

DR 61-13 - INITIATED BY PLANNING COM-
MISSION AT REQUEST OF JERRY L. GRIFFIN
ESTABLISHMENT OF POLICY ON DRIVEWAYS
AND PARKING IN HILLTOP & PLAINVIEW



No. 2-153C

ACTION

COMMITTEE	DATE
_____	<u>7-6-61</u>
M.A.P.C.	<u>7-20-61</u>
<i>Mape</i>	<i>defer</i>
<i>Mape</i>	<i>8-3-61</i>
B.C.C./B. CO. C.	<i>Referred to City</i>
	<i>7-21-61</i>
	<i>Manager</i>

DR 61-13 - INITIATED BY PLANNING
MISSION AT REQUEST OF JERRY L. G.
ESTABLISHMENT OF POLICY ON DRIVE
AND PARKING IN HILLTOP & PLAINVIE

RALPH WULTZ, DIRECTOR OF PUBLIC WORKS

DECEMBER 11, 1961

L. L. LITTLE, DIRECTOR OF PLANNING

PROPOSED CHANGES IN DRIVEWAY REQUIREMENTS

I HAVE REVIEWED YOUR MEMORANDUM CONCERNING THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATING TO OFF-STREET PARKING AREAS AND IN PARTICULAR, THE PROVISION RELATING TO THE IMPROVEMENT THEREOF. I BELIEVE YOU HAVE RAISED AN EXCELLENT POINT IN THAT THE WAY IN WHICH THE ORDINANCE NOW READS WOULD PERHAPS PROVIDE A CONFLICT BETWEEN THE TWO SECTIONS OF THE CITY CODE. I BELIEVE THAT IF THE WORDS "ON PRIVATE PROPERTY" WERE INSERTED AFTER THE WORDS "DRIVEWAYS" IN EACH OF THE EXCERPTS AS APPEARS IN YOUR MEMORANDUM SO THAT THEY WOULD READ AS FOLLOWS:

PAGE 5 -- 4.1

".....AND ALL DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO SUCH USES AND TO ALL REQUIRED PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACING."

PAGE 5 -- 4.1

"THE DRIVEWAYS ON PRIVATE PROPERTY PROVIDING INGRESS AND EGRESS TO PARKING AREAS AND PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR ANY OTHER COMPARABLE SURFACING WHICH MEETS THE APPROVAL OF THE BOARD OF ZONING APPEALS, AND SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS. THE STANDARDS FOR THE LOCATION OF ENTRANCES AND EXITS SHALL NOT BE LESS THAN THAT REQUIRED IN THE CURB CUT ORDINANCE AS SET OUT IN CHAPTER 10.16 OF THIS CODE BUT MAY BE GREATER AS DETERMINED BY THE BOARD OF ZONING APPEALS."

WITH THIS AMENDMENT, I BELIEVE THE IMPROVEMENTS OF DRIVEWAYS CROSSING PUBLIC PROPERTY WOULD REMAIN UNAFFECTED AND THE DRIVEWAYS CONSTRUCTED ON PRIVATE PROPERTY WOULD THEN AT LEAST HAVE TO BE OF SOME "HARD-STAND" TYPE OF MATERIAL.

- 2 -

IF YOU FEEL THAT THIS STILL PRESENTS SOME PROBLEMS, I WOULD
BE HAPPY TO DISCUSS THIS MATTER WITH YOU FURTHER.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM

CC: FRANK H. BACKSTROM
CITY MANAGER

THE CITY OF WICHITA

OFFICE OF DIRECTOR OF PUBLIC WORKS DATE December 6, 1961

TO L. L. Little, Director of Planning

FROM Ralph Wulz, Director of Public Works

SUBJECT Proposed Changes in
Driveway Requirements



I note the following on the agenda for the December 7, 1961, meeting of the Metropolitan Area Planning Commission:

Page 5 -- 4.1

on private property
"..... and all driveways providing ingress and egress to such uses and to all required parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing."

Page 6 -- 4.1

on private property
"The driveways providing ingress and egress to parking areas, and parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the Board of Zoning Appeals, and shall be maintained in good condition and free of all weeds, dust, trash and other debris. The standards for the location of entrances and exits shall not be less than that required in the Curb Cut Ordinance as set out in Chapter 10.16 of this Code but may be greater as determined by the Board of Zoning Appeals."

You no doubt are aware that the responsibility for the control of curb cuts and driveways is presently assigned to the Department of Public Works by ordinance, and further that all private driveways cutting through or passing over curbs and sidewalks constructed in the City shall be of concrete unless otherwise ordered by the Board of Commissioners of the City, and shall be constructed according to specifications on file in the office of the City Engineer. I would be interested in the reason for relaxing the present requirements

December 6, 1961
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and for assigning the responsibility for determining what constitutes proper and adequate construction to the Board of Zoning Appeals. Perhaps we should discuss this matter before it proceeds to the Planning Commission and the City Commission.

Ralph Wulz
Ralph Wulz
Director of Public Works

RW:dm

cc: Frank H. Backstrom, City Manager

OCTOBER 16, 1961

MR. JERRY L. GRIFFITH, ATTORNEY
103 BALTIMORE
DERBY, KANSAS

DEAR MR. GRIFFITH:

ATTACHED IS A COPY OF THE REPORT BY THE PLANNING DEPARTMENT SUBMITTED TO THE PLANNING COMMISSION AT ITS REGULAR MEETING OF SEPTEMBER 21, 1961. THE PLANNING COMMISSION RECEIVED AND FILED THE REPORT AFTER AMENDING THE SUGGESTED DEFINITIONS, AND INSTRUCTED THE STAFF TO FORWARD IT TO THE CITY MANAGER FOR HIS REVIEW AND CONSIDERATION. ALSO ATTACHED IS A COPY OF A COVER LETTER FORWARDING THE REPORT TO THE CITY MANAGER. THE COVER LETTER CONTAINS THE AMENDED DEFINITIONS.

