

ACTION

DATE

COMMITTEE

M.A.P.C.

Approved on 2/24/86
Admission

B.C.C./B.C.A.C.

Approved on 3-15-86
Recommended

A 282 8" mirror in 5.10' OK to commit. This B

K-17 water in blackbook

1986
U.S. Army
U.S. Army
U.S. Army

75 20

POSTED ~~KX~~ 2-4-86
PK

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approved only to conditions</i>	<i>2/20/86</i>
B.C.C./B.C.C. <i>Approved as recommended</i>	<i>3-18-86</i>

H-282 8" sewer in 5.10' PK to connect Paris B
 K-17 : water in Wellbrook

PHOTOGRAPHED BY A. S. G. PHOTOGRAPHY
 1111 G Street, N.E., Washington, D.C. 20002
 Call for details or to schedule a photographing session
 and this set.

DATA SHEET

Z- _____
 SCZ- _____
 CU- _____
 DR- _____
 DP- 12
 Amend 7
 Case Filed: 1-22-86
 Associated Case: _____

APPLICATION DATA: Map No. 5947 B

1. General Location: Between Armour and Whittier north of Willowbrook
2. From _____ to _____
3. Proposed Use: _____
4. DP Name: KELLOGG MALL COMMUNITY UNIT PLAN
5. Applicant: A. Scott Ritchie III (contract purchaser)
 Address 125 North Market, Wichita, KS. 67202 Phone 267-4375
6. Applicant: Dayton Hudson Corporation, c/o Property Administration Dept.
 Address 33 South 6th Street, Minneapolis, MINN. 55402 Phone: (602) 370-4986
7. Agent: Everett C. Fettis, Attorney
 Address 120 South Market, Suite 504, Wichita, KS. 67202 Phone 267-7251

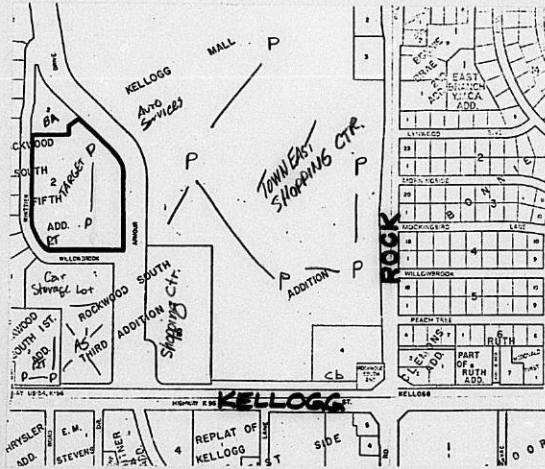
AREA DATA:

1. Acres: 7.6 (520 ^{irregular} ft. by 315 ft.)
2. Adjoining Zoning: N "LC" S "LC" E "LC" W "LC"
3. Land Use: North department store / Dunkin' East Parking Lot
 South Storage for Cars West Restaurant

PICTURE SHEET

PHOTO DATA:

Taken by _____ Date _____ Time _____



NOTES:

T9-214-2

LOS ANGELES, CHICAGO, COLUMBIA, OH
 HASTING, MN
 No. 2153C
Standard
 U.S.A.

WICHITA-SEDGWICK COUNTY

Date: August 6, 1987

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Chris Cherches, City Manager

FROM: Marvin S. Krout, Director of Planning

SUBJECT: DP-12, Amendment #7 - Kellogg Mall Community Unit Plan - Possible Amendment for Parcel 9 - Located north of Kellogg and west of Rusty Eck Ford property, and Armour Drive.

Tuesday, my staff spoke with Calisto Caminati, Jr. of the Cedarwood Companies from Akron, Ohio regarding an amendment to the Towne East Community Unit Plan. They advised Mr. Caminati of the amendment process that would be required in order to redevelop the property on which Howard Johnson's Hotel and Restaurant presently exist into a "Children's Palace" Toy Store and retail shops. Mr. Caminati spoke to the planning department a few months ago about the same matter and also contacted Don Anderson, City Engineering and Central Inspection.

In addition to the standard requirements needed to amend the C.U.P., they will update the C.U.P. drawing to show:

- 1) existing buildings;
- 2) changes in Buildable Area;
- 3) proposed uses; and
- 4) building setbacks (60 feet to Kellogg Drive and 30 feet around the perimeter)

Mr. Caminati was also advised of the need to dedicate 10 feet for additional street right-of-way for Kellogg Drive; this determination is based on the fact that properties to the east and west of this site already have this amount of additional right-of-way. He was told of the uncertain plans at this time for Kellogg and of possible future changes in this area, and how the site might only have access to Kellogg Drive and no longer direct access from Kellogg Drive to Kellogg.

By copies of this memo to Mike Lindebak, we are requesting that he review their site and determine if any additional right-of-way above the 10 feet mentioned is necessary, and if there should be any medial modification required of them to enable left turn movements for eastbound traffic.

I wanted you to be aware of this redevelopment and possible C.U.P. amendment in this area of East Kellogg. This is unlike the Cowboy Club in that this site is already commercially zoned, and they are asking to re-develop the site. We would get perhaps 3000 square feet dedicated, and establish a building setback line (of at least 60 feet) that does not now exist. If you visualize any improvements that should be required with the amendment

PL/1346/2

Chris Cherches
City Manager
August 6, 1987
Page 2

please advise. Enclosed is a drawing of the area and the site. Please let me know if you need additional information about this matter.

MSK:BRH:rme
Encl.

pc: Mike Lindebak, City Engineer

PL/1346/2

Mtg 3-4-87 DP-12 Parcel 9

Jack Different site plan

Cal Caminatti

Jay Woodward

Don Anderson

Barb

Corridor left Retail Bldg + Toy Store (Children's Plaza)

Cal spoke w/ Jack Jenkins of CID
re. Signs + Things are ok

40' r/w Kell. Dr.

Deadline: 3-11
10 days in advance of deadline
60 day turnover
10-13 WCC

10' additional st. row - we need in hand
before MARC

48,000[±] Total sq. ft. - proposed

[30% land coverage
40% FAR.

Ownership prob - lots 1 + 2 Rockwood S. 1st

1) New blocks 9A + B

2) ^{or} parcel 9

Parking

1 sp / 2000[±] floor area
^{or}
4 sp / 1000'

Dedication -

must be signed by owner

Kellogg -

we don't know plans at this time.

**The Cedarwood
COMPANIES**

A Multi-Service
Real Estate Development Firm

1765 Merriman Road
Akron, Ohio 44315
216/836-9971

A. Calisto Caminati, Jr.
Development Manager

FROM _____ DATE _____

ADMINISTRATION

Krout
 Lopez
 Eubar
 Hende
 Kelly
 Wask
 Wim

ADVANCE PLANS

Stockwell
 Young

CURRENT PLANS

Galbraith
 Lutz

GRAPHICS

Pierce
 Commer
 Brook
 ones

5-8-87
Parcel 9
DP-12

Midwestern
Land Development Corp.

600 Madison Avenue
New York, New York 10022
(212) 355-0200

Eliot C. Nisenbaum
Vice President

Barb Kaplan

REMARKS Came in to talk to Jack Galbraith regarding Holo's & proposed amendment.

10-105

Photo & Return
 handle
 Staff
 Comment
 Signature
 Library
 Information
 Files
 Type
 Initial

6-17-87

Patrick Higgins of
 Branson + Associates, Inc
 435 N. Broadway
 67002
 267 4357

Spoke to Jack + Barb H.
 today about putting the
 "children's palace" toy store
 on Parcel 2. The CUP
 would have to be amended
 since the proposed 30,000^{sq} bldg.
 is over the 16,000^{sq} minimum
 & a toy store is not a
 permitted use.

The "children's palace" toy
 store was being talked about
 going on Parcel 9.

at

DP-12 Parcel 9 Children's Palace 7-30-97

- 1) 10' Adm. r.o.w. Mtg w/
Calisto Caminetti,
(Atty. Gen. Dir)
Cedarwood Co,
Jack, Monty,
Anderson, Bob
- 2) Setbacks - None planned
60' to Kellogg
30' around perimeter (for circulation)
- 3) Update CUP - a) show existing uses
b) Buildable area - w/ 4700'± less
for ROW. the total net area
is 312,700'±; therefore GFA is
63,810'±
c) Parking for 63,810'± is ∴ 255 cars.
d) Limit on the # of buildings
in Parcel 9 as long as land
coverage is no more than 30%
e) Proposed uses - see below
- 4) Approval of CUP:
a) Subject to 3 standard conditions
b) Separate row dedication
c) B.S.
d) Indicate traffic flow into + out of Kellogg +
Kellogg Dr - high intensity use
- 5) Wording:
Proposed uses: General office and retail sales,
Restaurants, Financial institutions, Service
Stations
- 6) Point out G.P. 4
- 7) Contact owner of Lot 1, R.S. 1st (Amoco)
or exclude from
amendment
- | Closing | Mtg | BCC |
|---------|---------|--------------|
| 5-13 | June 11 | 20
July 7 |
| 5-27 | June 25 | |
| 6-10 | July 7 | |

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 266-4561

RECEIVED

JUL 02 1986

TRAFFIC ENGINEERING
DIVISION

June 30, 1986

Mr. Paul B. Graves, P.E.
Consulting Engineer
3808 Del Sienna
Wichita, Kansas 67203

C
O
P
Y


RE: DP-12 - Parcel 11 - Request for Administrative Adjustment
to allow an additional access point.

