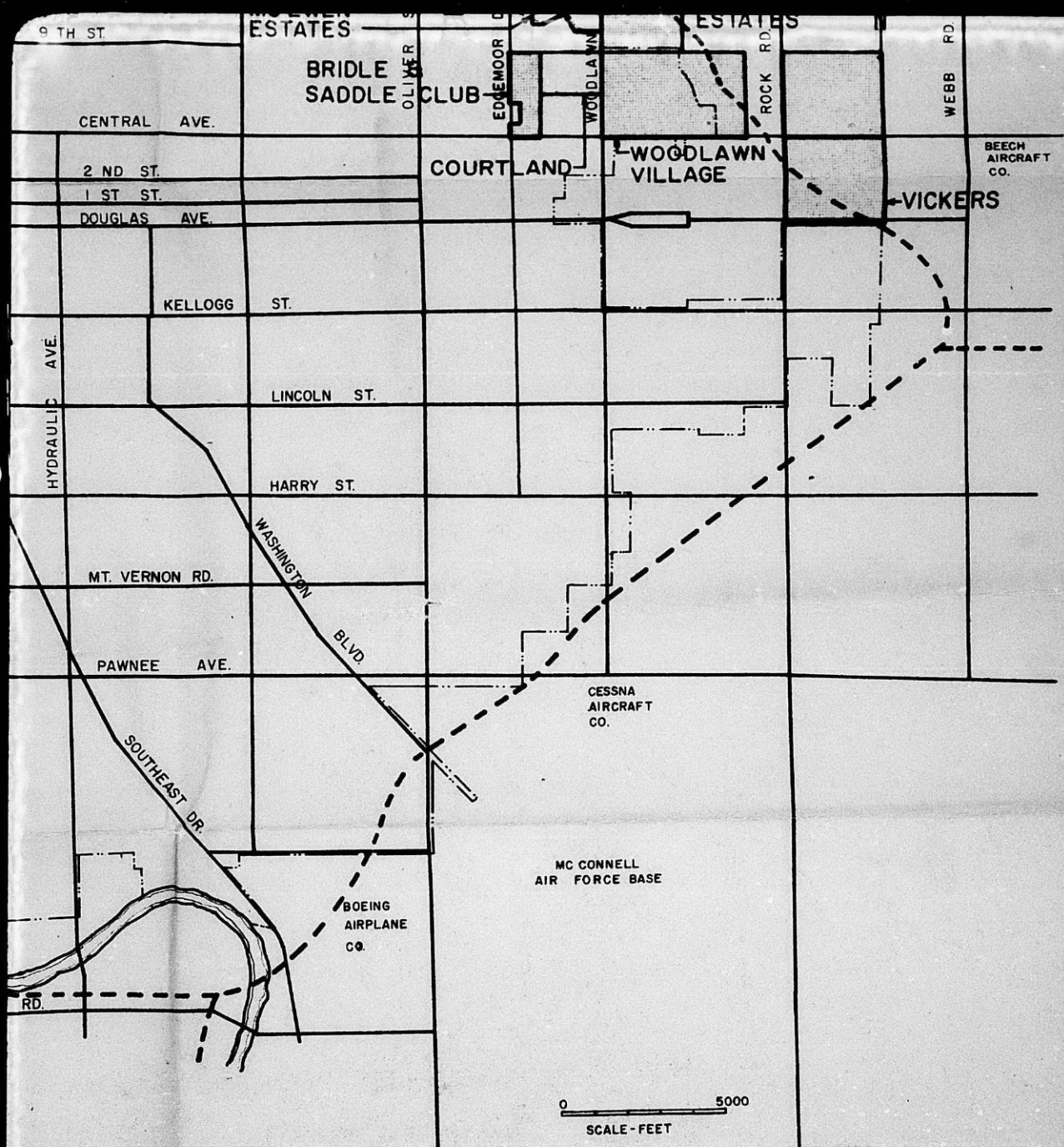
WOODLAWN AVE.

ROCK RD.

WEBB RD.

BEECH AIRCRAFT CO.



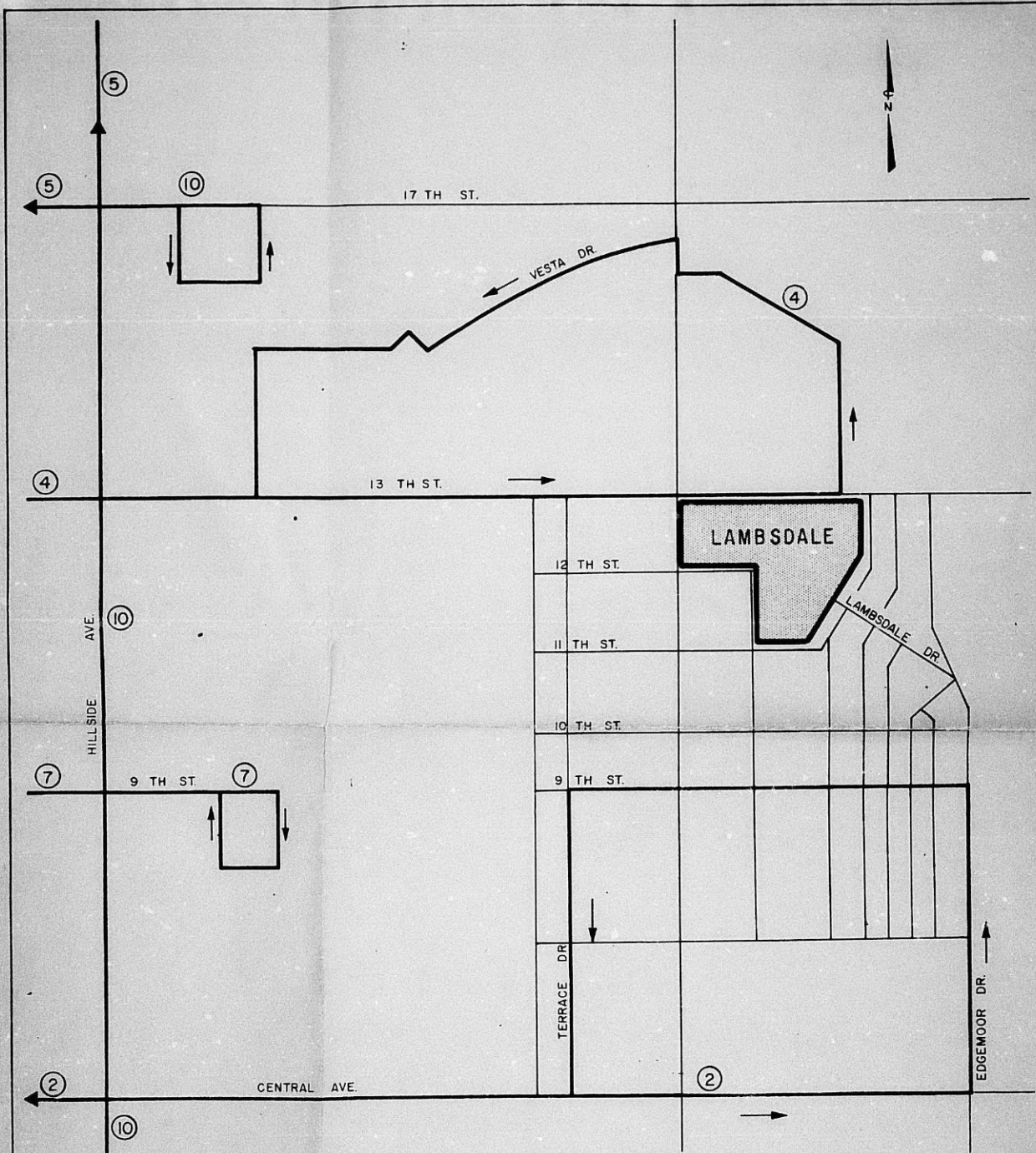


**ESTATE DEVELOPMENTS**  
**LE SHOPPING CENTER**  
**WICHITA, KANSAS**

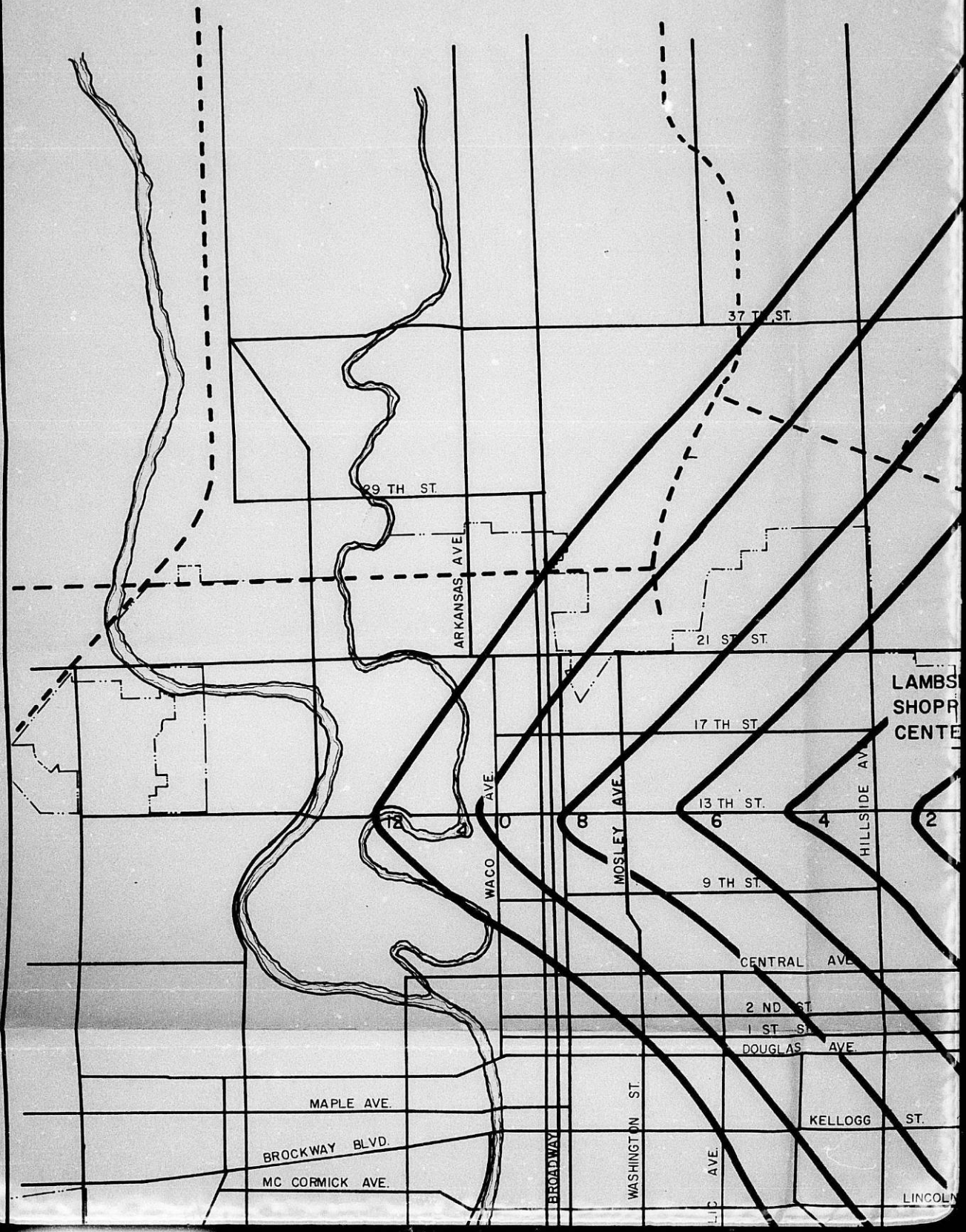


FIGURE 5

("Base")



TRANSIT ROUTES  
 LAMBSDALE SHOPPING CENTER  
 WICHITA, KANSAS



37 TH ST.

29 TH ST.

ARKANSAS AVE.

21 ST ST.

LAMBS  
SHOPP  
CENTRE

17 TH ST.

13 TH ST.

HILLSIDE AVE.

9 TH ST.

CENTRAL AVE.

2 ND ST.

1 ST ST.

DOUGLAS AVE.

KELLOGG ST.

LINCOLN

MAPLE AVE.

BROCKWAY BLVD.

MC CORMICK AVE.

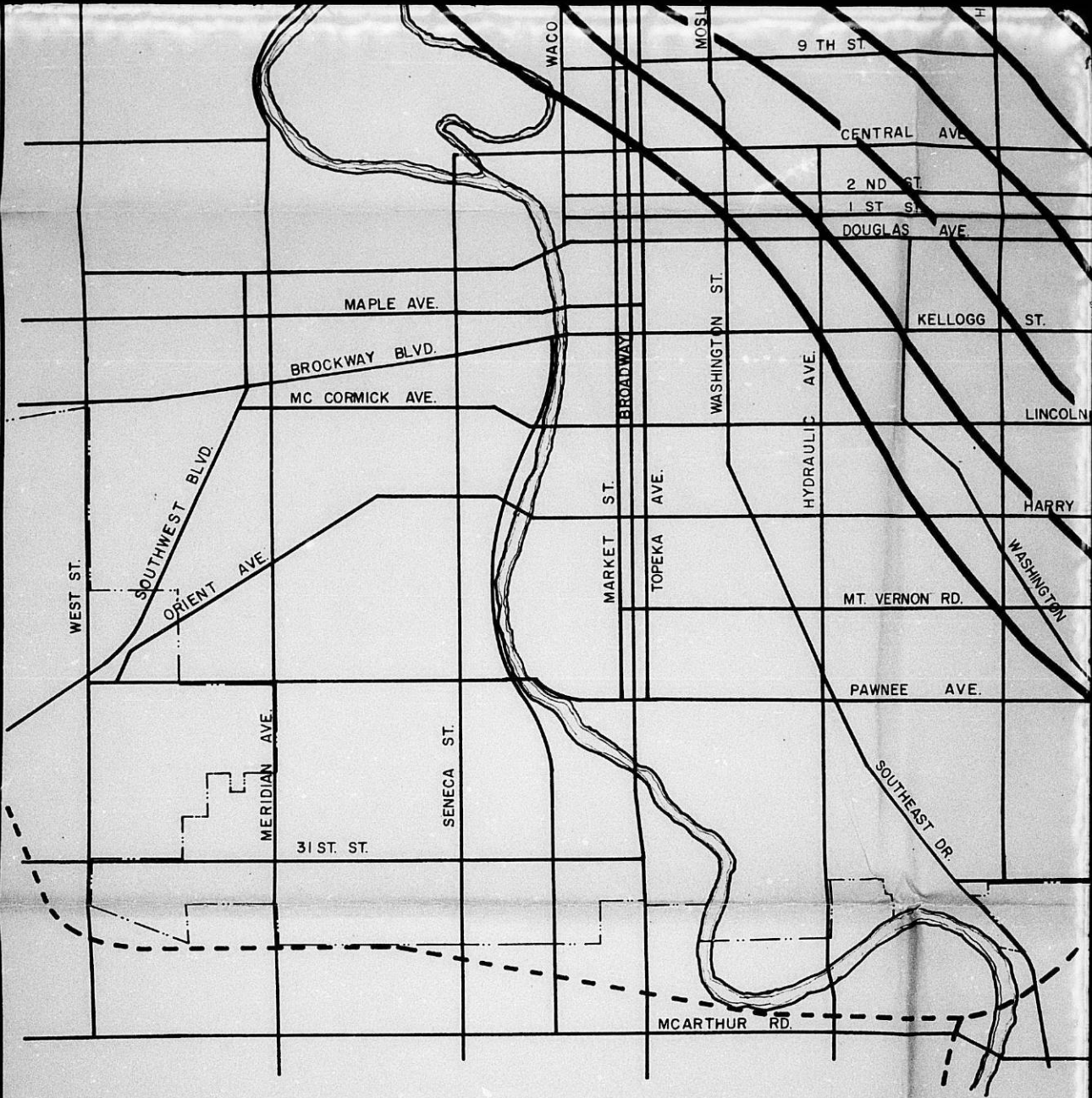
WACO AVE.

MOSLEY AVE.

BROADWAY

WASHINGTON ST.

L.D. AVE.



DRIVING TIMES REPRESENT  
 TYPICAL OFF PEAK  
 TRAVEL CONDITIONS

**ROUTES - DRIVING**  
**LAMBSDALE SHOPPING**  
**WICHITA , KANSAS**



("East")



12 MINUTES

10

8

6

4

2

LAMBSDALE SHOPPING CENTER

37 TH ST.

21 ST ST.

17 TH ST.

13 TH ST.

9 TH ST.

CENTRAL AVE.

2 ND ST.

1 ST ST.

DOUGLAS AVE.

KELLOGG ST.

LINCOLN ST.

HILLSIDE AVE.

OLIVER ST.

EDGEMOOD DR.

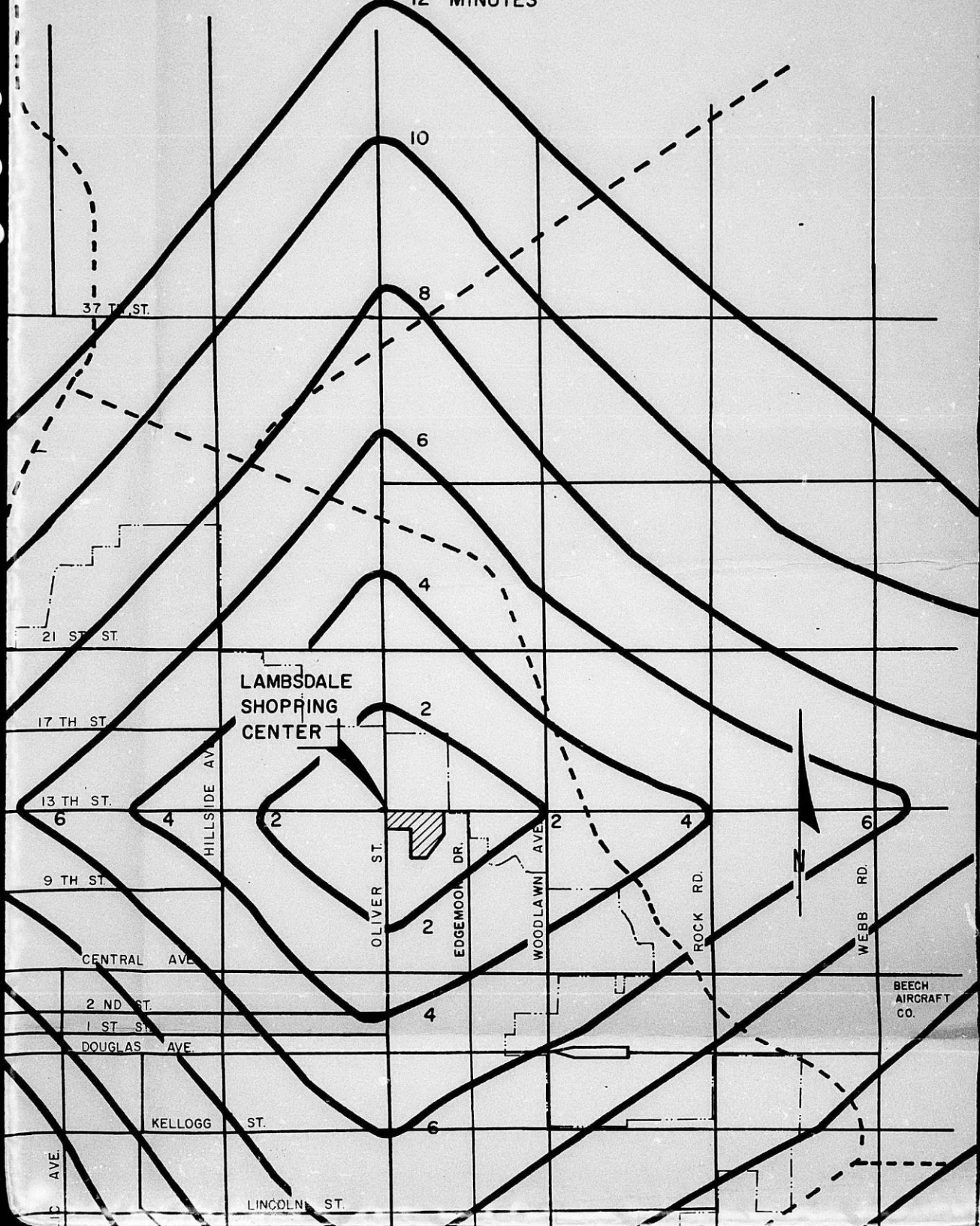
WOODLAWN AVE.

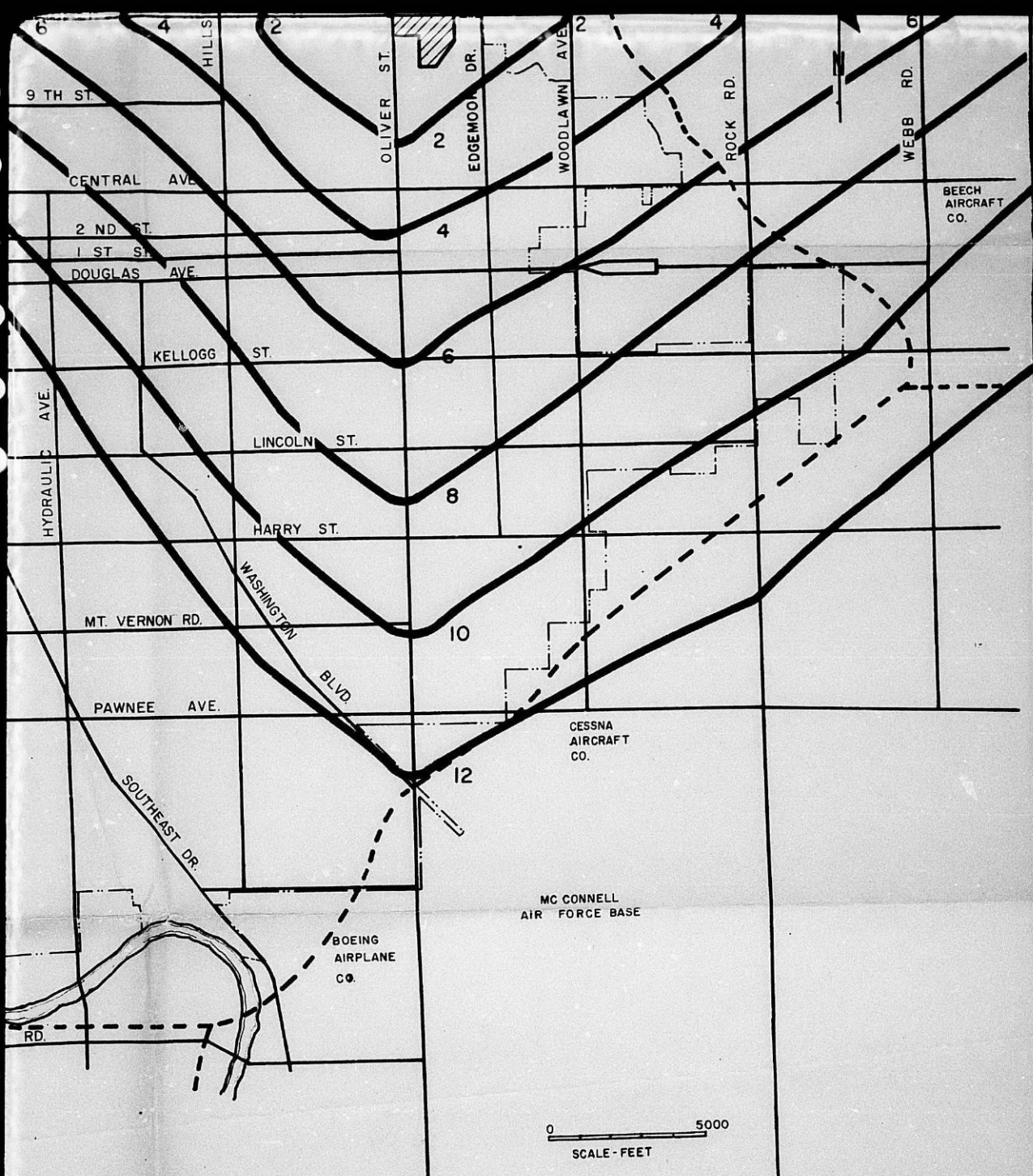
ROCK RD.

WEBB RD.

BEECH AIRCRAFT CO.

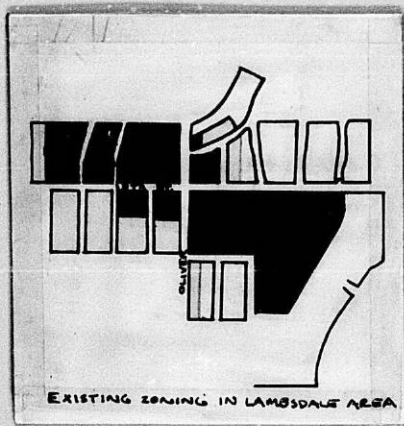
11 C AVE.





**DRIVING TIMES**  
**SHOPPING CENTER**  
**WICHITA, KANSAS**

FIGURE 2



EXISTING ZONING IN LAMSDALE AREA

**DEL E. WEBB CORPORATION**



P. O. BOX 7888  
PHOENIX 11, ARIZONA  
PHONE 284-8011

September 20, 1962

Mr. Claude R. Lambe  
621 Union National Bank Building  
Wichita, Kansas

Re: Lamsdale Shopping Center  
Wichita, Kansas

Dear Mr. Lambe:

Our studies of Lamsdale and Sedgwick County, which we recently concluded, strongly favor your property as the site for Wichita's first true regional shopping center. Inasmuch, we recommend that you make every effort to effect the proper zoning on your entire 47-acre parcel.

Our continued interest in your property will depend largely on two things--firstly, our success in securing several more strong key tenants; and, secondly, your success in eliminating the time limitations set upon your zoning. Our present handicap under your existing zoning cannot be stressed too much. It is axiomatic, I feel, that without proper zoning assured, no developer can do a really first-rate job with any property.

We will keep you closely advised concerning our efforts, and we send you our warmest regards.

Very truly yours,

  
W. Morton DuPre, Manager  
Shopping Center Development

WMD:js

CITY	POPULATION (ESTIMATE)	DATE OF PRESENT ORDINANCE	AMENDMENTS			SHOPPING CENTERS			PERMITS				
			1. Plan on adopting a new Zoning Ordinance	2. Major amendments in the past ten years	3. Major amendments in the past five years	4. Site Plan Approval Procedures	5. Market analysis prior to zoning an area for a shopping center	6. Issue special zoning permits	7. Issue temporary zoning permits	8. Issue occupancy permits	9. Issue zoning permits		
Ablilene (Present)			X	X	X								
Ablilene (Proposed)						X							
Amarillo, Texas	150,612	1952	0	0	0	0	0	0	0	0	0	0	0
Austin, Texas	NO	REPLY											
Beaumont, Texas	NO	REPLY											
Dallas, Texas	NO	REPLY											
El Paso, Texas	300,000	1952	0	X	X			0	0	0	X	Y	0
Fort Worth, Texas	400,000	1953	X	X	X		0	0	X	0	0	X	0
Harlingen, Texas	38,500	1949	0	0	0			0	0	0	0	X	0
Houston, Texas	REPLIED	NO ORDINANCE--WORKING ON FOURTH ATTEMPT											
Lubbock, Texas	150,000	1955	0	Y	Y		0	0	0	0	0	Y	0

*Ablilene, Texas Dept. Planning*

A COMPARISON ANALYSIS OF ZONING ORDINANCES OF TEXAS AND THE SOUTHWEST

2/15/55

(CONTINUED)	OFF STREET PARKING										HEIGHT			PERFORMANCE STANDARDS		CHURCHES		
	10.	11.		12.		13.		14.		15.		16.		17.		18.	19.	20.
	Off Street Parking Residential Districts (all types)	Off Street Parking Commercial Districts (all types)	Off Street Parking Central Business Districts (all types)	Off Street Parking Manufacturing Districts (all types)	Off Street Loading Central Business Districts (all types)	Height Limitations Residential Districts	Height Limitations Commercial Districts	Height Limitations Manufacturing Districts	Require performance standards for industrial zoning districts	Minimum Site Area Requirements	Off Street Parking Ratio							
1.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1-3 seats
2.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.																		
4.																		
5.																		
6.	X	X	0	X	X													1-6 seats
7.	X	X	0	X	0													20'± seat
8.			0															1-10 seats
9.																		
10.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

ZONING ANALYSIS

CITY

Abilene (Present)

Abilene (Proposed)

Amarillo, Texas

Austin, Texas

Baumont, Texas

Dallas, Texas

El Paso, Texas

Fort Worth, Texas

Harlingen, Texas

Houston, Texas

Lubbock, Texas

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

17.

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

16.

17.

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

15.

16.

17.

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

0

0

0

14.

15.

16.

17.

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

0

0

13.

14.

15.

16.

17.

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

0

12.

13.

14.

15.

16.

17.

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

0

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

1-3 seats

1-6 seats

20'± seat

1-10 seats

0

0

0

0

0

0

0

0

0

0

	RESIDENTIAL YARD REQUIREMENTS				LOT AREA	ZONING DISTRICTS				FEES		COMMENTS
	21. Minimum Residential Side Yard (both yards)	22. Minimum Residential Rear Yard (measured from center line of alley)	23. Minimum Residential Front Yard	24. Minimum Single-Family Lot Area (sq. ft.)		25. Number of Residential Districts (all types)	26. Number of Commercial Districts (all types)	27. Number of Manufacturing Districts (all types)	28. Total number of Zoning Districts	29.	30.	
(CONTINUED)												
ZONING ANALYSIS												
	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	\$	\$		
1. Abilene (Present)	10'	75'	25'	5,000	7	4	4	15	0	12.50		
Abilene (Proposed)	10'-35'	15'-30'	#25'-70'	5-20,000	11	7	4	22	20.00	10.00	#70' on 90' major R.O.W.	
2. Amarillo, Texas	10'	25'	25'	5,000	5	4	4	13	10.00	3.00	*City Commission	
3. Austin, Texas												
4. Beaumont, Texas												
5. Dallas, Texas												
6. El Paso, Texas												
7. Fort Worth, Texas	10' variable	25'	25'	5,000	5	6	3	14	YES		Did not receive the entire ordinance	
8. Harlingen, Texas												
9. Houston, Texas												
10. Lubbock, Texas	10'	25'	#35'-135'	6,000	3	4	2	9	50.00	15.00	#PENDING on ROW & measured from center line	











	RESIDENTIAL YARD REQUIREMENTS			LOT AREA		ZONING DISTRICTS				FEES		COMMENTS
	21.	22.	23.	24.	25.	26.	27.	28.	29.	30.	31.	
(CONTINUED)												
ZONING ANALYSIS												
	Minimum Residential Side Yard (both yards)	Minimum Residential Rear Yard (measured from center line of alley)	Minimum Residential Front Yard	Minimum Single-Family Lot Area (sq. ft.)	Number of Residential Districts (all types)	Number of Commercial Districts (all types)	Number of Manufacturing Districts (all types)	Total number of Zoning Districts	Zone Change Fees	Board of Adjustment Fees		
	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	\$	\$		
22.	Jackson, Mississippi	8'	30	25'	23.	25'	6	5	1	28.	11	31.
23.	Lafayette, Louisiana	NONE	NONE	NONE	24.	10%	1	UNZONED	1	25.	1	30.
24.	Little Rock, Ark.	5'	25'	25'	26.	5,000	5	4	4	26.	13	
25.	Muskogee, Oklahoma	12'	30'	25'	27.	6,000	4	3	2	27.	9	
26.	Oklahoma City, Okla.	3'	30'	25'	28.	6,000	4	4	2	28.	10	
27.	Pine Bluff, Ark.											
28.	Santa Fe, N. Mex.						5	3	1	29.	10	
29.	Shreveport, La.	5'	25'	20'	30.	6,000	6	4	3	30.	13	
30.	Springfield, Mo.	5*	25'	25*	31.	6,000	3	3	2	31.	8	
31.	Wichita, Kansas	6'	20'	25*		6,000	4	4	2		10	
32.												

22. Board of Adjustment Fees  
 23. Zone Change Fees  
 24. \$  
 25. YES  
 26. YES  
 27. NO  
 28. \$35-500+  
 29. \$50.00  
 30. \$10.00  
 31. \$30.-50.  
 32. \$30.00

22. LARGE SCALE DEVELOPMENT  
 23. "OUT DATED"  
 24. (UNIT PLAN)  
 25. (UNIT PLAN)  
 26. RECEIVED ONLY PART OF ORDINANCE  
 27. \*YARD VARIABLE  
 28. (UNIT PLAN)  
 29. \*FRONT YARD VARIABLE

DEL E. WEBB CORPORATION



P. O. BOX 7888  
PHOENIX 8, ARIZONA  
PHONE: 864-8011

September 20, 1962

Mr. Claude R. Lambe  
621 Union National Bank Building  
Wichita, Kansas

Re: Lamsdale Shopping Center  
Wichita, Kansas

Dear Mr. Lambe:

Our studies of Lamsdale and Sedgwick County, which we recently concluded, strongly favor your property as the site for Wichita's first true regional shopping center. Inasmuch, we recommend that you make every effort to effect the proper zoning on your entire 47-acre parcel.