I WOULD SUGGEST THAT ANY FURTHER DISCUSSION WITH THE CITY STAFF ON THIS MATTER BE HANDLED THROUGH T. J. SCANLON, EXECUTIVE ASSISTANT TO THE CITY MANAGER. IT IS OUR UNDERSTANDING THAT MR. SCANLON IS IN CHARGE OF THE MATTER AT THE PRESENT TIME.

SINCERELY YOURS,

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

cc: T. J. SCANLON

FRANK H. BACKSTROM, CITY MANAGER
METROPOLITAN AREA PLANNING COMMISSION

OCTOBER 6, 1961

DR 61-13 - ACCESS IN HILLTOP MANOR AND PLANEVIEW

ATTACHED IS A COPY OF REPORT DR 61-13 - ACCESS IN HILLTOP MANOR AND PLANEVIEW AND SUGGESTED DEFINITIONS FOR A DRIVEWAY AND DRIVEWAY APPROACH.

THE METROPOLITAN AREA PLANNING COMMISSION CONSIDERED THIS MATTER ON SEPTEMBER 21, 1961, AND AMENDED THE SUGGESTED DEFINITIONS TO READ AS FOLLOWS:

DRIVEWAY: A CONSTRUCTION, FACILITY OR AREA PREPARED SO AS TO FACILITATE THE MOVEMENT OF PERSONS OR VEHICLES ON PUBLIC OR PRIVATE PROPERTY; OR TO PROVIDE ACCESS TO PUBLIC OR PRIVATE PROPERTY. FOR CLARIFICATION, A DRIVEWAY MUST BE PAVED, CHATTED, SANDED, CURBED, OR OTHER CLEARLY RECOGNIZABLE AND DISTINGUISHABLE FROM THE SURROUNDING PROPERTY; AND IT SHALL BE AT LEAST SEVEN FEET IN WIDTH.

DRIVEWAY APPROACH: A DRIVEWAY APPROACH IS A CONSTRUCTION FACILITY OR AREA PREPARED TO PROVIDE ACCESS FROM A PUBLIC STREET OR WAY TO PRIVATE OR PUBLIC PROPERTY HAVING A DRIVEWAY. A DRIVEWAY APPROACH MUST BE EITHER PAVED, CHATTED, SANDED, OR CURBED OR OTHERWISE PREPARED IN A CLEARLY RECOGNIZABLE AND DISTINGUISHABLE MANNER FROM THE SURROUNDING PROPERTY.

THE COMMISSION THEN REQUESTED THAT THE REPORT BE FORWARDED FOR CONSIDERATION BY YOU AND THE APPROPRIATE STAFF AGENCIES. IN PREPARING THE REPORT, WE RECEIVED SEVERAL COMMENT SHEETS FROM OTHER DEPARTMENTS. COPIES OF THESE REPORTS ARE ALSO ATTACHED FOR YOUR INFORMATION AND REVIEW.


L. L. LITTLE, SECRETARY

LLL/JFB:MM

ATTACHMENTS

THE CITY OF WICHITA

OFFICE OF DIRECTOR OF PUBLIC WORKS DATE September 21, 1961

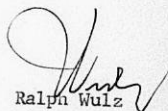
TO L. L. Little, Director of Planning
FROM Ralph Wulz, Director of Public Works

SUBJECT DR 61-13 -- Access in
 Hilltop Manor and Planeview

Attached hereto are the comments of several of the Division Heads of the Department of Public Works relative to the problem of access in Hilltop Manor and Planeview.

It seems to me that the most appropriate suggestion is that consideration be given to changing the ordinance in a manner that would specify private drive widths on unpaved streets and which would be enforced when the property owner correctly marks the area to be used.

This department would appreciate an opportunity to review the draft of any ordinance which would change the existing curb-cut controls.


Ralph Wulz
Director of Public Works

RW:dm
Atts.

TO: METROPOLITAN AREA PLANNING COMMISSION MEMBERS
FROM: L. L. LITTLE, DIRECTOR OF PLANNING

SEPTEMBER 20, 1961

SUBJECT: DR 61-13 - Access in HILLTOP MANOR AND PLANEVIEW

ON JULY 6, 1961, THE METROPOLITAN AREA PLANNING COMMISSION RECEIVED AND FILED A LETTER FROM JERRY L. GRIFFITH, ATTORNEY FOR MR. BERT AKERS, ASKING FOR AID IN SECURING A PRIVATE DRIVEWAY PERMIT FROM THE CITY OF WICHITA FOR PROPERTY AT 4231 MENLO DRIVE. THE LETTER STATES THAT AKERS NOW HAS A DRIVEWAY WHICH HE ATTEMPTS TO USE BUT THAT OTHER PEOPLE KEEP PARKING THEIR CARS IN FRONT OF WHAT HE CONSIDERS HIS DRIVEWAY. HE STATES THAT THE POLICE WILL NOT ENFORCE THE ORDINANCE PROHIBITING THE PARKING IN FRONT OF A DRIVEWAY BECAUSE HE HAS NO DRIVEWAY PERMIT. FURTHER, AKERS CANNOT OBTAIN A DRIVEWAY PERMIT BECAUSE THERE IS NO PROVISION FOR THE ISSUANCE OF SUCH A PERMIT. NOR CAN HE OBTAIN WHAT MANY CONSIDER "DRIVEWAY PERMITS" I.E. A CURB CUT PERMIT SINCE THERE ARE NO CURBS OR CITY STANDARD PAVING IN THE AREA.

THE PROBLEM APPEARS TO BE ONE OF WHETHER THE CITY OF WICHITA HAS A LEGAL OBLIGATION TO PROVIDE FOR DIRECT ACCESS TO ALL PROPERTY. IT APPEARS THAT THE CITY DOES NOT HAVE SUCH A LEGAL OBLIGATION. WHEN A PROPERTY OWNER BUYS WITHOUT SUFFICIENT ACCESS, IT IS NOT UP TO THE CITY TO PROVIDE IT FOR HIM. ALTHOUGH THIS DOES NOT NECESSARILY APPLY TO AKERS, THIS PROBLEM IS PRESENT FOR SOME OF HIS NEIGHBORS.