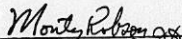
Dear Mr. Graves:

We are in receipt of your letter dated June 25, 1986 requesting an administrative adjustment to Parcel 11 in DP-12, Kellogg Mall Community Unit Plan. The request for a second access point to Armour Drive west from the parcel, site of the "Village Fashion Centre", is in the area of complete access control on the C.U.P. We have reviewed the site and have discussed your request with Bill McKinley, Traffic Engineer, who is in agreement with the additional driveway approach being permitted at the location indicated on the submitted sketch plan. We all feel that the third access point will facilitate the movement of traffic in and out of this parcel as long as it is constructed where indicated.

We feel that this adjustment would not have any adverse affect on adjacent properties nor would it be a substantial deviation from the plan. Our signatures below indicate that an adjustment is granted to permit an additional access point to Armour Drive west at the location specified on the sketch plan.

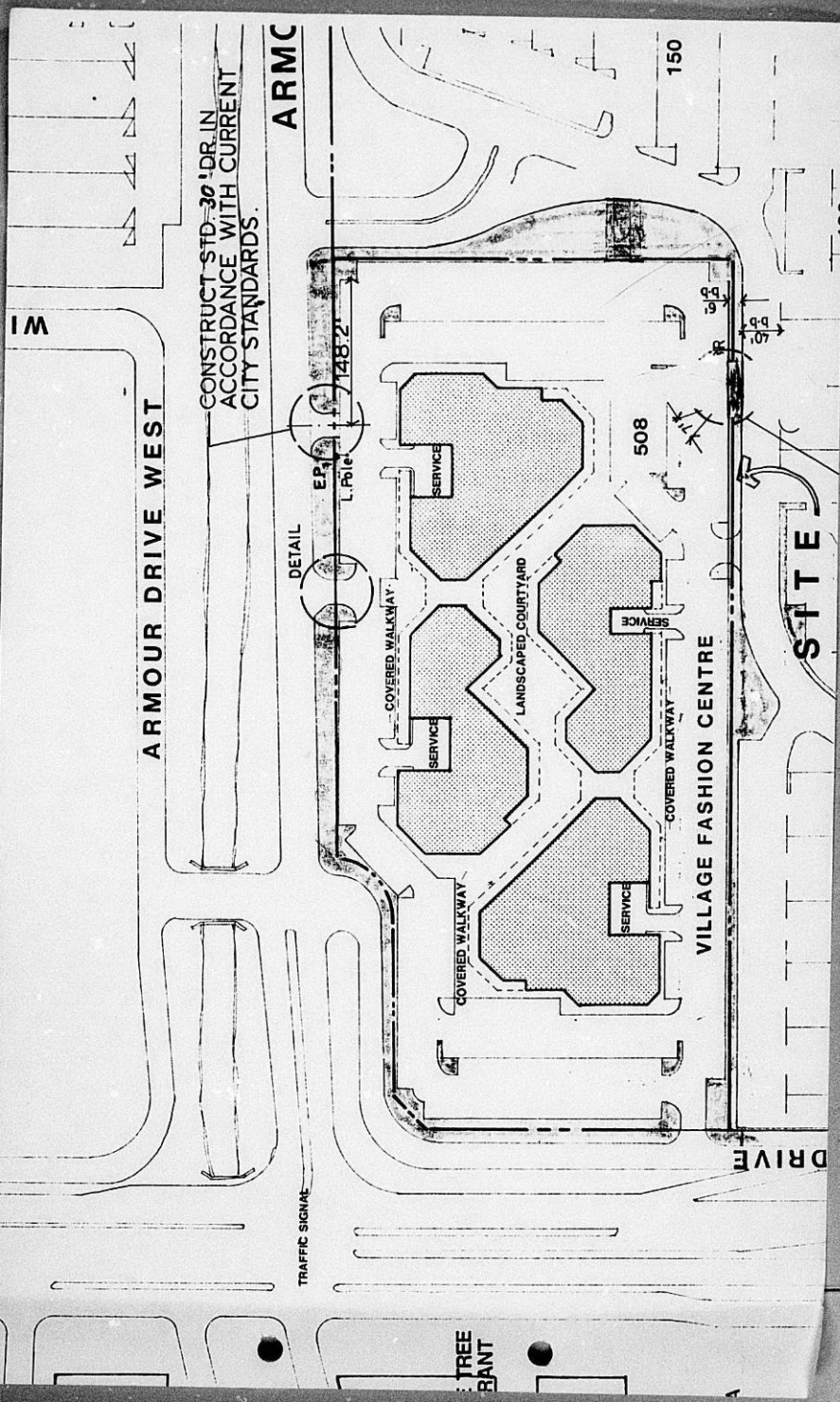
Sincerely,


Michael E. Lindebak
Interim Director of Planning


Monty Robson, Superintendent of
Central Inspection

MEL/MR/BRB:blw

cc: Robert E. Moore, Bob Moore Farms, 701 Northwest 5th Street, Oklahoma City,
Oklahoma 74103
C. W. "Pete" Klein, 9901 East Kellogg, Wichita, Kansas 67207
Bill McKinley, Traffic Engineer, City of Wichita



ARMOUR DRIVE WEST

CONSTRUCT STD-30' DR. IN ACCORDANCE WITH CURRENT CITY STANDARDS.

ARMC

DETAIL

TRAFFIC SIGNAL

EP
L
R
S
148'2"

COVERED WALKWAY

COVERED WALKWAY

COVERED WALKWAY

SERVICE

SERVICE

SERVICE

LANDSCAPED COURTYARD

508

COVERED WALKWAY

VILLAGE FASHION CENTRE

DRIVE

SITE

150

TREE
BANK



Paul B. Graves, P.E.

CONSULTING ENGINEER

3808 Del Sienna
Wichita, KS 67203
316-942-2538

June 25, 1986

Mr. Michael E. Lindebak
Interim Director of Planning
City Hall - City of Wichita
455 North Main Street
Wichita, KS 67201

Dear Mr. Lindebak:

I represent Robert W. Moore (owner) and Pete Klein (agent for Mr. Moore) regarding Village Fashion Centre, located adjacent to Town East, N.E. corner, Kellogg & Armour Drive.

This transmittal is to request an 'Administrative Adjustment' to the Kellogg Mall C.U.P. (DP-12) to allow an additional access point to Parcel 11, from Armour Drive. This proposed 30 foot driveway will be located approximately 150 feet south of the existing Town East Driveway. The driveway and site location are clearly defined on the attached sketch plan. Bill McKinley, City Traffic Engineer, has approved this driveway, as related to Traffic Engineering Division Standards.

Both Bob Moore, and his agent, Pete Klein, will appreciate your early review of this request. If you desire additional information or clarification, please call me at 942-2538.

Sincerely,

PAUL B. GRAVES, P.E.

Attachments

cc: Robert E. Moore, BOB MOORE FARMS, 701 NORTHWEST 5TH ST, OKLAHOMA CITY, OK.
C.W. "Pete" Klein, 9101 E. KELLOGG, 67207
Bill McKinley

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 19, 1986

TO: Monty Robson, Superintendent of Central Inspection
FROM: Louise Olivarez, Senior Planner, Current Plans
SUBJECT: DP-12, Amendment #7 - KELLOGG MALL.

The Board of City Commissioners on March 18, 1986, considered the above-captioned C.U.P. Their action was to approve the C.U.P. subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The Target store site and the proposed fast-food restaurant site (Parcel 8-A) shall be replatted prior to the issuance of building permits and within one year from the date of approval by the Board of City Commissioners or the application shall be considered denied and closed.

*Rockwood
South City
revised
6-30-86*

Attached for your information and files are two approved copies of the C.U.P. If you have any questions concerning this matter, please contact our office.