Our continued interest in your property will depend largely on two things--firstly, our success in securing several more strong key tenants; and, secondly, your success in eliminating the time limitations set upon your zoning. Our present handicap under your existing zoning cannot be stressed too much. It is axiomatic, I feel, that without proper zoning assured, no developer can do a really first-rate job with any property.

We will keep you closely advised concerning our efforts, and we send you our warmest regards.

Very truly yours,

  
W. Morton DuPree, Manager  
Shopping Center Development

WMD:js



## **HOMER HOYT ASSOCIATES**

### ***Consulting Real Estate Economists***

**Economic Surveys of Cities, Counties and States**

**Surveys to Determine Growth Potential of Urban Regions**

**Valuations of Commercial, Industrial, and Apartment Properties**

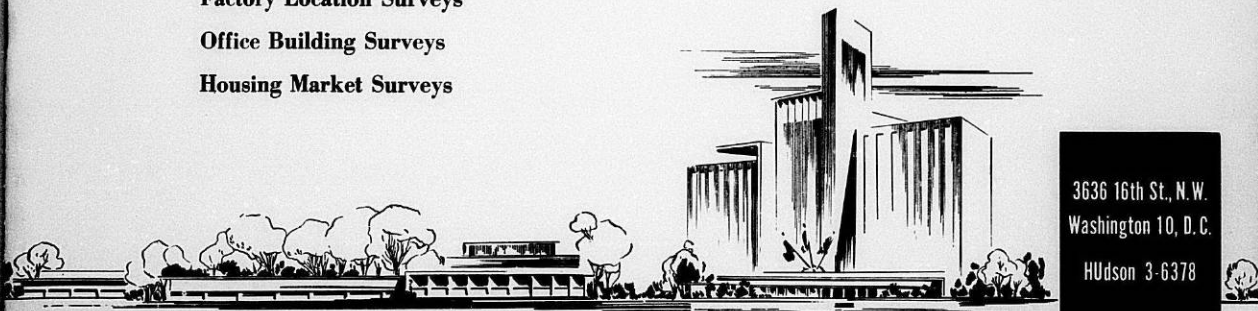
**Surveys of Urban Redevelopment and Conservation Areas**

**Market Surveys of Shopping Centers**

**Factory Location Surveys**

**Office Building Surveys**

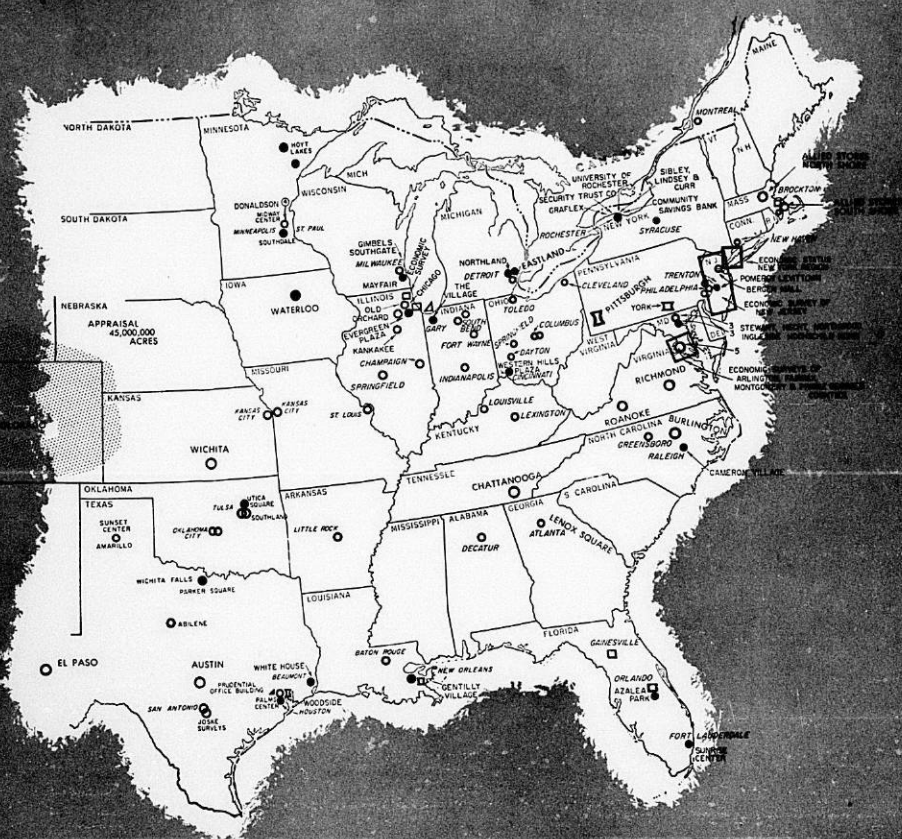
**Housing Market Surveys**



3636 16th St., N.W.  
Washington 10, D. C.

HUDson 3-6378

# SURVEYS BY FIRM



## LEGEND

- COMPLETE SURVEY
- PARTIAL SURVEY
- ECONOMIC SURVEY
- ▲ OFFICE BUILDING SURVEY
- ▲ OFFICE BUILDING SURVEY
- ASSESSMENT SURVEY
- ▭ HOUSING MARKET SURVEY
- SHOPPING CENTER SURVEY



HOMER HOYT

Homer Hoyt Associates offers the personal service of Homer Hoyt, market surveys prepared under his direction and written by him, and quick and thorough, final and complete reports, delivered within 60 days after authorization to proceed.

We are prepared to offer consulting advice to indicate whether a survey should be undertaken. It is our policy to refuse to do any unnecessary work which will not benefit our clients. Our surveys are conducted on an objective basis and employ the best scientific methods in our knowledge, regardless of the magnitude of the job or amount of fee.

The best way to indicate to prospective clients the character of our work is to enumerate representative surveys, the results of these analyses and the names of some of our clients who have based their decisions on our reports.

In the following pages we present a statement of the training, experience and work of Homer Hoyt Associates.

#### **Educational Qualifications of Homer Hoyt**

A.B. University of Kansas 1913 (spring)  
A.M. University of Kansas 1913 (fall)  
J.D. (law) University of Chicago 1918  
Ph.D. (economics) University of Chicago 1933  
M.A.I. Member of American Institute of Real Estate Appraisers

#### **Professional Record of Homer Hoyt**

1946 to date. President, Homer Hoyt Associates  
1943-1946 Director of Economic Studies, Regional Plan Assn., N.Y.  
1941-1943 Director of Research, Chicago Plan Commission.  
1934-1940 Principal Housing Economist, Federal Housing Adm.  
1925-1934 Real estate broker and real estate economist, Chicago.  
1924-1925 Assoc. Professor Economics, University of Missouri.  
1923-1924 Debating Coach, University of Chicago.  
1921-1923 Assoc. Professor Economics, University North Carolina.  
1920-1921 Statistician, Am. Tel. & Tel., New York City.  
1919-1920 Professor of Economics, University of Delaware.  
1918-1919 Economist, War Trade Board, Washington, D. C.  
1917-1918 Instructor in Economics, Beloit College.

### **Types of Surveys and Consulting Services Offered by Homer Hoyt Associates**

Market surveys of new shopping center locations to determine sales of each type of store, square foot area of stores, rents, costs and net return.

Store location surveys for individual department and apparel stores, supermarkets, restaurants and other businesses, for the purpose of estimating sales volumes on specific sites.

Consulting services on leasing programs of shopping centers to show types and sizes of stores which should be secured and terms of leases, involving negotiations with store organizations.

Bank location surveys.

Surveys of central business districts to show how they can hold and increase their volume of business.

Specialized surveys showing the boundaries of any metropolitan region or market area for the purpose of establishing the marketing region of any group of producers.

Economic surveys of cities, counties and states for improving their tax base, increasing employment, forecasting future population and land use needs.

Surveys for redevelopment areas to show most suitable uses.

Appraisal of industrial, commercial and apartment properties.

Appraisal of all properties in cities and counties for tax assessment purposes.

Appraisal of real estate at given dates in past for income tax or inheritance tax purposes.

Land use analysis of cities or regions showing the location of blighted residential areas, zone of rapid growth, commercial and industrial areas as a basis for zoning.

Housing market surveys to determine the number of new houses that can be sold or apartment units rented in each price range in any urban market.

Feasibility surveys for toll roads and freeways for the purpose of estimating future traffic volume and revenues and economic effect of new expressways upon regions in which they are constructed.

Expert testimony before zoning boards and commissions in presenting our surveys for securing re-zoning for commercial, industrial and apartment uses.

**Books by Homer Hoyt on Basic Principles of City Growth,  
Economic Base of Cities, Real Estate Valuation**

*One Hundred Years of Land Values in Chicago.* University of Chicago Press. 1933. (Ph.D. thesis.)

*Structure and Growth of Residential Neighborhoods in American Cities.* Federal Housing Administration. 1939.

*Master Plan of Residential Land Use of Chicago.* Chicago Plan Commission. 1943.

*The Economic Status of the New York Metropolitan Region in 1944.* Regional Plan Association of New York.

*Principles of Real Estate.* (co-author with Dean Arthur M. Weimer), Ronald Press, 15 E. 26th Street, New York, N. Y., first edition 1939; second edition 1943; third edition 1954. Used as a text by 50 colleges and universities in the United States.

*Articles.* Numerous articles in professional magazines such as *Land Economics*, *The Appraisal Journal*, *Journal of Political Economy*, *Urban Land*.

**Professional Affiliations of Homer Hoyt**

Member of the Bar of the Supreme Court of the United States; Supreme Court and Court of Appeals of the District of Columbia; Supreme Court of the State of Illinois.

Member American Institute of Real Estate Appraisers.

Member of Washington, D. C., Real Estate Board.

Member of Washington Board of Trade; Fairfax, Va., Chamber of Commerce; American Society of Planning Officials; American Economic Association; Associate member Real Estate Board of New York.

Member of Lambda Alpha (international land economics fraternity); Phi Beta Kappa; Delta Sigma Rho (honorary debating); Editorial Board *Land Economics*. Affiliate member American Institute of Planners.

**Economic Surveys**

*Economic Status of the New York Metropolitan Region in 1944* for the Regional Plan Association of New York. Published 1944.

*Industrial and Commercial Background for Planning Chicago*, Chicago Plan Commission. 1942. Published.

*Economic and Housing Survey of the Orlando, Florida, Metropolitan Area.* Published by Orlando Chamber of Commerce. 1946.

*Economic Base of the Brockton, Massachusetts, Area.* 1949. Published.

*Economic Survey of the Land Uses of Evanston, Illinois.* 1949. For the Evanston Plan Commission. Published.

*The Housing Demand of Workers in Manhattan.* 1939. Published. (With L. Durward Badgley.)

*Decentralization in New York City.* 1941. For the Urban Land Institute. (With Robert H. Armstrong.)

*Economic Survey of the State of New Jersey.* 1950. For the Department of Conservation and Economic Development of the State of New Jersey. Published.

*Economic Survey of the Land Uses of Arlington County, Virginia.* 1951. For Arlington County, Va. Published.

*Economic Survey of the Land Uses of Fairfax County, Virginia.* 1954. For the Board of County Supervisors. Director of Finance, Fairfax County Courthouse, Fairfax, Va. Published.

*Economic Survey of Montgomery and Prince Georges Counties, Maryland.* 1955. For the Maryland National Capital Park and Planning Commission, 8500 Colesville Road, Silver Spring, Maryland. Published.

Surveys of Economic and Housing Trends in Chicago:

Monthly *Savings and Homeownership* letters. For First Federal Savings & Loan Association, Morton Bodfish, Chairman of Board, Ralph J. Lueders, Vice President. 1 South Dearborn Street, Chicago, Illinois. Monthly from August 1947 to 1953 and several times yearly to present.

**Basic Principles Originated by Homer Hoyt Are the Foundations of the Surveys of Homer Hoyt Associates**

The professional work of Homer Hoyt Associates is based on research methods in the field of land economics originated by Homer Hoyt in his *One Hundred Years of Land Values in Chicago*, the first scientific analysis of the real estate cycle; *The Structure and Growth of Residential Neighborhoods in American Cities* which developed the sector theory of residential growth; *The Economic Status of the New York Metropolitan Region in 1944* which evolved the economic base concept; and *Principles of Real Estate* (co-author with Arthur M. Weimer) third edition 1954, which formulates basic real estate principles and is used as a text in 50 colleges and universities in the United States.

With thirty years experience in analyzing trends in 100 American cities, with his own original techniques and with knowledge of thousands of real estate transactions and appraisals, Homer Hoyt has made over 250 basic surveys and market reports since the firm was organized in 1946.

The market surveys of Homer Hoyt Associates are designed to produce successful shopping centers, profitable office buildings and the most suitable land uses for redevelopment projects.

Our Cardinal Rules are:

- Personal Service
- Scientific Accuracy
- Complete and Final Reports
- Speed of Performance
- Economy of Cost

**Examples of Types of Work OF HOMER HOYT ASSOCIATES ARE EXHIBITED ON FOLLOWING PAGES**



**HIGHWAY SURVEYS**

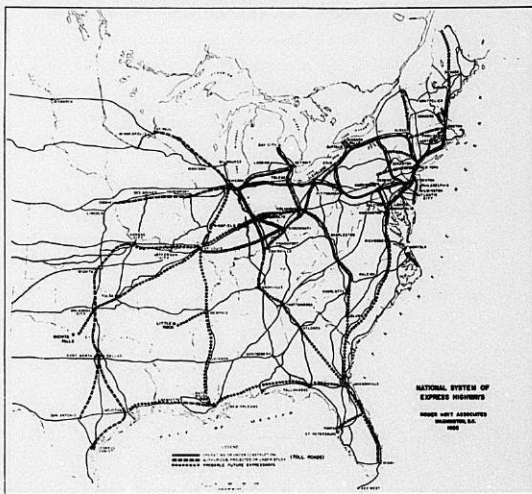
**New Expressways and Toll Roads Are Changing Residential, Industrial and Commercial Land Use Patterns**

Homer Hoyt Associates make feasibility surveys for toll roads, which also show the economic effects on states and cities through which they pass.

**Toll Road Surveys**

Survey of economic effect of Indiana Toll Roads, for the Governor of Indiana and the Indiana Toll Road Commission.

April 1955 Savings and Homeownership letter of First Federal Savings & Loan Association on toll roads.



## BASIC & SERVICE EMPLOYMENTS

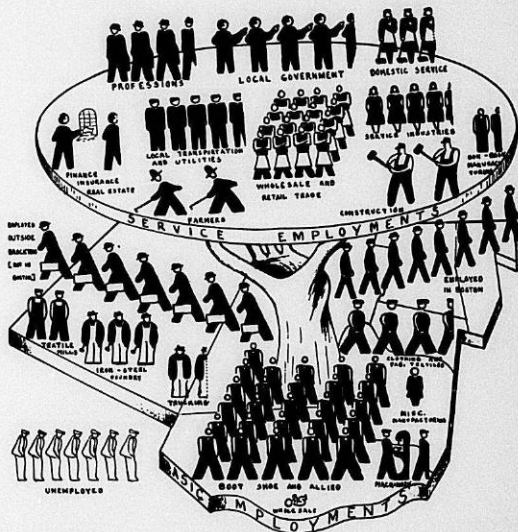
BROCKTON ECONOMIC AREA - 1946

EACH FIGURE REPRESENTS 500 PERSONS

### ECONOMIC BASE ANALYSIS

Homer Hoyt Associates use the Economic Base Analysis, originated by Homer Hoyt in 1936 for determining future population growth of urban regions. Increase of employment in any basic industry or industries exporting goods and services supports approximately an equal number in service activities.

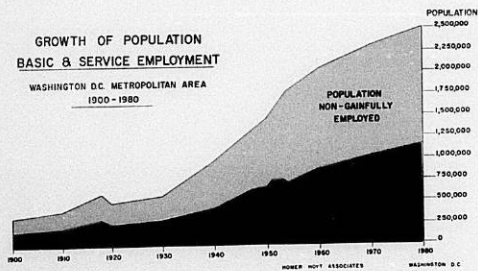
The plan commissions in New York and Chicago, the counties in the Washington, D. C. metropolitan area and many other urban regions and counties have used this method as the foundation for physical planning.



EACH 1.225 BASIC JOBS SUPPORT 1.0 SERVICE JOB

HOMER HOYT ASSOCIATES - MAY 1946

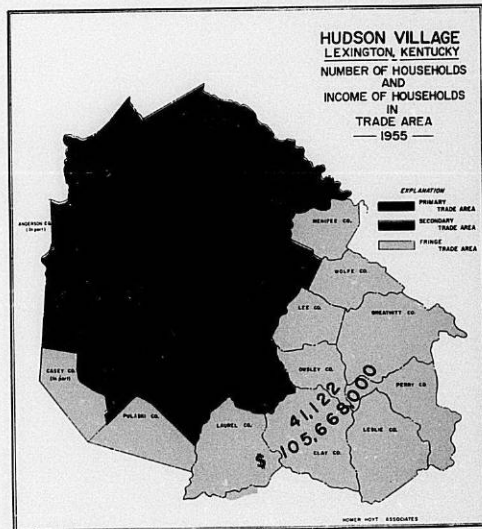
The economic base analysis is the basis for determining future land uses in any community. It shows probable future expansion in each type of industry and the land required for manufacturing, hotels, stores, residential and apartment uses.



Increase in basic employment (in red) causes a much greater increase in service employment and total population, as the chart above shows.

## MEASURING THE RETAIL MARKET

Retail trade areas cover many counties and are divided into primary secondary and fringe areas. Homer Hoyt Associates calculates number of families and income in each county as in Lexington, Kentucky.



## Real Estate Valuations and Appraisals

### Knowledge of Real Estate Values Is Essential in Land Use Studies and Land Planning

Valuation of 16,000 properties in York, Pennsylvania for assessment purposes, including factories, hotels, stores, houses and apartments. Preparation of assessment manual. 1948.

Appraisal of Sibley, Lindsay & Curr department store, Rochester, N. Y. 1952.

Appraisal of Graflex factory, Rochester, N. Y. 1953.

Appraisal of Bergen Mall, Bergen County, N. J. 1956.

Appraisal of Community Savings Bank, Rochester, N. Y. 1953.

Appraisals are made for every shopping center location covered by our market surveys.

Appraisal of 45,000,000 acres of land as of 1863 in eastern Colorado and western Kansas for Department of Justice, United States Government.



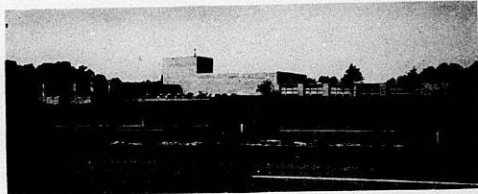
YORK, PENNSYLVANIA

*Photo by J. David Allen, York, Pa.*

## Industrial Surveys

Surveys for locations for Graflex, Inc., Rochester, N. Y.

Survey of West Side Industrial District, Chicago, Ill., for Chicago Land Clearance Commission.

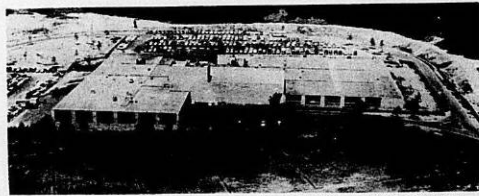


MELPAR

Homer Hoyt Associates makes surveys to determine best location and show a city or county the benefits in employment and taxes derived from a new industry.

### Example

Melpar in Fairfax County, Virginia, which yields a tax surplus of \$50,000 a year to Fairfax County (Economic Survey of Fairfax County)



*Photo by Winged Camera Service, McLean, Va.*

AIR VIEW — MELPAR

## Office Building Surveys

Survey of Chicago office buildings 1890-1954. For Marshall Field & Co.

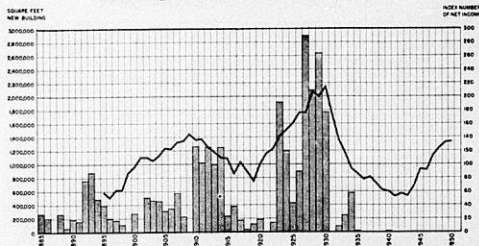
Survey of demand for office buildings in Chicago for Prudential Insurance Co.

Homer Hoyt Associates made a survey to determine the best location for the Prudential regional office building in Houston, Texas.

Survey for Lerner Shops new office building and warehouse Secaucus, New Jersey.

The decision whether or not to build a new office building in any city requires a survey to determine the demand for office space and the long-term cycle of net income as in our surveys of the office building cycle in Chicago for the Prudential Insurance Company and Marshall Field & Co.

## Chicago Office Building Net Income and New Office Building Construction — 1893-1950







PRUDENTIAL REGIONAL OFFICE BUILDING — HOUSTON, TEXAS  
(Survey by Homer Hoyt Associates, 1950)






PRUDENTIAL REGIONAL OFFICE BUILDING — CHICAGO, ILLINOIS  
(Survey 1951)  
Building Completed 1955

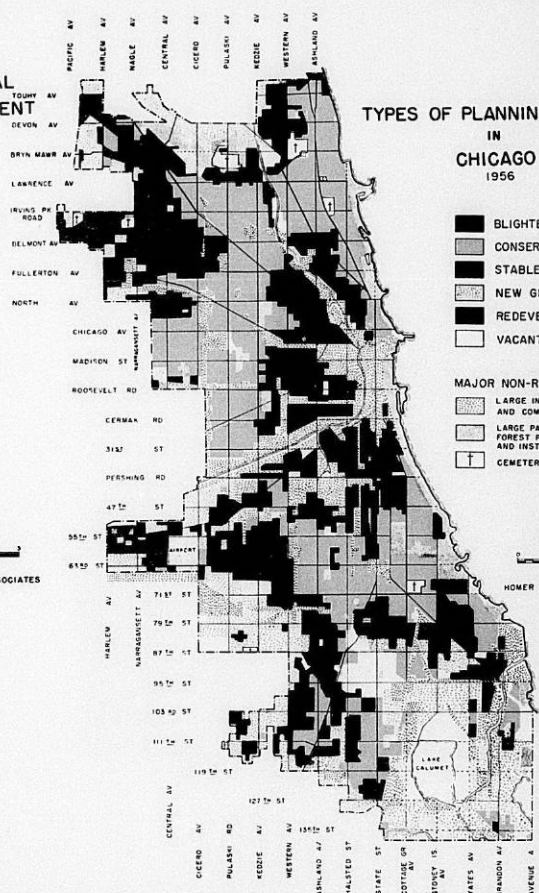
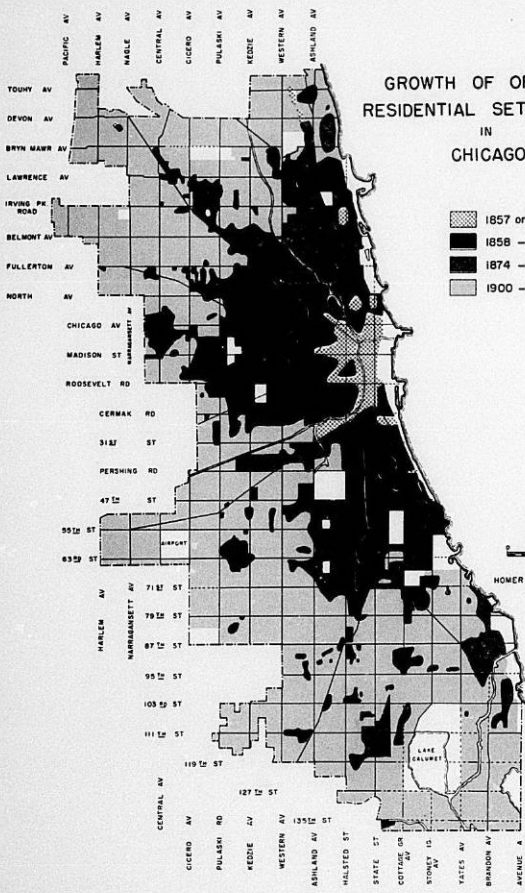
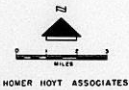
GROWTH OF ORIGINAL  
RESIDENTIAL SETTLEMENT  
IN  
CHICAGO

-  1857 or BEFORE
-  1858 - 1873
-  1874 - 1899
-  1900 - 1956

TYPES OF PLANNING AREAS  
IN  
CHICAGO  
1956

-  BLIGHTED
-  CONSERVATION
-  STABLE
-  NEW GROWTH
-  REDEVELOPMENT
-  VACANT

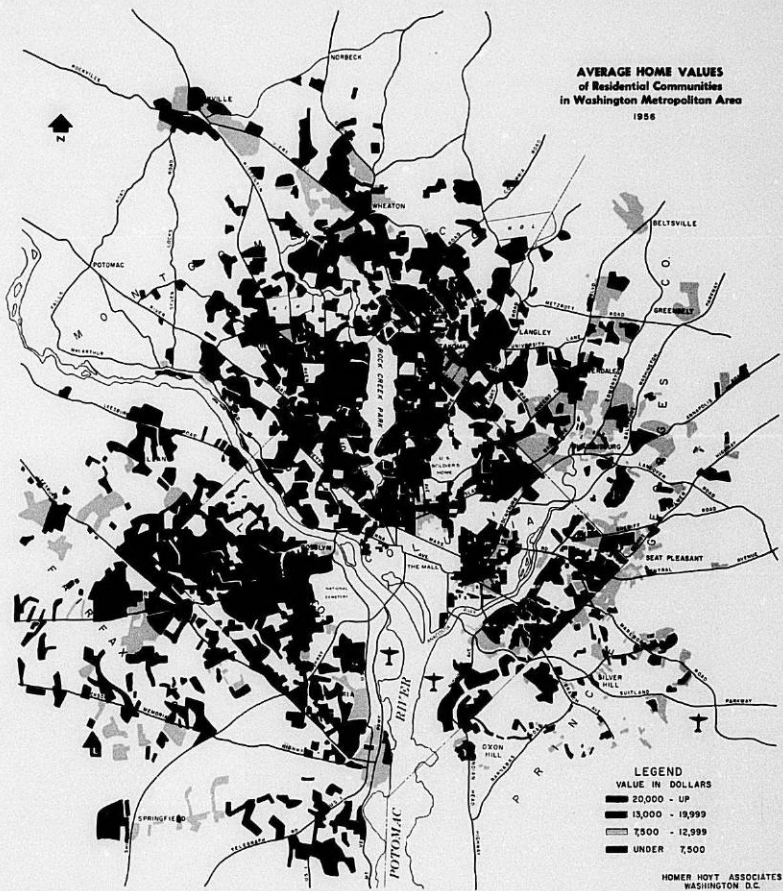
- MAJOR NON-RESIDENTIAL USES
-  LARGE INDUSTRIAL, RAILROAD, AND COMMERCIAL AREAS
  -  LARGE PARKS, GOLF COURSES, FOREST PRESERVES, PUBLIC AND INSTITUTIONAL AREAS
  -  CEMETERIES



Meticulous analysis block by block is necessary to show historical pattern of city growth, to delimit boundaries of blighted and conservation areas and to define market areas.

The results of the surveys of Homer Hoyt Associates in typical cities are shown for Chicago on the left and Washington, D. C., on the right.

The same methods have been applied to numerous other cities by Homer Hoyt Associates.



### Redevelopment and Central City Surveys

Eastwick Redevelopment Project, Philadelphia, Pa. 2,600 acres, largest in the United States. 1952. For the Philadelphia Redevelopment Authority.

Survey to determine value of tracts acquired for industrial redevelopment west of the Chicago Loop. For the Chicago Land Clearance Commission. 1952.

Chicago Blighted Vacant Land study. Condemnation of tax delinquent subdivided areas. For The Chicago Plan Commission and the Chicago Land Clearance Commission.

Market survey of 14th Street properties, Manhattan. For Spingler-van Beuren Estates, 33 West 14th Street, New York, N. Y. 1955.

Survey of downtown San Diego, California. 1954.

Survey of Purchase Street Business District, Rye, New York. 1946.

Survey of downtown St. Paul, Minn., business district. 1954.

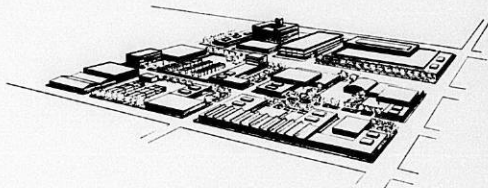
Master Plan of Residential Land Use of Chicago. Officially adopted by City Council of Chicago. Map of conservation and blighted areas of Chicago has been used as the basis for all subsequent planning. Map reproduced in *Life Magazine*, 1955.

This made possible slum clearance and redevelopment like New York Life Insurance Co. project below.



NEW YORK LIFE INSURANCE REDEVELOPMENT — CHICAGO  
BLIGHTED AREA, APARTMENTS AND SHOPPING CENTER

Homer Hoyt Associates calculated re-use value of slum clearance area near Chicago Loop for industrial district, that will yield a profit on the cost of land acquisition.



CHICAGO LAND CLEARANCE COMMISSION PLAN FOR  
WEST SIDE INDUSTRIAL DISTRICT — CHICAGO

Homer Hoyt Associates calculated residential, commercial and industrial uses for Eastwick area, Philadelphia.

(Market Survey 1952)



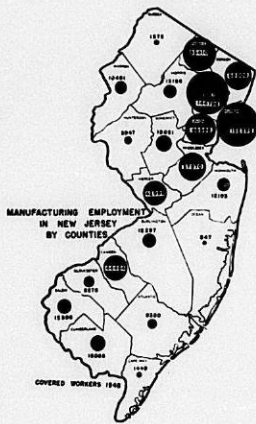
Photograph by courtesy of Aero Service Corporation, Philadelphia, Pa.

## ECONOMIC SURVEYS OF STATES

Homer Hoyt Associates make economic surveys of states to attract new industries.

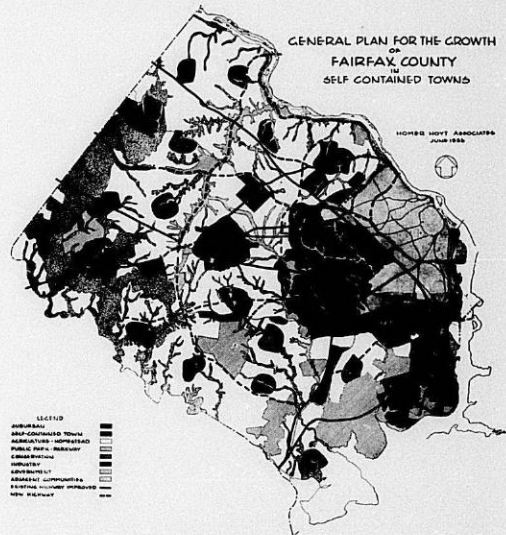
In the economic survey of New Jersey, Homer Hoyt suggested the feasibility of locating large steel mills on the Delaware River.

State economic surveys analyze all the basic sources of employment manufacturing, trade, finance, tourists, commuters, universities, agriculture, mining, and show how these basic sources of income can be increased for the benefit of the people of the state.



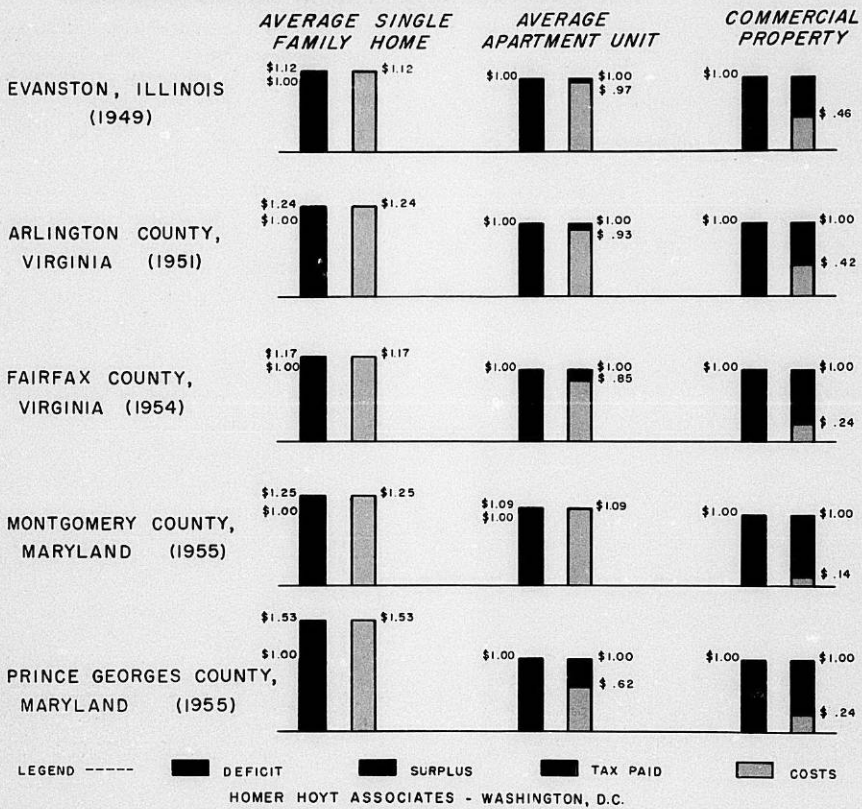
Plans for new communities that provide for industries, homes, shops and large recreation areas in self-contained towns avoiding dense concentration in congested central city areas.