LOTS IN HILLTOP MANOR, AS WELL AS PLANEVIEW, HAVE PRIVATE DRIVE EASEMENTS IN NEARLY ALL INSTANCES. THESE ARE GENERALLY 10 FOOT EASEMENTS RUNNING BETWEEN TIERS OR SETS OF LOTS. THIS TYPE OF EASEMENT GUARANTEES ACCESS TO EACH OF THE LOTS IN THE ADDITION. IF THE OWNER SO DESIRES, HE COULD SURFACE OR OTHERWISE PREPARE THIS EASEMENT SO THAT HE COULD DRIVE HIS CAR UP TO HIS LOT AND PARK HIS VEHICLE ON HIS LOT. IN THE EVENT FENCES OR OTHER OBSTRUCTIONS ARE IN HIS WAY, HIS RELIEF WOULD BE THROUGH CIVIL ACTION IN THE LOCAL COURTS. THE CITY WOULD PROVIDE NO PARKING SIGN TO KEEP THE ACCESS TO SUCH EASEMENT AVAILABLE.

BASED ON THE DRIVE EASEMENT AVAILABLE TO MR. AKERS THERE APPEARS TO BE NO REASON WHY HE COULD NOT MAKE USE OF THIS EASEMENT IF HE WISHES TO PARK HIS VEHICLE ON HIS LOT.

THE EXISTING CITY CODE APPLIES ONLY TO THOSE DRIVEWAYS WHICH GO OVER SIDEWALKS OR CURBS AND WHICH NECESSITATE A CURB CUT. SECTION 10.12.050 PROVIDES THAT A PERMIT IS REQUIRED FOR ANY PERSON ENGAGING IN THE "CONSTRUCTION OF ANY PUBLIC SIDEWALK, CURB, GUTTER OR PRIVATE DRIVEWAY ACROSS THE PARKINGS OF THE CITY.....". THE

GENERAL POSITION TAKEN BY THE CITY IS THAT THE TERM "CONSTRUCTION" MEANS PAVING. BY AMENDING THIS SECTION AS WELL AS OTHER SECTIONS IN CHAPTER 10.16, THE PERMIT PROVISIONS COULD BE EXTENDED TO PROVIDE FOR OBTAINING A PERMIT FOR ANY TYPE OF ENTRY ACROSS PUBLIC RIGHT-OF-WAY FROM A PUBLIC STREET, PAVED OR UNPAVED, PROVIDED THERE IS SOME TYPE OF PREPARATION OF THE DRIVE AREA, SUCH AS BY PAVING, SANDING, CHIPPING OR CHEMICAL TREATMENT.

HOWEVER, THE EXISTING CODE PROVIDES THAT ANY SUCH IMPROVEMENT OR CONSTRUCTION IN CITY RIGHT-OF-WAY MUST BE WITH CONCRETE UNLESS PERMISSION IS GRANTED BY THE CITY COMMISSION. THIS PROVISION SEEMS TO BE QUITE APPROPRIATE AS BLOWING SAND, CHAT, AND DIRT SHOULD NOT BE ENCOURAGED. ON THE OTHER HAND, TO FORCE ANYONE WANTING A DRIVEWAY TO PUT IN CONCRETE WHEN THE STREET IS NOT YET PAVED IS NOT DESIRABLE SINCE CONSTRUCTION PLANS FOR THE STREET WILL BE UNAVAILABLE. THEN WHEN THE STREET IS PAVED, THE DRIVE APPROACH MUST BE RIPPED OUT AND NEW DRIVE APPROACHES INSTALLED. ALL OF THIS SUBSTANTIALLY INCREASES THE COSTS TO THE PROPERTY OWNER.

THERE ARE CERTAIN PROVISIONS IN CHAPTER 10.16 OF THE CODE WHICH ARE DESIRABLE TO HAVE FOR THE REGULATION OF DRIVES GENERALLY. THESE PERTAIN TO THE MAXIMUM WIDTH, DISTANCES BETWEEN APPROACHES, AND NEARNESS TO CORNERS. IT WOULD BE ADVISABLE TO REVISE THESE PROVISIONS TO INSURE THAT IT COVERS ALL TYPES OF DRIVEWAY APPROACHES, PAVED AND UNPAVED. THIS COULD BE ENFORCED ON A COMPLAINT BASIS BY THE CITY ENGINEER OR TRAFFIC ENGINEER.

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT THE CITY NOT ENTER INTO A LICENSING OR PERMIT PROGRAM FOR OTHER THAN PAVED DRIVES. ANY SUCH PROGRAM WOULD ENTAIL A GREAT DEAL OF STAFF TIME, ESPECIALLY IF THE PUBLIC FULLY UTILIZED IT, AS THERE ARE A GREAT MANY DIRT STREETS WHERE SUCH PROVISION WOULD BE APPLICABLE. THIS STAFF TIME COSTS MONEY AND WOULD MORE THAN LIKELY NECESSITATE AN INCREASE TO SOMEONE'S STAFF. PARTICULARLY IF THE DRIVES WERE TO BE MARKED OR IF INSPECTIONS ARE TO BE MADE.

IT WOULD SEEM APPROPRIATE TO INCLUDE A DEFINITION OF A DRIVEWAY AND DRIVEWAY APPROACH IN THE TRAFFIC CODE (THERE IS NO DEFINITION NOW) WHICH WOULD MORE CLEARLY DEFINE WHAT IS A DRIVEWAY OR A DRIVEWAY APPROACH. THIS WOULD ALLOW THE POLICE DEPARTMENT TO ENFORCE THE PROVISIONS OF THE TRAFFIC CODE PERTAINING TO PARKING IN FRONT OF A PUBLIC OR PRIVATE DRIVE. IF SOMEONE THEN PARKS IN FRONT OF AN ESTABLISHED DRIVE OR DRIVEWAY, THE PROPERTY OWNER CAN GIVE THE POLICE DEPARTMENT THE LICENSE NUMBER OF THE CAR, SIGN A FORMAL COMPLAINT, AND THE LAW DEPARTMENT WILL BE OBLIGATED TO PROSECUTE THE VIOLATION.