Louise Olivarez
Senior Planner

LO:blw
Attachments

cc Everett Jettis 3-26

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
March 18, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: DP-12 - REQUEST FOR AMENDMENT TO A PORTION OF PARCEL 8 OF
THE KELLOGG MALL C.U.P., LOCATED BETWEEN ARMOUR DRIVE
AND WHITTIER, NORTH OF WILLOWBROOK.
(A. Scott Ritchie III, et al)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Approve (7-0)

Staff Recommendation: Approve

Background: On February 20, 1986, the MAPC held a public hearing to consider a request for amendment to a portion of Parcel 8 of the Kellogg Mall Community Unit Plan. Parcel 8 is platted into two lots. The south lot (Lot 1, Block 2, Rockwood South Fifth Addition) is the subject of this current amendment. It has been split into two separate building sites--one for the Target store and one for the Red Lobster restaurant. The owner of the Target store wants to sell off another site to be used for construction of a fast-food type restaurant with drive-up window service.

CPO Council "H" considered this request on February 20th, and voted 6-0 to recommend approval.

Analysis: Parcel 8 as currently approved prohibits fast food type restaurants. There is no limit on the number of buildings in Parcel 8 as long as the total land coverage is no more than 30 percent. A new parcel (8A) is proposed for the fast-food restaurant. The net area and gross floor area of the remainder of Parcel 8 is being reduced accordingly so that there is no overall increase in the potential square footage of commercial development. The location of the proposed fast-food restaurant is far enough away from any residential area that it should not be an objectionable use. One additional curb cut to Willowbrook is being requested with this amendment. No other changes are proposed at this time although the C.U.P. has been brought up to date to reflect all buildings, curb cuts, and administrative adjustments.

- Actions:**
1. Concur with the findings of the MAPC and approve the C.U.P. subject to the recommended conditions; or
 2. Take appropriate action stating reasons.

Attachments: Area map
2-20-86 MAPC Minutes
CPO Memorandum

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 20, 1986

LEGAL:

8. Case No. DP-12 - A. Scott Ritchie, III, et al, request amendment to a portion of Parcel 8 of the Kellogg Mall Community Unit Plan for Lot 1, Block 2, ROCKWOOD SOUTH FIFTH ADDITION, Wichita, Sedgwick County, Kansas. Generally located between Armour Drive and Whittier north of Willowbrook.

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

Background: Parcel 8 is platted into two lots. The south lot (Lot 1, Block 2, Rockwood South Fifth Addition) is the subject of this current amendment. It has been split into two separate building sites--one for the Target store and one for the Red Lobster restaurant. The owner of the Target store wants to sell off another site to be used for construction of a fast-food type restaurant with drive-up window service.

Analysis: Parcel 8 as currently approved prohibits fast food type restaurants. There is no limit on the number of buildings in Parcel 8 as long as the total land coverage is no more than 30 percent. A new parcel (8A) is proposed for the fast-food restaurant. The net area and gross floor area of the remainder of Parcel 8 is being reduced accordingly so that there is no overall increase in the potential square footage of commercial development. The location of the proposed fast-food restaurant is far enough away from any residential area that it should not be an objectionable use. One additional curb cut to Willowbrook is being requested with this amendment. No other changes are proposed at this time although the C.U.P. has been brought up to date to reflect all buildings, curb cuts, and administrative adjustments.

A recommendation of approval by the Planning Commission should be subject to the following:

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

after approval by the City Commission or this case be considered denied and closed.

DISCUSSION"

OLIVAREZ stated that when Parcel 8 was platted it was platted into two separate lots, and this is one of the lots. It now has two separate ownerships on it, and that occurred through a lot split in which the Target store was one ownership, and what used to be Show Biz Pizza and is now being converted into a Red Lobster restaurant is the other approved building site under separate ownership. For the portion of the property which the Target store now owns, they are wanting to sell off another piece at the corner of Armour and Willowbrook. The reason for the amendment is that they wish to put in a fast food type restaurant, and in this parcel of the Towne East C.U.P., although restaurants are permitted, the fast food type is specifically not permitted. She further pointed out that two separate parcels had been established so that fast foods would be allowed only in the new parcel which they are wanting to create, and not on the balance of the site where the Target store is located. She said that there would be one additional curb cut to Willowbrook which is being requested for access directly into the fast food restaurant site.

OLIVAREZ said that staff had one call today from a lady who lived nearby and who expressed some concern about the fast food type of restaurants. She realized that restaurants are now permitted but feels that the fast food type would create too much additional traffic. She indicated that Armour was already too heavily traveled.

OLIVAREZ mentioned a letter received today from Mrs. Philip Russell, 74 Stratford Road, who had some concerns about this proposal. Copies of the letter were made available to the Commissioners.

OLIVAREZ stated that staff feels that this site is far enough away from residential areas, it is already zoned light commercial and could have other types of restaurants; therefore staff has no opposition to the request, and recommended approval of the request.

WILSON asked what kind of deal was made initially to keep fast foods out of there and why?

GALBRAITH explained that there was so much neighborhood opposition when this total C.U.P. went in, the developers, at that time, tried to assure people the type and quality of restaurants and specifically limiting that there would not be the fast food type. In that ten-year period all type of things have changed in the restaurant business relative to drive-up windows. He said that the marketing has changed.

GARDNER commented that this site was zoned and negotiated at the same time period as University Gardens at 21st and Oliver where they took a major commercial parcel, in this case a lot more land, and the neighborhood groups were adamant about absolutely no fast foods onsite whatsoever, and conversations were hard, hot and heavy about that.

CONLEE asked staff if they were comfortable about traffic.

GALBRAITH said that they were comfortable about the traffic as it relates to this site.

EVERETT FETTIS, attorney representing the applicant, stated that fast food was a term that they have argued and all heard about in the last few years, and he agreed that there had been some changes in their concept. He said that this was a restaurant planned with the seating capacity for 112 people. So the drive-in window would relatively be a small portion of their business and would not create a problem.

GARDNER asked if there was a tenant association at Towne East, or on this site?

SCOTT RITCHIE, applicant, responded that they have an arrangement with Target for an access easement and parking lot clean-up. He said that Target does a super job of keeping the parking cleaned up, and part of that arrangement now includes Red Lobster.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The Target store site and the proposed fast-food restaurant site shall be replatted prior to the issuance of building permits and within one year after approval by the City Commission or this case be considered denied and closed.

Conlee moved, Peters seconded and it carried
unanimously. Goebel, Miles and Moore were
absent.

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE February 26, 1986

TO Chris Cherches, City Manager

FROM Annie K. Montgomery, CRS Director

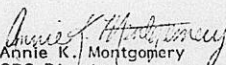
SUBJECT DP-12: An amendment to Parcel 8
of the Kellogg Mall C.U.P.

On Monday, February 20, CPO Council Area "H" considered the above captioned case, a request for an amendment to the portion of Parcel 8 of the Kellogg Mall Community Unit Plan (DP-12). Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. After an extensive discussion, the Council voted 6-0 to recommend approval of the request.

The applicant, A. Scott Ritchie and agent, Everett Fettis were present to describe the request and respond to questions from the Council. No area residents were present to either support or oppose the request. The applicant explained that he planned to open a restaurant with a drive-up window in the area in question.

Council members were generally favorable of the request but stressed the importance of maintaining the property and preventing blowing debris from creating problems for the neighborhood.

Please provide the Council's recommendation to the City Commission when case DP-12 is considered.


Annie K. Montgomery
CRS Director

AKM:BLC:dm

cc: Jack Calbraith, Chief Planner, Current Plans

February 21, 1986

Everett C. Fettis
120 South Market, Suite 504
Wichita, Kansas 67202

Re: DP-12. KELLOGG MALL C.U.P. (Amendment #7)

Dear Mr. Fettis:

At its regular meeting on February 20, 1986, the Metropolitan Area Planning Commission considered the above-captioned applications. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
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- d. The Target store site and the proposed fast-food restaurant site shall be replatted prior to the issuance of building permits and within one year after approval by the City Commission or this case be considered denied and closed.

Please submit ten (10) copies of the C.U.P. to this office by March 5, 1986.

Everett Fettis
February 21, 1986
Page 2

This matter will be forwarded to the Board of City Commissioners for consideration at their regular meeting on March 18, 1986, this meeting to be held in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

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

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:lw

cc: A. Scott Ritchie, III, 125 N. Market, Wichita, KS 67202
Dayton Hudson Corporation, c/o Property Administration Dept.,
33 S. 6th St., Minneapolis, MN 55402
General Mills Restaurant Group, Inc., P. O. Box 13330, Orlando,
FL 32859
Mrs. Phillip W. Russell, 74 Stratford Rd., Wichita, KS 67207
Ron Spangenberg, Spangenberg, Phillips, Sherman, Harrison, Inc.,
151 N. Main, Suite 333, Wichita, KS 67202

Metropolitan Area Planning Commission
City Hall, 455 North Main
Wichita, Kansas 67202

Dear Members,

Regretably my husband and I were unable to attend the CPO meeting in regard to the amendment of the Kellogg Mall Community Plan (DP-12) and will be out of town on Thursday, February 20th for the MAPC meeting. Hopefully this letter will be given your consideration.