AN EXAMPLE IS THE PLAN FOR FAIRFAX COUNTY, VIRGINIA



Prepared for Homer Hoyt Associates by Joseph L. Intermaggio and Robert N. Anderson, Jr.

## TAX RECEIPTS COMPARED WITH COSTS OF LOCAL GOVERNMENT SERVICES PER TAX DOLLAR



**THE LARGEST OPERATING REGIONAL SHOPPING CENTERS**  
 WITH ACTUAL SALES IN ACCORDANCE WITH ESTIMATES OF HOMER HOYT ASSOCIATES



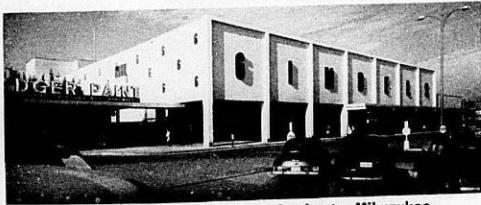
**Evergreen Plaza — Chicago, Illinois**  
 (Market Survey 1948)  
 Sales in Excess of Estimates



**J. L. Hudson's — Northland, Detroit**  
 (Market Survey 1951)  
 Homer Hoyt Estimated Sales of \$84,000,000  
 for 1,000,000 sq. ft. Store Area  
 Actual Sales, \$85,000,000

*Victor Gruen, Architect*

**SURVEYS FOR DEPARTMENT STORES IN SHOPPING CENTERS**



**Gimbel's Department Store — Southgate, Milwaukee**  
 Actual Sales Approximate Estimated Sales



**Hecht Department Store — Northwood, Baltimore**  
 Actual Sales Approximate Estimated Sales

## SUCCESSFUL SHOPPING CENTERS

WHERE SALES HAVE REACHED OR EXCEEDED OUR ESTIMATES



**The Village — Gary, Indiana**

(Market Survey 1952)

**Estimated Sales, \$13,000,000 in 200,000 sq. ft. Store Area**  
**Actual Sales, before Department Store, \$13,000,000**

**NEIGHBORHOOD CENTER GROWS INTO REGIONAL CENTER**



**Meadowview Center — Kankakee, Illinois**

New 110,000 sq. ft. Sears Roebuck Store attracted to neighborhood center (Survey 1952).



**Palms Center — Houston, Texas**

(Market Survey 1953)

**Sales Exceeding Estimate**

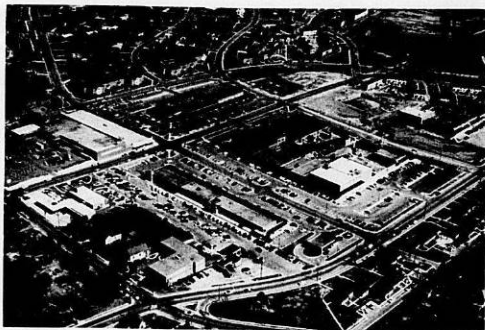


*Seward H. Mett, Site Planner; Malcolm McCune, Architect*

**Utica Square — Tulsa, Oklahoma**

(Market Survey 1949)

**Estimated Sales, \$14,500,000**  
**Actual Sales, \$14,500,000**



*Seward H. Mett, Site Planner; Lief Voland, Architect*

**Cameron Village — Raleigh, North Carolina**

(Market Survey 1948)

**Sales in Excess of Estimate**

**Regional Shopping Centers with  
Up to 1,000,000 Sq. Ft. Store Area,  
With Major Stores Leased**



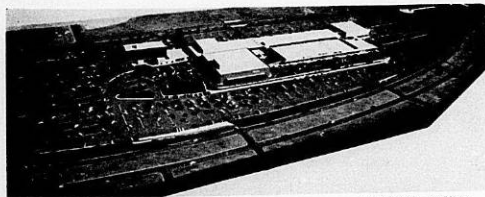
*George Dahl, Architect*

**Sunset Center — Amarillo, Texas**  
(Market Survey 1955)  
Estimated Sales \$29,000,000 in 443,000 sq. ft. Store Area,  
Sears Roebuck with 100,000 sq. ft.



*John Graham, Architect*

**Bergen Mall — Bergen County, New Jersey**  
(Market Survey 1952)  
Appraisal for \$28,000,000  
Estimated Sales \$73,000,000 in 900,000 sq. ft. Store Area



*John Graham, Architect*

**Ward Parkway — Kansas City, Missouri**  
(Survey 1956)  
Estimated Sales \$36,000,000 in 549,000 sq. ft. Store Area



**Mayfair — Milwaukee, Wisconsin**  
(Market Surveys 1952, 1955)  
Estimated Sales \$69,000,000 in 960,000 sq. ft. Store Area



*Trumbo, Amisano & Walls, Architects*

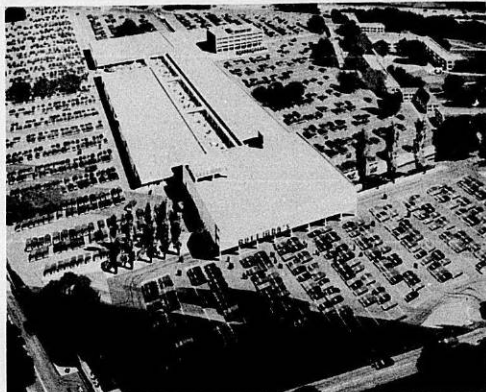
**Lenox Square — Atlanta, Georgia**  
(Market Survey 1955)  
Estimated Sales \$55,000,000 in 827,000 sq. ft. Store Area



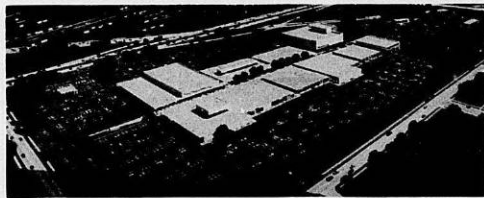
**Old Orchard, — Chicago, Illinois**  
(Market Survey 1951)  
Total Store Area, 1,000,000 sq. ft.  
Marshall Field — 320,000 sq. ft.    The Fair — 120,000 sq. ft.

**OTHER SHOPPING CENTER SURVEYS  
BY HOMER HOYT ASSOCIATES**

North Shore Center, Peabody, Mass. Jordan Marsh and Filenes.  
Estimated total sales, \$64,000,000 in 886,000 sq. ft. store area.  
Levittown, Pa., Shopping Center. In successful operation.  
Levittown, N. J. Shopping Center.  
South Shore, Raynham, Mass. Jordan Marsh.  
Estimated sales, \$50,000,000 in 718,000 sq. ft. store area.  
Sunrise Center, Fort Lauderdale, Fla. 200,000 sq. ft. in operation.  
Hechler Village, Richmond, Va.  
Charles Bassett Center, El Paso, Texas. Estimated sales, \$36,000,000.  
Merchant Park Center, Abilene, Texas.  
Shopperstown, East Providence, R. I.  
Golden Rule Shopping Center, St. Paul, Minn.  
Western Hills Plaza, Cincinnati, Ohio. In successful operation.  
Charlottesville Shopping Center, Charlottesville, Va.  
Parker Square, Wichita Falls, Texas. In successful operation.  
Southland Shopping Center, Tulsa, Okla.  
Woodside Shopping Center, Houston, Texas.  
Belle View, Oklahoma City, Okla.  
Peachtree Village Plaza, Atlanta, Ga.  
Hudson Village, Lexington, Ky.  
Southdale Center, Minneapolis. Dayton and Donaldson.  
Roanoke-Salem Shopping Center, Roanoke, Va.  
Cedarloo Park Shopping Center, Waterloo, Cedar Falls, Iowa.  
Interregional Shopping Center, Austin, Texas.  
Rolling Meadows Shopping Center, Arlington Heights, Ill.  
Rockellogg Shopping Center, Wichita, Kans.  
Beacon Field Shopping Center and Hybla Valley, Fairfax County, Va.  
Connecticut Avenue Uptown Center, Washington, D. C.  
Cross Roads Shopping Center, Houston, Texas.  
Greater Annapolis Shopping Center, Annapolis, Md.  
Southeastern Village, Tulsa, Okla.  
Naper Plaza, Naperville, Ill.  
Hoyt Lakes Shopping Center, Minn.  
Ingleside Shopping Center, Baltimore. In successful operation.  
Midway Center, St. Paul, Minn. Estimated Sales \$36,000,000 in  
425,000 sq. ft. store area.  
Gateway Shopping City, Beaumont, Texas  
South Side Plaza, Richmond, Va.  
Azalea Park, Orlando, Florida  
Harundale Shopping Center, Glen Burnie, Md.  
Stewart's Department Store, York Road, Baltimore, Md.  
Shirley Highway & Seminary Road, (Webb & Knapp) Alexandria, Va.  
The Pentagon Shopping Center, Arlington County, Va.



**Swifton Center — Cincinnati, Ohio**  
(Market Survey 1950)



*Lathrop Douglase, Architect*

**Blue Ridge Center — Kansas City, Missouri**  
(Market Survey 1955)

**Estimated Sales \$30,000,000 in 578,000 sq. ft. Store Area**

### Bank Location Surveys

Survey for securing charter of Midland Bank, Bergen Mall, Bergen County, N. J. 1955.

Survey for branch of Irving Trust Co., Church & Worth Streets, New York, N. Y.

Survey for branches of Security Trust Company, Rochester, N. Y.

Survey for new building for Community Savings Bank, Rochester, N. Y.

### Housing and Apartment Market Surveys

Market Survey of Pittsburgh metropolitan area, 1955.

Surveys of 90 housing projects in New York City for Federal Housing Administration 1939.

Surveys of apartment projects in New York City, Houston, Texas, New Orleans and Hartford, Connecticut.

Demand for apartments in Forest Hills, New York. After survey in 1937, apartments were built in accordance with estimate.

### Gasoline Service Station Surveys

Surveys for gasoline service stations in New York City, Westchester County, N. Y., Baltimore and Washington, D. C., for Socony Vacuum Oil Company. 1946.

### Expert Testimony—Real Estate Valuation—Zoning

Expert witness in valuation of State and Madison Street properties in Chicago. 1934. Sonnenschein, Berkson, Lautmann, Levinson & Morse, attorneys.

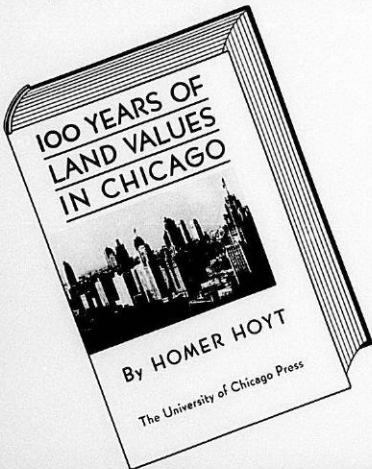
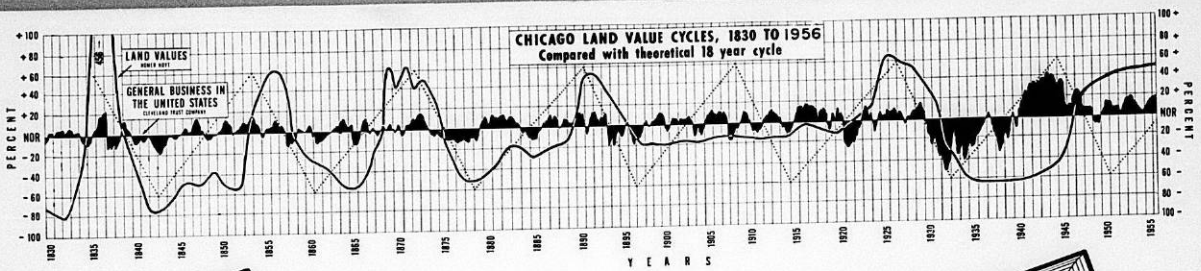
Expert witness in valuation of Fort Lauderdale, Fla., airport. 1941.

Expert witness in Burke, Va., airport condemnation case. 1953.

Expert witness in zoning hearings before District of Columbia Commissioners 1954 for Connecticut Avenue Uptown Center; Woodner Apartment Building, and others. James Wilkes, attorney.

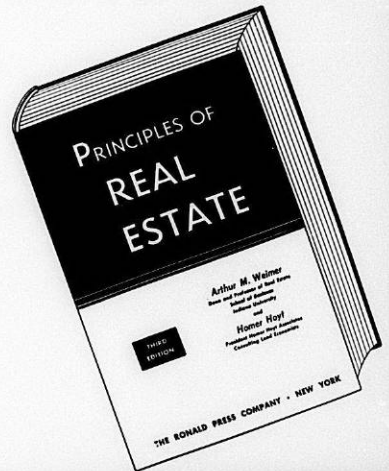
### A partial list of organizations who have employed Homer Hoyt Associates as consultants

ALLIED BUILDING CREDITS, INC., Los Angeles, California  
ALIED STORES CORPORATION, New York, New York  
B. ALTMAN & CO., New York, New York  
ANTIOCH COLLEGE, Yellow Springs, Ohio  
ARLINGTON COUNTY, Virginia  
ALVIN R. AUBRINE, Washington, D. C.  
CHARLES BASSETT ESTATE, El Paso, Texas  
LOUIS B. BECKMAN, Milwaukee, Illinois  
THEODORE W. BERENSON, Boston, Mass.  
ROCKTON, MASSACHUSETTS CHAMBER OF COMMERCE  
MORIS CARLITZ, Washington, D. C.  
MAX W. CAMPBELL, Tulsa, Oklahoma  
CHICAGO PLANNING COMMISSION, Chicago, Illinois  
CHEVY CHASE LAND COMPANY, Washington, D. C.  
CHICAGO LAND CLEARANCE COMMISSION, Chicago, Illinois  
L. I. COMBS & SONS, Gary, Indiana  
COMMUNITY SAVINGS BANK, Rochester, New York  
W. HAMILTON CRAWFORD, Baton Rouge, Louisiana  
DAYTON, OHIO, PLANNING COMMISSION  
DONALDSON DEPARTMENT STORE, Minneapolis, Minnesota  
ELLERBE & CO., St. Paul, Minnesota  
EVANSTON, ILLINOIS, PLANNING COMMISSION  
FAIRFAX COUNTY, Virginia  
FAIR BUREAU INSURANCE COMPANIES, Columbus, Ohio  
THOMAS W. FINUCANE CORP., Rochester, New York  
FIRST FEDERAL SAVINGS & LOAN ASSOCIATION, Chicago, Illinois  
FROEDTERT ENTERPRISES, INC., Milwaukee, Wisconsin  
JOHN W. GALBREATH, Columbus, Ohio and New York, New York  
GENERAL OUTDOOR ADVERTISING CO.  
GOLDEN RULE DEPARTMENT STORE, St. Paul, Minnesota  
GOUCHER COLLEGE, Towson, Maryland  
CHARLES, INC., Rochester, New York  
THE HECHT CO., Baltimore, Maryland  
STERLING HOGAN, SR., Houston, Texas  
OSCAR HOLCOMBE, Houston, Texas  
THE J. L. HUDSON COMPANY, Detroit, Michigan  
KIMBALL HILL, Des Plaines, Illinois  
INDIANA TOLL ROAD COMMISSION, Indianapolis, Indiana  
INDIANAPOLIS REDEVELOPMENT COMMISSION, Indianapolis, Indiana  
IRVING TRUST COMPANY, New York, New York  
M. T. JOHNSON, Amarillo, Texas  
JOSKE'S DEPARTMENT STORE, San Antonio, Texas  
KEER'S DEPARTMENT STORE, Oklahoma City, Oklahoma  
KISSILL COMPANY, Springfield, Ohio  
HENRY H. KNIGHT, Lexington, Kentucky  
LENER SHOPS, New York, New York  
LEO A. LIPPMAN, Indianapolis, Indiana  
MARSHALL FIELD & CO., Chicago, Illinois  
MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
METROPOLITAN MILK PRODUCERS AGENCY, Syracuse, New York  
LOUIS MICHAEL REALTY COMPANY, Toledo, Ohio  
W. C. AND A. W. MILLER DEVELOPMENT COMPANY, Washington, D. C.  
MONTGOMERY COUNTY, Maryland  
SAMUEL ROBERTS NOBLE FOUNDATION, INC., Ardmore, Oklahoma  
NATIONAL PLAZAS, INC., New York, New York  
STATE OF NEW JERSEY, Trenton, New Jersey  
ORLANDO, FLORIDA, BOARD OF REALTORS  
C. H. PARKER, Wichita Falls, Texas  
PHILADELPHIA REDEVELOPMENT AUTHORITY  
WELLDORN C. PHILLIPS, Orlando, Florida  
PRINCE GEORGES COUNTY, Maryland  
P & C SUPERMARKETS, Syracuse, New York  
PRUDENTIAL INSURANCE COMPANY, Newark, New Jersey  
CALEB REED, Abilene, Texas  
ARTHUR RUBOFF & CO., Chicago, Illinois  
WILLIAM REICH, Kansas City, Missouri  
RYE, New York  
SAMPSON DEVELOPMENT CO., Pittsburgh, Pennsylvania  
SEARS ROEBUCK AND CO., Chicago, Illinois  
SECURITY TRUST COMPANY, Rochester, New York  
SIBLEY, LINDSEY & CURR DEPARTMENT STORE, Rochester, New York  
SOCOXY VACUUM OIL COMPANY, New York, New York  
STEINBERG'S, LTD., Montreal, Canada  
CHARLES H. TOMPKINS CO., Washington, D. C.  
TWOBLY ESTATES, Fortham Park, New Jersey  
UNITED STATES DEPARTMENT OF JUSTICE  
UNIVERSITY OF ROCHESTER, Rochester, New York  
JAMES L. WELLS, Tulsa, Oklahoma  
WHITE HOUSE DEPARTMENT STORE, Beaumont, Texas  
BEN C. WILEMAN, Oklahoma City, Oklahoma  
WOODSIDE SHOPPING CENTER, Houston, Texas  
JONATHAN WOODNER CORPORATION, New York, New York  
CITY OF YORK, Pennsylvania  
J. W. YORK, Cameron Village, Raleigh, North Carolina



Homer Hoyt made the first scientific analysis of the real estate cycle in all its phases and the first study of the physical growth of a great metropolis from its original settlement to its maturity.

Co-author of *Principles of Real Estate*, 3rd edition, 1954, used as the textbook in fifty colleges and universities in the United States.



CHICAGO NIGHT SKYLINE, 1955



A SCIENTIFICALLY PLANNED DEVELOPMENT  
FOR BETTER HOMES IN BEAUTIFUL

## "LAMBSDALE"

WE ARE PROUD of the public acceptance by substantial families of this 100-acre Community, all planned at one time by a nationally known firm of land planners and engineers.

Many persons have admired this high, gently rolling tract which was originally the Lamb estate. East of Oliver on the south side of 13th Street, directly south of Spring Acres and extending south to 10th Street. This development is out of the path of heavy traffic and jet planes.

This addition is laid out with gracefully curving streets and with sites of from 80 to 125 foot frontage, for custom built homes. Well designed stone entrances enclose the entire sub-division and attractive wrought iron street markers will add distinction.

Many quality homes are now being built and many individuals have selected their location and are planning their home. Enjoy the PRESTIGE acquired by living in a carefully restricted area and the THRILL and SATISFACTION of producing your own home incorporating all of TODAY'S MANY MODERN FEATURES. Each owner is encouraged to select his own architect and builder. We especially invite builders of custom homes to inspect these superior sites. The major loan companies and banks have approved this development for maximum loans.

Restrictions which control the size, plan, elevation and set-back PROMOTE INDIVIDUALITY, CREATE, PROTECT AND PRESERVE PROPERTY VALUES.

Within five minutes of MacDonald Park, Harvard Park, Crestview and Wichita Country Clubs, 3 Grade and Intermediate schools, Wichita University, churches and theatre; city buses serve the area. One of Wichita's finest, most complete community centers with ample parking will soon provide shopping facilities without the hazards of crossing any major traffic street.

Wichita is rightfully proud of this distinctive and outstanding district with the many benefits and advantages offered for quiet, restful living and the safety of children.

We suggest you make an EARLY selection of the lot that meets your particular needs and requirements from the choice sites still available. Call Jim Beckett for complete details and appointment to select your location.

EXTRA WIDE LOTS - - REASONABLY PRICED

### CLAUDE R. LAMBE CO.

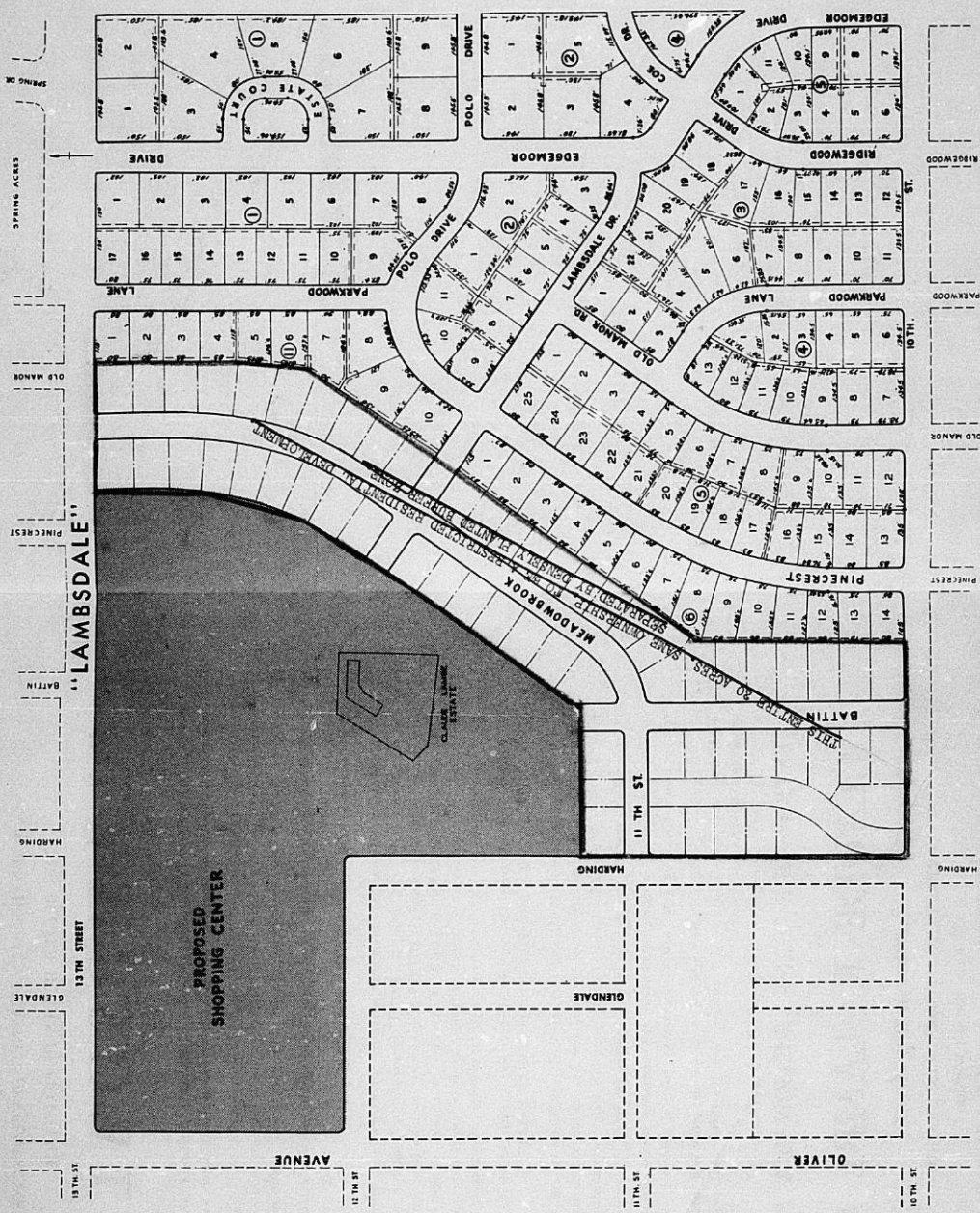
*Exclusive Selling Agents*

REALTORS — LOANS — INSURANCE

30 Years Serving Wichita

621 UNION NATIONAL BANK BLDG.

OFFICE HO4-0315; RESIDENCE FO3-3403



"LAMBSDALE"

PROPOSED SHOPPING CENTER

13 TH STREET

12 TH ST

GLENDALE

HARDING

BATTIN

PINCREST

OLD MANOR

SPRING ACRES

SPRING DR

AVENUE

12 TH ST

11 TH ST

GLENDALE

HARDING

11 TH ST

BATTIN

PINCREST

OLD MANOR

PARKWOOD

10 TH ST

10 TH ST

HARDING

HARDING

PINCREST

OLD MANOR

OLD MANOR

PARKWOOD

RIDGEWOOD

EDGEWOOD

Cambsdale

1132,560<sup>1.7</sup>  
194,750.00  
1132,560  
814,940.00  
742,790

1,132,560  
194,750  
937,810  
127,500  
810,310

- A. Gross Floor Area - 194,750 ft<sup>2</sup>
- B. ~~Area, Height, and Volume~~  
Development Plan Scale 1" = 50'
- C. \* Topography was not shown nor were any significant natural features
- D. The Development Plan Indicated:
  1. Building Arrangement
  2. Proposed Land Uses
  3. Offstreet Parking
  - \* 4. Loading Facilities were not indicated although a service area was shown, but no facilities.
  5. Vehicular and Pedestrian Circulation
  6. Ingress and Egress Points
  7. Landscaping
  8. Height, Location of fences, walls and screening
  - \* 9. Size, location, & orientation of signs was not shown.
  - \* 10. Proposed lighting was not shown.
- E. Minimum Yard Requirements
  1. All buildings were set back more than 35' from street R/W lines.
  2. " " " " " " " " Residential Districts.
  3. A rear yard or service <sup>area</sup> was shown at a minimum of 30' in depth.
- \* F. Lot Coverage is 17%, approximately 13% below the new requirements of 30%. Total Area = 26 Acres = 1,132,560 ft<sup>2</sup>
- \* G. Proposed Height of structures was not indicated.
- H. Offstreet Parking and Loading requirements
  1. Approximate parking capacity indicated is 1968 stalls (8'6"). These stalls cover approximately 810,310 sq. ft. which includes drives, and all planting areas. This is above the minimum requirements of 584,250 sq. feet.
  - \* 2. Offstreet loading space has been indicated as "service area" ~~but~~ <sup>but</sup> individual berths were not indicated. This service area is approximately 127,500 sq. feet including drives, which would be adequate to allow 4-6 berths.
- I. Screening and Planting
  - \* 1. Residential districts have not been adequately screened with the exception one 50' strip along the east property line. The remaining <sup>residential</sup> areas are screened by only 10' foot strip rather than the required minimum of 20'. However, all residential areas are screened with masonry walls.

PAGE  
CITY MANAGER'S REPORT

REPORT FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERS

REQUEST FOR VACATION

---

CASE NO. V

CONSIDERED BY:  
UTILITY ADVISORY COMMITTEE AND  
SUBDIVISION COMMITTEE  
PLANNING COMMISSION

REQUEST FOR VACATION OF:

LOCATED AT:

LEGALLY DESCRIBED AS:

REASON FOR REQUEST:

NAME OF APPLICANT:

ADDRESS OF APPLICANT:

REPRESENTATIVE FOR APPLICANT:

PROTESTORS, IF ANY:

PLANNING COMMISSION RECOMMENDATION:

VOTE OF PLANNING COMMISSION:

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
SECRETARY

ATTACHMENTS:

\_\_\_\_\_  
CITY MANAGER RECOMMENDS:

ACTION: TAKE SUCH ACTION AS THE COMMISSION DEEMS ADVISABLE.

DEL E. WEBB CORPORATION



P. O. BOX 7888  
PHOENIX 11, ARIZONA  
PHONE: 264-8011

September 20, 1962

Mr. Claude R. Lambe  
621 Union National Bank Building  
Wichita, Kansas

Re: Lamsdale Shopping Center  
Wichita, Kansas

Dear Mr. Lambe:

Our studies of Lamsdale and Sedgwick County, which we recently concluded, strongly favor your property as the site for Wichita's first true regional shopping center. Inasmuch, we recommend that you make every effort to effect the proper zoning on your entire 47-acre parcel.

Our continued interest in your property will depend largely on two things--firstly, our success in securing several more strong key tenants; and, secondly, your success in eliminating the time limitations set upon your zoning. Our present handicap under your existing zoning cannot be stressed too much. It is axiomatic, I feel, that without proper zoning assured, no developer can do a really first-rate job with any property.

We will keep you closely advised concerning our efforts, and we send you our warmest regards.

Very truly yours,

  
W. Merton DuPre, Manager  
Shopping Center Development

WMD:js

APRIL 20, 1962

*File  
Lambdale*

**STATEMENT REGARDING LAMBSDALE COMMUNITY UNIT PLAN**

THE LAMBSDALE COMMUNITY UNIT PLAN APPROVAL FIRST BECAME EFFECTIVE UPON PUBLICATION OF THE RESOLUTION ACCOMPLISHING THE ZONING CHANGE ON MAY 9, 1957. THIS ORIGINAL APPROVAL REQUIRED THE COMMENCEMENT OF PHASE I WITHIN THIRTY MONTHS OF THAT EFFECTIVE DATE. THUS, COMMENCEMENT WAS ANTICIPATED ON OR BEFORE NOVEMBER 9, 1959.

ON OCTOBER 20, 1959 THE BOARD OF CITY COMMISSIONERS, AFTER A HEARING HAD BEEN HELD BY THE PLANNING COMMISSION, APPROVED AN AMENDMENT TO THE ORIGINAL RESTRICTIONS CONCERNING THE LAMBSDALE SHOPPING CENTER, WHICH AMENDMENT PROVIDED FOR AN EXTENSION OF TIME TO COMMENCE CONSTRUCTION OF PHASES I AND II. THE EXTENSION GRANTED WAS FOR THREE YEARS WHICH RESULTED IN A SCHEDULE AS FOLLOWS:

1. COMMENCE CONSTRUCTION OF PHASE I ON OR BEFORE NOVEMBER 9, 1962.
2. COMPLETE CONSTRUCTION OF PHASE I ON OR BEFORE NOVEMBER 9, 1963.
3. COMMENCE CONSTRUCTION OF PHASE II ON OR BEFORE NOVEMBER 9, 1963.
4. COMPLETE CONSTRUCTION OF PHASE II ON OR BEFORE NOVEMBER 9, 1964.

THE CASE FILE IN THE PLANNING DEPARTMENT CONTAINS NO CORRESPONDENCE OR OTHER INDICATIONS OF ACTIVITY REGARDING THIS MATTER AFTER NOVEMBER 11, 1959 AT WHICH TIME A COPY OF THE RECORDED AMENDMENT TO THE DECLARATION OF RESTRICTIONS WAS FORWARDED TO THE DEPARTMENT FOR ITS FILES. PLANNING DEPARTMENT STAFF MEMBERS DO NOT RECALL ANY CONTACTS OR DISCUSSIONS REGARDING THIS PROPOSED DEVELOPMENT SUBSEQUENT TO NOVEMBER, 1959.

FROM AN EXAMINATION OF THE FILES IT APPEARS THAT THE APPLICANTS IN THIS CASE ARE, AT THIS TIME, IN COMPLIANCE WITH ALL CONDITIONS ESTABLISHED.

SECTION 28.04.190.2 OF THE CODE OF THE CITY OF WICHITA PROVIDES FOR LEGISLATIVE CONDITIONS IN SUCH ZONING AMENDMENTS AS THE ONE UNDER CONSIDERATION. PARAGRAPH 2.1 PROVIDES THAT THE ZONING AMENDMENT MAY CONTAIN REPRESENTATIONS REGARDING A SPECIFIED AREA, A SPECIFIED PLAN OF DEVELOPMENT, AND A SPECIFIED TIME SCHEDULE FOR PERFORMANCE. IT FURTHER PROVIDES THAT

"SUCH CONDITIONS, AMONG OTHER THINGS, SHALL PROVIDE THAT, UPON FAILURE TO DEVELOP THE AREA IN ACCORDANCE TO THE CONDITIONS FIXED BY THE BOARD OF CITY COMMISSIONERS, THE BOARD OF CITY COMMISSIONERS SHALL HAVE THE RIGHT AND POWER TO AGAIN REZONE THE AREA, AFTER PLANNING COMMISSION HEARING AND REPORT".