PAGE 3 - PLANNING COMMISSION MEMBERS
SEPTEMBER 15, 1961
DR 61-13

A SUGGESTED DEFINITION FOR A DRIVEWAY AND DRIVEWAY APPROACH
IS AS FOLLOWS:

DRIVEWAY: A CONSTRUCTION, FACILITY OR AREA PREPARED SO
AS TO FACILITATE THE MOVEMENT OF PERSONS OR VEHICLES ON
PUBLIC OR PRIVATE PROPERTY; OR TO PROVIDE ACCESS TO
PUBLIC OR PRIVATE PROPERTY. FOR CLARIFICATION A DRIVEWAY
MUST BE PAVED, CHATTED, SANDED, CURBED, OR OTHER CLEARLY
RECOGNIZABLE AND DISTINGUISHABLE FROM THE SURROUNDING
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CHATTED, SANDED, OR CURBED OR OTHERWISE PREPARED IN A
CLEARLY RECOGNIZABLE AND DISTINGUISHABLE MANNER FROM THE
SURROUNDING PROPERTY.

THE DEFINITION OF A DRIVEWAY AND DRIVEWAY APPROACH IN TITLE 10
"STREETS AND SIDEWALKS" OF THE CODE SHOULD ALSO BE AMENDED TO
CORRESPOND WITH WHATEVER IS INSERTED IN THE TRAFFIC CODE.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER

THE CITY OF WICHITA

OFFICE OF ADMINISTRATIVE-PUBLIC WORKS **DATE** September 20, 1961

TO Ralph Wulz, Director of Public Works

FROM C. W. Dotts, Administrative Supervisor

SUBJECT: DR-61-13 - Access in
 Hilltop Manor and
 Planeview

Relating to the memorandum of the Planning Department concerning access in Hilltop Manor and Planeview, this division agrees that permits should not be issued for drives off of streets such as those in question or for any dirt street. Presently, the policy on dirt streets is that the property owner furnish drainage pipe necessary at the point of access to his property and which is used as a driveway.

The definition of a driveway or driveway approach is fairly well covered, but it would still be necessary that someone make the determination as to whether it be considered a drive under the definition. I am sure that other divisions of the department will have comments concerning the recommended change of which I am not aware.

If any revision is to be made in existing ordinances, I feel that a change in fees is in order and was recommended sometime ago. I am attaching a revised memorandum suggesting revision of certain charges.

C. W. Dotts
C. W. Dotts
Administrative Supervisor

CWD:jj

Att.

THE CITY OF WICHITA

OFFICE OF BUILDING INSPECTION

DATE September 19, 1961

TO Ralph Wulz, Director of Public Works
FROM C. L. McCaig, Acting Superintendent of Building Inspection
SUBJECT DR 61-13 - Access in
Hilltop Manor and Planeview

The over all problem of parking bays, sidewalk, and entrance easements, together with the abundance of wide easements throughout these subdivisions are a constant problem in this division. Plats of these divisions are on file in this office.

Every porch to be replaced, all car ports, garages, and other accessory buildings, to say nothing of additions to the residences, nearly always present a problem.

As to this particular citizen and his location, Mr. Bert Akers of 4231 Menlo, we have had many contacts with him.

Mr. Akers has established a care home for adults, has installed a gate in his front fence, and marked it "Ambulance and Fire Entrance". This, while an excellent idea, is not a requirement by law as far as I know.

For sometime there appears to have been a personality clash between Mr. Akers and a neighbor, ending with a District Court case which concerned a fence. I believe that Mr. Akers was loser.

It would seem that there is ample room for all parking, but it is probably the continuance of the private feud. In fact, Mr. Akers approached the inspector in that territory, trying to get him to take some type of action. He was informed that the matter was not within the jurisdiction of the Building Inspection Division.

C. L. McCaig

C. L. McCaig
Acting Superintendent of Building Inspection

CLMc:ml

THE CITY OF WICHITA

OFFICE OF

ENGINEERING DIVISION

DATE September 19, 1961.

TO Ralph Wulz, Director of Public Works

FROM B. E. Smith, City Engineer

SUBJECT DR 61-13 - Access in
Hilltop Manor and
Planeview


In response to your memorandum of September 18, 1961, concerning the above subject, I wish to offer the following observations.

The Engineering Division has been involved in the matter which is the apparent basis for the communication which has been prepared by the Planning Department concerning access in Hilltop Manor and Planeview. It is our impression that the situation is one that would be difficult to control or solve by the adoption of special ordinances because the matter has now resolved into a typical neighborhood argument. If it is advisable to attempt to solve neighborhood arguments with the City refereeing, I have several other types of neighborhood arguments that could be taken on by the City.

However, I do not agree with the solutions suggested in DR 61-13 unless I misunderstand them. If it is necessary to do something in this matter, it is suggested that consideration be given to changing the ordinance in a manner that would specify private drive widths on unpaved streets and which would be enforced when the property owner correctly marks the area to be used. The markings should be a sign located on private property plus any other method he might choose to use on his own property which would include concrete pavement, asphalt pavement, sand, chat, or curbs. I am reluctant to approve by ordinance the installation of sand or any other material across the parking area on unpaved streets for the reason that such marking would be impossible to maintain, in many cases hazardous, and in some instances would imply that the City would be obligated to maintain the marking.

In conclusion, it is my opinion that the neighborhood argument which initiated this matter will not be solved regardless of any action taken by the City.

I will be available for conference on this matter if you desire.


B. E. Smith,
City Engineer.

BES-LS

THE CITY OF WICHITA

OFFICE OF DIRECTOR OF PUBLIC WORKS DATE September 18, 1961

TO George Wilton, Supt. of Maintenance B. E. Smith, City Engineer
Clyde Dotts, Administrative Supervisor Paul Graves, Traffic Engineer
FROM C. L. McCaig, Acting Supt. of Building Inspection
Ralph Wulz, Director of Public Works


SUBJECT DR 61-13 - Access in
Hilltop Manor and Planeview

Please furnish me with your comments on the attached in order
that I may submit a departmental review to the Planning Department.