We feel:

that any rezoning that lowers the original standards set for property development is not desirable for either the businesses or residential areas around it.

a restaurant would be open longer evening hours so would require greater supervision by the police and would be more difficult to patrol.

economically the only people that will benefit are the land owners, the real estate agents and the city through income tax revenue.

it will reduce the property value of the residential area that is west of this location and will reduce income from the competing restaurants in the immediate area.

if this restaurant does not prove profitable or if it draws from its competition so one should have to close, an empty building is extremely undesirable.

I'm sure the above statements are redundant however we are worried that you have received little or no response to your notice of the Public Hearing. Please keep in mind that:

the residential owners have pleaded and argued against the rezoning of the general area before. They feel "what's the use" and that there is no concern by the planning commission for the future but just for the dollar income involved.

many people are out of town at this time of year or they are too old to make the physical exertion to attend a meeting.

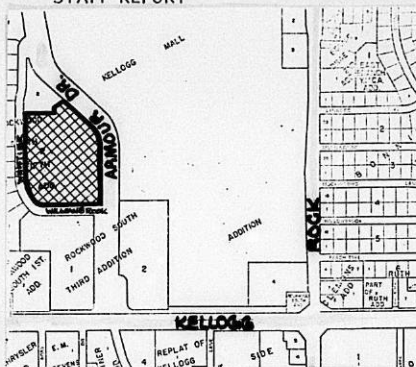
Sincerely,

Mrs. Philip W. Russell
Mrs. Philip W. Russell
74 Stratford Road
Wichita, Kansas 67207

February 19, 1986

STAFF REPORT

APPLICATION
AREA



DP-12 AMENDMENT #7 - REQUEST FOR AMENDMENT TO A PORTION OF
PARCEL 8 OF THE KELLOGG MALL C.U.P. LOCATED BETWEEN ARMOUR DRIVE
AND WHITTIER, NORTH OF WILLOWBROOK.

Applicant: A. Scott Ritchie III, et. al., 125 N. Market, Wichita, KS 67202

Size: 7.6 acres

	Land Use	Zoning
Application Area	Department store & restaurant	"LC"
North	Bank	"LC"
South	Car storage lot	"LC"
East	Towne East shopping center	"LC"
West	Undeveloped and offices	"LC"

History: A community unit plan was first approved on the northwest corner of Kellogg and Rock Road in 1964. The plan has been amended six times to change such things as sign and building heights, building setbacks, gross floor area and permitted uses. The last amendment occurred in 1980 and affected Parcel 11 only.

Background: Parcel 8 is platted into two lots. The south lot (Lot 1, Block 2, Rockwood South Fifth Addition) is the subject of this current amendment. It has been split into two separate building sites--one for the Target store and one for the Red Lobster restaurant. The owner of the Target store wants to sell off another site to be used for construction of a fast-food type restaurant with drive-up window service.

Analysis: Parcel 8 as currently approved prohibits fast-food type restaurants. There is no limit on the number of buildings in Parcel 8 as long as the total land coverage is no more than 30 percent. A new parcel (8A) is proposed for the fast-food restaurant. The net area and gross floor area of the remainder of Parcel 8 is being reduced accordingly so that there is no overall increase in the potential square footage of commercial development. The location of the proposed fast-food restaurant is far enough away from any residential area that it should not be an objectionable use. One additional curb cut to Willowbrook is being requested with this amendment. No other changes are proposed at this time although the C.U.P. has been brought up to date to reflect all buildings, curb cuts, and administrative adjustments.

A recommendation of approval by the Planning Commission should be subject to the following:

- a. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the governing body, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- b. Any major changes in this development plan shall be submitted to the Planning Commission and to the City Commission for their consideration.
- c. The transfer of title of all or any portion of the land included within the Community Unit Plan (CUP) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- d. The Target store site and the proposed fast-food restaurant site shall be replatted prior to the issuance of building permits and within one year after approval by the City Commission or this case be considered denied and closed.

CASE NO. DP-12, Amendment #7

80	"Notices to adjoining property owners mailed on 2-6-86 for MAPC meeting on 2-20-86.
3	One each to Applicants and Agent.
3	One each to CPO, Carl Gipson and Karen Crook.
2	One each to Louise and Glen.
1	One to City of Wichita c/o Steve Potucek.
<hr/>	
89	TOTAL

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

February 6, 1986

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, February 20, 1986, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), at a meeting beginning at 1:30 p.m. in the City Commission Meeting Room, First Floor of City Hall, 455 North Main, Wichita, Kansas, will consider an application for amendment to a portion of Parcel 8 of the KELLOGG MALL COMMUNITY UNIT PLAN (DP-12) for property legally described as follows:

Lot 1, Block 2, ROCKWOOD SOUTH FIFTH ADDITION, Wichita, Sedgwick County, Kansas. Generally located between Armour Drive and Whittier north of Willowbrook.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 28.04.190 of the Wichita Zoning Ordinance. The Development Plan is on file in the Planning Department Office, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas, and is available for public information and review.

The revised Development Plan now on file proposes a half-acre building site for a fast food type restaurant with drive-up window service just west of the Armour Drive drainage ditch between Willowbrook and the bridge into the Target parking lot. Other development information relating to building setbacks, parking, alternate land uses, etc. is shown on the plan.

The hearing of the proposed amendment to this Development Plan is to be held and will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

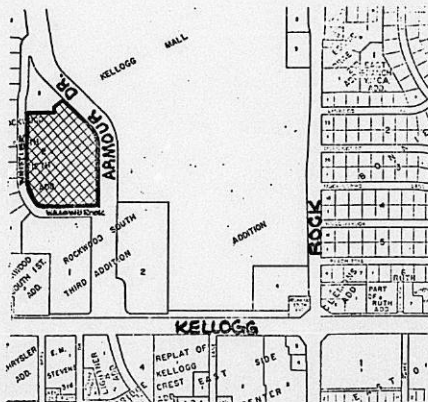
The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and Board of City Commissioners. If you have an interest in this case, you are encouraged to express your opinions at your CPO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

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

APPLICATION
AREA



4
NORTH



February 4, 1986

Mr. Ron Spangenberg
Spangenberg, Phillips,
Sherman, Harrison, Inc.
151 North Main, Suite 333
Wichita, Kansas 67203

Dear Mr. Spangenberg:

We have reviewed the proposed amendment to the Kellogg Mall C.U.P. and have the following comments:

1. The plan appears to be up to date as far as buildings are concerned, however, a number of existing curb cuts are not shown. Please add these curb cuts to the plan as indicated in red on the enclosed print.
2. A number of typographical spelling errors or omissions from years past occur in the parcel descriptions and these should be corrected as marked on the enclosed print.
3. With the creation of Parcel 8-A, not only is the total net area of Parcel 8 reduced but also the gross floor area. The gross floor area for what remains of Parcel 8 should now be 151,100 square feet. The number of access points cannot be reduced since Lot 1, Block 2 of Rockwood South 5th Addition already has four curb cuts. However, since replatting is to occur, the sentence addressing number of access points for Parcel 8 should be revised to read: "Four (4) points of access for Lot 2, Block 2, Rockwood South 5th Addition and four for balance of parcel. Additional points subject to approval by City of Wichita Engineering Division."
4. If drive-in restaurants are not proposed for Parcel 8-A, the wording under Proposed Uses should read: "Same as Parcel 8 with the addition of fast-food type restaurants which may have drive-up window service but not drive-in car service."

Ron Spangenberg
February 4, 1986
Page 2

This C.U.P. amendment has been scheduled for MAPC review on February 20, 1986. We will need to receive 14 prints of the corrected plan no later than noon on Monday, February 10, 1986. If you have any questions about this matter, please call me at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw
Enclosure

cc: Everett C. Fettis, 120 N. Market, Suite 504, Wichita, KS. 67202

(_____) Published in the Daily Record on January 28, 1986 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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The hearing of the proposed amendment to this Development Plan is to be held and will there be discussed by said MAPC. Those persons interested in this matter will be heard at that time.

WITNESS MY HAND AND SEAL this 27th day of January, 1986.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

845-2+3+1

DP-12
Amendment #7

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

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

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

a. Applicant A. SCOTT RITCHIE III (Contract Purchaser) ✓
Address 125 N. Market, Wichita, KS 67202 Phone 267-4375
Agent EVERETT C. FETTIS, ATTORNEY ✓

Address 120 S. Market, Su 504, Wichita, KS 67202 Phone 267-7251
Owner

b. ~~Applicant~~ Dayton Hudson Corporation, %Property Administration Dept. ✓
33 S. 6th Street
Address Minneapolis, Minn. 55402 Phone (612) 370-5986

Agent EVERETT C. FETTIS, ATTORNEY ok
Address (see above) Phone _____

c. Applicant _____
Address _____ Phone _____

Agent _____
Address _____ Phone _____

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

2. a. The applicant hereby requests Community Unit Plan approval on property zoned LC and legally described as Lot(s) _____, Block(s) _____ Addition.