IT IS OUR BELIEF THAT THIS PROVISION OF THE ZONING ORDINANCE GENERALLY PRECLUDES PLANNING COMMISSION OR CITY COMMISSION REVIEW OF THE APPROVAL OR CONDITIONS PERTINENT TO THAT APPROVAL WHILE THE TIME PERIOD IS STILL IN EFFECT. THIS IS GENERALLY CONCURRED IN BY THE DEPARTMENT OF LAW, ALTHOUGH THAT DEPARTMENT NOTES THAT SUCH CONCURRENCE IS NOT BASED ON A DETAILED STUDY OF THE ORDINANCE AND LAW WITH REGARD TO THIS SPECIFIC POINT.

IT SHOULD BE NOTED THAT GENERALLY IT IS ACCEPTED THAT THE PLANNING COMMISSION HAS THE RIGHT TO INITIATE HEARINGS FOR CHANGES OF ZONING ON ANY LAND AT ITS OWN VOLITION. SUCH A RIGHT MAY POSSIBLY EXTEND TO THE COMMUNITY UNIT PLAN TYPE OF ZONING, ALTHOUGH THE DEPARTMENT OF LAW STATES THAT THERE IS REASON TO BELIEVE THAT THE ESTABLISHMENT OF SPECIFIC CONDITIONS BY THE CITY AND THE APPLICANT MAY ABROGATE THE GENERAL RIGHTS WHICH OTHERWISE WOULD PREVAIL. THE DEPARTMENT OF LAW SUGGESTS THAT THIS SHOULD BE DETERMINED ONLY AFTER A CAREFUL REVIEW OF THE FACTS PERTAINING TO THIS PARTICULAR CASE.

LELAND R. EDMONDS  
SENIOR PLANNER

LRE:BR

A SCIENTIFICALLY PLANNED DEVELOPMENT  
FOR BETTER HOMES IN BEAUTIFUL

## "LAMBSDALE"

WE ARE PROUD of the public acceptance by substantial families of this 100-acre Community, all planned at one time by a nationally known firm of land planners and engineers.

Many persons have admired this high, gently rolling tract which was originally the Lambe estate. East of Oliver on the south side of 13th Street, directly south of Spring Acres and extending south to 10th Street. This development is out of the path of heavy traffic and jet planes.

This addition is laid out with gracefully curving streets and with sites of from 80 to 125 foot frontage, for custom built homes. Well designed stone entrances enclose the entire sub-division and attractive wrought iron street markers will add distinction.

Many quality homes are now being built and many individuals have selected their location and are planning their home. Enjoy the PRESTIGE acquired by living in a carefully restricted area and the THRILL and SATISFACTION of producing your own home incorporating all of TODAY'S MANY MODERN FEATURES. Each owner is encouraged to select his own architect and builder. We especially invite builders of custom homes to inspect these superior sites. The major loan companies and banks have approved this development for maximum loans.

Restrictions which control the size, plan, elevation and set-back PROMOTE INDIVIDUALITY, CREATE, PROTECT AND PRESERVE PROPERTY VALUES.

Within five minutes of MacDonald Park, Harvard Park, Crestview and Wichita Country Clubs, 3 Grade and Intermediate schools, Wichita University, churches and theatre; city buses serve the area. One of Wichita's finest, most complete community centers with ample parking will soon provide shopping facilities without the hazards of crossing any major traffic street.

Wichita is rightfully proud of this distinctive and outstanding district with the many benefits and advantages offered for quiet, restful living and the safety of children.

We suggest you make an EARLY selection of the lot that meets your particular needs and requirements from the choice sites still available. Call Jim Beckett for complete details and appointment to select your location.

EXTRA WIDE LOTS - - REASONABLY PRICED

### CLAUDE R. LAMBE CO.

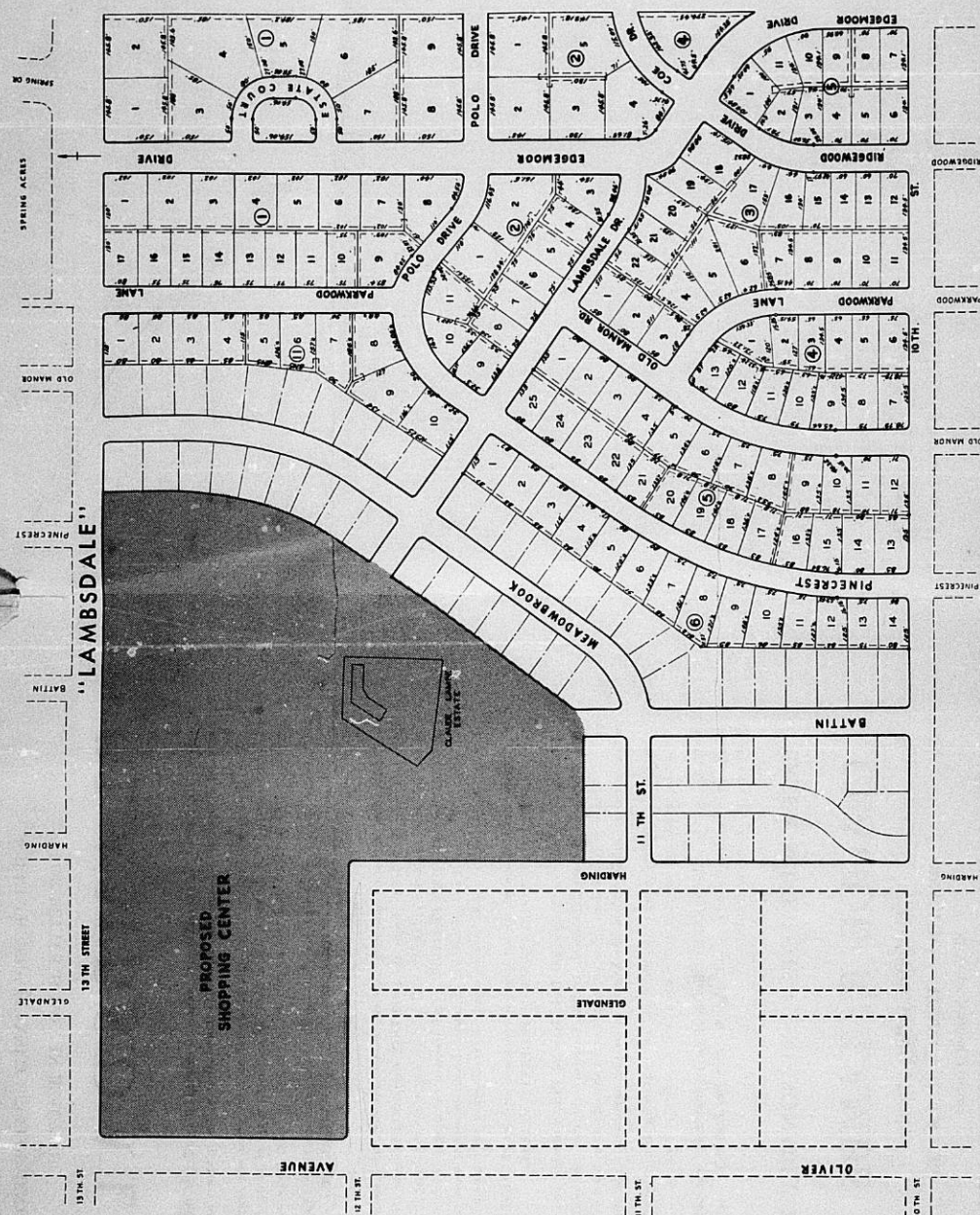
*Exclusive Selling Agents*

REALTORS — LOANS — INSURANCE

30 Years Serving Wichita

621 UNION NATIONAL BANK BLDG.

OFFICE HO 4-0315; RESIDENCE FO 3-3403



Orig plat <sup>off-</sup><sub>street</sub>

Drainage

Emp. parking

MARKET SURVEY  
OF  
LAMBSDALE SHOPPING CENTER  
S. E. CORNER  
13th STREET and OLIVER AVENUE  
WICHITA, KANSAS  
FOR  
CLAUDE R. LAMBE

SEPTEMBER 1956

HOMER HOYT ASSOCIATES  
WASHINGTON, D. C.



HOMER HOYT ASSOCIATES  
WASHINGTON, D. C.

HOMER HOYT ASSOCIATES

MARKET SURVEY  
OF  
LAMBSDALE SHOPPING CENTER  
WICHITA, KANSAS

FOR  
CLAUDE R. LAMBE

SEPTEMBER 1956

HOMER HOYT ASSOCIATES  
WASHINGTON, D.C.



HUDSON 3-6378

**HOMER HOYT ASSOCIATES**

THE WOODNER  
3636 SIXTEENTH STREET, N. W.  
WASHINGTON 10, D. C.

ECONOMIC ANALYSES OF CITIES COUNTIES AND STATES  
MARKET SURVEYS OF SHOPPING CENTERS  
APPRAISALS OF COMMERCIAL PROPERTIES

September 30, 1956

Mr. Claude R. Lambe  
621 Union National Bank Building  
Wichita, Kansas

Dear Mr. Lambe:

Our market survey of your Lambsdale Shopping Center site at the southeast corner of 13th and Oliver Streets in Wichita, Kansas shows that you can develop a community shopping center on 25 acres and later expand it into a regional shopping center on 45 acres of land.

As a community shopping center on 25 acres, Lambsdale has 35,911 households or 125,000 persons with aggregate annual income of \$237,000,000 within three miles of the site.

There is a total of 113,500 families or 400,000 persons in the entire trade area of Lambsdale, including the secondary trade area. These families have aggregate annual income of over \$600,000,000.

We estimate that a community center at Lambsdale will have sales of \$17,160,000 in 1959, or the second year of full operation, including sales of \$3,200,000 in a J. C. Penney type store; \$2,000,000 in a J. J. Newberry type store; \$1,200,000 in a Kresge or Woolworth type variety store; \$4,000,000 sales at a Dillon supermarket and \$1,000,000 in drug store sales.

The Lambsdale Shopping Center in 1959 would require 260,000 square feet of building area, of which 188,000 square feet would be used for selling. The total area required for the Lambsdale community center, with parking at a ratio of 4.4 times selling area would be 1,089,000 square feet, or 25 acres.

Lambsdale can be expanded into a full size regional center by 1966, with a 125,000 square foot department store. The total sales then would be \$32,440,000, with \$8,000,000 in the department store; \$4,000,000 in a J. C. Penney store;

HOMER HOYT ASSOCIATES

- 2 -

Mr. Claude R. Lambe

\$2,500,000 in a J. J. Newberry store; \$3,250,000 in women's apparel stores; \$1,500,000 in Woolworth or Kresge variety store; \$1,500,000 in shoe stores; \$1,000,000 in men's clothing stores; \$6,000,000 in a Dillon supermarket and \$1,250,000 in the drug store.

This expanded center would require 451,000 square feet of building area, of which 320,000 square feet would be used for selling.

The expanded center, with a parking area of 3.5 times gross building area, would require 1,960,000 square feet, or 45 acres.

Any smaller area than 45 acres would be insufficient for the development of a full scale regional shopping center.

Yours very sincerely,

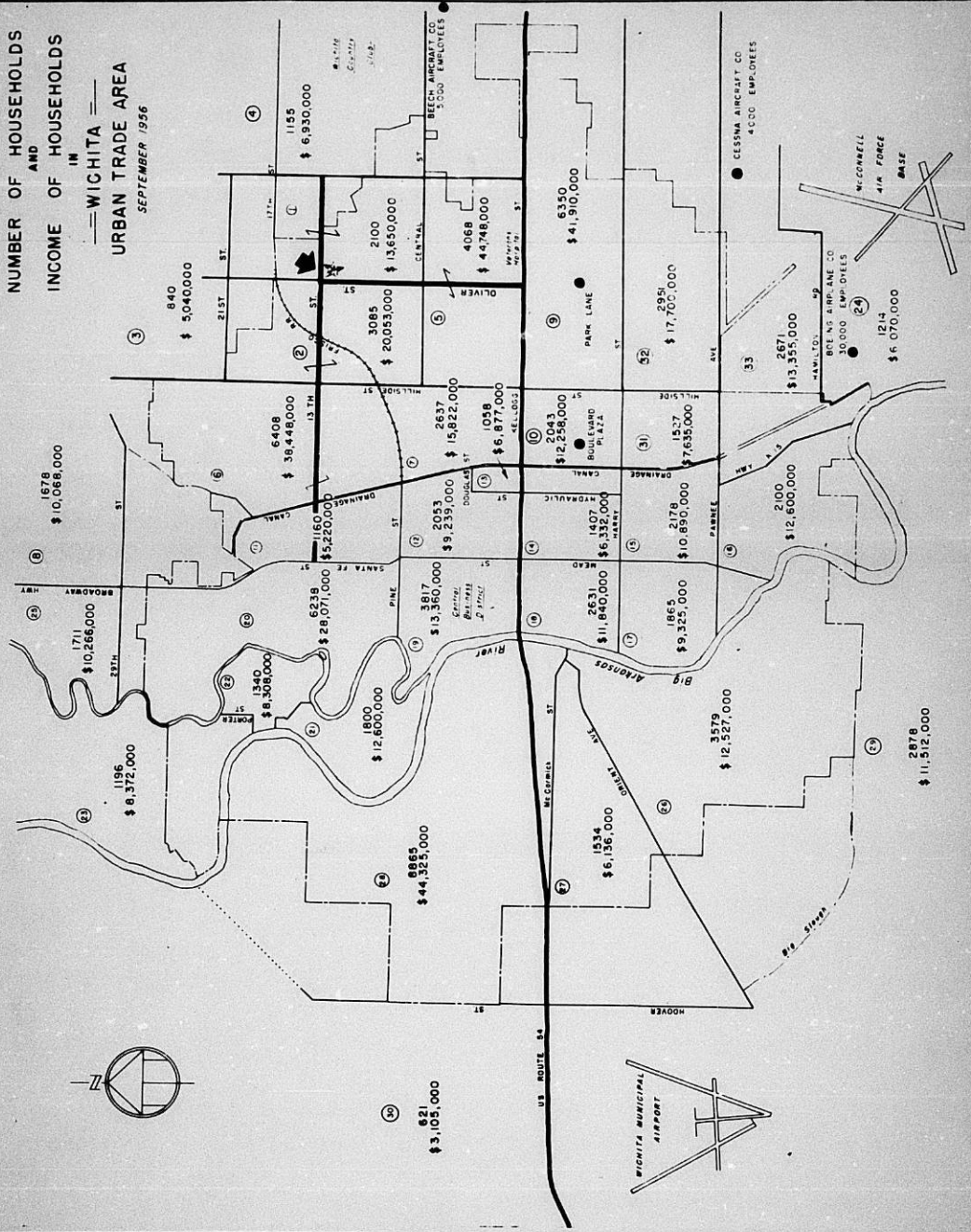
*Homer Hoyt*

President

HH g

# LAMBSDALE CENTER

NUMBER OF HOUSEHOLDS  
AND  
INCOME OF HOUSEHOLDS  
IN  
WICHITA —  
URBAN TRADE AREA  
SEPTEMBER 1956



HOMER HOYT ASSOCIATES

MARKET SURVEY  
OF  
LAMBSDALE SHOPPING CENTER  
WICHITA, KANSAS

The Location

The Lamsdale Shopping Center site is located on the southeast corner of 13th and Oliver Streets, in the northeast quadrant of Wichita, Kansas. The entire tract consists of 45 acres, but zoning is requested at this time for only 25 acres, and in this market survey we will analyze the demand for a shopping center containing 25 acres in its initial phase.

Oliver Street is a major north-south section line thoroughfare going to the Boeing Airplane Company plant, the Cessna Aircraft Company and the McConnell Air Force Base, five miles south. Thirteenth Street is a major east-west thoroughfare with bridges across both the Big Arkansas and Little Arkansas Rivers to the west. The heaviest concentration of population is south and west of the Lamsdale site, and the shoppers coming from the south and west would have a right hand turn into the Center from both Oliver and 13th Streets. Accessibility to the site will be enhanced by a planned belt highway running northwest from Webb Road and Kellogg to Woodlawn and 17th, a mile from Lamsdale on the east, and 26th and Oliver, a mile and a half to the north.

- 2 -

The site is strategically placed with respect to future residential growth of a high grade character, as in the open areas to the north and east of the site builders are planning to construct 4,000 new homes in the next two or three years. The Lamsdale location will probably be in the center of population of the northeast quadrant of Wichita in the next ten years.

The Lamsdale site is in the best section of the city from the standpoint of attracting new home building in the middle and higher income price ranges. It is situated immediately north of the highest income area of Wichita, including the suburb of Eastborough, and a good character for the site has been established by the high quality of the homes built in the Lamsdale residential area. The shopping center site is within a mile southeast of the Municipal University of Wichita, and it is two miles west of the Wichita Country Club. The entire northeast area is sufficiently removed from the McConnell Air Force Base - five miles to the south, and the Wichita Municipal Airport, over eight miles southwest on an airline - to not be affected by airplane traffic and future commercial jet planes. Consequently the extensive vacant tracts north and east of the Lamsdale site will be rapidly filled with homes, as sewer and water mains are extended.

Competition of Other Shopping Centers

There are no community or regional shopping centers with adequate parking in the northeast quadrant of Wichita, north of Douglas Street and east of the Drainage Canal. The shopping center at Oliver and Douglas is the obsolete strip type on a total of 5 acres, with parking for only 325 cars.

Since 1950, 35 new suburban regional shopping centers on 50 to 100 acres of land, and several hundred community centers on 20 to 40 acres of land have been built and opened for business in the United States. In practically every case, these centers have been built on one large tract, not separated or divided by through streets, and with parking spaces for 1,000 to 6,000 cars. No new centers are being planned around four corners, as was the case when shoppers came by street car or bus instead of by private automobile.

In view of the universal ownership of cars and the preference of nearly all shoppers for shopping centers with ample free parking areas, we must come to the conclusion that old style shopping centers with inadequate parking facilities cannot compete effectively for customers beyond a walk-in distance, with shopping centers of the Lamsdale type, which can offer free parking for 2,000 cars at one time.

Planning officials also have everywhere recognized that it is of vital importance that off-street parking be provided, so that street congestion caused by autos parking along the curb will be lessened. In many cities, parking areas have been acquired by the municipality at great cost, sometimes as high as \$100,000 an acre, in order to take automobiles from the curb. Lamsdale Shopping Center will provide this free parking without any cost to the City of Wichita.

The shopping centers of the modern type in the eastern section of Wichita consist of Park Lane - four miles southwest of Lamsdale, which is already operating, and the planned Rockellogg Shopping Center at Rock Road and Kellogg Avenue, four miles southeast of Lamsdale. There is the smaller Boulevard Plaza center and another center proposed in the area south of Kellogg Avenue, which has been dormant for a long period and is not expected to be built.

We will consider first the competitive effect of the Park Lane shopping center, which has 144,000 square feet of stores on two levels. Hinkel's department store, of 30,000 square feet, has sales of approximately \$2,000,000; the McDonald junior department store has sales of \$1,000,000 in 10,000 square feet; the Model has women's clothing sales

of \$600,000 in 8,200 square feet and the T. G. & Y. variety store has sales of \$500,000 in 12,600 square feet. Total sales of all the stores are probably over \$8,000,000 annually. This Park Lane center is a community center, not a full scale regional center, and it can be supported by a segment of a city containing 10,000 to 20,000 families with \$50,000,000 to \$100,000,000 aggregate income, spending altogether \$30,000,000 to \$60,000,000 in all retail stores and \$5,000,000 to \$10,000,000 in general merchandise and apparel group stores. There are 8 such centers in Columbus, Ohio alone, or one for every 75,000 persons. On this basis, Wichita and Sedgwick County, with 350,000 population, could support four centers of this type.

The Rockellogg Center that is planned at Rock Road and Kellogg Avenue is limited to 27 acres, as the area south of it is solidly built with houses. It can be developed with a junior department store of 40,000 square feet and other stores with an aggregate store area of 256,000 square feet. It will be a community center like Park Lane, but there is not sufficient land area to enable it to develop into a large regional shopping center.

The Central Business District of Wichita

There are four department stores in Wichita, the two largest, Sears Roebuck and Innes, with sales of approximately

- 6 -

\$12,000,000 each in 1955, and two smaller stores, Montgomery Ward and Buck's with sales of \$4,000,000 to \$4,700,000 each. The aggregate sales of the eight largest apparel and department stores - Innes, Sears Roebuck, Montgomery Ward, Buck's, Penney's, Hinkel's, Walker's and Henry's, increased from approximately \$39,000,000 in 1954 to \$44,000,000 in 1955, but the largest gains were made by Sears Roebuck and Hinkel's, three of the others showing declines in the year.

In 1954 combined general merchandise and apparel group sales in Wichita city were \$67,479,000, of which \$27,197,000 were in five department stores in the downtown area, \$7,649,000 were in 32 variety stores and \$25,729,000 were in 163 apparel stores. No regional center has yet been planned in the Wichita area that can offer a selection of fashion goods comparable to that of the downtown area.

The Composition and Competitive Position of the Lamsdale Shopping Center

In analyzing the competitive position of the Lamsdale Shopping Center, we have concluded that it has sufficient population and buying power within a three mile radius to support it as a 25 acre community center, and that with 45 acres of land, it can be expanded into a regional center later.

It is of the utmost importance to note that this 45 acres is the only tract under one ownership not built up with houses in the northeast quadrant of Wichita, at a major street intersection, surrounded by a large existing population, and that is also close to the areas of rapid growth.

It is vital to have room for growth, for many existing shopping centers have failed to realize their full potential because of lack of space for expansion, which prevented them from securing department and other fashion goods stores which would have served their communities completely. Store owners prefer locations that do have extra space for future growth when it is needed to take care of the growth of the community.

The Number of Families and Income of Families in the Trade Area of Lambdale Shopping Center

By actual count of residential meters, there were 5,185 families within one mile; 20,293 families within two miles and 35,911 families within three miles of the Lambdale site. There were thus 125,000 persons living within three miles of Lambdale in the summer of 1956, and this number has been increasing monthly. (See Table I and Map).

The 5,185 families living within one mile from Lamsdale have average incomes of \$6,500 and aggregate income of \$33,703,000 in 1956; the 15,108 families living from one to two miles from Lamsdale have aggregate income of \$111,000,000 and the 15,618 families living within two to three miles from Lamsdale have aggregate income of \$91,592,000. (Table I).

The 35,911 families within a three mile circuit have average income of \$6,600 or a total annual income of \$236,643,000.

In addition to this primary trade area, there are 32,935 families living in a secondary trade area east of the Big Arkansas River; 17,477 families living west of the Big Arkansas River; 5,677 families in other areas adjacent to Wichita and 21,500 families in Sedgwick, Butler and Harvey Counties outside the metropolitan area of Wichita. (Table I).

These 113,500 families in the trade area have an aggregate income of \$603,458,000. (Table I).

Future Growth of Northeast Quadrant of Wichita

The area immediately adjacent to Lamsdale is expanding as the result of the subdivision of large tracts of land to the northeast in which 3,400 new houses are expected to be constructed in the next three years. The

HOMER HOYT ASSOCIATES

- 9 -

following is the list of planned developments with the estimated number of new houses in each:

<u>Name of Subdivision</u>	<u>Location</u>	<u>Total Existing Homes</u>	<u>New Homes to be Added</u>
1. McEwen Estates	S.W. corner 13th & Woodlawn	255	110
2. Pine Valley Estates	S.E. corner 13th & Woodlawn	50	350
3. Woodlawn Village	N.E. corner Woodlawn & Central	275	200
4. Courtland	9th & Woodlawn	115	20
5. Bridle & Saddle Club	N.E. corner Central & Edgemoor		200
6. Don Hand, Inc.	Woodlawn - 7th - 21st Sts.		800
7. Vickers	Rock Road, Douglas, 5th		800
8. Spring Acres	N.W. Woodlawn & 13th	50	23
9. Bel Air	37th Oliver to Woodlawn		682
10. N. of Crestview	Oliver to Hillside 21st - 27th Sts.	376	200
<b>Total</b>		<b>1,121</b>	<b>3,385</b>

It is important to note that all of the above growth except No. 9 (Bel Air) are within one to two miles from the Lamsdale site and Bel Air is only three miles north. The new Gypsum Creek sewer will open up additional ground north-east for development.

- 10 -

The Lamsdale site will benefit from this added population and purchasing power before it is open for business in 1958.

The future growth of the Lamsdale trade area will be supported by the continued expansion of the aircraft industry now indispensable for our national safety and the future rapid growth of the commercial airlines and use of private aircraft. The Boeing Airplane Company, employing 30,000 workers, is located only 5 miles south of Lamsdale; the McConnell Air Force Base with 4,500 in the air force and 1,600 civilian families and a payroll of \$20,000,000 annually, is only 5 miles south of Lamsdale; the Cessna Aircraft Company, a leading manufacturer of private planes is 4 miles south of Lamsdale, and the Beach Aircraft Company with 5,000 employees is 4 miles southeast of Lamsdale. The executives and many of the skilled personnel in these companies desire to live near country clubs and in high grade home areas, away from the immediate vicinity of the aircraft plants but still within a short driving time distance. The northeast quadrant of Wichita fulfills these conditions.

In addition to 37,350 employed in aircraft industries in Wichita in May 1956, there were 14,400 workers in other types of manufacturing. There are now 554 manufacturing plants in Wichita, of which 229 have come to Wichita in the

past 9 years and 354 in the past 14 years.

Besides manufacturing there were 69,850 workers in non-manufacturing, including 11,100 in government, 6,700 in wholesale trade, 19,100 in retail trade and 12,050 in service industries. A total of 5,000 workers are employed in the allied live stock industry.

With the strong growth potential of the aircraft industry and other manufacturing, it would be natural for the Telephone Company to estimate a marked growth for the Wichita area in the next few years.

As the following table shows, the Telephone Company estimates that there will be 13,506 more families in the Wichita trade area by 1959. (See following page, Page 11 for table).

Mr. Tom Via, City Planning Director of Wichita estimates that the number of families in the Wichita metropolitan area will increase by 25,000 in the next 10 years, or by 1966.

HOMER HOYT ASSOCIATES

- 12 -

ESTIMATED NUMBER OF FAMILIES BY TELEPHONE DISTRICTS

	<u>1955</u>	<u>1956</u>	<u>1957</u>	<u>1958</u>	<u>1959</u>
<u>Exchange</u>					
<u>Murray</u> (East of Grove St. S. of Mo. Pacific tracks N. Hamilton Road)	31,338	31,950	32,898	33,846	34,794
<u>Sherwood and Regent</u> (N. of Mo. Pacific tracks East of Oliver and Hillside)	1,374	2,004	2,742	3,468	4,188
<u>Amherst, Forrest and Hobart</u> (W. of Grove St. S. of 29th St., N. of McPherson, E. of Sheridan)	42,708	44,328	45,480	46,224	46,680
<u>Temple</u> (N. of 29th St. West of Oliver, Hill- side)	3,144	3,856	4,361	4,819	5,212
<u>Whitehall</u> (W. of Sheridan)	3,654	4,770	5,580	6,390	7,200
<u>Jackson</u> (S. of McPherson)	<u>4,032</u>	<u>4,932</u>	<u>5,700</u>	<u>6,460</u>	<u>6,912</u>
<b>Total</b>	86,250	91,840	96,751	101,207	104,986

Thus, the Telephone Company estimates that there will be an increase of 18,736 families in the Wichita urbanized area for 1955 to 1959, and 13,506 families from 1956 to 1959.

Retail Purchases in Lambdale Shopping Center Trade Area

Families in any segment of a metropolitan area do not make all of their retail purchases in stores in the area in which they live. Kansas families make extensive department store purchases in Kansas City, Missouri.

If we take total retail sales by type of store in both Kansas and Missouri combined in 1954, and take these sales as a percentage of the combined personal income of both states in 1954, we can derive a fair estimate of the percentage of income spent by Kansas families in retail stores.

In Kansas and Missouri combined, general merchandise sales were 6.72 percent of income; apparel store sales were 3.23 percent of income and the two combined were approximately 10 percent of income. (Table III).

In 1955 general merchandise and apparel sales in Sedgwick County were \$70,000,000 and yet on the basis of the estimated family income of \$522,646,000, the county residents were spending \$52,265,000 in these stores. This means that Wichita stores were attracting \$18,000,000 in purchases from outside Sedgwick County.

- 14 -

General Merchandise and Apparel Store Purchases by  
Residents of Lambdale Trade Area

Applying the percentage derived in Table III, or 10 percent of income for general merchandise and apparel store purchases, we have calculated that families living within 2 miles of Lambdale are spending \$14,469,000 in general merchandise and apparel stores annually, and that those living in the area from 2 to 3 miles are spending \$9,196,000 in these stores. (Table IV). This makes a total of \$23,665,000 purchases in these stores in 1956 by residents of an area living within 3 miles from Lambdale. By 1959 these purchases will increase to \$28,400,000 as a result of a 20 percent increase in the population of the close-in trade area. To be conservative however, we have not counted even the growth now under way, but have taken incomes of families living in the trade area in 1956.

Sales in General Merchandise and Apparel Stores in Lambdale  
Shopping Center in 1959

The \$64,000 question now is - what proportion of these total purchases by residents of this close-in area will the Lambdale general merchandise and apparel stores attract?

The Lamsdale Shopping Center would have a 60,000 square foot J. C. Penney type junior department store, a 40,000 square foot J. J. Newberry variety department store, a 30,000 square foot Woolworth or Kresge variety store, a Lerner type women's apparel store and other well known men's and women's ready-to-wear clothing stores and national chain shoe stores.

The close-in primary trade area, in which the Lamsdale Center would have little competition is the area in a 2 mile circuit, extending to Kellogg Avenue on the south, the Drainage Canal on the west, Rock Road on the east and 27th Street on the north. We believe it is conservative to estimate that the Lamsdale Center would attract 40 percent of the present general merchandise and apparel group purchases of the residents of this area, or \$5,800,000 annually. (Table IV). Discounting total purchases by 60 percent fully allows for competition of downtown department and apparel stores.

In the area 2 to 3 miles from Lamsdale, where on the south there would be the competition of the Park Lane and the Rockellogg Centers, and on the west the competition of the downtown stores, we have estimated only 22 percent of these purchases, or \$2,056,000 would go to Lamsdale, as a result of the convenience of

HOMER HOYT ASSOCIATES

- 16 -

its parking and its easy accessibility. This makes a total of \$7,856,000 derived from families living within a 3 mile radius.

In the rest of the Wichita area, east of the Big Arkansas River, we have estimated Lambsdale would attract 7 percent of the total annual purchases or \$1,165,000, and in the area west of the Big Arksnasa River only 1 percent. (Table IV).

Because of its convenience to areas east and north of Wichita, we have estimated that Lambsdale would attract 10 percent of the purchases of parts of Sedgwick County and nearby Butler County.

The estimate of total general merchandise sales at Lambsdale general merchandise and apparel stores is \$10,000,000 for 1959, which would be allocated to the different types of stores as follows:

<u>Type of Store</u>	<u>Sales</u>	<u>Sq. Feet Gross Area</u>
J. C. Penney type store	\$ 3,200,000	60,000
J. J. Newberry type store	2,000,000	40,000
Lerner type store	1,000,000	12,000
Other women's apparel stores	1,000,000	15,000
Shoe stores	1,000,000	15,000
Men's clothing stores	600,000	10,000
Woolworth or Kresge variety	1,200,000	30,000
<b>Total Fashion Goods</b>	<b>\$10,000,000</b>	<b>182,000</b>

These store areas conform to the size which national chain stores of this type desire today. J. C. Penney wants 60,000 square feet; Newberry 40,000 square feet or more, and Woolworth or Kresge 30,000 square feet in order to carry the full lines of merchandise which are necessary to attract the maximum number of customers. Stores of this size would offer as much or more than any store or all stores of their type in downtown Wichita, and hence shoppers would prefer to go where they could secure a complete selection plus ample free parking. These stores at Lamsdale would attract more customers from out of town because of the availability of parking and the absence of congestion.

Drug Store Sales at Lamsdale 1959

Families living within 2 miles from Lamsdale are spending 2.28 percent of their income, or \$3,300,000 annually in drug stores. We believe that a modern 15,000 square foot Walgreen type drug store - the largest and finest in the area - with ample free parking, would attract \$1,000,000 of this total in 1959.

Jewelry Store Sales at Lamsdale 1959

Families in the 3 mile circuit spend \$1,220,000 in jewelry stores annually and we have estimated that Lamsdale jewelry stores would attract \$500,000 in sales in 1958.