Ralph Wulz
Director of Public Works

RW:dm
Att.

NOTE:
COMMENTS ARE ON ATTACHED SHEET.


19 SEP 61

THE CITY OF WICHITA

OFFICE OF DIRECTOR OF PUBLIC WORKS

DATE


September 18, 1961

TO George Wilton, Supt. of Maintenance B. E. Smith, City Engineer
Clyde Dotts, Administrative Supervisor Paul Graves, Traffic Engineer
FROM C. L. McCaig, Acting Supt. of Building Inspection
Ralph Wulz, Director of Public Works

SUBJECT


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Ralph Wulz
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19 SEPT 61

Paul Hoover

DRAFT COPY

TO: METROPOLITAN AREA PLANNING COMMISSION MEMBERS
FROM: L. L. LITTLE, DIRECTOR OF PLANNING

SEPTEMBER 15, 1961

RE: DR 61-13 - ACCESS IN HILLTOP MANOR AND PLANEVIEW

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THE PROBLEM APPEARS TO BE ONE OF WHETHER THE CITY OF WICHITA HAS A LEGAL OBLIGATION TO PROVIDE FOR DIRECT ACCESS TO ALL PROPERTY. IT APPEARS THAT THE CITY DOES NOT HAVE SUCH A LEGAL OBLIGATION. THE CITY CANNOT DENY ACCESS WITHOUT CONDEMNATION OR OTHER SUCH PROCEDURES, BUT WHEN A PROPERTY OWNER BUYS, WITHOUT SUFFICIENT ACCESS, IT IS NOT UP TO THE CITY TO PROVIDE IT FOR HIM. ALTHOUGH THIS DOES NOT NECESSARILY APPLY TO AKERS, THIS PROBLEM IS PRESENT FOR SOME OF HIS NEIGHBORS.

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WE DO NOT NORMALLY POST SIGNS IN ALLEYWAYS TO SOLVE THIS PROBLEM.

TAKEN BY THE CITY IS THAT THE TERM "CONSTRUCTION" MEANS PAVING. BY AMENDING THIS SECTION AS WELL AS OTHER SECTIONS IN CHAPTER 10.16, THE PERMIT PROVISIONS COULD BE EXTENDED TO PROVIDE FOR OBTAINING A PERMIT FOR ANY TYPE OF ENTRY ACROSS PUBLIC RIGHT-OF-WAY FROM A PUBLIC STREET, PAVED OR UNPAVED, PROVIDED THERE IS SOME TYPE OF PREPARATION OF THE DRIVE AREA, SUCH AS BY PAVING, SANDING, CHATTING OR CHEMICAL TREATMENT.

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BASED ON THE FOREGOING, IT IS RECOMMENDED THAT THE CITY NOT ENTER INTO A LICENSING OR PERMIT PROGRAM FOR OTHER THAN PAVED DRIVES. ANY SUCH PROGRAM WOULD ENTAIL A GREAT DEAL OF STAFF TIME, ESPECIALLY IF THE PUBLIC FULLY UTILIZED IT, AS THERE ARE A GREAT MANY DIRT STREETS WHERE SUCH PROVISION WOULD BE APPLICABLE. THIS STAFF TIME COSTS MONEY AND WOULD MORE THAN LIKELY NECESSITATE AN INCREASE TO SOMEONE'S STAFF. PARTICULARLY IF THE DRIVES WERE TO BE MARKED OR IF INSPECTIONS ARE TO BE MADE.

IT WOULD SEEM APPROPRIATE TO INCLUDE A DEFINITION OF A DRIVEWAY AND DRIVEWAY APPROACH IN THE TRAFFIC CODE (THERE IS NO DEFINITION NOW) WHICH WOULD MORE CLEARLY DEFINE WHAT IS A DRIVEWAY OR A DRIVEWAY APPROACH. THIS WOULD ALLOW THE POLICE DEPARTMENT TO ENFORCE THE PROVISIONS OF THE TRAFFIC CODE PERTAINING TO PARKING IN FRONT OF A PUBLIC OR PRIVATE DRIVE. IF SOMEONE THEN PARKS IN FRONT OF AN ESTABLISHED DRIVE OR DRIVEWAY, THE PROPERTY OWNER CAN GIVE THE POLICE DEPARTMENT THE LICENSE NUMBER OF THE CAR, SIGN A FORMAL COMPLAINT, AND THE LAW DEPARTMENT WILL BE OBLIGATED TO PROSECUTE THE VIOLATION.

A SUGGESTED DEFINITION FOR A DRIVEWAY AND DRIVEWAY APPROACH IS AS FOLLOWS:

private access by
DRIVEWAY: A CONSTRUCTION, FACILITY OR AREA PREPARED SO AS TO ~~FACILITATE THE MOVEMENT OF PERSONS OR VEHICLES ON~~ PUBLIC OR PRIVATE PROPERTY; OR TO PROVIDE ACCESS TO PUBLIC OR PRIVATE PROPERTY. FOR CLARIFICATION A DRIVEWAY MUST BE PAVED, CHATTED, SANDED, CURBED, OR OTHER CLEARLY RECOGNIZABLE AND DISTINGUISHABLE FROM THE SURROUNDING PROPERTY; AND IT SHALL BE AT LEAST SEVEN FEET IN WIDTH.

DRIVEWAY APPROACH: A DRIVEWAY APPROACH IS A CONSTRUCTION, FACILITY OR AREA PREPARED TO PROVIDE ACCESS FROM A PUBLIC STREET OR WAY TO PRIVATE OR PUBLIC PROPERTY HAVING A DRIVEWAY. A DRIVEWAY APPROACH MUST BE EITHER PAVED, CHATTED, SANDED, OR CURBED OR OTHERWISE PREPARED IN A CLEARLY RECOGNIZABLE AND DISTINGUISHABLE MANNER FROM THE SURROUNDING PROPERTY.