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

A portion of Parcel 8 shown on the C.U.P. located in Rockwood South 5th Addition to Wichita, Sedgwick County, Kansas

✓ Lot 1, Block 2, Rockwood South Fifth Addition, Wichita, Sedgwick County, Kansas.

2. b. There are 7.6 acres (round to nearest tenth) in the above described property.

MAP# 5947B (N) LC (S) LC (E) LC (W) LC MAPC 2-2086

3. The general location is ^{between Armour Drive and Whittier} ~~use appropriate section~~ ^{north of Willowbrook.}

a. at the northwest corner of Armour Drive West
and Willowbrook Street; or

b. on the _____ side of _____ (Avenue,
Street) between _____ (Avenue, Street) and
_____ (Avenue, Street).

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

A. SCOTT RITCHIE III

By Everett C. Feltis
Authorized Agent (if any)
Everett C. Feltis, Attorney

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

5. OFFICE USE ONLY

This application was received at the Planning Department at _____
(AM, PM) on 1-22-86 (Day, Month, Year). It has been
checked and found to be complete and accompanied by required documents and
the appropriate fee of \$ 200⁰⁰.

Ownership list to be submitted by Friday

Louis Olwang Name
Sr. Planner Title

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: C-36048-1 -C-36047-002A- RE 17 JLL

1/2 CRAIG STEVEN
CONEY ISLAND #3

PROPERTY ADDRESS
7092 E KELLOGG

X 7092 E. KELLOGG KS 67207 6702
WICHITA
180 FT E, 19.5 FT LOT 1 &
180 FT LOT 2
CLAYTON ADD.

DP-12

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: C-35570-1 -C-35570- RE 17 JLL

FOURTH NATL BANK TRUSTEE
CATHERINE C & DOREEN G YINGLING TRUSTS

PROPERTY ADDRESS
7300 E KELLOGG

X 100 N BROADWAY KS 67202 6702
WICHITA
LOT 2
ROCKWOOD SOUTH 1ST. ADD.

DP-12

PF-KEYS, 1-MENU, 2-BACK, 3-FWD, 4-NEW ID, 5-DEED, 6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: MI-EE-00169-1 -MI-EE-00169- RE 17 JLL

OLIVER MARY LYNN
X JAMES SOLON

PROPERTY ADDRESS
ENGLISH

X 7 ENGLISH KS 67207 5701
WICHITA
LOT 4
BLOCK O
EASTBOROUGH 3RD. ADD.

DP-12

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1		Rockwood South First Addition	M & N Investment, a partnership 150 N. Market Wichita, KS 67202
Lot 2		"	E. V. Yingling Jr. Doreen M. Yingling Address Unknown 4th North East Trusts Catherine C. & Dorcen G. Yingling 100 N. Broadway 67202 Trusts
Lot 1		Rockwood South Third Addition	O. L. Eck 320 Windrose Goddard, KS 67052
Lot 2, except Beginning at the SE/c of Lot 2; th. West 297.3 feet to p.c. of a curve to right having a central angle of 88°33' and radius of 44.10 feet; th. along the curve 68.11 feet to p.t. of said curve; th. North along the West line of Lot 3, 11 feet to a point; th. SE'ly at interior angle of 44°16'30" and 42.93 feet to a point; th. East parallel to South line of Lot 2, 310.91 feet to point on East line of Lot 2; th. South 24 feet to p.o.b.		"	Robert W. Moore 8801 E. Kellogg Wichita, KS 67207
Beginning at the SE/c of Lot 2; th. West 297.3 feet to p.c. of a curve to right having a central angle of 88°33' and radius of 44.10 feet; th. along the curve 68.11 feet to p.t. of said curve; th. North along the West line of Lot 3 11 feet to a point; th. SE'ly at interior angle of 44°16'30" and 42.93 feet to a point; th. East parallel to South line of Lot 2, 310.91 feet to a point on the East line of Lot 2; th. South 24 feet to p.o.b.		"	City of Wichita 455 N. Main Wichita, KS 67202
All of Lots 1, 2, 3, 4, 5, 6, 7 and Lot 8 except the North 69 feet, Block 1		Rockwood South Fifth Addition	Aina Nui Corporation Suite 500 828 Fort Street Mall Honolulu, Hawaii 96813
The North 69 feet of Lot 8 and all of Lots 9, 10, 11 & 12, Block 1		"	C & W Enterprises 310 W. Central Suite 209 Wichita, KS 67202

Lot	Block	Addition	Property Owner
<i>application area</i> That part of Lot 1, Block 2, described as follows: Beginning at a point on the South line of said Lot 1, said point being 308.20 feet West of the SE/c thereof; th. W'ly, along said South line, 187.00 feet to the p.c. of a curve to the right with a radius of 60 feet and a central angle of 44°05'; th. NW'ly along said curve, 46.16 feet to the p.t. of said curve and the p.c. of a curve to the right with a radius of 323.79 feet and a central angle of 33°31'27"; th. NW'ly, along said curve, 189.45 feet; th. E'ly parallel with the South of said Lot 1, 319.73 feet; th. S'ly with a deflection angle to the right of 90°, 180.00 feet to the p.o.b.		Rockwood South	General Mills Restaurant
		Fifth Addition	Group, Inc. P.O. Box 13330 Orlando, Florida 32859
Lot 1, Block 2, except foregoing described property.		" <i>use address on application</i>	Dayton-Hudson Corp. 777 Nicollet Mall Minneapolis, MN 55402
That part of Lot 2, Block 2, beginning at the SW/c of said Lot 2, and on the East r/o/w line of Whittier; th. North 89.99 feet along said East r/o/w line of Whittier having a bearing of North 00°01'24" West; th. 39.12 feet on a bearing of North 89°53'36" East; th. 193.08 feet on a bearing of North 42°03'08" East to the SW'ly r/o/w line of Armour; th. 177.79 feet on a bearing of South 47°55'32" East and along SW'ly r/o/w line of Armour; th. SW'ly and West with the following distances and bearings from the preceding course; th. 81.90 feet on a bearing of South 42°03'08" West; th. 53.65 feet on a bearing of South 00°01'24" East; th. 245.23 feet on a bearing of South 89°56'35" West to the p.o.b.		"	Southwest National Bank, Wichita, Kansas 225 S. Armour Wichita, KS 67207
Lot 2, Block 2, except foregoing described property.		"	Aina Nui Corporation Suite 500 828 Fort Street Mall Honolulu, Hawaii 96813
A tract of land described as the East 22 feet of Lot 1.		Rockwood South Second Addition	City of Wichita 455 N. Main Wichita, KS 67202

Lot	Block	Addition	Property Owner
Lot 1, except the East 22 feet.		Rockwood South Second Addition	✓ Kenneth D. Denton 4640 E. Mt. Vernon Wichita, KS 67218
Lot 1		Aboud Addition	✓ Floyd J. Ellis Jeanne G. Ellis 8020 University Wichita, KS 67209
Lot 3	Block A	Clayton Addition	✓ Windsor at Eastborough 7000 E. Kellogg Wichita, KS 67207
Commencing at the intersection of the N'y line of Kellogg Drive with the W'y line of Clayton Addn. to Wichita; th. East along the North line of Kellogg Drive a distance of 60 feet; th. North along a line parallel with the W'y line of Lot 1, Block A in said Clayton Addn. to the North line of said Lot 1; th. W'y along the N'y line of said Lot 1 and the N'y line of said lot as extended, to the intersection of the N'y line of said Lot 1 as extended with the W'y line of Clayton Addn.; th. South along the W'y line of Clayton Addn. to the p.o.b.		"	Same As Above
Lot 1 except the West 130'6" and Lot 2 except the North 120 feet of Lot 2 & the North 120 feet of the East 19.6 feet of Lot 1	Block A	Clayton Addition	✓ W. R. Azim Ada J. Azim Address Unknown <i>40 Craig Steven #</i> <i>Coney Island #</i> <i>7092 E. Kellogg</i> <i>Wichita, KS. 67207</i>
Lot 1 except the West 60 feet and exc. the East 19'6" thereof.	Block A	"	✓ Philip J. Farha Gloria Farha 557 N. Armour Wichita, KS 67207
Lot 2	Block AZ	Eastborough Third Addition	✓ Margaret M. Bradley 11 Drury Lane Wichita, KS 67207
Lot 1 & the S $\frac{1}{2}$ of vacated Morgan	Block EZ	"	✓ Maria J. Causey 12 Drury Lane Wichita, KS 67207
Lot 3	Block EZ	"	✓ R. Reed Hatfield Dollie D. Hatfield 14 Drury Lane Wichita, KS 67207
Lot 5	Block EZ	"	✓ Jack Pearce 16 Drury Lane Wichita, KS 67207