Supermarket Sales 1959

Food purchases by families living within a 2 mile circuit from Lamsdale are \$20,000,000 annually. Allowing fully for the competition of a Safeway store at the north-east corner of 13th and Oliver, we estimate that a 30,000 square foot Dillon supermarket would have sales of \$4,000,000 in 1959 at Lamsdale and that other food stores such as a bakery, delicatessen, dairy store, etc. would have sales of \$500,000.

Hardware Store Sales

Hardware store purchases of families living within a two mile circuit of Lamsdale are over \$1,500,000 annually. Home owning families make extensive purchases of paints, materials for home repairs and hardware items at the nearest convenient hardware store. We estimate sales of \$300,000 for a Lamsdale hardware store in 1959.

Restaurant Volume at Lamsdale 1959

Total Wichita area restaurant sales were \$21,584,000 in 1954. A good restaurant at Lamsdale, with ample free parking, should attract a volume of \$500,000 in 1959 from shoppers at the center, residents of the trade area who desire to dine out, and from businessmen seeking a place for lunch with good parking facilities.

Beauty and Barber Shops at Lamsdale Shopping Center

Beauty and barber shops are a feature of a one stop shopping center providing local convenience services. We estimate a volume of \$60,000 for 1959 for these shops at the Lamsdale Center.

Valet Shop

We estimate a volume of \$50,000 for a cleaning and pressing shop in 1959 at Lamsdale Center.

Other Specialty and Service Shops

A number of specialty shops, gift and stationery, hobby shop, florist, luggage, cameras and photo supplies, music and record shop, optometrist, etc. are necessary to round out a complete community center and for all of these shops we estimate a total volume of \$250,000 in 1959, in 5,000 square feet.

Total Sales at Lamsdale Shopping Center 1959

The total sales at Lamsdale Shopping Center are estimated at \$17,160,000 for 1959. The estimates of sales for each store are shown in Table V.

Building and Parking Areas Required for Lamsdale Center

To handle this volume of sales would require 260,400 square feet of gross building area, of which

188,000 square feet would be used for selling.

Parking Area Required

Allowing a parking and mall area ratio of 3.2 times gross building area, or 4.4 times selling area would mean that 828,600 square feet would be needed for these purposes.

Total Area Required

The total area required for Lamsdale Shopping Center would be 1,089,000 square feet, or 25 acres in 1959.

Expansion of Lamsdale Shopping Center

The Lamsdale Shopping Center can be expanded into the largest regional shopping center in the Wichita area because there is a total of 45 acres available, which is large enough for a regional center. A department store at Lamsdale with 125,000 square feet would be large enough to offer as great a selection of merchandise as any in downtown Wichita. Such a store, with additional apparel stores, would draw customers not only from the northeast quadrant of Wichita but from the entire Wichita metropolitan area and the retail trade area of Wichita beyond Sedgwick County.

Lamsdale will benefit not only from the increase of 25,000 in the number of families in 1966, but by its

ability as a regional center to draw heavily from southeastern Wichita as well as northeastern Wichita because it alone would have a large department store.

By 1966 department and apparel store purchases by families living in the Wichita retail trade area would be in excess of \$90,000,000.

We believe that it is conservative to estimate that if Lamsdale is developed as a full scale regional center, it would have fashion goods sales of \$21,750,000 in 1966 and total sales of \$32,500,000. (Table VI).

A department store of 125,000 square feet would have sales of \$8,000,000; J. C. Penney's sales would increase to \$4,000,000; J. J. Newberry's sales to \$2,500,000; women's apparel store sales to \$3,750,000; men's clothing store sales to \$1,000,000; Woolworth or Kresge sales to \$1,500,000; the supermarket volume to \$6,000,000 and the restaurant volume to \$700,000.

Expansion of Store Area by 1966

It would require 451,400 square feet of store area, of which 389,000 square feet would be devoted to selling, to handle this volume of business.

The total area required for the Center in 1966, with a parking ratio of 3.5 times gross building area, would be 1,960,000 square feet or 45 acres.

The 45 acres would be needed for this regional shopping center which would bring customers from a wide radius outside of Wichita.

A smaller area would not be sufficient for this purpose for it would not have space enough for the 125,000 square foot department store and its parking area. This is the minimum size department store required to carry a full line of fashion goods.

Advantages to Wichita of Community or Regional Center

The community or regional center will strengthen the tax base of Wichita because these centers, unlike home subdivisions, do not cause increased expenditures for schools. At least 60 percent of the real estate taxes paid will be a surplus above the costs of local government services.

HOMER HOYT ASSOCIATES

**TABLE I**  
**NUMBER OF HOUSEHOLDS AND INCOME OF HOUSEHOLDS**  
**IN LAMBSDALE TRADE AREA, WICHITA, KANSAS**  
**OCTOBER 1956**  
**Close-in Primary Trade Area Within One Mile**

<u>Area 1</u>	<u>Number of Households</u>	<u>Average Income</u>	<u>Aggregate Income</u>
Central to 21st Woodlawn to Oliver	2,100	\$ 6,500	\$ 13,650,000
<u>Area 2</u>			
Oliver to Hillside Central to 21st	<u>3,085</u>	<u>6,500</u>	<u>20,053,000</u>
Total Within 1 Mile	5,185	6,500	33,703,000
<u>Area Within One to Two Miles</u>			
<u>Area 3</u>			
North of 21st Woodlawn to Hillside	840	6,000	5,040,000
<u>Area 4</u>			
East of Woodlawn North of Kellogg	1,155	6,000	6,930,000
<u>Area 5</u>			
Woodlawn to Hillside Kellogg to Central	4,068	11,000	44,748,000
<u>Area 6</u>			
Hillside to Drainage Canal & Frisco RR North of Frisco RR	6,408	6,000	38,448,000
<u>Area 7</u>			
Hillside to Drainage Canal Kellogg to Frisco RR	<u>2,637</u>	<u>6,000</u>	<u>15,822,000</u>
Total Within 1 to 2 Mi.	15,108	7,346	110,988,000
Total Within 2 Miles	20,293	\$7,130	\$144,691,000

**TABLE I**  
Page 2

Area Within Two to Three Miles

<u>Area</u>	<u>Number of Households</u>	<u>Average Income</u>	<u>Aggregate Income</u>
<u>Area 8</u> Hillside to Broadway North of 21st	1,678	\$ 6,000	\$ 10,068,000
<u>Area 9</u> Kellogg to Harry East of Hillside	6,350	6,600	41,910,000
<u>Area 10</u> Kellogg to Harry Hillside to Drainage Canal	2,043	6,000	12,258,000
<u>Area 11</u> Drain.Canal to Santa Fe St. North of Pine	1,160	4,500	5,220,000
<u>Area 12</u> Kellogg to Pine Drainage Canal to Meade	2,053	4,500	9,239,000
<u>Area 13</u> Canal to Hydraulic Douglas to Harry	1,058	6,500	6,877,000
Park City	<u>1,276</u>	<u>5,000</u>	<u>6,380,000</u>
Total 2 to 3 Miles	15,618	5,888	91,952,000
Total Primary Trade Area Within 3 Miles	35,911	6,590	236,643,000

Secondary Trade Area of Lamsdale Shopping CenterWichita City East of Big Arkansas River

<u>Area No.</u>	<u>Number of Households</u>	<u>Average Income</u>	<u>Aggregate Income</u>
14	1,407	\$4,500	\$ 6,332,000
15	2,178	5,000	10,890,000
16	2,100	6,000	12,600,000
17	1,865	5,000	9,325,000
18	2,631	4,500	11,840,000

Continued

**TABLE I**  
Page 3

**Secondary Trade Area of Lamsdale Shopping Center**  
**Wichita City East of Big Arkansas River**

<u>Area No.</u>	<u>Number Households</u>	<u>Average Income</u>	<u>Aggregate Income</u>
19	3,817	\$ 3,500	\$ 13,360,000
20	6,238	4,000	28,071,000
21	1,800	7,000	12,600,000
22	1,340	6,200	8,308,000
23	1,196	7,000	8,372,000
24	1,214	5,000	6,070,000
31	1,527	5,000	7,635,000
32	2,951	6,000	17,700,000
33	2,671	5,000	13,355,000
Total Secondary Trade Area East of Big Ark- ansas River	32,935	5,054	166,448,000

**Wichita Area West of Big Arkansas River**

<u>Area No.</u>			
26	3,579	3,500	12,527,000
27	1,534	4,000	6,136,000
28	8,865	5,000	44,325,000
29	2,878	4,000	8,372,000
30	621	5,000	3,105,000
Total Wichita Area W.of Big Ark.River	17,477	4,440	74,465,000
Other Adjacent Areas	5,677	6,000	34,062,000
Total Trade Area in Wichita City and Suburbs	92,000	5,562	511,658,000
Balance Sedgwick County	3,000	4,500	13,500,000
Augusta	1,850	4,500	8,325,000
Eldorado	4,200	4,200	17,640,000
Balance Butler County	4,950	3,500	17,325,000
Newton	4,400	4,800	21,100,000
Balance Harvey County	3,100	4,500	13,950,000
Total Secondary Trade Area Outside Wichita Metropolitan Area	21,500	4,272	91,840,000
Total Secondary Area	77,589	4,728	366,815,000
Total Primary and Secondary Trade Areas	113,500	\$5,317	\$603,458,000

HOMER HOYT ASSOCIATES

**TABLE II**  
**ESTIMATED INCREASE IN NUMBER OF HOUSEHOLDS**  
**IN CLOSE-IN TRADE AREA OF LAMBSDALE SHOPPING CENTER**  
Within Two Miles of Center  
1956 - 1959

<u>Area No.</u>	<u>October 1956</u>	<u>1959</u>	<u>Number Increase</u>
1	2,100	3,300	1,200
2	3,085	3,300	215
3	840	1,750	910
4	1,155	2,600	1,445
5	4,068	4,200	132
6	6,408	6,500	92
7	<u>2,637</u>	<u>2,700</u>	<u>63</u>
<b>Total</b>	<b>20,293</b>	<b>24,350</b>	<b>4,057</b>

**ESTIMATED INCOME**  
**AND GENERAL MERCHANDISE AND APPAREL STORE PURCHASES**  
1959  
Within Two Miles of Center

<u>Area No.</u>	<u>Total Income</u>	<u>Total Purchases</u>
1	\$ 21,450,000	\$ 2,145,000
2	21,450,000	2,145,000
3	10,500,000	1,050,000
4	15,600,000	1,560,000
5	46,200,000	4,620,000
6	39,000,000	3,900,000
7	<u>16,200,000</u>	<u>1,620,000</u>
<b>Total</b>	<b>\$170,400,000</b>	<b>\$17,040,000</b>

HOMER HOYT ASSOCIATES

**TABLE III**  
**RETAIL SALES BY TYPE OF STORE**  
**AND AS PERCENTAGE OF INCOME**  
**KANSAS AND MISSOURI COMBINED**  
**1954**

		<u>Percent Income</u>
Total Income	\$10,539,000,000	100.00
Total Retail Sales	6,691,728,000	63.49
Genl. Mdse. Stores	707,862,000	6.72
Apparel Stores	340,680,000	3.23
Furniture and Household Appliance Stores	316,074,000	3.00
Food Stores	1,415,265,000	13.43
Eating & Drinking Places	419,241,000	3.98
Automotive Group	1,270,400,000	12.05
Gasoline Serv. Stations	474,773,000	4.50
Lumber, Bldg. Materials, Farm Equipment, Hardware	651,715,000	6.18
Drug Stores	240,142,000	2.28
Other Retail Stores	622,281,000	5.90
Non-store Retailers	233,295,000	2.21

HOMER HOYT ASSOCIATES

**TABLE IV**  
**GENERAL MERCHANDISE AND APPAREL STORE SALES**  
**AT LAMBSDALE SHOPPING CENTER 1959**

<u>Area No.</u>	<u>Total Purchases in 1956 10% Income</u>	<u>Percent at Lambsdale</u>	<u>Total at Lambsdale</u>
1	\$ 1,365,000	60	\$ 819,000
2	2,005,000	50	1,003,000
3	504,000	60	302,000
4	693,000	60	416,000
5	4,475,000	40	1,790,000
6	3,845,000	30	1,154,000
7	1,582,000	20	316,000
<b>Total Area Within 2 Miles</b>	<b>14,469,000</b>	<b>40</b>	<b>5,800,000</b>
<u>Area No.</u>			
8	1,007,000	40	403,000
9	4,191,000	25	1,048,000
10	1,226,000	15	184,000
11	522,000	20	104,000
12	924,000	10	92,000
13	688,000	5	34,000
Park City	638,000	30	191,000
<b>Total Area 2 to 3 Miles</b>	<b>9,196,000</b>	<b>22</b>	<b>2,056,000</b>
<b>Total Primary Trade Area Within 3 Miles</b>	<b>23,665,000</b>	<b>33</b>	<b>7,856,000</b>
<b>Secondary Trade Area, Wichita E. of Big. Ark. River</b>	<b>16,645,000</b>	<b>7</b>	<b>1,165,000</b>
<b>Secondary Trade Area Wichita W. of Big. Ark. River</b>	<b>7,447,000</b>	<b>1</b>	<b>75,000</b>
<b>Balance Sedgwick County</b>	<b>1,350,000</b>	<b>10</b>	<b>135,000</b>
<b>Augusta</b>	<b>833,000</b>	<b>20</b>	<b>167,000</b>
<b>Balance Secondary Trade Area Outside Sedgwick County</b>	<b>7,002,000</b>	<b>10</b>	<b>700,000</b>
<b>Total Genl. Mdse. &amp; Apparel Sales 1959 at Lambsdale Center</b>	<b>\$56,942,000</b>	<b>18</b>	<b>\$10,098,000</b>

HOMER HOYT ASSOCIATES

**TABLE V**  
**SALES AT LAMSDALE SHOPPING CENTER 1959**  
**OR SECOND YEAR OF FULL OPERATION**  
**AND PARKING AREA REQUIRED**

<u>Type of Store</u>	<u>Sales</u>	<u>Sales per Sq. Foot Selling Area</u>	<u>Sq. Feet Selling Area</u>	<u>Sq. Feet Gross Area</u>
J. C. Penney type store	\$ 3,200,000	\$ 80	40,000	60,000
J. J. Newberry or W. T. Grant type store	2,000,000	67	30,000	40,000
Lerner type women's apparel	1,000,000	100	10,000	12,000
Other women's apparel stores	1,000,000	83	12,000	15,000
Shoe stores	1,000,000	83	12,000	15,000
Men's clothing stores	600,000	75	8,000	10,000
Woolworth or Kresge variety store	<u>1,200,000</u>	<u>60</u>	<u>20,000</u>	<u>30,000</u>
Total Fashion Goods	<u>10,000,000</u>	<u>76</u>	<u>132,000</u>	<u>182,000</u>
Drug Store	1,000,000	100	10,000	15,000
Jewelry Store	500,000	100	5,000	6,000
Supermarket	4,000,000	200	20,000	30,000
Other Food Stores	500,000	100	5,000	6,000
Hardware Store	300,000	60	5,000	6,000
Restaurant	500,000	100	5,000	8,000
Beauty & Barber Shops	60,000	60	1,000	1,200
Valet Shop	50,000	50	1,000	1,200
Other Specialty Shops and Service Shops	<u>250,000</u>	<u>63</u>	<u>4,000</u>	<u>5,000</u>
Total	\$17,160,000	\$91	188,000	260,400
Parking and Mall Areas 3.2 times gross store area or 4.4 times selling area				<u>828,600</u>
Total Area Required			Sq. Feet	1,089,000
				or 25 Acres

HOMER HOYT ASSOCIATES

**TABLE VI**  
**SALES AT LAMBSDALE SHOPPING CENTER 1966**

Type of Store	Sales	Sales per Sq. Foot Selling Area	Sq. Feet Selling Area	Sq. Feet Gross Area
Department Store	\$ 8,000,000	\$ 80	80,000	125,000
J. C. Penney Type store	4,000,000	100	40,000	60,000
J. J. Newberry or W. T. Grant type store	2,500,000	80	30,000	40,000
Lerner Shops type women's apparel store	1,250,000	125	10,000	12,000
Other women's apparel	2,000,000	83	24,000	30,000
Shoe stores	1,500,000	100	15,000	20,000
Men's clothing stores	1,000,000	100	10,000	15,000
Woolworth or Kresge variety store	1,500,000	75	20,000	30,000
Total Fashion Goods	21,750,000	95	229,000	332,000
Drug Store	1,250,000	125	10,000	15,000
Jewelry Store	700,000	100	7,000	10,000
Supermarket	6,000,000	300	20,000	30,000
Other Food Stores	800,000	100	8,000	10,000
Hardware Stores	400,000	67	6,000	8,000
Auto Supply Stores	400,000	67	6,000	8,000
Restaurant	700,000	100	7,000	10,000
Beauty & Barber Shops	80,000	80	1,000	1,200
Valet Shop	60,000	60	1,000	1,200
Other Specialty and Service Shops	300,000	60	5,000	6,000
Medical and Dental Bldg.			20,000	20,000
Total	\$32,440,000	\$100	320,000	451,400
Ground Area of stores (department store 2 levels)				388,900
Parking and Mall Areas 3.48 times gross area or 4.9 times selling area				1,571,100
Total Area Required in 1966			Sq. Feet or 45 Acres	1,960,000

HOMER HOYT ASSOCIATES

**TABLE VIII**

**ESTIMATED COST OF CONSTRUCTING LAMBSDALE SHOPPING CENTER**

<u>Type of Store</u>	<u>Sq. Feet Gross Bldg. Area</u>	<u>Cost per Sq. Foot</u>	<u>Total Cost</u>
J. C. Penney type store	60,000	\$12	\$ 720,000
J. J. Newberry	40,000	12	480,000
Lerner type store	12,000	12	144,000
Other women's apparel stores	15,000	12	180,000
Shoe stores	15,000	12	180,000
Men's clothing stores	10,000	12	120,000
Woolworth or Kresge variety	<u>30,000</u>	<u>12</u>	<u>360,000</u>
Total Fashion Goods	182,000	12	2,184,000
Drug Store	15,000	15	225,000
Jewelry store	6,000	12	72,000
Supermarket	30,000	9	270,000
Other Food stores	6,000	10	60,000
Hardware store	6,000	10	60,000
Restaurant	8,000	20	160,000
Beauty and Barber shops	1,200	12	14,400
Valet shop	1,200	10	12,000
Other specialty and Service Shops	<u>5,000</u>	<u>12</u>	<u>60,000</u>
Total	260,400	\$12	\$3,117,400
Cost of surfacing 828,600 sq. feet of parking area and providing parking lights @ 50¢ sq. foot			<u>414,300</u>
Total Cost Construction Lambsdale Center			\$3,531,700

A TRAFFIC STUDY  
OF  
THE LANESDALE SHOPPING CENTER

**A TRAFFIC STUDY  
OF  
THE LAMSDALE SHOPPING CENTER**

**Wichita, Kansas**

**Prepared for  
the  
Claude Lambe Company  
Wichita, Kansas**

**by  
Wilbur Smith and Associates  
495 Orange Street  
New Haven, Connecticut**

**November, 1956**

## TABLE OF CONTENTS

	<u>Page</u>
PART I INTRODUCTION	1
PART II TRAVEL FACILITIES	3
The Trade Area	3
Surrounding Roads	3
Travel Times	6
Transit Routes	7
PART III PRESENT TRAFFIC	8
Operations	9
PART IV ANTICIPATED TRAFFIC	11
Growth Trends	11
Traffic Distribution	13
Anticipated Visitation	15
Route Traffic Volumes	15
Walk-in Traffic	17
PART V ACCESS	18
Surrounding Roads	18
Shopping Centre Contacts	19
Site Plan	20

*Safety Over Skin*

LIST OF TABLES

<u>Table</u>		<u>Page</u>
I	Lambdale Trade Area	4
II	Roadways - Site Environs	5
III	Growth Trends	12
IV	Anticipated Traffic Distribution	14
V	Anticipated Visitation and Traffic	16

*Sketch*

LIST OF FIGURES

<u>Figure</u>		<u>Following Page</u>
1	Site Environs	1
2	Routes - Driving Times	6
3	Transit Routes	7
4	Present Traffic Volumes	8
5	New Real Estate Developments	11
6	Traffic Distribution	13
7	Anticipated Traffic Volume	17
8	Roadway Plan	19

PART I  
INTRODUCTION

The rapid growth and development of Wichita has been inextricably linked to the expansion of the aircraft industry in its environs. Planned and integrated community shopping centers, supplemented with conventional crossroads retail areas form the composite and specialized plan of shopping facilities for Greater Wichita and serve its rapidly expanding and decentralizing population. The community shopping centers are conceived to have primary appeal to auto borne patrons, and to take full advantage of the mobility that the automobile affords to shoppers.

The proposed Lambedale Shopping Center, will be located in the southeast quadrant of the intersection of Oliver Avenue and 13th Street in northeast Wichita. The center will be developed to about 225,000 square feet of floor area and will occupy a tract of about 24 acres. It will augment the neighborhood shopping districts that have developed in its environs at the intersections of key section line streets to provide a balanced shopping pattern for the northeastern Wichita area.

Lambedale will be located wholly within Wichita on one of the largest tracts available for retail development. Sufficient areas are available within the tract to permit future expansion of the center and its parking facilities. The relation of Lambedale to the road and settlement patterns in its environs is shown in Figure 1.

Developers of the center recognize the importance of providing attractive

access and parking facilities. It is realized that accessibility is the key to successful retail operation. The center will be a planned unit and will carefully blend with its surroundings.

This report on highway and traffic factors gives careful consideration to basic retailing, planning and shopping center concepts. Traffic, accessibility, and roadway factors are examined and evaluated. Present and anticipated flow patterns are related to roadway capacities, access requirements and projected improvements. It has been a primary objective to integrate traffic treatments of the shopping center contacts with those of approach and boundary roads to thereby attain efficient highway transportation services for all road users.

**PART II**  
**TRAVEL FACILITIES**

Lambdale is strategically positioned with regard to the population and land use patterns in Greater Wichita. Located wholly within the city, it will afford substantial tax revenues. It is well related to the higher and middle income areas in Wichita, and to future residential growths comparable in character. It is anticipated that Lambdale will be near the center of population in the northeast quadrant of Wichita in the next ten years. The site is sufficiently removed from the various aircraft plants and air fields which form a cordon around the city.

**THE TRADE AREA**

This traffic study is based on the market analysis of Lambdale prepared by Homer Hoyt Associates. The primary trading area has been defined to include the parts of Greater Wichita located within three miles of the site and encompasses over 35,000 families. The secondary trading area includes most of the city, and the surrounding areas to the north, east, and south. As shown in Table I, the 113,000 households in the trade area have an aggregate income of about \$600,000,000.

**SURROUNDING ROADS**

The street net surrounding the site provides access to all parts of the trade area. Thirteenth Street, Oliver Avenue, and Edgemoor Drive, are the principal roadways in the site environs and intersect all key arterials in the Wichita area. Pertinent physical and traffic data for the roadways surrounding the site are summarized in Table II.

TABLE I  
LAMBSDALE TRADE AREA

	<u>Households 1956</u>	<u>Aggregate Income</u>
Close-In Primary Trade Area (Within 1 Mile)	5,185	\$ 33,703,000
1 - 2 Miles	15,108	110,988,000
2 - 3 Miles	15,618	91,952,000
Total Primary	35,911	236,643,000
Secondary	77,589	366,815,000
Primary and Secondary	113,500	603,458,000

Source: Homer Hoyt Associates

**TABLE II**  
**ROADWAYS - SITE ENVIRONS**  
**LAMBSDALE SHOPPING CENTER**

<u>ROADWAY</u>	<u>Oliver Avenue</u>	<u>15th St.</u>		<u>Lambdale Drive</u>
	Section Line	E. of Site	W. of Site	Residential Collector
<b>TYPE FACILITY</b>	Section Line	Sec'n Line	Sec'n Line	Residential Collector
<b>RIGHT OF WAY</b>	70'	70-a 90-b	70'	60'
<b>PAVEMENT WIDTH</b>	40'	20'	40'	30'
<b>MOVING LANES</b>	2-4	2	2	2
<b>DAILY VOLUME</b>	8,100	5,100	7,400	--
<b>APPROXIMATE PEAK HOUR VOLUME (BOTH DIRECTIONS)</b>	800	600	700	--

a - present

b - proposed

Oliver Avenue bounds the site on the west. It is an important north-south roadway and has interchange with all major east-west routes. It connects with the Boeing and Cessna Aircraft Companies to the south. In the site environs it has a 40-foot pavement width. The roadway is being widened to multi-lane standards between Central and Douglas Avenues, and between 17th and 31st Streets in 1956 and 1957. It will then be possible to develop two lane operation in each direction for the greater part of its extent as traffic conditions warrant.

Thirteenth Street which bounds the site on the south bridges both the Big and Little Arkansas Rivers and taps a wide area. It provides some multi-lane operations to the west of the site; roadway improvement plans call for widening of many narrow sections in the near future. Current plans call for widening the roadway to 44 feet between Oliver Avenue and Edgemoor Drive when the south side of the roadway is dedicated.

Lambdale Drive connects the southeast portion of the site with Edgemoor Drive, an important secondary north-south facility, which taps such key east-west roadways as Central, Douglas and Kellogg Avenues.

Accessibility to the site will be further improved by a planned belt expressway which will run northwesterly from Webb Road and Kellogg Avenue to Woodland Avenue and Seventeenth Street.

#### TRAVEL TIMES

Travel times to the Lambdale Shopping Center from the various sections of Greater Wichita are shown in Figure 2 for typical off-peak afternoon traffic conditions. Virtually all of the primary trading area can reach the site in less

than eight minutes driving time. The speed of travel is faster through the less urbanized portions of the trade area to the north, east and south of Lambdale.

These travel time patterns will, of course, be substantially modified when the proposed Beltway and other expressways planned for the Wichita area are realized. These facilities will increase the effective radius of the trade area and will further improve the accessibility to the shopping center.

#### TRANSIT ROUTES

Existing transit routes in the site environs are depicted in Figure 3. Two important bus routes traverse the Lambdale area and can be expected to advantageously serve the center; - the East Central-South Main bus (Route 2) travels on Edgemoor Drive, Ninth Street and Terrace Drive in the vicinity of the site; the Stockyards East 13th Street line (Route 4) travels on 13th Street past the site.

It is evident that minor routing modifications, revisions and adjustments could be readily effected to permit optimum use of these transit lines by Lambdale patrons. For example, East Central buses could enter the center via Lambdale Drive and return to Terrace Drive via 13th Street, Oliver Avenue and Ninth Street. Frequency of service should, of course, be adjusted to conform with revised patron riding demands.

**PART III**  
**PRESENT TRAFFIC**

Traffic conditions of the roadways in the vicinity of the shopping center were thoroughly examined. Field investigations and counts were supplemented with data secured from local traffic and planning officials.

The traffic volume patterns in the vicinity of Lambdale and on the streets surrounding the site are presented in Figure 4 for a typical 1956 day. Volumes are graphically depicted by bands of varying widths which are proportionate to roadway flows. It may be seen that over 25,000 vehicles traverse the site environs daily.

Experiences in shopping centers similar to Lambdale and currently in operation reveal that the heaviest shopper traffic loadings develop during evening openings and are removed from peak street traffic hours. Traffic operations have, therefore, been evaluated during these two periods of the typical week day when maximum total flow conditions can be expected to develop on the street net surrounding the site. These times are the peak highway rush hour which generally occurs between 4:00 and 6:00 P.M. and the evening shopping peak hour which may be expected to occur between 7:00 and 9:00 P.M.

Existing traffic volumes during the peak highway rush hour<sup>1</sup> and typical mid-evening hour are compared in Figure 4. The greatest traffic movements occur in the rush hour when peak directional loadings approach 500 vehicles per

<sup>1</sup> Peak hour based on city traffic counts was found to occur from 5 - 6 P.M.; based on field studies it occurred from 3:30 to 4:30 P.M.

hour along Oliver Avenue and 400 per hour along 13th Street. Peak hour flows along both roadways result primarily from Cessna, Boeing and Beech aircraft plants discharging their employees and often develop greater intensities for part of the hour than the indicated values reveal. It is understood that the plants discharge their employees as follows; Cessna between 3:30 and 3:35 P.M., Beech 3:45 P.M. and Boeing, 3:50 to 3:55 P.M. Peak traffic movements at the site are influenced by variations in the discharge times of these plants.

Flows during evening hours are considerably less than those occurring during the peak highway rush hour. Maximum directional volumes approach 250 vehicles per hour on Oliver Avenue and 150 vehicles per hour on 13th Street.

From a traffic standpoint it is desirable to separate the closing hours of the shopping center from those of the key industrial traffic generators in eastern Wichita. Closing hours which are sufficiently removed from peak industrial and commercial departures - between 3:30 and 6:00 P.M. - will avoid the heavy directional traffic flows which might otherwise occur.

#### OPERATIONS

Traffic volumes achieve added significance when related to vehicle operations and street capacities. Accordingly, present traffic operations at the intersection of 13th Street and Oliver Avenue were reviewed in detail during typical peak and off-peak periods.

Although 13th Street (to the west of the intersection) and Oliver Avenue have 40-foot pavements, single lane operations are prevalent through the intersection. Traffic movements are currently controlled by four-way stop signs.

Present peak hour congestion is short in duration and is mainly restricted to occasional backups of westbound traffic during peak exits from the Beech Aircraft Company between 3:40 and 4:00 P.M. The backups occur for brief periods only and should have no negative effects on shopping center patronage. Some delays develop under periods of moderate traffic because of capacity reductions resulting from queuing effects of the four-way stop signs. In general, traffic movements were fluent during off-peak and most peak periods.

No traffic congestion was discerned on the contacts serving the Safeway Store located in the northeast quadrant of the intersection. However, the left turn exits from the store into Oliver Avenue immediately to the north of 13th Street impede efficient traffic movements and develop high unit delays.

Multiple lane operations through the intersection, effectively integrated with flexible type signal controls will improve traffic movements, and provide desirable capacity reserves. These reserves will be necessary to accommodate future increases in traffic resulting from normal growths, and the development of Lambdale.

PART IV  
ANTICIPATED TRAFFIC

The traffic volumes which can be anticipated when the Lambdale Shopping Center will be in operation were determined. Calculations were developed for 1960; it has been assumed that the center would operate at its optimum productivity and that its patronage will be fully established by this year.

GROWTH TRENDS

Many parts of the Lambdale Trade Area are growing rapidly. New subdivision developments in Northeastern Wichita and contiguous areas are shown in Figure 5; it is anticipated that over 3,000 homes will be added in the next few years. Subdivision of large tracts to the northeast and east of Lambdale will facilitate the rapid settlement of these areas. Sewer developments are being extended to reach outlying sections of north, east and west Wichita, and can be expected to stimulate their growth. The increases in population and purchasing power will, of course, benefit the shopping center.

Growth trends are set forth in Table III. The continued growth of Greater Wichita will parallel the progress of its aircraft industries which currently employ over 37,000 persons. The Wichita City Planning Commission anticipates that there will be about 450,000 persons residing in the urban area by 1975.

Growth in vehicle ownership and highway travel have generally exceeded increases in population. Vehicle registrations in Sedgwick County have increased over 20 percent since 1952.

TABLE III  
GROWTH TRENDS

<u>Year</u>	<u>Population of City</u>	<u>Index 1952 = 1.00</u>	<u>Population of Urban Area</u>	<u>Index 1952 = 1.00</u>	<u>Vehicle Registration Sedgwick Co.</u>	<u>1952 = 1.00</u>
1940	115,000	0.55			48,540	0.39
1950	168,300	0.80			92,831	0.75
1951	192,000	0.91			110,525	0.89
1952	211,000	1.00	238,000	1.00	124,037	1.00
1953	214,000	1.02	251,000	1.06	131,085	1.06
1954	216,952	1.03	265,000	1.11	139,607	1.12
1955	224,000	1.06	275,000	1.16	145,000	1.17
1956	230,000	1.09	285,000	1.20	150,000	1.21
<u>Projection</u>						
1960	249,000	1.17	325,000	1.37	174,000	1.41
1966	263,000	1.24	375,000	1.58	200,000	1.62
1975	300,000	1.41	450,000	1.89	241,000	1.95

Source: Compiled from Census data and Wichita Plan Commission Estimates

Population growths in the nearby trade area of the Lambedale Shopping Center are expected to increase about 25 percent in the next four years<sup>2</sup>. Accordingly, it is anticipated that 1960 traffic volumes will be about 30 percent greater than present flows.

#### TRAFFIC DISTRIBUTION

The traffic and parking demands of the Lambedale Shopping Center will be directly related to the sales volumes or potential patronage of its stores. Anticipated sales have, therefore, been used as a basis for generated traffic volumes. These values consider income, vehicle ownership, proximity and competitive influences as well as population; thus they are a better reflection of expected traffic than any of the factors considered individually.