THE DEFINITION OF A DRIVEWAY AND DRIVEWAY APPROACH IN TITLE 10 "STREETS AND SIDEWALKS" OF THE CODE SHOULD ALSO BE AMENDED TO CORRESPOND WITH WHATEVER IS INSERTED IN THE TRAFFIC CODE.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER

*THIS APPEARS WORKABLE & ENFORCEABLE BY THE POLICE,
HOWEVER, IT WOULD BE DESIRABLE TO CHECK THE
FINAL DRAFT OF THE PROPOSED REVISION
BEFORE BEING PRESENTED TO CITY COMM.*

[Signature]
19 SEPT 61

August 28, 1961

MR. JERRY L. GRIFFITH
ATTORNEY
103 BALTIMORE
DERBY, KANSAS

DEAR JERRY:

I HAVE JUST RETURNED FROM VACATION AND WISH TO INFORM YOU THAT THE MATTER OF ACCESS TO AND FROM PROPERTIES IN HILLTOP AND PLANEVIEW MANORS WILL BE CONSIDERED AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION ON THURSDAY AFTERNOON, SEPTEMBER 7, 1961.

IT APPEARS THAT YOUR CLIENT (I ASSUME), MR. BERT ACRES, HAS BEEN CALLING THE DEPARTMENT DIRECTLY RELATIVE TO THIS PROBLEM. MR. ACRES WAS INFORMED OF THE PROPOSAL AND SUGGESTION AND I TRUST THAT BY HIS CONTACTING US DIRECTLY THAT NOTHING HAS GONE AWRY.

ANYTHING WE CAN DO FROM HERE ON IN, LET ME KNOW. A COPY OF THE PROPOSAL WILL BE SENT TO YOU SUFFICIENTLY IN TIME BEFORE THE MEETING.

SINCERELY,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:BER

DRAFT

WJL

To MAPC

ACCESS IN HILLTOP MANOR AND
PLANEVIEW

ON JULY 6, 1961, THE MAPC RECEIVED AND FILED A LETTER FROM JERRY L. GRIFFITH, ATTORNEY FOR MR. BERT AKERS, ASKING FOR AID IN SECURING A PRIVATE DRIVEWAY PERMIT FROM THE CITY OF WICHITA FOR PROPERTY AT 4231 MENLO DRIVE. THE LETTER STATES THAT AKERS NOW HAS A DRIVEWAY WHICH HE ATTEMPTS TO USE BUT THAT OTHER PEOPLE KEEP PARKING THEIR CARS IN FRONT OF WHAT HE CONSIDERS HIS DRIVEWAY. HE STATES THAT THE POLICE WILL NOT ENFORCE THE ORDINANCE PROHIBITING THE PARKING ~~OR~~ IN FRONT OF A DRIVEWAY ~~BECAUSE~~ BECAUSE HE HAS NO DRIVEWAY PERMIT.

FURTHER, ~~M~~ AKERS CAN NOT OBTAIN A DRIVEWAY PERMIT BECAUSE THERE IS NO PROVISIONS FOR THE ISSUANCE OF SUCH A PERMIT. NOR CAN HE OBTAIN WHAT MANY CONSIDER A "DRIVEWAY PERMITS" I.E. A CURB CUT PERMIT SINCE THERE ARE NO CURBS OR CITY STANDARD PAVING IN THE AREA.

~~THE EXISTING CITY ORDINANCE REGULATE DRIVEWAYS ONLY INsofar AS THEY PERTAIN TO DRIVES LEADING FROM CITY PAVED STREETS.~~

OK →

THE PROBLEM ~~X~~ APPEARS TO BE ONE OF WHETHER THE CITY OF WICHITA HAS ~~AN~~ LEGAL OBLIGATION TO PROVIDE FOR DIRECT ACCESS TO ALL PROPERTY. IT APPEARS ~~THAT~~ THAT THE CITY DOES NOT HAVE SUCH ~~A~~ *legal* OBLIGATION. THE CITY CANNOT DENY ACCESS WITHOUT CONDEMNATION OR OTHER SUCH PROCEDURES, BUT WHEN A PROPERTY OWNER BUYS, WITHOUT SUFFICIENT ACCESS, IT IS NOT UP TO THE CITY TO PROVIDE IT FOR HIM. ALTHOUGH THIS ~~X~~ DOES NOT NECESSARILY APPLY TO AKERS, THIS PROBLEM ~~IS~~ IS PRESENT ~~FOR~~ FOR SOME OF HIS NEIGH~~BORS~~ BORS.

~~LOTS~~ ^{LOTS} IN HILLTOP MANOR, AS WELL AS PLANEVIEW HAVE PRIVATE DRIVE EASEMENTS IN NEARLY ALL ~~X~~ INSTANCES. THESE ARE GENERALLY 10 FOOT EASEMENTS RUNNING BETWEEN TIERS OR SETS OF LOTS. THIS TYPE OF EASEMENT GUARANTEES ACCESS TO EACH OF THE LOTS IN THE ADDITION. IF THE OWNER SO DESIRES, HE COULD SURFACE ~~THIS~~ OR OTHERWISE PREPARE THIS EASEMENT SO THAT HE COULD DRIVE HIS CAR UP TO HIS LOT AND PARK HIS VEHICLE ON HIS LOT. IN THE EVENT, FENCES OR OTHER OBSTRUCTIONS ON IN HIS WASY, HIS RELIEF WOULD BE THROUGH CIVIL ACTION IN THE LOCAL COURTS. *The City could provide no parking signs to keep the access to easement available*

DRIVE

BASED ON THE/EASEMENT AVAILALBE TO MR. AKERS THERE APPEARS TO BE NO REASON WHY HE COULD NOT MAKE USE OF THIS EASEMENT IF HE WISHES TO PARK HIS VEHICLE ON HIS LOT.