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
South 15 feet of Lot 1 & all of Lot 4	Block DZ	Eastborough Third Addition	✓ Guy D. Harris Linda S. Harris 4 Drury Lane Wichita, KS 67207
Lot 1 except the South 15 feet	Block DZ	"	✓ Albert A. Smith 2 Drury Lane Wichita, KS 67207
Lot 6	Block DZ	"	✓ Carl F. Cannon Mary L. Cannon c/o Eva Cannon 6 Drury Lane Wichita, KS 67207
Lot 8	Block DZ	"	✓ Randall J. Morgan Betty J. Morgan 8 Drury Lane Wichita, KS 67207
Lot 10 & the N½ of Morgan Lane	Block DZ	"	✓ Delmar A. Kuhlman Rose M. Kuhlman 10 Drury Lane Wichita, KS 67207
E½ of Lot 2 & all of Lot 3	Block Z	"	✓ Robert S. Wise Mary F. Wise 4 Willowbrook Rd. Wichita, KS 67207
All of Lot 1 & the W½ of Lot 2	Block Z	"	✓ Martha L. Mulvihill 58 Mission Rd. Wichita, KS 67207
Lot 4	Block Z	"	✓ Larry O. Steenrod Florence Steenrod 60 Mission Rd. Wichita, KS 67207
Lot 5	Block Z	"	✓ William T. West Regina M. West 3 Drury Lane Wichita, KS 67207
Lot 6	Block Z	"	✓ Charles B. McIlwaine Jeanne D. McIlwaine 5 Drury Lane Wichita, KS 67207
Lot 7	Block Z	"	✓ Robert M. Lee Katherine E. Lee 62 Mission Rd. Wichita, KS 67207
Lot 8	Block Z	"	✓ Jim McConnell Viola McConnell 7 Drury Lane Wichita, KS 67207
Lot 10	Block Z	"	✓ Earl E. Leshner Barbara E. Leshner 9 Drury Lane Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lot 3	Block T	Eastborough Third Addition	✓ Jay K. Wisdom Isabel F. Wisdom 15 East Lynwood Blvd. Wichita, KS 67207
Lot 4	Block T	"	✓ Joan I. Peterson 17 East Lynwood Blvd. Wichita, KS 67207
Lot 5	Block T	"	✓ Amos C. Small 19 East Lynwood Blvd. Wichita, KS 67207
Lot 6	Block T	"	✓ Ralph W. Marshall Juana L. Marshall 21 East Lynwood Blvd. Wichita, KS 67207
Lot 7	Block T	"	✓ Robert L. Heath Sabine Heath 23 East Lynwood Blvd. Wichita, KS 67207
Lots 9 & 10	Block T	"	✓ Jeff H. King Mildred C. King 9 Willowbrook Rd. Wichita, KS 67207
Lots 11 & 12	Block T	"	✓ Dwane L. Wallace Velma Wallace 5 Willowbrook Rd. Wichita, KS 67207
Lot 13	Block T	"	✓ Warner Moore Maxine Moore 1 Willowbrook Rd. Wichita, KS 67207
Lot 4	Block O	"	Mary Lynn Oliver Address Unknown
Lot 5	Block O	"	✓ <i>96 James English Ave.</i> Victor N. Harris Lola B. Harris 9 English Ave. Wichita, KS 67207
Lot 6	Block O	"	✓ Morris D. McCreedy 11 English Ave. Wichita, KS 67207
Lot 7	Block O	"	✓ Wilbur H. Weedin Marjorie H. Weedin 13 English Ave. Wichita, KS 67207
Lot 8	Block O	"	✓ James Charles Manion Janice Kay Manion 15 English Ave. Wichita, KS 67207
Lot 11	Block O	"	✓ Ralph S. Lightner 20 East Lynwood Blvd. Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lot 12	Block O	Eastborough Third Addition	R. Grant Gaudreau Pamela C. Gaudreau ✓ 22 East Lynwood Blvd. Wichita, KS 67207
Lot 13	Block O	"	Margaret Ann (Robinson) Klaskin ✓ Herbert N. Klaskin 24 East Lynwood Blvd. Wichita, KS 67207
Lot 14	Block O	"	Lawrence W. Shannon M. Grace Shannon ✓ 26 East Lynwood Blvd. Wichita, KS 67207
Lot 15	Block O	"	Philip R. McKee Cassandra M. McKee ✓ 61 S. Stratford Rd. Wichita, KS 67207
The East 158 feet of Lot 3	Block WMG	"	Frank R. Solomon Lorraine Solomon ✓ 17 Douglas Ave. Wichita, KS 67217
Lot 4	Block WMG	"	Robert E. Cressler ✓ Sally C. Cressler 19 Douglas Ave. Wichita, KS 67207
The East 78.74 feet of Lot 7 & the West 97.26 feet of Lot 8	Block WMG	"	Theodore A. Hiebert Trustee of Kathryn S. Hiebert and Theodore A. Hiebert ✓ 12 English Ave. Wichita, KS 67207
The West 158 feet of Lot 7	Block WMG	"	Eric T. Knorr Katharine H. Knorr ✓ 9 Hillcrest 10 English Wichita, KS 67208 (Eric Knorr called 2-10-86 to say he & Katherine had been divorced 10 yrs & she owns the property at 10 English)
The East 157.48 feet of Lot 8	Block WMG	"	✓ Luis A. Casado Vera J. Casado 14 English Ave. Wichita, KS 67207
Lot 17	Block K	Eastborough Second Addition	Robert M. Veazey ✓ Barbara Christine Veazey 26 Douglas Ave. Wichita, KS 67207
Lot 18	Block K	"	✓ Maryrose N. Bauslaugh 28 Douglas Ave. Wichita, KS 67207
Lot 1	Block U	Eastborough Third Addition	✓ Richard H. Barton Eunice H. Barton 72 S. Stratford Rd. Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lot 2	Block U	Eastborough Third Addition	✓ Philip W. Russell Suzanne G. Russell 74 S. Stratford Rd. Wichita, KS 67207
Lot 1	Block P	"	✓ Austin B. Craig Mildred E. Craig 56 S. Stratford Rd. Wichita, KS 67207
Lot 2	Block P	"	✓ James W. Everett Bethry G. Everett 58 S. Stratford Rd. Wichita, KS 67207
Lot 3	Block P	"	✓ Nona Clemons 60 S. Stratford Rd. Wichita, KS 67207
Lot 4	Block P	"	✓ Mercedes E. Wright 62 S. Stratford Rd. Wichita, KS 67207
Lot 5	Block P	"	✓ George R. Temple Elizabeth Temple 64 S. Stratford Rd. Wichita, KS 67207
Lot 6	Block P	"	✓ Jane B. Manka 66 S. Stratford Rd. Wichita, KS 67207
Lot 7	Block P	"	✓ Robert M. Smith Sr. Florence L. Smith 68 S. Stratford Rd. Wichita, KS 67207
Lot 8	Block P	"	✓ George A. Angle 70 S. Stratford Rd. Wichita, KS 67207
Lot 1	Block 4	Rockwood Fourth Addition	✓ Jack S. Stevens Alice R. Stevens 7301 Huntington Ave. Wichita, KS 67207
Lot 2	Block 4	"	✓ William R. Coughenour Patricia Coughenour 7315 Huntington Ave. Wichita, KS 67207
Lot 3	Block 4	"	✓ Ronald D. Heikes Beatrice J. Heikes 7329 Huntington Ave. Wichita, KS 67207
Lot 4	Block 4	"	✓ Willard L. Momsen Jr. Carol A. Momsen 7401 Huntington Ave. Wichita, KS 67207
Lot 5	Block 4	"	✓ Albert H. Howard Odetta Howard 7409 Huntington Ave. Wichita, KS 67207