Shopper traffic from all parts of the trade area is related to the highway transportation services afforded by the approach road net in Table IV. About three-quarters of all patrons will come from the primary trade area. In deriving the directional distribution set forth in the table, consideration has been given to patron origins, the area road pattern and the shopper road user characteristics. Motorists can be expected to travel the easiest routes to the shopping center from their origins.

The relative magnitudes of Lambedale shopper traffic on the principal approach roadways are shown in Figure 6 (for 1960). As is typical in shopping centers located at two crossroads, patrons will arrive at the center from all directions of approach and will not be unduly concentrated in any one section of roadway. Initially, the heaviest pull will be from the areas to the west and the south of the

<sup>2</sup> Source: Homer Hoyt Associates

**TABLE IV**  
**ANTICIPATED TRAFFIC DISTRIBUTION (1960)**  
**Lambdale Shopping Center**

<u>Community</u>	<u>Per Cent by Given Approach Route</u>					<u>TOTAL</u>
	<u>Oliver St.</u> <u>From South</u>	<u>13th St.</u> <u>From West</u>	<u>Oliver St.</u> <u>From North</u>	<u>13th St.</u> <u>From East</u>	<u>Lambdale and</u> <u>Edgemoor Drives</u>	
1	2.5	--	2.0	1.8	1.8	8.1
2	4.8	--	2.9	2.2	--	9.9
3	--	1.2	1.8	--	--	3.0
4	1.3	--	0.8	2.0	--	4.1
5	8.0	3.0	--	4.8	2.0	17.8
6	--	6.2	5.2	--	--	11.4
7	--	1.5	1.6	--	--	3.1
8	--	2.0	2.0	--	--	4.0
9	4.7	2.1	2.1	2.1	1.5	10.4
10	1.0	0.8	--	--	--	1.8
11	--	1.0	--	--	--	1.0
12	0.5	0.4	--	--	--	0.9
13	0.2	0.1	--	--	--	0.3
<b>Park City</b>	--	--	1.9	--	--	1.9
<b>Sub-total Primary Area</b>	<b>23.0</b>	<b>18.3</b>	<b>18.2</b>	<b>12.9</b>	<b>5.3</b>	<b>77.7</b>
<b>Wichita - East of Big</b> <b>Arkansas River</b>	1.0	8.0	2.6	--	--	11.6
<b>Wichita - West of Big</b> <b>Arkansas River</b>	0.5	0.2	--	--	--	0.7
<b>Belance-Sedgwick Co.</b>	--	--	--	1.3	--	1.3
<b>Augusta</b>	0.1	--	--	1.6	--	1.7
<b>Belance-Secondary Trade</b> <b>Area</b>	0.5	--	2.0	4.5	--	7.0
<b>Sub-total Secnd'y Area</b>	<b>2.1</b>	<b>8.2</b>	<b>4.6</b>	<b>7.4</b>	<b>--</b>	<b>22.3</b>
<b>GRAND TOTAL</b>	<b>25.1</b>	<b>26.5</b>	<b>22.8</b>	<b>20.3</b>	<b>5.3</b>	<b>100.0</b>

center which will deliver about half of all patrons. Almost all traffic will use 13th Street or Oliver Avenue in coming to the center; only about 5 percent of the total shopper traffic is expected to enter the center from the rear via Lambedale and Edgemoor Drives. Maximum concentrations of shopper traffic will slightly exceed 25 percent on both Oliver Avenue and on 13th Street. The importance of providing attractive access between the shopping center and these two roadways is readily apparent.

As areas to the east of Lambedale continue to develop, shopper traffic from this direction of approach can be expected to increase accordingly. This component of Lambedale traffic will be intercepted by the center before it reaches the key intersection of 13th Street with Oliver Avenue.

#### ANTICIPATED VISITATION

Anticipated visitation and traffic movements for the Lambedale Shopping Center are summarized in Table V. On typical 1960 shopping days when the stores will be open evenings, over 13,000 persons can be expected to visit the center. It is anticipated that about 90 percent of all shoppers will come by private automobile. Fifteen hundred parking spaces should accommodate an average weekly shopping peak while at least 1,800 parking spaces will be needed to meet average peak pre-Christmas demands.

In deriving anticipated traffic movements it has, of course, been assumed that the center will operate at a high productivity and it will include a super market which generates a relatively high turnover type demand.

#### ROUTE TRAFFIC VOLUMES

Anticipated 1960 traffic volumes to the shopping center were determined

**TABLE V**  
**ANTICIPATED VISITATION AND TRAFFIC**

		<u>Average Weekly Peak Day</u> <u>(Evening Openings)</u>	
<b>Persons</b>	<b>13,500</b>		
<b>Via Auto</b>	<b>12,000</b>	<b>90%</b>	
<b>Via Public Transportation</b>	<b>1,200</b>	<b>8%</b>	
<b>Via Walk-in</b>	<b>300</b>	<b>2%</b>	
<b>Vehicles</b>	<b>5,200</b>		
<b>Parking Spaces Required</b>	<b>1,500*</b>		
<b>Vehicular Movements</b>		<b>IN</b>	<b>OUT</b>
<b>Peak Highway Rush Hour</b>		<b>500</b>	<b>550</b>
<b>Evening Shopping Peak Hour</b>		<b>900</b>	<b>600</b>
<b>Peak Evening Exit Hour</b>		<b>300</b>	<b>1,000</b>

\* 1,500 average peak pre-Christmas day

by projecting existing flows to 1960 (an increase of 30 percent) and by adding the shopper traffic anticipated on each direction of approach. Anticipated 1960 traffic loadings are graphically depicted in Figure 7.

Maximum directional traffic movements, in the site environs, will occur during the peak highway rush hours southbound along Oliver Avenue and approximate 700 vehicles per hour. Maximum loadings along 13th Street will be slightly in excess of 600 vehicles per hour.

The traffic flows which might be expected to occur during a typical 1960 evening shopping peak traffic hour are also shown in Figure 7 and are less in magnitude than those occurring during the peak highway rush hour. However, a far greater proportion of vehicles are destined to Lambedale. Maximum directional volumes approaching 500 vehicles per hour occur along Oliver Avenue.

#### WALK-IN TRAFFIC

Lambedale is well situated with regard to walk-in traffic from the many nearby residential sections that surround the shopping center on the north, east and west. It is in a natural position to provide the goods and services required by these residents.

## PART V

### ACCESS

The access improvements which should be effected to provide efficient ingress and egress in the site environs and in approaches to Lamsdale are simple to effect and are consistent with highway plans for the area. While it is conceivable that the existing roads could initially accommodate the traffic generated by the center, such is not desirable nor can be recommended from a standpoint of future traffic planning.

#### SURROUNDING ROADS

Oliver Avenue is being widened to a (minimum) roadway width of 40 feet between Central and Douglas Avenues, and 17th and 31st Streets in the coming year. This improvement will permit four traffic lanes, whenever required.

Thirteenth Street should be of sufficient width to provide two moving lanes in each direction of travel between Broadway and Woodlawn Avenue. Some widening will likely be required: - in narrower sections to the west of the center, viz. between Fairmount Street and Vesta Drive, and to the east of Oliver Avenue. It is understood that most of this widening is already planned by local officials. Thirteenth Street is part of the Wichita major street system, and is high on the priority list of capital improvements.

Multi-program or actuated type traffic signals should be installed at the intersection of Oliver Avenue and 13th Street prior to the opening of the center. The signals are required to positively establish rights-of-way at the intersection; they will improve operations as volumes increase.

It is desirable to provide protected left turn lanes at the Oliver - 13th Street intersection, and at key shopping center contacts. They will afford refuge for left traffic turning and will eliminate the psychological as well as impeditive effects of left turns in the Lambdale area. They should be incorporated into the widening of 13th Street and into the site development plans.

#### SHOPPING CENTER CONTACTS

A preliminary roadway and access plan for the Lambdale Shopping Center is shown in Figure 8. The plan has been reviewed with local traffic and planning officials who are in accord with its functional objectives. Both Oliver Avenue and 13th Street have been widened to permit incorporation of protective left turn lanes and the inclusion, if desired, of a median island. The driveway into the Safeway Store on Oliver Avenue to the immediate north of 13th Street is restricted to right turn movements only; this revision should improve operations in all directions of travel and will have no adverse effects on access into the Safeway Store.

By providing contacts between the shopping center and 13th Street opposite Pinecrest, and Harding Avenues, no new intersections, per se, are created. A "Right Turn Only" entrance is provided on 13th Street to the west of Glendale Avenue to permit easy ingress from this direction. It has been designed to preclude cross movements between the Safeway Store and Lambdale. An exit could be provided out onto Glendale Avenue for right turns only should traffic conditions warrant. The roadway plans permit future provision of additional contacts when required. The two contacts provided between Oliver Avenue and the center are sufficiently removed from the 13th - Oliver intersection. Lambdale Drive enters the shopping center on the extreme southeast of the site and will advantageously serve local residents.

All contacts provide ample unit dimensions and sufficient reservoir capacities. Turning radii permit ingress and egress at reasonable levels of speed. The multiplicity of contacts reduces the concentration at any one point and will tend to obviate the need for additional signalizations in the area. The contacts have been, insofar as possible, integrated with the location and design of buildings and with the internal circulation plan.

The roadway plan shown in Figure 8 will provide sufficient capacity reserves to accommodate anticipated traffic volumes and future traffic growths. With the recommended improvements, no capacity deficiencies are anticipated on the roadways surrounding the site during normal peak shopping and highway traffic periods.

#### SITE PLAN

The preliminary site plan shown in Figure 8 has been primarily developed for the purpose of establishing entrances and exits, and assuring efficient ingress and egress. Details regarding internal circulation, services, and parking will necessarily have to be finalized as overall plans for Lambdale progress. It may be seen that a complete system of internal circulation, wholly within the center circumscribes primary parking areas.

The internal site plan should be thoroughly studied from architectural and merchandising, as well as traffic standpoints. Consideration should be given to the regrouping of buildings, and to their better adaptation into the shape and configuration of the site. The optimum location of the supermarket parcel pickup should be studied. While the 1,700 parking spaces that are provided should, on the aggregate, accommodate anticipated parking demands; only about 1,100 are fully

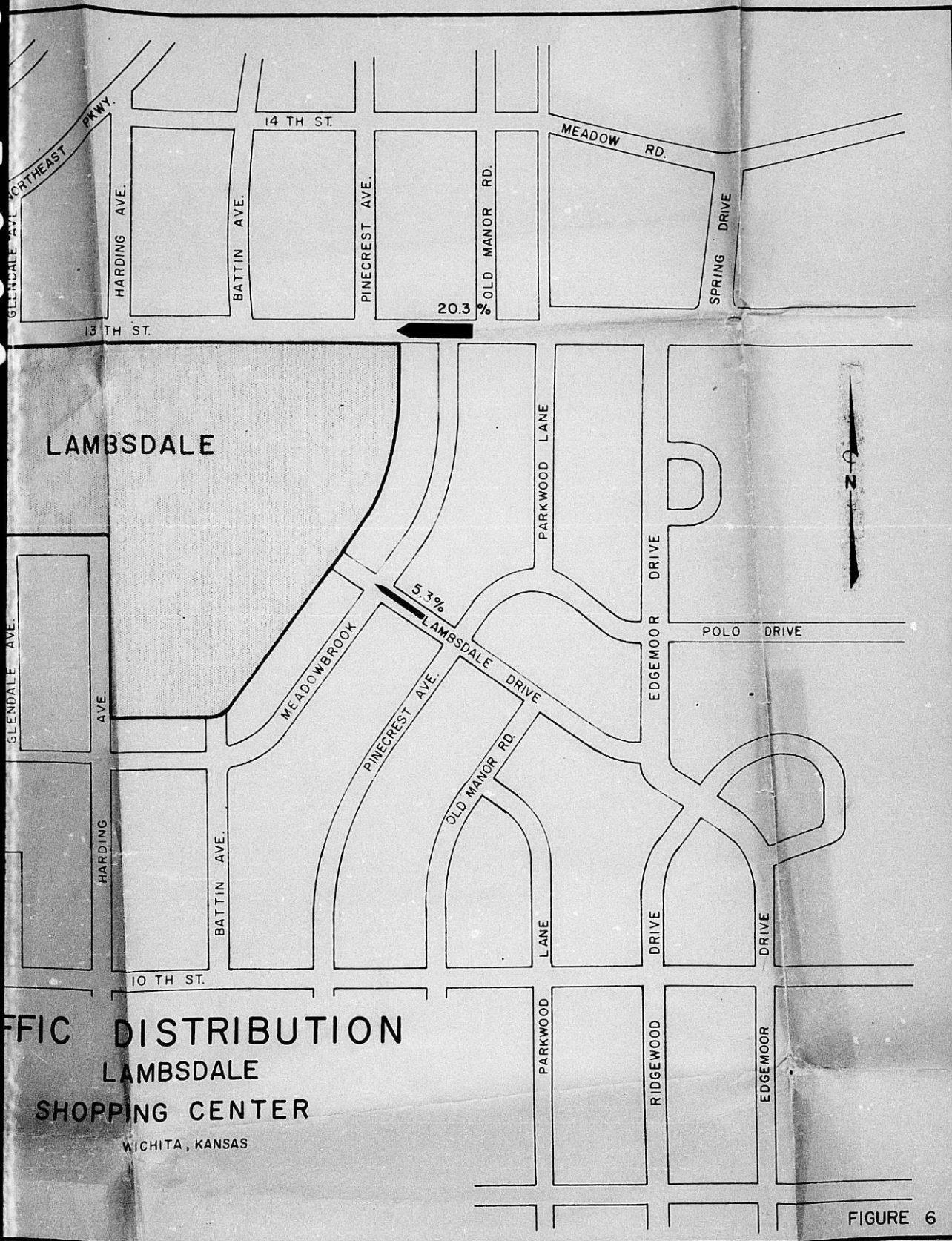
effective, the balance are too far removed from the stores. Thus, the regroup-  
ing of buildings might permit a more equitable and effective parking arrangement  
and should, therefore, be given careful consideration.



LAMBSDALE

TRAFFIC DISTRIBUTION  
 LAMBSDALE  
 SHOPPING CENTER

WICHITA, KANSAS

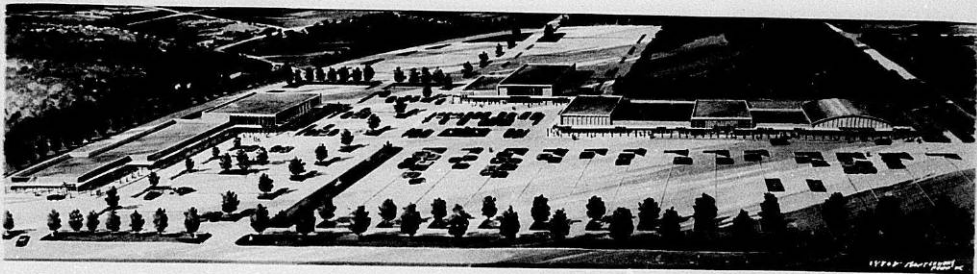


LAMBSDALE

TRAFFIC DISTRIBUTION  
 LAMBSDALE  
 SHOPPING CENTER  
 WICHITA, KANSAS



FIGURE 6



REPORT ON PROPOSED FLOW CONTROL FACILITIES  
LANESDALE COMMUNITY CENTER

January 11, 1955

We submit herewith preliminary plans and description of control works proposed on account of the increased storm water run-off anticipated to result from the construction of the Lanesdale Community Center in Lanesdale Sub-division on the south side of 13th. St.

The requirement that we have been advised as governing is:  
STORAGE TO BE PROVIDED SO THAT THE EXCESS RUN-OFF ANTICIPATED TO RESULT FROM THE CONSTRUCTION OF THE SHOPPING CENTER WILL BE IMPOUNDED SO THAT IT WILL NOT ADD TO THE FLOOD FLOWS IN THE WEST BRANCH OF DRY CREEK.

GENERAL DATA ON GOVERNING DRAINAGE FACTORS

1. The area lying north of 13th. St. that is included in the drainage area of the West Branch of Dry Creek consists of about 268 acres of land and under maximum conditions (an envelope storm made up of maximum rates of rainfall for various periods on record and with the velocity of storm travel and time of concentration computed as described in detail in previous report submitted to the City of Wichita) the run-off under maximum conditions was estimated to be 447. CFS at 13th. St. A runoff coefficient of 0.50 was used in making these computations.
2. The area between 13th. St. and 10th. St. adds about 95 acres to the drainage area and the maximum estimated flow at 10th. st. was computed to be 673. CFS.
3. The proposed shopping center consists of about 20 acres of the area between 13th. St. and 10th. St. The increase in run-off resulting from construction of the shopping center would be the difference between the run-off on grassy land and that to be expected from roofs and paving. In order to calculate the additional volume to be considered we make the following computations:

(A). Runoff from unimproved land = 20% (Mulching and others)  
Runoff from 20 acres with Rational Method:  $Q = \frac{C A R}{12}$

where Q = Quantity in CF

C = Run-off Coef. = 0.20

A = Area in SF = 20 X 43560 = 871200.SF

R = Daily Rate of Rainfall = 5.5" with frequency of once per 20 yrs. (see frequency chart attached)

Therefore total run-off anticipated prior to construction of shopping center =  $0.20 \times \frac{871200 \times 5.5}{12} = 79860.CF$

(B). Run-off from improved area = 95% (same authorities)  
Run-off from 20 acres =  $0.95 \times \frac{871200 \times 5.5}{12} = 379335.CF$

(C). Increase in 24 hr. run-off resulting from the improvement =  
379335 - 79860 = 299475. CF for the max. 20 year cycle rain

Therefore the proposed shopping center can be charged with the increase of 299475.CF in max. run-off estimated for a 20 year cycle. It will be noted that we are using a 24 hour storm as basis of calculations as storms of the severity used in these calculations have a life far less than that time. This results in our computations being on the conservative side and will call for larger storage capacity than the use of shorter periods.

It will be noted that the average increase in run-off on a 24 hr. basis is about 35 CFS. or about 5.2% of the estimated maximum flow at 10th.St.

#### PROPOSED RUN-OFF CONTROL FACILITIES

In order to eliminate the addition to storm water run-off flow resulting from the construction of the shopping center we propose an earthen dam located on the north side of 10th. St. (See location map attached)

The major features of this dam are:

1. A storage capacity of about 330000.CF at spillway crest.
2. A surface area of about 4.0 acres when water is at spillway crest level.
3. An average depth of about seventeen inches when water is at spillway crest level.
4. A concrete spillway 60 feet in length and with estimated capacity of 673 CFS when water is 30" above spillway crest.
5. A fixed orifice 8" in diameter that will have an average discharge rate of about 3.0 CFS and will empty the reservoir in about 30 hrs. after filling.

It will be noted that the estimated capacity of the reservoir is approximately 10% greater than estimated as the requirement for maximum conditions to be expected once per 20 yrs. on the average.

It will also be noted that provision for the passage of the maximum estimated flow is provided.

An orifice for draining the reservoir after a storm is provided as this reservoir is located in an area where residential developments surround it and the nuisance of a shallow pond- mosquitos, etc. - is to be avoided in-as-far as practicable. If for any reason it is found desirable to maintain water in the reservoir the orifice can be equipped with valve or sluice gate for manual control.

-3-

CONSTRUCTION QUANTITIES AND ESTIMATED COSTS

It is planned that the earthen levee be constructed from earth placed in layers and thoroughly compacted and the spillway to be constructed of 3000# concrete with reinforcing steel properly placed.

The quantities and probable costs are as follows:

<u>Item</u>	<u>Quantity</u>	<u>Price</u>	<u>Amount</u>
Earth Embankment	2500.CY	0.30	750.00
(Note: An allowance of about 25% for shrinkage and compaction so that excavation quantity will be about 3100.CY)			
Concrete in spillway	92.CY	50.00	4600.00
Rein. steel in spillway	4000. Lbs	0.15	600.00
Other minor items not detailed			300.00
Total estimated cost -----			\$ 6250.00

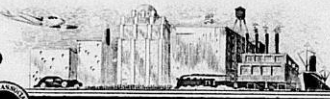
In the preparation of this preliminary report we have used a contour map furnished to us as basic data and have not made field surveys - therefore some minor variations can be expected in actual construction.

Yours very truly

*H. R. Hunter*

H.R.Hunter - Consulting Engineer

**Moseley & Company**  
REAL ESTATE BROKERS  
"NOTHING BUT BUSINESS PROPERTIES"  
RETAIL - WHOLESALE - INDUSTRIAL



LOCATIONS IN ALL PRINCIPAL CITIES  
RAY F. MOSELEY  
RAY F. MOSELEY, JR.  
FRANK W. MOSELEY  
PARTNERS



NATIONAL INSTITUTE OF REAL ESTATE BROKERS  
SOCIETY OF INDUSTRIAL REALTORS  
THE CHAMBER OF COMMERCE OF KANSAS CITY, MO.

PHONES VICTOR 7765  
SUITE 311 INSURANCE EXCHANGE BUILDING

KANSAS CITY, MO.

November 10, 1955

SUBJECT: Lambsdale Shopping Center  
Wichita, Kansas

Claude R. Lambe Company  
621 Union National Bank Bldg.  
Wichita 2, Kansas

Attention: Mr. Claude R. Lambe

Dear Mr. Lambe:

We feel that we would like to give you a report which will bring you up-to-date on the progress that has been made in the analysis for the development of a shopping center on your property on the Southeast corner of 13th and Oliver St. in Wichita, Kansas.

We have studied this matter very thoroughly for the past eight weeks and we are thoroughly convinced that there is a very definite need for a properly planned and satisfactorily built center on your site.

After extensive study we feel the following project is advisable.

LAMBSDALE SHOPPING CENTER - WICHITA, KANSAS:

SIZE OF CENTER:	25 acres
BUILDING AREA:	180,000 Sq. Ft.

*Going Businesses Bought and Sold*

All information furnished regarding property for sale or lease, is from sources deemed reliable; but no warranty or representation is made as to the accuracy thereof and same is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale or lease, or withdrawal without notice.

PAGE NO. 2      DATE    November 10, 1955

CONTINUATION OF LETTER TO    Claude R. Lambe Company

The cost of this projected center will be approximately \$2,600,000.00 including the construction of the buildings, preparation of the site, parking areas and landscaping. A very attractive buffer zone of landscaped poplar trees or some other type of foliage will completely enclose this center from the residential development surrounding the area.

TENANT LIST:

<u>Type of Business</u>	<u>Size</u>
Dept. Store	40,000'
Dept. Store	30,000'
Variety Store	25,000'
Food Store	25,000'
Drug Store	8,000'
Ladies Ready-to-Wear	15,000'
Ladies Ready-to-Wear	5,000'
Men's Wear	3,000'
Shoe Store No. 1	3,000'
Shoe Store No. 2	3,500'
Hardware	7,000'
Restaurant	7,500'
Misc.	12,000'
TOTAL	185,000'

For your further enlightenment, 50% of the above named businesses will be national accounts and the other 50% of the tenants will be comprised of the most sound and successful local merchants that have been doing business in Wichita for many years. This, of course, will make a very stable center capable of the maximum amount of advertising, planning, and merchandising with the vast experience of national organizations behind most of these chains - which should make the owner secure in a very stabilized and economically sound center.

We are enclosing herewith a plot plan showing the proposed lay-out of this center and we feel that enough effort and study has been made on this development to present it to the zoning board for their consideration. We have found in many other cities in the country that it is always wise to present to the zoning board a proper study of such a proposed development so that they may be sufficiently well versed on what is planned to approve the necessary change in zoning.

I believe an important consideration to the zoning board would be the fact that not only has a very extensive survey been run at the present time to determine the advisability of this center,

PAGE NO. 3 DATE November 10, 1955

CONTINUATION OF LETTER TO Claude R. Lambe Company

but that you also presented, some three years ago, a plan to the zoning board that someday when the time was proper you felt a shopping center should be built on your property. I know you have mentioned to me consistently over the past several months that you have been waiting for the growth in the northeast section to reach a proper point that would justify such a development and our surveys and the unusually fine demand from tenants seeking space in this area prove the time to be correct at the present.

I think the most important factor in requesting zoning for this center and building such a development here is the response that has been received by us of the various merchants interested in Wichita in general and the northeast section of Wichita in particular.

Without a question of a doubt these various chain store organizations and local companies have studied Wichita and know the demand for properly planned suburban commercial developments.

At the present time we are in a position to commit a variety of substantial tenants for over 110,000 Sq. Ft. of the total 180,000 Sq. Ft. suggested and proposed. All of this 110,000 Sq. Ft. is with national accounts that have studied the market very thoroughly and are willing to spend their money to operate a store therein.

Because of the excellent streets passing the site, namely 13th and Oliver, and because of the size of the tract which permits a well rounded and properly integrated center, this site in the northeast part of Wichita has the proper qualifications. In addition to this, because of the present growth and continuing potential in the northeast area for additional residences, such a center as we propose on this site will fulfill shopping requirements for several years to come.

One last point which we must mention is the fact that this center has been planned to have a very substantial amount of parking. There isn't one center operating in the country today that was started some three or four years ago that can state that they have had too much parking in conjunction with their development and we feel very conscious of the fact that adequate parking must be planned, as we have provided for in this project. In studying, among other things, the feasibility of locating this center in the northeast area we have noted that one factor has been that commercial developments have been built on section lines throughout the city.

I hope the zoning board will be cognizant of the fact that you have held this property until the time was correct for a well planned development and that you have had many, many opportunities to place lesser substantial businesses on the tract such as root beer stands, hamburger stands, filling stations, etc.. Such strip

PAGE NO. 4      DATE November 10, 1955

CONTINUATION OF LETTER TO Claude R. Lanbe Company

commercial improvements do not add to a rapidly growing community like Wichita, whereby a properly integrated development is a definite asset.

We sincerely feel that this development should be built in keeping with the transient habits of the buying public today and most certainly the work we have done to prove this point by the amount of leases with national companies that we can secure immediately bears out our point in the necessity of this center at this location.

We feel the proper analysis and study has now been made to present this to the zoning board for their consideration.

Yours very truly,

MOSELEY & COMPANY  
(a Corporation)

*Ray Moseley Jr.*

By: Vice President

Ray F. Moseley, Jr./bm

Encls. (Plot Plan)

NOTICES MAILED DECEMBER 23, 1955

Warren J. & G. Beth Cortner  
231 N. Harding

Lloyd W. Berends & Bernice R. Berends  
1227 N. Harding

Thomas Dean & Marjorie Jane Russell  
1753 N. Roosevelt

Robert E. & Creta Marine Canfield  
1219 N. Harding

F. B. & Virginia Edgington  
1213 N. Harding

Virgil D. & Esther Mae Gilbert  
1207 N. Harding

Melvin T. & Vonita E. Eyestone  
1201 N. Harding

A. R. Kirby & Ruth W. Kirby  
832 N. Glendale

Robert L. & Patricia Timmons  
1208 N. Glendale

Harold L. Wise  
1212 N. Glendale

Donald R. & Lucille N. Widrig  
1220 N. Glendale

Herman C. Newcomb & Willa Mae Newcomb  
1228 N. Glendale

George L. Harris  
1238 N. Glendale

Richard D. & Margaret C. Harris  
1261 N. Glendale

Richard J. & Mary Jo Wood  
1255 N. Glendale

Maurice E. & Betty Jean Johnson  
1249 N. Glendale

Earl J. & Dorothy D. Morris  
1243 N. Glendale

Wyle L. & Mary Ann Woodring  
2261 N. Harding

Donald F. & Ora Esther McArthur  
1255 N. Harding

Robert M. & Nell P. Rude  
4634 E. Bagley

Max L. & Eileen Carnahan  
1243 N. Harding

Leo J. & Ruth M. Christensen  
1244 N. Glendale

Douglas Hugh & Viola G. McGinnes  
1250 N. Glendale

Bruce Bee & Judy B. Fitts  
1256 N. Glendale

Ortwin Alvin & Norma L. Runge  
1262 N. Glendale

Otto C. & Maxine M. Ehrlich  
1240 N. Oliver

Arthur W. & Lorence Sanderson  
1238 N. Oliver

Harold A. & Jessie D. Every  
1329 N. Oliver

C. W. & Anna Belle Alley  
1321 N. Oliver

Lydia Pond  
1319 N. Oliver

Howard E. & Katherine E. Mers  
1315 N. Oliver

Edward J. Sullivan & Gloria Jeneen S.  
1307 N. Oliver

Reinhold J. & Bessie R. Perlenfain  
1301 N. Oliver

Roscoe V. & Nola Elliot  
1259 N. Oliver

Eugene E. & Dorothy A. [redacted]  
1255 N. Oliver

Irvine C. & Helen Shafer  
1402 N. Glendale

Ernest C. & Cora S. McGuire  
1408 N. Glendale

George W. & Virginia A. Jacobs  
1409 N. Harding

CITY PLANNING COMMISSION

City of Wichita, Kansas

NOTICE TO ADJOINING PROPERTY OWNERS

December 23 19 55

A petition has been filed by Claude R. Laube

(Address) 621 Union National Bank Building

for a change in zoning on the property located at the Southeast  
corner of 13th Street and Oliver

and described as follows: Beginning at a point 40' East and 50' South of the Northwest corner of the Northwest Quarter of Section 13, Township 27 S, R1E of the 6th P.M., thence East 1494.98' more or less to a point 310' West of the Northwest corner of Lot 1, Block 11, Second Addition to Lambsdale, Wichita, Kansas, thence with an angle to the right of  $90^{\circ}22'0''$ , thence with an angle to the right of  $14^{\circ}19'49.97''$  more or less to a point 310' from and measured at right angle to the westerly line of Lots 7, 9 and 10, Block 11, said Second Addition to Lambsdale, thence Southwesterly parallel to and 310' from the westerly line of said Lots 7, 9 and 10 extended, 890' more or less to a point 1190' South of the North line of Northwest Quarter of said Section 13, thence West parallel to said North line 289 feet more or less to a point 690' East of the West line of the Northwest Quarter of said Section 13, thence North parallel to said West line 557.24' more or less to a point 30' North of the South line of the North half of the North Half of the Northwest Quarter of said Section 13, thence West 650' to a point 30' North and 40' East of the Southwest Corner of the North Half of the North Half of the Northwest Quarter of Section 13, thence North 583' more or less to the place of beginning, in Sedgwick County, Kansas.

from the existing AA, A & LC District to the LC District.

This petition will be considered by the City Planning Commission at a hearing to be held on January 3, 1956 at 3:00p.m., Room 201, City Building, at which time you may appear, if you so desire, either in person or by agent or attorney.

J. Thomas Via  
SECRETARY, CITY PLANNING COMMISSION

Jessie L. & Ina L. Graham  
1403 N. Harding

Lawrence A. & Gladys F. Day  
2049 S. Bluff

James A. Weckel  
1408 N. Battin

Alpha S. & Nellie M. Hull  
1414 N. Battin

J. W. & Fanita Vaught  
2049 S. Waco

D. B. Dining  
307 N. Main

Russell M. & Martha R. McMullen, Jr.  
1411 N. Pinecrest

Charles A. Doolittle, Sr.  
331 N. Waco

William W. & Martha M. Stevens, Jr.  
1413 Old Manor (North)

Richard H. & Peggy N. Rush, Jr.  
1407 N. Old Manor

Charles A. & Vernita Chapman, Jr.  
2319 Shadybrook Drive

Cash C. & Faye Kiser  
1402 N. Harding

Leith J. & Rebeca Oglesby  
1408 N. Harding

John W. & Virlea B. Smith  
1414 N. Harding

Roy L. & Mary E. Nash  
1413 N. Battin

Chas M. & Junle L. Brown  
1407 N. Battin

Eva L. Murray  
1401 N. Battin

*Claude M. Lamb*  
621 Union Hall, Ark 1364

CITY PLANNING COMMISSION

City of Wichita, Kansas

NOTICE TO ADJOINING PROPERTY OWNERS

December 23 19 55

A petition has been filed by Claude R. Lambe

(Address) 621 Union National Bank Building

for a change in zoning on the property located at the Southeast  
corner of 13th Street and Oliver

and described as follows: Beginning at a point 40' East and 50' South of the Northwest corner of the Northwest Quarter of Section 13, Township 27 S, R1E of the 6th P.M., thence East 1494.98' more or less to a point 310' West of the Northwest corner of Lot 1, Block 11, Second Addition to Lambsdale, Wichita, Kansas, thence with an angle to the right of 90°220', thence with an angle to the right of 14°194.97 feet more or less to a point 310' from and measured at right angle to the westerly line of Lots 7, 9 and 10, Block 11, said Second Addition to Lambsdale, thence Southwesterly parallel to and 310' from the westerly line of said Lots 7, 9 and 10 extended, 890' more or less to a point 1190' South of the North line of Northwest Quarter of said Section 13, thence West parallel to said North line 289 feet more or less to a point 690' East of the West line of the Northwest Quarter of said Section 13, thence North parallel to said West line 557.24' more or less to a point 30' North of the South line of the North half of the North Half of the Northwest Quarter of said Section 13, thence West 650' to a point 30' North and 40' East of the Southwest Corner of the North Half of the North Half of the Northwest Quarter of Section 13, thence North 583' more or less to the place of beginning, in Sedgwick County, Kansas.

from the existing AA, A & LC District to the LC District.