~~IF THE CITY XXX~~
THE EXISTING CITY CODE ^{applies} REGULATIONS ONLY ^{to} THOSE DRIVEWAYS WHICH GO OVER SIDEWALKS OR CURBS/NECESSITATE^A CURB CUT. ~~XXX~~ SECTION AND WHICH

~~10-12,050~~
~~10-12-050~~ PROVIDES THAT A PERMIT IS REQUIRED FOR ANY PERSON ENGAGING IN THE "CONSTRUCTION OF ANY PUBLIC SIDEWALK, CURB, GUTTER OR PRIVATE DRIVEWAY ACROSS THE PARKINGS OF THE CITY..." THE GENERAL POSITION TAKEN BY THE CITY IS THAT THE TERM "CONSTRUCTION" MEANS PAVING. BY AMENDING THIS SECTION AS WELL AS OTHER SECTIONS IN CHAPTER 10.16, THE PERMIT PROVISIONS COULD BE EXTENDED TO PROVIDE FOR OBTAINING A PERMIT FOR ANY TYPE OF ENTRY ~~ACROSS~~ ACROSS PUBLIC RIGHT-OF-WAY FROM A PUBLIC ^{street} ~~area~~, PAVED OR UNPAVED, PROVIDED THERE IS SOME TYPE OF PREPARATION OF THE AREA ^{drive} SUCH AS ^{BY} PAVING, SANDING, CHIPPING OR CHEMICALLY TREAT~~XXXXXXXXXX~~MENT.

HOWEVER THE EXISTING CODE PROVIDES THAT ANY SUCH IMPROVEMENT OR CONSTRUCTION ^{in City Right of way} MUST BE WITH CONCRETE UNLESS PERMISSION IS GRANTED BY THE CITY COMMISSION. THIS PROVISION SEEMS TO BE QUITE APPROPRIATE AS BLOWING SAND, CHAT, AND DIRT SHOULD NOT BE ENCOURAGED. ON THE OTHER HAND TO FORCE ANYONE WANTING A DRIVEWAY TO PUT IN CONCRETE WHEN THE STREET IS NOT YET PAVED IS NOT DESIRABLE ~~INXXXXXX~~ SINCE CONSTRUCTION PLANS FOR THE STREET WILL NOT ^{normally} ~~be~~ AVAILABLE. ~~THUS~~ GRADES FOR THE DRIVEWAYS WILL BE UNAVAILABLE. THEN WHEN THE STREET IS PAVED, THE DRIVE ~~XXXX~~ APPROACH MUST BE ~~ripped~~ RIPPE^d OUT AND ~~XXXX~~ NEW DRIVE APPROACHES INSTALLED. ALL OF THIS ^{INCREASES} SUBSTANTIALLY THE COSTS TO THE PROPERTY OWNER.

~~HOWEVER~~ THERE ARE CERTAIN PROVISIONS IN CHAPTER 10.16 OF THE CODE WHICH ~~ARE~~ DESIRABLE TO HAVE FOR THE REGULATION OF DRIVES GENERALLY. THESE PERTAIN TO THE MAXIMUM ~~W~~ WIDTH, DISTANCES BETWEEN APPROACHES, AND NEARNESS TO CORNERS. IT WOULD BE ADVISABLE TO REVISE THESE PROVISIONS TO INSURE THAT IT COVERS ALL ~~XXXX~~ ALL TYPES OF DRIVEWAY APPROACHES, PAVED AND UNPAVED. THIS COULD BE ENFORCED ON A COMPLAINT ~~XXX~~ BASIS ^{by the City Engineer or Traffic Engineer}

BASED ON THE FORGOING, IT IS RECOMMENDED THAT THE CITY NOT ENTER INTO A LICENSING PROGRAM FOR OTHER THAN PAVED DRIVES. ^{or driveway} ~~IF THE~~ PROGRAM WOULD ENTAIN A GREAT DEAL OF STAFF TIME ^{especially} IF THE PUBLIC W FULLY UTILIZED IT AS THERE ARE A GREAT MANY DIRT STREETS WHERE ^{such provisions would be applicable} THERE IS NO CURB TO CUT AND NO PERMIT TO ~~BE OBTAIN~~. THIS STAFF TIME COSTS MONEY AND WOULD MORE THAN LIKELY NECESSITATE AN INCREASE TO SOMEONES STAFF. PARTICULARLY IF THE DRIVES WERE TO BE MARKED OR IF INSPECTIONS ARE TO BE MADE.

IT WOULD SEEM APPROPRIATE TO INCLUDE A DEFINITION ^{DRIVEWAY APPROACH} OF A DRIVEWAY AND / IN THE TRAFFIC CODE (THERE IS NOX DEFINITION NOW) WHICH WOULD MORE CLEARLY DEFINE WHAT /A DRIVEWAY OR A DRIVEWAY APPROACH. THIS WOULD

IS ALLOW THE POLICE DEPARTMENT TO ENFORCE THE PROVISIONS OF THE TRAFFIC CODE PERTAINING TO PARKING IN FRONT OF A PUBLIC OR PRIVATE DRIVE. IF SOMEONE THEN PARKS IN FRONT OF AN ESTABLISHED DRIVE, DRIVEWAY, THE PROPERTY OWNER CAN GIVE THE POLICE DEPARTMENT THE LICENSE NUMBER OF THE CAR, SIGN A FORMAL COMPLAINT, AND THE LAW DEPARTMENT WILL BE OBLIGATED TO PROSECUTE THE VIOLATION .

A SUGGESTED DEFINITION FOR A DRIVEWAY AND DRIVEWAY APPROACH IS AS FOLLOWS:

DRIVEWAY: A CONSTRUCTION, FACILITY OR AREA PREPARED SO AS TO FACILITATE THE MOVEMENT OF PERSONS OR VEHICLES ON PUBLIC OR PRIVATE PROPERTY; OR TO PROVIDE ACCESS TO PUBLIC OR PRIVATE PROPERTY. FOR CLARIFICATION A DRIVEWAY MUST BE PAVED, CHATTED, SANDED, CURBED, OR OTHER CLEARLY RECOGNIZABLE AND DISTINGUISHABLE FROM THE SURROUNDING PROPERTY ; AND IT SHALL BE AT LEAST SEVEN FEET IN WIDTH.