Lot	Block	Addition	Property Owner
Commencing at a point on the West line of Lot 13, Block 1, 121.15 feet North of the SW/c; th. East parallel with the South line of said Lot 100.08 feet; th. South at right angle 252 feet for a p.o.b.; th. East at right angle 45.4 feet; th. South at right angle 15.82 feet; th. North at right angle 2 feet; th. West at right angle 29.58 feet; th. North at right angle 73.95 feet to beginning, together with 1/12th interest in common areas.		Rockwood Third Addition	<input checked="" type="checkbox"/> Isabel F. Elnen Thomas E. Elnen 7114 E. Douglas Wichita, KS 67207
Beginning at a point on the West line of Lot 13, Block 1, 121.15 feet North of the SW/c; th. East parallel with the South line of said Lot, 100.08 feet; th. South at right angle 25.2 feet; th. East at right angle 45.4 feet for a p.o.b.; th. East 45.7 feet; th. South at right angle 75.95 feet; th. West at right angle 16.27 feet; th. North at right angle, 2 feet; th. West at right angle 29.43 feet; th. North at right angle 73.95 feet to beginning, together with 1/12th interest in common areas.		"	<input checked="" type="checkbox"/> Gladys L. Levitt 7118 E. Douglas Wichita, KS 67207
Lot 13, Block 1 except the foregoing two described properties AND except that property described in deeds filed in Film 111, Page 1416 and Film 762, Page 1349.		"	<input checked="" type="checkbox"/> Union National Bank of Wichita 150 N. Main Wichita, KS 67202
Part of Lot 14, Block 1, described as commencing at a point on the South line of said Lot, 214.52 feet West of the SE/c thereof; th. North parallel with the East line of said Lot, 84.3 feet for a p.o.b.; th. continuing North parallel with the East line of said Lot, 45.78 feet; th. East at right angles 49.3 feet; th. South at right angles 2 feet; th. East at right angles 24.72 feet; th. South at right angles 28 feet; th. East at right angles 2 feet; th. South at right angles 15.78 feet; th. West at right angles 76.02 feet to beginning, together with 1/12th interest in common areas.		"	<input checked="" type="checkbox"/> Vincent Canzoneri Helen N. Canzoneri 7203 Huntington Ave. Wichita, KS 67206

Lot	Block	Addition	Property Owner
<p>Part of Lot 14, Block 1, described as commencing at a point on the South line of said Lot, 20 feet West of the SE/c thereof; th. North parallel with the East line of said Lot, 44.7 feet for a p.o.b.; th. continuing North parallel with the East line of said Lot, 75.86 feet; th. West at right angles 16.3 feet; th. South at right angles 2 feet; th. West at right angles 27.9 feet; th. South at right angles 24.68 feet; th. West at right angles 1.57 feet; th. South at right angles 49.18 feet; th. East at right angles 45.77 feet to beginning, together with an undivided 1/12th interest in the common areas.</p>	1	Rockwood Third Addition	<p>Kathryn Davis 7221 Huntington Ave. Wichita, KS 67207</p>
<p>Part of Lot 14, Block 1, described as commencing at a point on the South line of said Lot, 214.52 feet West of the SE/c thereof; th. North parallel with the East line of said Lot 38.6 feet for a p.o.b.; th. continuing North parallel with the East line of said Lot, 45.7 feet; th. East at right angles 74.02 feet; th. South at right angles 29.4 feet; th. East at right angles 2 feet; th. South at right angles 16.3 feet; th. West at right angles 76.02 feet to beginning, together with an undivided 1/12th interest in common areas.</p>	1	"	<p>Payne H. Ratner Cliffe D. Ratner 7211 Huntington Ave. Wichita, KS 67207</p>
<p>Part of Lot 14, Block 1, described as commencing at a point on the South line of said Lot, 20 feet West of the SE/c thereof; th. North parallel with the East line of said Lot 35.5 feet; th. West at right angles to the East line of said Lot, 36.35 feet for a p.o.b.; th. continuing West along the last described line extended, 32.2 feet; th. South at right angles 12.4 feet; th. West at right angles 52.7 feet; th. North at right angles 15.5 feet; th. East at right angles 2.75 feet; th. North at right angles 16.3 feet; th. West at right angles 2 feet; th. North at right angles 12.2 feet; th. East at right angles 25.83 feet; th. North at right angles 2 feet; th. East at right angles 48.9 feet; th. South at</p>	1	"	<p>Thelma Wallingford 7219 Huntington Ave. Wichita, KS 67217</p>

(Cont'd on Pg. 10)

Lot	Block	Addition	Property Owner
(Cont'd from Pg. 9)			
right angles 24.4 feet; th. East at right angles 9.42 feet; th. South at right angles 9.2 feet to beginning, together with an undivided 1/12th interest in common areas.		Rockwood Third Addition	(on Pg. 9)
Lot 14, Block 1, except the foregoing 4 descriptions in said Lot.		"	Union National Bank of Wichita 150 N. Main Wichita, KS 67202
Commencing at a point 1790.35 feet South and 60 feet West of the NE/c of the SE $\frac{1}{4}$ of Sec. 19, Twp. 27, Rge. 2 East; th. West parallel with U.S. Highway 54 r/o/w 23.25 feet to the East line of said Lot 1 and p.o.b.; th. continuing West parallel with said Highway 176.75 feet; th. South parallel with the East line of said SE $\frac{1}{4}$, 350 feet; th. East parallel with said Highway 183.10 feet to the East line of Lot 1; th. North along the East line of said Lot 1, 350.07 feet to p.o.b. being part of Lot 1.		Kellogg Mall Addition	Kellogg Mall Associates P.O. Box 7033 Merchants Plaza Indianapolis, IN 46207
Lot 1, except above described property.		"	Fred E. Trotter H. C. Eichelberger Wade H. McVay, Trustees under the will & Estate of James Campbell, dec'd Address Unknown 70 Melvin Simon Assoc. P.O. Box 7033 Indianapolis, IN. 46207
Lots 2, 3 & 4		"	Kellogg Mall Associates P.O. Box 7033 Merchants Plaza Indianapolis, IN 46207

C-37292

Page 11

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

Lot 1, Block 2, Rockwood South Fifth Addition,
Sedgwick County, Kansas

AND ownership of All of Kellogg Mall Addition,
Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of January, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By
Sr. Vice-President

Order No: 355354
nj

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: September 9, 1985

TO: Monty Robson, Superintendent of Central Inspection

FROM: Jack H. Galbraith, Chief Planner, Current Plans

SUBJECT: DP-12: Adjustment of firelane easement in Parcel 11.

On September 3, 1985, the City Commission approved the vacation of the platted 30-foot firelane and access easement along the north line of Lot 2, Rockwood South Third Addition (V-1342). This lot coincides with Parcel 11 of the Kellogg Mall C.U.P. which also designated a 30-foot firelane easement along its north line. Since the vacation application was reviewed and approved by the Subdivision Committee, the Planning Commission, and the City Commission, the C.U.P. should be adjusted to delete this firelane requirement. The 35-foot building setback line from the firelane easement was not changed and therefore still remains as a 65-foot setback line from the north line of Lot 2 (Parcel 11).

Please make a notation on your copies of this C.U.P. that the firelane easement on the north 30 feet of Parcel 11 is no longer required. If you have any questions regarding this matter, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG/LO:blw

August 29, 1985

Mr. William E. Gray, A.I.A., Vice President
Di Leonardo International, Inc.
2346 Post Road
Warwick, Rhode Island 02886-2242

RE: DP-12 Outdoor Food Service in Parcel 8

Dear Mr. Gray:

I have reviewed your request for an interpretation of the provisions of DP-12 regarding outdoor food service. As I read the C.U.P., Parcel 8 is allowed to have restaurants as long as they are not so-called "fast food" types which we interpret to mean drive-in restaurants where food is delivered to the car, or restaurants with a drive-up window where food orders are picked up by the driver of the car. General Provision #6 which prohibits "outdoor food service" applies only to Parcels 1, 2, 3, 4 and 5 and not to Parcel 8 where you propose the Red Lobster.

Therefore, since your proposal is not for a "fast food" type of restaurant, I believe it is a permitted use within Parcel 8 subject to compliance with all applicable building and food service codes, including alcoholic beverage codes.

Sincerely,

Michael E. Lindebak
Interim Director of Planning

MEL/LO/lw

cc: Monty Robson, Superintendent of Central Inspection
Dolores Mast, Central Inspection Division
Jay Woodward, Central Inspection Division

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: May 20, 1985

TO: Monty Robson, Superintendent of Central Inspection


FROM: Robert A. Lakin, Director of Planning

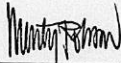
SUBJECT: DP-12: Outdoor Food Service (Parcel 1)

We have been asked by Bill Rowe of Willie C's Cafe and Bar at Towne East to permit the construction and use of a covered patio for dining purposes associated with that restaurant. The C.U.P. currently permits restaurants but excludes outdoor food service (see General Note #6). I believe the reason for that was two-fold: the litter usually associated with outdoor eating and the potential noise generated by a close congregation of people, especially if musical entertainment is provided.

Because the proposed dining area is on the south side of the restaurant away from nearby residences, will be partially enclosed by the restaurant walls with the balance of the perimeter being fenced, and will have a canvas roof over the entire dining area, I do not interpret this as the kind of "outdoor" food service" which was specifically prohibited by this development plan. The walls, fence and roof should help keep noise and blowing litter to a minimum. However, I would caution Mr. Rowe to be extremely careful about allowing jukeboxes or live entertainment in or near this dining area which would disturb the adjoining properties.