This petition will be considered by the City Planning Commission at a hearing to be held on January 3, 1956 at 3:00p.m., Room 201, City Building, at which time you may appear, if you so desire, either in person or by agent or attorney.

J. Thomas Via  
SECRETARY, CITY PLANNING COMMISSION

**THE CITY OF WICHITA**

**OFFICE OF**

**ENGINEERING DIVISION**

**DATE** January 11, 1956. *Put with Lambie zoning petition JSL*

**TO** Mr. J. Thomas Via, Planning Director

**FROM** B. E. Smith, City Engineer

**SUBJECT** Drainage at the Southeast  
Corner of 13th Street and  
Oliver Street.

Please refer to your memo of January 6, 1956, concerning the above matter.

On Monday, January 9, 1956, Mr. Jay Esco, Attorney, and Mr. James Beckett, representing Mr. Claude Lambe, appeared at my office and discussed the drainage proposition in connection with the request for zoning change at Oliver Street and 13th Street.

It seems that there is considerable pressure involved in this matter which stems from the time element. In order to relieve this condition, the petitioner suggested that a consulting engineer be retained by the petitioner for the purpose of determining the feasibility of a water retention plan along with the comparative costs of several plans. At this meeting, it was indicated that the petitioner would be willing to spend the money necessary to install water retention facilities as required by the City Engineer.

It is probably feasible to construct a lagoon on the petitioner's property which would retain the increased runoff caused by the paving of some twenty-five acres of the area. If such a plan were developed and construction completed, certainly some agreement should be made relative to the maintenance of the finished project, as I feel that such responsibility should not be assumed by the Maintenance Division of the Service Department. I should also like to point out that in this case, as in the case of all water retention projects, there is usually sometime during its existence that the lagoon would be full when extremely heavy rain occurred. Under such circumstance, the plan would be totally inoperative. In all fairness, I should also like to point out that a heavy rain occurring after a prolonged period of rainfall could create conditions which would make possible a 100% runoff from this area regardless of whether or not the area is paved.

Conclusion


It is my opinion that the petitioner is willing to comply with the requirements of the City relative to the runoff

Mr. J. Thomas Via, p. 2.

January 11, 1956.

problem. I am certain that the downstream situation on Dry Creek is so critical that the residents in the area affected downstream certainly would object to any change in the drainage area beyond normal development unless means were taken to protect them. It is my firm opinion that the real way to solve this problem is to improve Dry Creek throughout its length. Such a solution seems to be ruled out in this case due to the time element. I am certain that you realize that the improvement of Dry Creek would result in the expenditure of many hundreds of thousands of dollars and would require extensive right-of-way acquisition by condemnation proceedings. The improvement of Dry Creek has been previously submitted to the City Commission, and no Commission has been willing to spend the money involved or create the benefit districts necessary to finance the project.

If the consulting engineer retained by the petitioner submits a plan prior to January 17, 1956, the Engineering Department will evaluate it for the meeting of the Planning Commission on that date.

  
B. E. Smith,  
City Engineer.

BES-LS

cc  
Mr. George J. Fisher

COOPER, ESCO, COOPER & FOSTER  
ATTORNEYS AT LAW  
510 WHEELER-KELLY-HAGNY BUILDING  
WICHITA, KANSAS

LLOYD F. COOPER  
W. JAY ESCO  
DALE H. COOPER  
RALPH B. FOSTER

TELEPHONE  
FOREST 3-8231

January 24, 1956

Mr. Thomas J. Via  
Director Planning Commission  
City Building  
Wichita, Kansas

Re: Lamsdale Shopping Center,  
13th and Oliver, Wichita,  
Kansas.

Dear Mr. Via:

We have, as you are well aware, at each instance urged the Commission to make a decision in captioned matter at the earliest possible time and, again, I wish to urge upon you and the Commission that time is of the essence in this matter.

With the above in mind I wish to direct your attention to the last sentence in paragraph numbered six of the request of the Zoning Committee, paragraph six being as follows:

"The Committee is informed that the City Engineer has approved the feasibility of the idea of constructing a storage dam to hold excess run off anticipated from the proposed construction. The details relative to legal procedure in accomplishing and assuring the maintenance of such a facility need to be worked out."

Will you please submit such requests for the details to the legal department now, if it has not already been done, in order that such will not produce further delay in this matter?

Yours very truly,

COOPER, ESCO, COOPER & FOSTER

1. Dedication of easement to city to cover area of water & dam for drainage, flooding & water sewer purposes.
2. Agreement to build & pay for within length of time to certain specs.



3. Agreement to maintain & covenant to save city harmless  
from any claim by reason of said dam or said  
pond guaranteed by large reputable bonding  
company.  
or deposit with city treasurer \_\_\_\_\_ dollars to  
guarantee city.  
Recordable instrument encumbering all this land.



RAY F. MOSELEY, PRESIDENT  
RAY F. MOSELEY, JR., VICE PRES.  
FRANK W. MOSELEY, VICE PRES.

FRANK W. TOBENER (1923-1952)  
EDWIN H. WARNER  
A. E. SWEARINGEN  
HARVEY D. POLLARD  
LESLIE A. WELCH, JR.  
JOHN TAYLOR III

## MOSELEY & COMPANY

REAL ESTATE BROKERS

*"Nothing but Business Properties"*  
*Retail - Wholesale - Industrial*  
*Over 40 Years of Service*

4<sup>TH</sup> FLOOR TRADERS NATIONAL BANK BUILDING  
1111 GRAND AVENUE  
KANSAS CITY 6, Mo.  
PHONES VICTOR 2-7765

MEMBERS OF  
REAL ESTATE BOARD  
OF KANSAS CITY  
NATIONAL ASSOCIATION  
OF REAL ESTATE BOARD  
NATIONAL INSTITUTE OF  
REAL ESTATE BROKERS  
SOCIETY OF INDUSTRIAL  
REALTORS  
THE CHAMBER OF COMMERCE  
OF KANSAS CITY, MO.

February 2, 1956

SUBJECT: Lamsdale Shopping Center - Wichita, Kansas

Claude R. Lambe Company  
621 Union National Bank Bldg.  
Wichita 2, Kansas

Attention: Mr. Claude R. Lambe

Dear Mr. Lambe:

I have thought a great deal about the situation as it exists with the City Planning Commission regarding zoning the site at 13th and Oliver Streets. I think there are two or three things that should be said in this regard.

First, our entire development program for your property has been based on 25 acres and we still firmly feel that 25 acres is the most desirable for a completely integrated center.

Second, I don't think the Zoning Commission should be reluctant to zone the 25 acres when they have zoned other areas previously for such developments without securing as much proof beforehand that the same would be built as we have presented them on your behalf.

Lastly, we have to advise you that we must have 25 acres zoned. It might be possible to still hold our tenants and build the same type of quality center as well as finance same if the zoning board were agreeable to zoning the 19 or 20 acres "Lc" and the balance of 5 or 6 acres with a "B" zoning to permit parking, providing that the zoning board were to give us a letter stating that when the 180,000 square feet of buildings are built or that evidence is shown that it is in the process of being built, that the additional 5 or 6 acres would also be zoned.

### *Going Businesses Bought and Sold*

All information furnished regarding property for sale or lease, is from sources deemed reliable; but no warranty or representation is made as to the accuracy thereof and same is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale or lease, or withdrawal without notice.  
LOCATIONS IN ALL PRINCIPAL CITIES

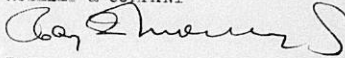
PAGE NO. 2      DATE February 2, 1956

CONTINUATION OF LETTER TO Claude R. Lambe Company

I am enclosing the letter we have written addressed to the zoning committee, answering the questions we discussed today at the meeting. I am also enclosing a true photostatic copy of the letter from Massachusetts Mutual Life Insurance Company agreeing to finance this center. I showed the original of this letter to Mr. Don Enoch and Mr. Tom Via at the meeting today. Regards.

Yours very truly,

MOSELEY & COMPANY



By: Vice President

Ray F. Moseley, Jr.  
bm  
Encls.



RAY F. MOSELEY, PRES.  
RAY F. MOSELEY, JR., V.P.  
FRANK W. MOSELEY, V.P.

FRANK W. TOBENER (1923-1982)  
EDWIN H. WARNER  
A. E. SWEARINGEN  
HARVEY D. POLLARD  
LESLIE A. WELCH, JR.  
JOHN TAYLOR III

*New Address*  
Traders National Bank Bldg.  
4th Floor - 1111 Grand Avenue

## MOSELEY & COMPANY

REAL ESTATE BROKERS

*"Nothing but Business Properties"*  
*Retail - Wholesale - Industrial*  
*Over 40 Years of Service*

SUITE III INSURANCE EXCHANGE BUILDING  
21 WEST TENTH STREET

PHONES VICTOR 7765

KANSAS CITY 5, Mo.

MEMBERS OF  
REAL ESTATE BOARD  
OF KANSAS CITY  
NATIONAL ASSOCIATION  
OF REAL ESTATE BOARDS  
NATIONAL INSTITUTE OF  
REAL ESTATE BROKERS  
SOCIETY OF INDUSTRIAL  
REALTORS  
THE CHAMBER OF COMMERCE  
OF KANSAS CITY, MO.

January 23, 1956

SUBJECT: Lambsdale Shopping Center - Wichita, Kansas

Zoning Committee  
City of Wichita  
204 South Main St.  
Wichita, Kansas

Gentlemen:

We would like to take this opportunity to answer the questions that were raised by the Zoning Committee during the City Planning Commission's meeting of January 17, 1956.

1. The Committee would like to review copies of the lease.

- (A) We have examined, reviewed and studied numerous large centers around the country and in no instance have executed leases been secured to our knowledge before zoning had been obtained.

Tenants, especially national concerns, will not take the time or spend the money to negotiate firm leases on a project before proper zoning for business is acquired.

Such negotiations are unnecessarily lengthy and expensive and there are many offerings made where zoning has already been secured.

### *Going Businesses Bought and Sold*

All information furnished regarding property for sale or lease, is from sources deemed reliable; but no warranty or representation is made as to the accuracy thereof and same is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale or lease, or withdrawal without notice.

LOCATIONS IN ALL PRINCIPAL CITIES

PAGE NO. 2 DATE January 23, 1956

CONTINUATION OF LETTER TO Zoning Committee

- (B) Terms and conditions of such leases are not normally made a matter of public record.

Tenants again, especially national concerns, would object to this for competitive reasons and other factors.

- (C) A review and approval of specific leases by the zoning committee is not in accordance with established and normal procedure for the developing of shopping centers.

Firm leases, financing, construction of such development must necessarily follow approval of the use of the land for business purposes.

- (D) Because Mr. Lambe had advised our company that the zoning committee was desirous of knowing that this center was advisable and was a certainty if zoned, we secured signed commitments from a few major diversified tenants to prove the interest in leasing space in this center. This initial step is normally taken after zoning has been secured.

2. Review of letter from financial group loaning the money for this construction.

- (A) No objection to review by the committee of the tentative approval for financing. Here again the financing company cannot make definite commitments until leases are signed and leases cannot be signed until property is zoned for business. All leases are subject to the careful review by the lending agency before a definite commitment is made.

- (B) It is impossible to secure a firm commitment before leases, rentals, and the economic structure of a center are presented.

To secure this letter from Massachusetts Mutual Life Insurance Co., indicating their willingness to finance this center, it was necessary to present them with a complete analysis of the project - which we have done.

PAGE NO. 3 DATE January 23, 1956

CONTINUATION OF LETTER TO Zoning Committee

This analysis presented size, type of occupancy, term of leases, name of tenants, rental income, as well as land and building costs, site preparation, etc.. Based on this analysis, we were advised by their letter that the project was economically sound and they were willing to finance same.

3. Review of market analysis by committee.

- (A) No complete market analysis available, to my knowledge.
- (B) This market analysis has not been necessary in this instance for the following reasons.

1. Intensive growth in Northeast Wichita.
2. Excellent traffic pattern created by 13th and Oliver being two major roadways.
3. Unusually heavy interest manifested by national and local companies in this area and this site in particular. Willingness of tenants to commit leases totalling 10 to 20 years and rental obligations in excess of \$250,000.00 per year, in addition to rather substantial tenant leasehold expenditures and stock inventories.

4. Possibility of moving some of the proposed buildings to establish wider buffer zones.

- (A) We can agree to this review and proposed changes within reason. The only determining factor here is that the front parking must not be destroyed.

Moving the buildings a few feet one way or the other will not materially effect the overall project.

PAGE NO. 4      DATE      January 23, 1956

CONTINUATION OF LETTER TO      Zoning Committee

5. Establish service roads on both Oliver and 13th Streets.

The answer to this depends on what they mean by service roads. If this means entrance and exits, the original plan provides for this. Service roads or service lanes to permit easy and rapid flow of traffic to and from the street are provided for and shall be maintained.

This additional comment should be made. Considerable study has been made to prove the desirability and necessity of a completely integrated development on this site.

Actually, instead of leading and persuading national merchants to locate on this site, there exists the reverse situation where the merchants have encouraged and pushed the owner and ourselves to build this center.

Obviously the automobile has changed the buying habits of the consumer public. Large retailers are aware that to maintain appropriate business volume they must cater to public desire to shop as conveniently and easily as possible. Therefore, the transition from downtown shopping to suburban shopping.

Whether because of a farsightedness on the part of Claude R. Lambe or an indifferent attitude on developing this site, this large area remains available for a complete and appropriately planned development. The approval of this zoning will permit this development and at the same time permit the zoning committee to pursue their procedure in zoning more larger areas and fewer small ones, at the same time discouraging applications for strip zoning in this area because of the surroundings and size of this integrated development.

6. Legal procedure for maintenance of storage dam.

This should be entirely up to the law firm handling this case.

Yours very truly,

MOSELEY & COMPANY

By: 

Vice President

Ray F. Moseley, Jr./bm

# Massachusetts Mutual Life Insurance Company

SPRINGFIELD, MASSACHUSETTS

ORGANIZED 1851

DAYTON F. GLENN  
MANAGER  
HERBERT V. JONES, JR.  
ASSISTANT MANAGER  
GILBERT S. VORSELLER  
CARRIER

MORTGAGE LOAN AND REAL ESTATE AGENCY  
1007 FAIRFAX BUILDING  
KANSAS CITY, MISSOURI

KANSAS CITY, MO.  
January 31, 1956

RECEIVED

Mr. Ray Moseley, Jr.  
Moseley & Company  
Traders National Bank Building  
1111 Grand Avenue  
Kansas City, Missouri

M  
MOSELEY & COMPANY

Re: Lansdale Shopping Center

Dear Ray:

I have reviewed your brochure which your company has prepared in connection with the subject shopping center at 13th and Oliver Streets in Wichita, Kansas, and wish to assure you that we are very much interested in working with you in connection with the loan which will be required by the developers.

As you know, it is impossible for any insurance company to fix any set amount on the loan at this early date but the pattern in this case is, of course, very similar to the one involved in the Mission Shopping Center in Mission, Kansas, which our company made with you.

You are familiar with the prerequisites necessary to finance a successful center and the tenant list which you have furnished us of the tenants that are going in the Lansdale Shopping Center is an imposing one. These strong national chains and strong local merchants will qualify to our satisfaction and we are confident that such a center composed of such strong tenants will make it desirable for us to want to finance such a development.

After you have received the zoning and can commit further with your tenants we would like very much to take the next step with you in an effort to set up some financing on this project.

Yours very truly,

*Dayton F. Glenn*  
Manager

DFG:plk

IN OUR SECOND CENTURY OF SERVICE

February 13, 1956

Mr. Claude Lambe  
621 Union National Bank Building  
Wichita, Kansas

Dear Mr. Lambe:

Your petition to have the zoning changed from "AA",  
"A" and "LC" to "LC" at the following described loca-  
tion:

An irregular area at the southeast corner  
of 13th and Oliver,

was considered by the Planning Commission at its meeting  
on February 7, 1956, and after consideration and dis-  
cussion, it was the recommendation of the Planning Com-  
mission to the City Commission that this petition be ap-  
proved in part, in the following manner:

Change to "LC" an area beginning at a point 50  
feet south and 50 feet east of the northwest  
corner of northwest quarter of Section 13, Town-  
ship 27, Range 1 East of 6th P.M.; thence east 290  
feet; thence south 226 feet; thence east 660 feet;  
thence south 430 feet; thence west 240 feet; thence  
north to the intersection of a line lying 115 feet  
north of the center line of 12th Street extended  
east; thence west along such line 115 feet north of  
the center line of 12th Street, to a point 50 feet  
east of the center line of Oliver; thence north along  
a line parallel to and 50 feet east of the center  
line of Oliver to the point of beginning,

and that the balance of the area included in the  
petition be changed to "B" Multiple Family classifica-  
tion.

Sincerely,

J. Thomas Via  
Planning Director

JTV:br

COOPER, ESCO, COOPER & FOSTER  
ATTORNEYS AT LAW  
510 WHEELER-KELLY-HAGNY BUILDING  
WICHITA, KANSAS  
March 20, 1956

LLOYD F. COOPER  
W. JAY ESCO  
DALE H. COOPER  
RALPH B. FOSTER

TELEPHONE  
FOREST 3-8231

Mr. J. Thomas Via  
Planning Director  
City Planning Commission  
Wichita, Kansas

Re: Lamsdale Shopping Center,  
Wichita, Kansas.

Dear Mr. Via:

Will you please place on the agenda of the City Planning Commission, on their first meeting in April, 1956, the petition of Claude R. Lambe to zone an area at Thirteenth and Oliver, in Wichita, Kansas, for Lamsdale Shopping Center?

We would like captioned matter to appear on your agenda for that meeting even though a policy for the establishment of major shopping centers may not be formulated by that time. The same can always be continued to a date certain, in the event that you have not established such a policy as of that date.

Very truly yours,

COOPER, ESCO, COOPER & FOSTER

By *W. Jay Esc*

WJE:mv



May 24, 1956

Mr. Claude Lambe  
621 Union National Bank Building  
Wichita, Kansas

Dear Mr. Lambe:

Attached is a copy of a change in the Zoning Ordinance which relates to your proposed shopping center. In addition, there is also a copy of the Planning Commission policy which will guide in considering such zoning.

When you have submitted the information in accordance with this ordinance, the Planning Commission will again consider your zoning request.

Sincerely,

J. Thomas Via  
Planning Director

JTV:br  
Encl



*Claude R. Lambe Company*

*Oil Properties - Investments*  
SUITE 621 UNION NATIONAL BANK BLDG.  
*Wichita 2, Kansas*

June 12, 1956.

Wichita Planning Commission,  
Wichita, Kansas.

Attention of  
Mr. J. Thomas Via, Director.

Gentlemen:

We are submitting for your approval the perspective drawing and site plan for the Lamsdale Shopping Center to be located at the southeast corner of the intersection of two major section-line trafficways, Thirteenth Street and Oliver.

Our schedule of construction will be approximately as follows:

1. Main east and west building, ground floor area 126,882 square feet. Construction to start on or before 30 months from date zoning is effective. Completion to be not later than 42 months from same date.
2. Remodeling of present Lambe residence (200 feet long, 4000 square feet) into medical building. Construction to start on or before 36 months from date zoning is effective. Completion to be not later than 42 months from same date.
3. Separate north and south building, ground floor area 45,000 square feet. Construction to start on or before 42 months from date zoning is effective. Completion to be not later than 54 months from same date.

After having spent five years of deliberate study on our part and planning by nationally known engineers we feel justly proud of the LAMSDALE SHOPPING CENTER plan. We are confident this well-balanced center will fit harmoniously into the adjacent surroundings and will be a much-desired and needed development for this rapidly growing Northeast section. The tremendous potential of this Northeast area assures it's economic success.

We feel that we have given all of the necessary information to assist the governing bodies to arrive at a favorable decision, but in case any further data is required we would appreciate being notified at once to prevent further

June 12, 1956

needless delay of this project. Thanking you, we are,

Yours very truly,

CRL/NE

*Claude R. Lambie*

CLAUDE LAMBE, petition - Southeast corner of Oliver and 13th  
Minutes of July 17, 1956

The director pointed out that the following information should be submitted prior to further consideration of this request for zoning:

1. A survey and proposed solution relative to traffic would have to be submitted, indicating the quantity and direction from which traffic will come. The circulation of traffic within the proposed center should be indicated on the plan.
2. The type of surfacing should be indicated on the plan.
3. A proposed structural scheme as backbone for screening around the center should be indicated for the south and east, and the extent and type of beautification treatment should be indicated for the north and west.
4. The building indicated farthest east on the plat is too close to 13th Street in order that residential property on the north side of 13th Street may have proper protection.
5. If the plan is to be a stage program, then each stage should indicate the amount of parking area to be completed, screening and traffic solution.

CLAUDE LAMBE, petition - Southeast corner of Oliver and 13th  
Minutes of July 17, 1956

The director pointed out that the following information should be submitted prior to further consideration of this request for zoning:

1. A survey and proposed solution relative to traffic would have to be submitted, indicating the quantity and direction from which traffic will come. The circulation of traffic within the proposed center should be indicated on the plan.
2. The type of surfacing should be indicated on the plan.
3. A proposed structural scheme as backbone for screening around the center should be indicated for the south and east, and the extent and type of beautification treatment should be indicated for the north and west.
4. The building indicated farthest east on the plat is too close to 13th Street in order that residential property on the north side of 13th Street may have proper protection.
5. If the plan is to be a stage program, then each stage should indicate the amount of parking area to be completed, screening and traffic solution.

CLAUDE LAMBE, petition - Southeast corner of Oliver and 13th

Minutes of July 17, 1956

The director pointed out that the following information should be submitted prior to further consideration of this request for zoning:

1. A survey and proposed solution relative to traffic would have to be submitted, indicating the quantity and direction from which traffic will come. The circulation of traffic within the proposed center should be indicated on the plan.
2. The type of surfacing should be indicated on the plan.
3. A proposed structural scheme as backbone for screening around the center should be indicated for the south and east, and the extent and type of beautification treatment should be indicated for the north and west.
4. The building indicated farthest east on the plat is too close to 13th Street in order that residential property on the north side of 13th Street may have proper protection.
5. If the plan is to be a stage program, then each stage should indicate the amount of parking area to be completed, screening and traffic solution.



*Claude R. Lambe Company*

*Oil Properties - Investments*  
SUITE 621 UNION NATIONAL BANK BLDG.  
*Wichita 2, Kansas*

June 19, 1956.

Mr. J. Thomas Via, Director,  
Wichita Planning Commission,  
Wichita, Kansas.

Dear Mr. Via:

We are enclosing the specifications for the plantings for the buffer area around the LAMSDALE Shopping Center. We are greatly indebted to Mr. Firsching of the Wichita Park Department for many of the suggestions used in the plan and for the types of trees and hedges used.

From the beginning Mr. Lambe has been insistent on an abundance of high quality plantings as he feels that proper landscaping will be a decided asset for LAMSDALE and the surrounding community, to create a homey, park-like setting. The centers in other cities which we have admired the most are the ones which have used generous and attractive landscaping.

Any other suggestions as to the improvement of our buffer zone will be greatly appreciated.

Yours very truly,

CLAUDE R. LAMBE COMPANY

*James Beckett.*





*Claude R. Lambe Company*

*Oil Properties - Investments*

SUITE 621 UNION NATIONAL BANK BLDG.

*Wichita 2, Kansas*

PLANTINGS FOR BUFFER AREA AROUND LAMSDALE  
SHOPPING CENTER

1. Six foot steel Cyclone fence, (similar to fence around McDonald Park), with steel posts set in concrete, on the inside of the buffer zone along the east border from 13th Street to Lamsdale Drive. Also on the inside of the buffer zone on the north side of 12th Street from Oliver to the east line of Harding.
2. Bolleanea Poplar trees of a height of 5 feet, spaced 3 feet apart, to be planted along the east border from 13th Street to Lamsdale drive and located next to the steel fence.
3. Cannaert Junipers four to five feet in height and spaced four to five feet apart to be planted in a four-foot wide bed on the extreme outside boundary of the buffer zone along the entire east, southeast and south border from 13th Street around to the east line of Harding Ave. thence north along the east line of Harding to the north line of 12th Street
4. Japanese Pagoda trees seven to eight feet high to be planted in a staggered fashion and fifty feet apart in the space between the row of Bolleanea Poplar trees and the Cannaert Junipers, in the 50 foot buffer zone from 13th Street south to Lamsdale Drive. End trees to be placed 25 feet from the 13th Street and Lamsdale Drive property line.
5. Purple-leaf Plum trees four to five feet high to be planted in a straight row in the space on the inside of the Cannaert Junipers in the buffer zone along the southeast and south border from Lamsdale Drive around to Harding Ave., thence north along the east line of Harding to the north line of 12th Street. Trees to be spaced 25 feet apart and end trees to be spaced 12½ feet from the ends of the zone.
6. Golden Rain trees six to seven feet high to be planted 30 feet apart in the buffer zone on the north side of 12th Street from Oliver to the east line of Harding Ave. End trees to be placed 15 feet from the ends of the zone.
7. Vine Honeysuckle to be planted three to four feet apart along the Oliver Avenue and the 13th Street frontage and maintained by clipping to a height of two feet.
8. Grass to be planted and maintained in all areas of the buffer zones which are not occupied by the aforementioned plantings or beds.

- Page Two -

PLANTINGS FOR BUFFER AREA AROUND LAMESDALE SHOPPING CENTER

9. Maintenance - All trees, plants and grass to be maintained in a neat and efficient manner by the proper mowing, watering, fertilizing and trimming.
10. Any trees, plants or grass which die are to be promptly replaced and trees or plants are to be replaced by other trees or plants of a size sufficient to match the existing trees or plants.

1-10-57

Frome says this description  
checks with the plot plans.

7-24-56  
B.C.C. asked  
C.P.C. to have  
area come  
under old  
policy of 6  
acres

July 19, 1956

Board of City Commissioners  
City Building  
Wichita, Kansas

Re: Petition to change from "AA", "A",  
and "IC" to "LC" an area beginning  
at a point 40 feet east and 50 feet  
south of the northwest corner of the  
northwest quarter of Section 13,  
Township 27 South, Range 1 East of  
6th P.M.; thence east 1494.98 feet,  
more or less, to a point 310 feet  
west of the northwest corner of Lot  
1, Block 11, 2nd Addition to Lambs-  
dale, thence with an angle to the  
right of 90° 220 feet, thence with  
an angle to the right of 14° 194.97  
feet, more or less, to a point 310  
feet from and measured at right  
angles to the westerly line of Lots  
7, 9, and 10, Block 11, said 2nd  
Addition to Lambsdale; thence south-  
westerly parallel to and 310 feet  
from the westerly line of said Lots  
7, 9, and 10 extended 890 feet, more  
or less, to a point 1190 feet south  
of the north line of northwest quarter  
of said Section 13; thence west parallel  
to said north line 289 feet, more or  
less, to a point 690 feet east of the  
west line of the northwest quarter of  
said Section 13; thence north parallel  
to said west line 557.24 feet, more or  
less, to a point 30 feet north of the  
south line of the north half of the  
north half of the northwest quarter of  
said Section 13, thence west 650 feet  
to a point 30 feet north and 40 feet  
east of the southwest corner of the  
north half of the north half of the  
northwest quarter of Section 13; thence  
north 583 feet, more or less, to the  
place of beginning - southeast corner  
of 13th Street and Oliver

Page 2 - Board of City Commissioners  
July 19, 1956

At its meeting on July 17, 1956, the Planning Commission discussed the above zoning petition.

This petition is one of the first to be reviewed under the unit plan for major shopping centers. It was noted from the discussion, that information relative to the traffic solution was insufficient in order to determine final requirements, and that no market analysis was submitted relative to this project.

In reviewing the proposed plan, it was noted also that the basic part of any screening used for the protection of adjoining property should be structural in nature in order to more adequately assure its permanence, letting shrubbery and other plant material be added to enhance its beauty.

After discussion, the Planning Commission went on record that such a location for such a major shopping center of the size proposed, could fit into the overall plans of the community and could be approved when plans have been completed to meet necessary requirements.

This action is forwarded for the information of the Board of City Commissioners in order that they may be cognizant of the actions taken to date.

Respectfully submitted,

*J. Thomas Via*  
J. Thomas Via  
Planning Director

JTV:br



*Claude R. Lambe Company*

*Oil Properties Investments*

SUITE 621 UNION NATIONAL BANK BLDG.

*Wichita 2, Kansas*

December 8, 1956.

Wichita Planning Commission,  
Wichita, Kansas.

Attention of  
Mr. J. Thomas Via, Director.

Gentlemen:

We have submitted for your approval site plan showing the two phases in which we propose to construct the Lamsdals Shopping Center at the southeast corner of Thirteenth Street and Oliver.

Our schedule of construction will be approximately as follows:

1. Main east and west building, ground floor area 122,150 square feet. Construction to start on or before 30 months from date zoning is effective. Completion to be not later than 42 months from same date.
2. Separate north and south building, ground floor area 45,000 square feet and remodeling of present Lambe residence into medical building. Construction to start on or before 36 months from date zoning is effective. Completion to be not later than 48 months from same date.

The amount of parking area, entrances and screening to be completed with each phase are shown on the site plan, but in case any further data is required we would appreciate being notified at once.

Yours very truly,

*Claude R. Lambe*

Planning Commission meeting on January 15, 1957

Claude Lambe shopping center at southeast corner of 13th Street and Oliver.

Requirements

1. Show over all outside dimensions on the plot plan.
2. The lane widths as indicated on 13th and Oliver for moving traffic to be 12 feet for each lane rather than 11 feet. The use of a 4 foot medial strip rather than a 2 foot medial strip should be generally followed in the separation of the traffic along Oliver and 13th Street.
3. The petitioner will agree to bear the cost for the installation of the medial strip as indicated by the plot plan, as well as the additional width of pavement over 48 feet. The 48 foot pavement which is normal for major traffic street construction would be shared in the normal manner, by property owner and city at large in accordance with the regular procedure of the Board of City Commissioners.
4. Indicate a 3' 6" brick wall from 13th Street along the east and southeast of the shopping center, along the south from the southeast corner to Harding and north along Harding to 12th Street.
5. Indicate by symbol the portion of the plot plan to be completed on phase one and the portion to be completed on phase two, so that it can be readily determined as to how much each phase actually covers. Color designation will not be adequate. Indicate that the improvement of 13th Street and Oliver Street will be in conjunction with phase one.
6. The development of this center to be in accordance with revised Exhibits No. 1 and No. 2.
7. The development to be in accordance with the following time schedule:
  - (a) Phase one, as indicated on Exhibit No. 1, will be started within 24 months after the effective date of zoning and completed within 36 months of effective date of zoning.
  - (b) Phase two, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.

8. The area will be platted, at which time proper dedications would be made of additional right-of-way along Oliver and 13th Street. The minimum width of this dedication as indicated in the plat would be at least 50 feet.
9. A declaration of restrictions will be filed of record in the County Court House indicating that development will take place in accordance with Exhibit Nos. 1 and 2, indicating the construction time schedule, indicating the commitment of improvement of that portion of Oliver and 13th Street included within the plat, indicating the manner in which the deed restrictions may be modified, and indicating the manner in which the deed restrictions will be enforced. Evidence of such recording will be submitted prior to the time of passage of the resolution.
10. It was suggested, although not a requirement, that the parking bays in front of the proposed center be restudied in order to attempt to simplify traffic movement and parking layout.

Planning Commission meeting on January 15, 1957

Claude Lambe shopping center at southeast corner of 13th Street and Oliver.

Requirements

1. Show over all outside dimensions on the plot plan. *OK*
2. The lane widths as indicated on 13th and Oliver for moving traffic to be 12 feet for each lane rather than 11 feet. The use of a 4 foot medial strip rather than a 2 foot medial strip should be generally followed in the separation of the traffic along Oliver and 13th Street.
3. The petitioner will agree to bear the cost for the installation of the medial strip as indicated by the plot plan, as well as the additional width of pavement over 48 feet. The 48 foot pavement which is normal for major traffic street construction would be shared in the normal manner, by property owner and city at large in accordance with the regular procedure of the Board of City Commissioners. *X*
4. Indicate a 3' 6" brick wall from 13th Street along the east and southeast of the shopping center, along the south from the southeast corner to Harding and north along Harding to 12th Street.
5. Indicate by symbol the portion of the plot plan to be completed on phase one and the portion to be completed on phase two, so that it can be readily determined as to how much each phase actually covers. Color designation will not be adequate. Indicate that the improvement of 13th Street and Oliver Street will be in conjunction with phase one.
6. The development of this center to be in accordance with revised Exhibits No. 1 and No. 2.
7. The development to be in accordance with the following time schedule:
  - (a) Phase one, as indicated on Exhibit No. 1, will be started within 24 months after the effective date of zoning and completed within 36 months of effective date of zoning. *✓*
  - (b) Phase two, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.

8. The area will be platted, at which time proper dedications would be made of additional right-of-way along Oliver and 13th Street. The minimum width of this dedication as indicated in the plat would be at least 50 feet.
9. A declaration of restrictions will be filed of record in the County Court House indicating that development will take place in accordance with Exhibit Nos. 1 and 2, indicating the construction time schedule, indicating the commitment of improvement of that portion of Oliver and 13th Street included within the plat, indicating the manner in which the deed restrictions may be modified, and indicating the manner in which the deed restrictions will be enforced. Evidence of such recording will be submitted prior to the time of passage of the resolution.
10. It was suggested, although not a requirement, that the parking bays in front of the proposed center be re-studied in order to attempt to simplify traffic movement and parking layout.

WICHITA CITY PLANNING COMMISSION  
CITY BUILDING • WICHITA, KANSAS

*To be considered  
as yellow copy*

January 18, 1957

Board of City Commissioners  
City Building  
Wichita, Kansas

Re: Petition to change from "AA", "A", and "LC" to "LC" an area beginning at a point 40 feet east and 50 feet south of the northwest corner of the northwest quarter of Section 13, Township 27 South, Range 1 East of 6th P.M.; thence east 1494.98 feet, more or less, to a point 310 feet west of the northwest corner of Lot 1, Block 11, 2nd Addition to Lambdale, thence with an angle to the right of  $90^{\circ}$  220 feet, thence with an angle to the right of  $14^{\circ}$  194.97 feet, more or less, to a point 310 feet from and measured at right angles to the westerly line of Lots 7, 9, and 10, Block 11, said 2nd Addition to Lambdale; thence southwesterly parallel to and 310 feet from the westerly line of said Lots 7, 9, and 10 extended 890 feet, more or less, to a point 1190 feet south of the north line of northwest quarter of said Section 13; thence west parallel to said north line 289 feet, more or less, to a point 690 feet east of the west line of the northwest quarter of said Section 13; thence north parallel to said west line 557.24 feet, more or less, to a point 30 feet north of the south line of the north half of the north half of the northwest quarter of said Section 13, thence west 650 feet to a point 10 feet north and 40 feet east of the southwest corner of the north half of the north half of the northwest quarter of Section 13; thence north 583 feet, more or less, to the place of beginning - south-east corner of 13th Street and Oliver

Gentlemen:

At its meeting on January 18, 1957, the Planning Commission considered the above zoning petition. This petition had previously been considered by the Planning Commission on July 17, 1956, after which time

the Planning Commission indicated that such a location for a major shopping center could meet general policy conditions as adopted by the Planning Commission for such centers, provided the petitioner was able to submit satisfactory detailed information.

The petitioner has submitted a market survey, a traffic study and a revised plot plan in conjunction with the proposed development, to indicate the manner of development.


After discussion, it was the unanimous recommendation of the Planning Commission to the Board of City Commissioners that this petition be approved for a major shopping center in accordance with Section 21-24B of the zoning ordinance, with the following conditions:

1. The petitioner will agree to bear the cost for the installation of the medial strip as indicated by the plot plan, as well as the additional width of pavement over 48 feet. The 48 foot pavement which is normal for major traffic street construction would be shared in the normal manner by the property owner and city at large, in accordance with the regular procedure of the Board of City Commissioners. *OK*
- #1 → #2 # The installation of any lights in conjunction with the development are to be reflected away from the adjoining property to the shopping center. *OK*
3. The development of this center will be in accordance with the revised Exhibits No. 1 and No. 2.
4. The development will be in accordance with the following time schedule:
  - (a) Phase one, as indicated on Exhibit No. 1, will be started within 24 months after the effective date of zoning and completed within 36 months of effective date of zoning. *amended OK*
  - (b) Phase two, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.
5. The area will be platted, at which time proper dedications would be made of additional right-of-way along Oliver and 13th Street. The minimum width of this dedication as indicated in the plat would be 50 feet. *done*

Page 3 - Board of City Commissioners  
January 18, 1957

6. A declaration of restrictions will be filed of record in the Register of Deeds office in the County Court House indicating that the development will take place in accordance with Exhibit No. 1 and No. 2, indicating the construction time schedule, indicating the commitment of improvement of that portion of Oliver and 13th Street included within Exhibit No. 1, indicating the manner in which the deed restrictions may be modified and indicating the manner in which the deed restrictions will be enforced. Evidence of such recording will be submitted prior to the time of passage of the zoning resolution.

Respectfully submitted,

  
J. Thomas Via  
Planning Director

JTV:br

Show on Exhibit

1. Details of improvements on public right-of-way to be made in accordance with City Engineers specifications.
2. Wall 4 feet high instead of 6½ feet in front of building setback line on Oliver.

-----

1. The petitioner will agree to bear the cost for the installation of the medial strip as indicated by the plot plan, as well as the additional width of pavement over 48 feet. The 48 foot pavement which is normal for major traffic street construction would be shared in the normal manner by the property owner and city at large, in accordance with the regular procedure of the Board of City Commissioners.

The funds necessary to cover the cost of the medial strips and the additional pavement width as specified in condition #1 above, be deposited in escrow with the City Treasurer before a contract is awarded for construction of the pavement.

The details of design of all improvements on city street rights-of-way are to be approved by the City Engineer.

2. The fence along the south side of the property (12th Street) is to be reduced in height to four feet (4') from the east property line of Oliver to the setback line east of Oliver.
3. The installation of any lights in conjunction with the development are to be reflected away from the adjoining property to the shopping center.
4. The development of this center will be in accordance with the revised Exhibits No. 1 and No. 2.
5. The development will be in accordance with the following time schedule:
  - (a) Phase one, as indicated on Exhibit No. 1, will be started within 24 months after the effective date of zoning and completed within 36 months of effective date of zoning.
  - (b) Phase two, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.

6. The area will be platted, at which time proper dedications would be made of additional right-of-way along Oliver and 13th Street. The minimum width of this dedication as indicated in the plat would be 50 feet.
7. A declaration of restrictions will be filed of record in the Register of Deeds office in the County Court House indicating that the development will take place in accordance with Exhibit No. 1 and No. 2, indicating the construction time schedule, indicating the commitment of improvement of that portion of Oliver and 13th Street included within Exhibit No. 1, indicating the manner in which the deed restrictions may be modified and indicating the manner in which the deed restrictions will be enforced. Evidence of such recording will be submitted prior to the time of passage of the zoning resolution.

WICHITA CITY PLANNING COMMISSION  
CITY BUILDING • WICHITA, KANSAS

January 18, 1957

Board of City Commissioners  
City Building  
Wichita, Kansas

Re: Petition to change from "AA", "A", and "LC" to "LC" an area beginning at a point 40 feet east and 50 feet south of the northwest corner of the northwest quarter of Section 13, Township 27 South, Range 1 East of 6th P.M.; thence east 1494.98 feet, more or less, to a point 310 feet west of the northwest corner of Lot 1, Block 11, 2nd Addition to Lambdale, thence with an angle to the right of  $90^{\circ}$  220 feet, thence with an angle to the right of  $14^{\circ}$  194.97 feet, more or less, to a point 310 feet from and measured at right angles to the westerly line of Lots 7, 9, and 10, Block 11, said 2nd Addition to Lambdale; thence southwesterly parallel to and 310 feet from the westerly line of said Lots 7, 9, and 10 extended 890 feet, more or less, to a point 1190 feet south of the north line of northwest quarter of said Section 13; thence west parallel to said north line 289 feet, more or less, to a point 690 feet east of the west line of the northwest quarter of said Section 13; thence north parallel to said west line 557.24 feet, more or less, to a point 30 feet north of the south line of the north half of the north half of the northwest quarter of said Section 13, thence west 650 feet to a point 30 feet north and 40 feet east of the southwest corner of the north half of the north half of the northwest quarter of Section 13; thence north 583 feet, more or less, to the place of beginning - south-east corner of 13th Street and Oliver

Gentlemen:

At its meeting on January 15, 1957, the Planning Commission considered the above zoning petition. This petition had previously been considered by the Planning Commission on July 17, 1956, after which time

Page 2 - Board of City Commissioners  
January 18, 1957

the Planning Commission indicated that such a location for a major shopping center could meet general policy conditions as adopted by the Planning Commission for such centers, provided the petitioner was able to submit satisfactory detailed information.

The petitioner has submitted a market survey, a traffic study and a revised plot plan in conjunction with the proposed development, to indicate the manner of development.


After discussion, it was the unanimous recommendation of the Planning Commission to the Board of City Commissioners that this petition be approved for a major shopping center in accordance with Section 21-24B of the zoning ordinance, with the following conditions:

1. The petitioner will agree to bear the cost for the installation of the medial strip as indicated by the plot plan, as well as the additional width of pavement over 48 feet. The 48 foot pavement which is normal for major traffic street construction would be shared in the normal manner by the property owner and city at large, in accordance with the regular procedure of the Board of City Commissioners.
2. The installation of any lights in conjunction with the development are to be reflected away from the adjoining property to the shopping center.
3. The development of this center will be in accordance with the revised Exhibits No. 1 and No. 2.
4. The development will be in accordance with the following time schedule:
  - (a) Phase one, as indicated on Exhibit No. 1, will be started within 24 months after the effective date of zoning and completed within 36 months of effective date of zoning.
  - (b) Phase two, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.
5. The area will be platted, at which time proper dedications would be made of additional right-of-way along Oliver and 13th Street. The minimum width of this dedication as indicated in the plat would be 50 feet.

Page 3 - Board of City Commissioners  
January 18, 1957

6. A declaration of restrictions will be filed of record in the Register of Deeds office in the County Court House indicating that the development will take place in accordance with Exhibit No. 1 and No. 2, indicating the construction time schedule, indicating the commitment of improvement of that portion of Oliver and 13th Street included within Exhibit No. 1, indicating the manner in which the deed restrictions may be modified and indicating the manner in which the deed restrictions will be enforced. Evidence of such recording will be submitted prior to the time of passage of the zoning resolution.

Respectfully submitted,

  
J. Thomas Via  
Planning Director

JrV:br

**THE CITY OF WICHITA**

**OFFICE OF DIRECTOR OF SERVICE**

**DATE** January 25, 1957

**TO** Frank H. Beckstrom, City Manager

**FROM** Geo. J. Fisher, Director of Service

**SUBJECT** Petitioned Zoning Change--  
Southeast corner Oliver and  
Thirteenth

The agenda for the City Commission meeting on January 29, 1957 contains an item concerning the recommendation of the Planning Commission to the Board of City Commissioners that the petition for the re-zoning of an area at the southeast corner of Oliver and Thirteenth be approved for a major shopping center.

Upon review of the recommendations as contained in Mr. Via's letter to the Board of City Commissioners dated January 18, 1957, I find that certain comments should be made concerning the conditions specified on Page 2 of the letter. These comments are:

1. Financial arrangements necessary for the fulfillment of condition #1 should be more clearly defined. When a property owner is required to pay for a separate special portion of the pavement, the funds to cover that cost should be placed in escrow before the contract for construction is awarded.
2. This Department cannot approve condition #3 because the driveways on exhibit #1 do not conform with the City driveway ordinance and because the street improvements have not been approved by the City Engineer. The only time the Service Department considered the layout as shown in exhibit #1 was in the very preliminary stages when our Traffic Engineer worked with Wilbur Smith and associates on the traffic aspects of their study. As far as I can determine, the Service Department, and particularly the Engineering Division, has never had the opportunity to review this layout and to offer suggestions or corrections concerning it. It is quite questionable in my mind whether or not the Planning Commission has the authority to designate street improvements or to approve driveway designs that do not conform with City ordinances.
3. The Engineering Division has brought up the question of drainage for the area and for the streets, particularly Thirteenth Street. There is no indication on the exhibits concerning solutions for this drainage problem and I think that this also is critical in connection with the final approval of the plan.

TO: Frank H. Backstrom, City Manager  
FROM: Geo. J. Fisher, Director of Service  
SUBJ: Petitioned Zoning Change--Oliver & Thirteenth

Page 2  
1-25-57

4. It is questionable whether the type "B" brick wall will meet the building code requirements for walls. It would be particularly preferable if the wall along the south side of the property were reduced to 3 feet 6 inches from the Oliver Street property line back to the front line of the building.

This brings up a general problem that should be resolved; a problem of closer coordination between the Service Department and the Planning Department in the solution of zoning and land use situations such as this one. It is my recommendation that all such plans involving driveways, street approaches, drainage and other engineering features bear the approval of the City Engineer and the Traffic Engineer before final adoption or final approval by the City Commission.

Geo. J. Fisher  
Director of Service

GJF:ct

cc: City Engineer  
Traffic Engineer

**THE CITY OF WICHITA**

**OFFICE OF** DIRECTOR OF SERVICE

**DATE** January 28, 1957

**TO** Frank H. Backstrom, City Manager

**FROM** Geo. J. Fisher, Director of Service

**SUBJECT** Petitioned Zoning Change--  
Southeast corner Oliver and  
Thirteenth

Mr. B. E. Smith, City Engineer; Mr. Tom Via, Planning Director; Mr. Claude Lamb, Mr. Beckett and the writer agree to the following additional conditions and request the City Commission to add them to the conditions given in Mr. Via's letter of January 18, 1957 to the City Commission:

1. The funds necessary to cover the cost of the medial strips and the additional pavement width as specified in condition #1 be deposited in escrow with the City Treasurer before a contract is awarded for construction of the pavement.
2. The details of design of all improvements on city street rights-of-way are to be approved by the City Engineer.
3. The fence along the south side of the property (12th Street) is to be reduced in height to four feet (4') from the east property line of Oliver to the set-back line east of Oliver.

  
Geo. J. Fisher  
Director of Service

GJF:ct

cc:  Planning Director  
 City Engineer

L. G. 2 0001 19.4

Oliver east 25'

wall 14'



**Claude R. Lambe Company**

*Oil Properties Investments*  
SUITE 621 UNION NATIONAL BANK BLDG.  
Wichita 2, Kansas

February 1, 1957.

*For agenda.*

Wichita Planning Commission,  
Wichita, Kansas.

Attention of  
Mr. J. Thomas Via, Director

Gentlemen:

We would like to be placed on the agenda of the Planning Commission meeting of February 19th for the purpose of discussing the time schedule requirements of the zoning granted us by the City Commission this week on our Thirteenth and Oliver location.

We would appreciate this being heard at this time so that we could file our Declaration of Restrictions, which we are most anxious to get done. Thanking you, I am,

Yours very truly,

*Claude R. Lambe*

*Extension of starting date of  
phase one app for 30 months  
instead of 24 by CPC 2-19-57*



*Appx ~~and~~ amended  
3-5-57 on next  
page*

February 26, 1957

Board of City Commissioners  
City Building  
Wichita, Kansas

Re: Petition to change from "AA",  
"A", and "LC" to "LC" an area  
beginning at a point 40 feet east  
and 50 feet south of the northwest  
corner of the northwest quarter of  
Section 13, Township 27 South, Range  
1 East of 6th P.M.; thence east  
1494.98 feet, more or less, to a  
point 310 feet west of the northwest  
corner of Lot 1, Block 11, 2nd Addi-  
tion to Lamsdale, thence with an  
angle to the right of 90° 220 feet,  
thence with an angle to the right  
of 14° 194.97 feet, more or less, to  
a point 310 feet from and measured  
at right angles to the westerly line  
of Lots 7, 9, and 10, Block 11, said  
2nd Addition to Lamsdale; thence  
southwesterly parallel to and 310  
feet from the westerly line of said  
Lots 7, 9, and 10 extended 890 feet,  
more or less, to a point 1190 feet  
south of the north line of northwest  
quarter of said Section 13; thence  
west parallel to said north line 289  
feet, more or less, to a point 690  
feet east of the west line of the  
northwest quarter of said Section  
13; thence north parallel to said  
west line 357.24 feet, more or less,  
to a point 30 feet north of the  
south line of the north half of the  
north half of the northwest quarter  
of said Section 13, thence west 650  
feet to a point 30 feet north and  
40 feet east of the southwest corner  
of the north half of the north half  
of the northwest quarter of Section  
13; thence north 583 feet, more or  
less, to the place of beginning -  
southeast corner of 13th Street and  
Olive.

Page 2 Board of City Commissioners  
February 26, 1957

Gentlemen:

At its meeting on February 19, 1957, the Planning Commission considered a request from Mr. Claude R. Lambe for a change in the time schedule of phase one in the proposed shopping center at the southeast corner of 13th Street and Oliver, as recommended by the Planning Commission on January 15, 1957, and approved by the Board of City Commissioners on January 22, 1957.

Mr. Lambe presented his reasons for such a change, in which he indicated that such an extension would facilitate working out financial arrangements.

After discussion, it was the unanimous recommendation of the Planning Commission to the Board of City Commissioners that requirement No. 4, as outlined in its action on January 15, 1957, and forwarded to the Board of City Commissioners on January 18, 1957, be amended to read as follows:

4. The development will be in accordance with the following time schedule:
  - (a) Phase one as indicated on Exhibit No. 1, will be started within 30 months after the effective date of zoning and completed within 36 months of effective date of zoning. 42
  - (b) Phase two, as indicated on Exhibit No. 1, will be started within 36 months of the effective date of zoning and completed within 54 months of the effective date of zoning.

Respectfully submitted,

J. Thomas Via  
Planning Director

JTV:br

SEWICK COUNTY, KANSAS  
FILED FOR RECORD AT  
3/25

APR 23 1937  
11495

MR. RUFUS E. BRENNING  
REGISTER OF DEEDS

DECLARATION OF RESTRICTIONS

The undersigned, Claude R. Lambe and Pauline Parks Lambe, husband and wife, being the owners of the real estate described as follows, to-wit:

Beginning at a point 60 feet East and 50 feet South of the Northwest corner of the Northwest Quarter of Section 13, Township 27 South, Range 1 East of the Sixth Principal Meridian, Thence East 1494.98 feet more or less to a point 310 feet West of the Northwest corner of Lot 1, Block 11, Second Addition to Lambsdale, Wichita, Kansas, thence with an angle to the right of 90° 220 feet, thence with an angle to the right of 140° 194.97 feet more or less to a point 310 feet from and measured at right angle to the westerly line of Lots 7, 9 and 10, Block 11, said Second Addition to Lambsdale, thence southwesterly parallel to and 310 feet from the westerly line of said Lots 7, 9 and 10 extended, 890 feet more or less to a point 1190 feet South of the North line of Northwest Quarter of said Section 13, thence west parallel to said North line 289 feet more or less to a point 690 feet east of the West line of the Northwest Quarter of said Section 13, thence North parallel to said west line 557.24 feet more or less to a point 30 feet North of the South line of the North Half of the North Half of the Northwest Quarter of said Section 13, thence West 650 feet to a point 30 feet North and 40 feet East of the Southwest corner of the North Half of the North Half of the Northwest Quarter of Section 13, thence North 583 feet more or less to the place of beginning, in Sedgwick County, Kansas,

hereby impose the following restrictions upon the use and occupancy of said real estate, which restrictions shall run for a period of thirty (30) years from the date hereof, shall be construed as running with the land and shall bind all subsequent owners, lessees and lienholders.

1. All structures, streets, drives, walks, parking area, loading zones, trees, shrubs and fences shall be constructed, repaired and maintained during the term hereof in accordance with Exhibits No. 1 and 2 attached to and made a part of these restrictions.

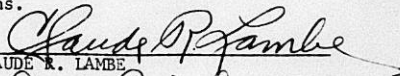
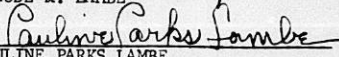
2. Development of the area shall proceed by commencement of Phase 1, shown by Exhibit No. 1, on or before the expiration of 30 months from the effective date of zoning said area for a major shopping center, and shall be completed within 42 months from the effective date of said zoning. Phase 2, shown by Exhibit No. 1, shall be commenced on or before the expiration of 36 months from said effective date of zoning and shall be completed within 54 months of the effective date of zoning.

3. Lights installed in connection with development of the area shall be reflected away from residential property adjoining the area.

4. Owners agree to bear the cost of paving in excess of 48 feet in width and the installing of medial strips in those portions of Oliver and 13 Streets abutting said addition, all as shown on Exhibit 1 attached. The 48 feet of pavement is normal for major traffic street construction and will be shared in the normal manner by the property owners and the city at large in accordance with the regular procedure of the Board of City Commissioners. The funds necessary to cover the cost of the medial strips and the cost of paving in excess of 48 feet in width shall be deposited in escrow with the City Treasurer before a contract is awarded for construction of the pavement.

5. These restrictions may be modified, altered or changed in any particular, or such restrictions may be removed altogether by written instrument executed by the undersigned owners, their heirs, successors or assigns; Provided written consent of the City of Wichita by its governing body is first obtained.

6. In addition to other remedies provided by law, enforcement of these conditions may be compelled with appropriate injunction proceedings by the City of Wichita or by any property owners whose property is adversely affected by non-compliance with these restrictions.

  
\_\_\_\_\_  
CLAUDE R. LAMBE  
  
\_\_\_\_\_  
PAULINE PARKS LAMBE

Book 344 Page 71

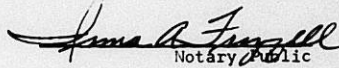
Book 394 Page 71

STATE OF KANSAS  
SEDGWICK COUNTY

ss.

BE IT REMEMBERED that on this 19<sup>th</sup> day of April, 1957, before me, a Notary Public in and for the County and State aforesaid, personally appeared Claude R. Lambe and Pauline Parks Lambe, husband and wife, who are known to me to be the same persons who executed the above and foregoing Declaration of Restrictions, and acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

  
Notary Public



My commission expires:

Nov 19, 1958

City Planning Commission  
City of Wichita  
Wichita, Kansas

RE: Agreement as to drainage in  
Fourth Addition to Lambsdale

Gentlemen:

In connection with the platting of the tract of land located on the southeast corner of 13th and Oliver Streets in the City of Wichita, Kansas, more particularly described as Fourth Addition to Lambsdale, Wichita, Kansas, we the undersigned, as owners of said land do hereby agree to construct at our sole cost and expense, concurrently with the construction of the improvements to be located on said land, a storm water sewer generally described as follows:

A five foot by four foot reinforced concrete box beginning on the north side of 13th Street, the center line of the box to be 850 feet east of the center line of Oliver Street, thence running south a distance of 750 feet, and from that point a seven foot by four foot reinforced concrete box running south to the south line of the property to be platted as Fourth Addition to Lambsdale, Wichita, Kansas, with the center line of said box to be 146 feet east of the west line of Harding Avenue extended, which point is the low point of the present open drainage,

all in accordance with plans and specifications approved by the City Engineer, City of Wichita, Kansas; provided, however, said storm water sewer line will be constructed at the time of, and in conjunction with the construction of the building improvements to be located on said land. It being understood that this obligation of the undersigned owners shall not be binding in event said building improvements presently planned should for any reason be not constructed, but if such improvements be not completed by October 1, 1962, the undersigned for themselves and for their successors in title, covenant and agree that this instrument shall on October 1, 1962 be and become a dedication to the public of a storm water sewer and drainage easement 90 feet in width, 45 feet of which shall lie on each side of the center line of the above described proposed box and they do further covenant and agree that they and their successors in title will, immediately after October 1, 1962 if the box sewer

improvements above described shall not then be completed, grade and shape at their sole expense and to the specifications of the City Engineer, a water way or channel across and along said easement.

Upon satisfactory completion of said box storm water sewer or such channel shaping, the City Engineer shall deliver a certificate of satisfactory completion to the undersigned. In addition, the undersigned owners hereby agree, at their sole cost and expense, to maintain in accordance with good engineering practice said entire storm water sewer, except for that portion thereof constructed and located in 13th Street. This obligation shall be a covenant running with the land and binding upon the parties hereto, their successors, heirs and assigns.

It is further agreed that in the event the owners should hereafter default in the satisfactory maintenance of said storm water sewer, and such default should not be cured within sixty days after written notice thereof is sent to the owners, then and in that event the City of Wichita may maintain said storm water sewer at the expense of the owners of said land and shall have an easement and this agreement shall be such easement to go on said land for such maintenance work, such easement to be ninety feet in width, 45 feet of which shall lie on each side of the center line of such box.

Owners further agree that the obligation hereof shall be made known by them to all prospective purchasers, lessees, and mortgagees of all or any part of the Fourth Addition to Lamsdale.

\_\_\_\_\_  
CLAUDE R. LAMBE

\_\_\_\_\_  
PAULINE PARKS LAMBE

STATE OF KANSAS  
SEDGWICK COUNTY

ss.

BE IT REMEMBERED that on this 4th day of April 1957, before me, a Notary Public in and for the County and State aforesaid, personally appeared Claude R. Lambe and Pauline Parks Lambe, who are known to me to be the same persons who executed the above and foregoing agreement, and acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year above written.

Irma A. Fuzzell s.  
Notary Public

My commission expires: November 19, 1958

1. The Committee would like to review copies of the leases.
2. The Committee would like to review the letter from the financial group loaning the money for this construction.
3. The Committee would like an opportunity to review the market analysis in support of this proposed center.
4. The Committee desires to review in more detail the possibility of moving some of the proposed buildings to establish larger buffer zoned to adjoining property.
5. The Committee felt that if this zoning request is to be granted, service roads should be established on both Oliver and 13th Street.
6. The Committee is informed that the City Engineer has approved the feasibility of the idea of constructing a storage dam to hold excess run off anticipated from the proposed construction. The details relative to legal procedure in accomplishing and assuring the maintenance of such a facility need to be worked out.

1. The Committee would like to review copies of the leases.
2. The Committee would like to review the letter from the financial group loaning the money for this construction.
3. The Committee would like an opportunity to review the market analysis in support of this proposed center.
4. The Committee desires to review in more detail the possibility of moving some of the proposed buildings to establish larger buffer zoned to adjoining property.
5. The Committee felt that if this zoning request is to be granted, service roads should be established on both Oliver and 18th Street.
6. The Committee is informed that the City Engineer has approved the feasibility of the idea of constructing a storage dam to hold excess run off anticipated from the proposed construction. The details relative to legal procedure in accomplishing and assuring the maintenance of such a facility need to be worked out.

1. The Committee would like to review copies of the leases.
2. The Committee would like to review the letter from the financial group loaning the money for this construction.
3. The Committee would like an opportunity to review the market analysis made in support of this proposed center.
4. The Committee desires to review in more detail the possibility of moving some of the proposed buildings to establish larger buffer zoned to adjoining property.
5. The Committee felt that if this zoning request is to be granted, service roads should be established on both Oliver and 13th Street.
6. The Committee is informed that the City Engineer has approved the feasibility of the idea of constructing a storage dam to hold excess run off anticipated from the proposed construction. The details relative to legal procedure in accomplishing and assuring the maintenance of such a facility need to be worked out.

1. The Committee would like to review copies of the leases.
2. The Committee would like to review the letter from the financial group loaning the money for this construction.
3. The Committee would like an opportunity to review the market analysis made in support of this proposed center.
4. The Committee desires to review in more detail the possibility of moving some of the proposed buildings to establish larger buffer zoned to adjoining property.
5. The Committee felt that if this zoning request is to be granted, service roads should be established on both Oliver and 13th Street.
6. The Committee is informed that the City Engineer has approved the feasibility of the idea of constructing a storage dam to hold excess run off anticipated from the proposed construction. The details relative to legal procedure in accomplishing and assuring the maintenance of such a facility need to be worked out.

The Planning Commission at its previous meeting had asked for information relative to solving the storm water run off problem from this proposed development. The Engineering Department has indicated that the proposal to construct a lagoon on the petitioner's property to retain the increased run off from the proposed development is feasible and would perhaps be of some assistance if the city were sued by property owners below this point for permitting development out of the ordinary which increased the run off.

It was also indicated that the total amount of additional run off this area would contribute to the entire Dry Creek drainage problem is negligible and would have very little affect in improving the storm water problem in this area.

If the Planning Commission were to require such a control facility there are certain legal details which, of necessity, must be worked out.

1. Dedication of easement to cover area of water and dam for drainage flooding and storm water sewer purposes.
2. An agreement to build and pay for within a certain length of time to city engineer specifications.
3. Recordable instrument to maintain and covenant to save city harmless of any claim by reason of said dam or said pond, encumbering all the land.

Or deposit with the City Treasurer \$ \_\_\_\_\_  
to guarantee city of continued maintenance, reconstruction and assist in saving city harmless from any claim by reason of said dam or pond.

- A. Beginning at a point 50 feet south and 50 feet east of the northwest corner of northwest quarter of Section 13, Township 27, Range 1 East of 6th P.M.; thence east 290 feet; thence south 226 feet; thence east 660 feet; thence south 430 feet; thence west 240 feet; thence north to the intersection of a line lying 100 feet north of the center line of 12th Street extended east; thence west along such line 100 feet north of the center line of 12th Street, to a point 50 feet east of the center line of Oliver; thence north along a line parallel to and 50 feet east of the center line of Oliver to the point of beginning.
- B. Beginning at a point 50 feet south and 50 feet east of the northwest corner of the northwest quarter of Section 13, Township 27, Range 1 East of 6th P.M.; thence east 290 feet; thence south 226 feet; thence east 420 feet; thence south to the intersection of a line lying 100 feet north of the center line of 12th Street extended east; thence west along such line 100 feet north of the center line of 12th Street, to a point 50 feet east of the center line of Oliver; thence north along a line parallel to and 50 feet east of the center line of Oliver to the point of beginning.

~~Remarks:~~ The Zoning Committee has met several times to discuss this proposed shopping center. It was noted as a general guide that a supporting area of 80,000 to 100,000 population is necessary to support a junior department store shopping center ranging between 150 to 200 thousand square feet of floor space.

This general consideration is necessary in order not to completely eliminate the economic stability of other smaller commercial zones in the area. If the area were developed solidly for residential purposes, there would be approximately 6000 population per square mile. On this basis, it is noted that if 80 to 100 thousand population is necessary as one supporting factor, this would require at least 14 square miles of potential drawing area.

The Committee, in reviewing this matter with the petitioner, noted that no market analysis had been made to support this request; that the so called leases are in reality statements of intent.

It was the thinking of the Committee that the Planning Commission does have the responsibility of planning in accordance with the economic stability of a community. It was the feeling of the Committee that the petitioner should be able to concretely show why these previous factors should be ignored by the Planning Commission.

If the various shopping centers of similar size are to be established as announced, and if the supporting population as mentioned is necessary, then the drawing power of the three previously zoned areas materially overlap one another, and this fourth proposed area is materially overlapped by the previous three.

**Recommendation:** As a result of this study, discussion and analysis, it is the recommendation of the Zoning Committee that this zoning request be approved in part only at this time, feeling that a stage type of program is more desirable in order to properly maintain control. When one portion is completed, an additional area may be requested.

It is the recommendation of the Committee that the following described area be changed to a Light Commercial classification and that the remainder of the area be changed to a "B" Multiple Family classification. Such a change would leave a 200 foot buffer zone along 13th Street east of Glendale and a 70 foot buffer zone adjacent to 12th Street.

- 660*  
A. Beginning at a point 50 feet south and 50 feet east of the Northwest corner of Northwest quarter of Section 13, Township 27, Range 1 East of 6th P.M.; thence east ~~400~~ <sup>290</sup> feet; thence south 226 feet; thence east ~~50~~ feet; thence south 430 feet; thence west 240 feet; thence north to the intersection of a line lying 100 feet north of the center line of 12th Street extended east; thence west along such line 100 feet north of

the center line of 12th Street, to a point 50 feet east of the center line of Oliver; thence north along a line parallel to and 50 feet east of the center line of Oliver to the point of beginning.

It was assumed by the Committee that the developer would dedicate the north 30 feet of 12th Street and the east 30 feet of Harding, as well as the remaining 20 feet along 13th Street. *and 10 feet on Oliver.*

In addition, it was assumed that the petitioner would dedicate for service road purposes, in order to properly control ingress and egress, 26 feet of right-of-way along Oliver and 26 feet of right-of-way along 13th Street.

B.



40

don't see 20' Oliver, 19'  
40' 30' 1' 145'  
see 20' Oliver

CLAUDE LAMBE PETITION

1. A survey and proposed solution relative to traffic would have to be submitted, indicating the quantity and direction from which traffic will come. The circulation of traffic within the proposed center should be indicated on the plan.
2. The type of surfacing should be indicated on the plan.
3. A proposed structural scheme as backbone for screening around the center should be indicated for the south and east, and the extent and type of beautification treatment should be indicated for the north and west.
4. The building indicated farthest east on the plat is too close to 13th Street in order that residential property on the north side of 13th may have proper protection.
5. If plan is to be a stage program, then each stage should indicate the amount of parking area to be completed, screening and traffic solution.

\*

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

Roll # 1

\*