If you agree with this interpretation that the type of dining area proposed to be added to Willie C's is not specifically prohibited by the C.U.P. because it is not "outdoor" dining in the strict sense of the word, our signatures below will indicate to Mr. Rowe that his proposed restaurant addition may be permitted, subject to compliance with all applicable building and parking codes, health codes, and regulations governing the sale of alcoholic beverages.


Robert A. Lakin
Director of Planning


Monty Robson
Superintendent of Central
Inspection

RAL/LO:blw

cc: Bill Rowe, Willie C's Cafe & Bar, 7700 East Kellogg, Wichita, KS. 67207

September 19, 1984

Mr. Lynn N. Woodward
Managing Partner
C & W Enterprises
310 West Central, #210
Wichita, Kansas 67202-1094

RE: DP-12: Request for administrative adjustment of the gross floor area on Parcels 6 and a portion of 7.

Dear Mr. Woodward:

We have reviewed your request for permission to construct 58,590 square feet of office buildings on land described as Lots 12, 11, 10, 9 and the north 69 feet of Lot 8, Rockwood South Fifth Addition. Lot 12 corresponds to Parcel 6 of the CUP and the other lots constitute a portion of Parcel 7. According to figures furnished by you from Lowell High, the amount of land in Lots 11, 10, 9, and the north 69 feet of Lot 8 is 81,594 square feet. This is 32% of the total land in Parcel 7 (255,719 square feet).


Parcel 7 as a whole is allowed 150,000 square feet of gross floor area. Thirty-two percent of that area is 48,000 square feet. Parcel 6 is allowed 15,000 square feet of gross floor area. The total allowable floor area of all lots in your description equals 63,000 square feet. Your 58,590 square feet of building is well within the 63,000 square feet allowed on the above-described lots. The adjustment involves a shift of building square footage between Parcels 6 and 7. If we allow Parcel 6 to have 25,000 square feet rather than 15,000 square feet, then the square footage on your lots in Parcel 7 shall be reduced by 10,000 square feet (or from 48,000 to 38,000). Your proposed square footage of buildings in Parcel 7 totals 34,100 square feet which would be within the 38,000 square feet allowed.

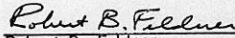
Our signatures below indicate that we consider the shift of gross building area from Parcel 7 to Parcel 6 to not be a substantial deviation of the original intent of the C.U.P. The adjustment of this building area allocation is granted subject to the following:

Mr. Lynn N. Woodward
Page Two
September 19, 1984

- a. The percentage of building coverage for Parcel 6 shall be no greater than 30% and the percentage of building coverage for your portion of Parcel 7 shall be no greater than 30%;
- b. The increase of gross floor area on Parcel 6 from 15,000 square feet to 25,000± square feet is conditioned upon an equivalent reduction of the gross floor area on that portion of Parcel 7 described as Lots 11, 10, 9, and the north 69 feet of Lot 8, from 48,000 square feet to 38,000± square feet.
- c. The increase of gross floor area on Parcel 6 from 15,000 square feet to 25,000 square feet is conditioned upon the building being used for offices only and NOT for a savings and loan, bank, or other financial institution. For an office building, no curb cuts to Douglas are allowed and will be so noted on the CUP.

Sincerely,


Robert A. Lakin
Director of Planning


Robert B. Feldner
Superintendent of Central
Inspection

RAL:LO:blw

cc: Aina Nui Corp.
Suite 500
828 Fort Street Mall
Honolulu, Hawaii 96813

cc Feldner

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

May 31, 1984


TO: Robert B. Feldner, Superintendent of Central Inspection
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DP-12 - KELLOGG MALL C.U.P. - Request for
Administrative Interpretation of uses permitted in
Parcel 1.

We are in receipt of a letter from Max Eberhart requesting an administrative interpretation of the uses allowed in Parcel 1 of the KELLOGG MALL C.U.P. Current permitted uses include regional shopping centers and filling stations. Sears and Budget Rent-a-Car wish to include a car and small truck rental agency in the existing free-standing Sears Automotive Center building just east of Armour Drive. Outdoor storage of the vehicles would be required.

After reviewing the permitted uses in Parcel 1 and the existing uses in Parcel 1, particularly within and adjacent to the building in question, I believe the car rental agency is a legitimate use within a regional shopping center, although an exception to the use regulations of the "LC" zoning district will need to be approved by the Board of Zoning Appeals for the outdoor vehicular storage. Your signature of approval on this memorandum will indicate that you concur in this interpretation.

Mr. Eberhart will be notified of our interpretation by copy of this memorandum. I would remind Mr. Eberhart that approval by the Board of Zoning Appeals will be required before building or occupancy permits can be issued. BZA Case 34-84 requesting this exception has been filed.


Robert A. Lakin
Director of Planning


Robert B. Feldner
Superintendent of Central
Inspection

RAL:LO:blw

cc: Max E. Eberhart, 125 North Market, Suite 1400, Wichita, KS. 67202
Glen Lytle, BZA Assistant Secretary, MAPD

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

May 15, 1984

TO: Robert B. Feldner, Superintendent of Central Inspection
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DP-12 - KELLOGG MALL COMMERCIAL C.U.P.
Request for an Administrative Adjustment for Parcel 11.

A copy of a letter and accompanying site plan from Everett C. Fettis is attached for your review. Mr. Fettis is requesting that we administratively adjust the floor area provisions under Parcel 11. The approved C.U.P. currently permits 200,000 square feet of floor area for office and commercial uses. A maximum of 25% (50,000) of the permitted 200,000 square feet may be used for retail sales. Mr. Fettis's clients wish to develop a 102,500 square foot shopping center in lieu of office buildings.

We have furnished copies of the proposed site plan to Bill McKinley, City Engineer and the Regional Manager for Melvin Simon and Associates who own the Towne East Mall. Bill has indicated that the proposed shopping center would have approximately the same impact as a 200,000 square foot office development. He did not foresee any traffic problems with the proposed site plan.

Scott Mumphrey, Regional Manager for Melvin Simon and Associates has indicated that they are not opposed to competition but feel that the retail market in the Towne East Mall is saturated. Mr. Mumphrey also stated that they will not grant access to their property, Parcel 1, from the shopping center.

After reviewing Mr. Fettis's letter, the site plan for the shopping center and the C.U.P., I do not feel that it would be a substantial deviation from the intent and purpose of the C.U.P. provisions. My opinion is based upon the similar traffic impacts of the proposed shopping center and the permitted office uses and the commercial uses in the area. My approval is conditioned upon providing a minimum 410 parking spaces.

-2-


Your signature of approval will indicate that you concur that, permitting a shopping center with a maximum floor area of 102,500 square feet in Parcel 11 is not a substantial deviation from the intent and purpose of the C.U.P. provisions. Your signature will also indicate that you concur in granting Mr. Fettis's request subject to the following:

- a. A maximum floor area of 102,500 square feet be developed for either offices or retail sales.
- b. The shopping center shall be constructed in accordance with the site plan dated April 4, 1984.
- c. A minimum of 410 parking spaces shall be provided for the shopping center.

Mr. Fettis and others will be notified of our joint action approving his request. If you have any questions, please call.

Robert A. Lakin
Director of Planning

APPROVED:



Robert B. Feldner
Superintendent of Central Inspection

RAL:ADC:blw

cc: Everett C. Fettis, 120 South Market, Suite 504, Wichita, KS. 67202
Scott Mumphrey, Regional Manager, Melvin Simon and Associates,
Merchants Plaza, P.O. Box 7033, Indianapolis, Indiana 46207

March 3, 1983

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

DP-12 Kellogg Mall Commercial C.U.P. Request for
Administrative Interpretation

We are in receipt of a letter from Heil C. Pettit requesting an administrative adjustment so that a third bridge can be constructed over the drainage ditch in the above referenced C.U.P. The bridge would provide his client's property access to Amour Drive. Mr. Pettit has discussed this with representatives of the Engineering Department who have generally concurred in the location of the bridge.

After reviewing the C.U.P. provisions I feel that a third bridge is permitted according to General Provision No. 9. That provision does not specifically limit the number of bridges. It does however, state that bridges are to be installed at the developer's expense. Therefore, I feel that construction of a third bridge would not be a substantial deviation from the intent and purpose of the C.U.P. provisions.

Your signature of approval will indicate that you concur that a third bridge may be constructed and is not a substantial deviation from the intent and purpose of the C.U.P. provisions. Mr. Pettit will be notified of our joint action on his request by copy of this memorandum.

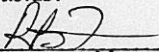
I would point out that the Engineering Department will have to review and approve the bridge design and location. They will also need to provide inspection. Mr. Pettit should contact them directly.



Robert A. Lakin, Director of Planning

RAL:ADC:vn
cc: Heil C. Pettit, P.O. Box 2726, Wichita, 67201
Ray Bruggeman, Director of Engineering

APPROVED:



Robert B. Feldner, Superintendent of
Central Inspection, City of Wichita

*

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

Roll # 1

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