DRIVEWAY APPROACH : A DRIVEWAY APPROACH ~~IS~~ IS A CONSTRUCTION, FACILITY OR AREA PREPARED TO PROVIDE ACCESS FROM A PUBLIC STREET OR WAY TO ~~THE~~ PRIVATE OR PUBLIC PROPERTY HAVING A DRIVEWAY. A DRIVEWAY APPROACH MUST BE EITHER PAVED, CHATTED, SANDED, CURBED OR CHEMICALLY TREATED OR OTHERWISE PREPARED IN A CLEARLY RECOGNIZABLE AND DISTINGUISHABLE MANNER

The definition of driveway & driveway approach should be in Title 10 Streets & Sidewalks of the Code should also be amended to conform with the code whatever is inserted in the Traffic Code.

from the committee report

LLL

* or in the event there is no sidewalk,
then the measurement shall be along the
property line.

DRIVEWAYS AND CURB CUTS 10.16.070-10.16.160

public property under the terms of this chapter shall be revocable at the will of the board of commissioners of the city. (Ord. No. 16-935, § 2.)

10.16.070 Maximum width of approaches; exception. No driveway approach shall exceed thirty feet in width as measured along the outside sidewalk line, provided, that on streets marked as permanent state or federal highway routes, a driveway approach may be constructed with a maximum width of forty feet upon approval of the city engineer. (Ord. No. 16-935, § 3.)

10.16.080 Curb-parking spaces between approaches. Where more than one driveway approach on a street front serves a single parcel of land, there shall be at least one curb-parking space between driveway approaches. (Ord. No. 16-935, § 3.)

10.16.090 Sides, edges or curbs to be at right angles to street curb. The sides, edges or curbs of driveway approaches shall be at right angles to the street curb. (Ord. No. 16-935, § 3.)

or if there be no curb, at right angles to the traveled way or highway.

10.16.100 Maximum width of curb cut. For the purpose of constructing a driveway approach, no curb cut, opening or section broken out removed shall exceed fifty-two feet. (Ord. No. 16-935, § 4.)

10.16.120 Distance between driveway approach and corner. No portion of a driveway approach, except the curb return, shall be constructed within ~~eighteen~~ feet of ~~corner~~ *or any otherwise constructed or prepared* and in no case closer than two feet to the property line extended. (Ord. No. 16-935, § 5.)

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10.16.130 Curb return radius. The radius of curvature of the curb return shall not exceed the distance between the curb and the outside sidewalk line. (Ord. No. 16-935, § 6.)

10.16.140 Interference with street structures—Prohibited. No driveway approach shall interfere with municipal facilities such as street-lighting poles, traffic-signal standards, signs, catch basins, hydrants, crosswalks, bus-loading platforms, utility poles, fire-alarm supports, underground pipes or ducts or other necessary street structures. (Ord. No. 16-935, § 7.)

10.16.150 Same—Removal by city; cost. The city engineer is authorized to order and effect the removal or reconstruction of any driveway approach which now conflicts with street structures or which will conflict with street structures in the future. The cost of removing or reconstructing or relocating such driveway approaches shall be at the expense of the abutting property owner. (Ord. No. 16-935, § 7.)

10.16.160 Cooperation between building inspection superintendent and city engineer. Any plans submitted to the building inspection superintendent for approval which include or involve unusual driveway ap-

** the intersection of two or more right of way lines of any public street or alley.

28

proaches or problems, shall be referred by the building inspection superintendent to the city engineer for his approval before a building permit is issued. (Ord. No. 16-935, § 8.)

10.16.170 Variances from strict application of chapter. The city engineer is hereby authorized to grant, in writing, variances from the strict application of the provisions of this chapter; provided, that he first determines that the following conditions are present:

1. The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the city or is due to the nature of the business or operation on the abutting property.
2. The exception or variance desired is not against the public interest, particularly safety, convenience and general welfare.
3. The granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants.
4. The strict application of the terms of this chapter will work unnecessary hardship on the property owner or tenant. (Ord. No. 16-935, § 9.)

10.16.180 - *auth. by PD to enforce any violation*

~~Chapter 10.20~~

~~EXCAVATIONS~~

Sections:

- 10.20.010 Definition.
- 10.20.020 Applicability of chapter.
- 10.20.030 Permit required.
- 10.20.040 Persons eligible for permits.
- 10.20.050 Application for permit; fees; issuance.
- 10.20.060 Barricades, safety guards and lights.
- 10.20.070 Backfilling — Generally; removal of surplus material.
- 10.20.080 Same — Construction or repair of building foundations adjacent to streets, etc.
- 10.20.090 Same — Excavations within four feet of existing pavement, etc.
- 10.20.100 Same — Extra excavation of pavement beyond edges of dirt foundations.
- 10.20.110 Same — With excavated material.
- 10.20.120 Same — Duty of person making excavation.
- 10.20.130 Work to continue without interruption where excavation made on through streets.
- 10.20.140 Liability of permittee for negligent acts, etc.; city to be saved harmless.
- 10.20.150 Replacement of cuts — Notice to city; liability after notice.

L. L. LITTLE, DIRECTOR OF PLANNING

JULY 17, 1961

C. D. MULCAHY, PLANNER I

PRIVATE DRIVES AND EASEMENTS TOGETHER WITH ASSOCIATED PARKING
IN THE HILLTOP MANOR AND PLAINVIEW AREAS.

THE PROBLEM OF DRIVEWAYS AND EASEMENTS WERE DISCUSSED ON JULY 11,
1961, WITH PAUL GRAVES, TRAFFIC ENGINEER; LT. FOSTER, POLICE DEPARTMENT;
AND GENE PIRTLE, DEPARTMENT OF LAW.

THE PROBLEM OF EASEMENTS IN THESE AREAS CAN BE DISPOSED OF ALMOST
IMMEDIATELY INASMUCH AS IT IS THE OPINION OF MR. PIRTLE THAT THIS IS A
PRIVATE MATTER BETWEEN THE SEVERAL PARTIES MAKING USE OF THE EASEMENT.
MR. PIRTLE DOES NOT FEEL THE CITY OF WICHITA HAS ANY RIGHT OR INTEREST
IN A PURELY PRIVATE MATTER.

THE PROBLEM REGARDING DRIVEWAYS IS RELATIVELY SIMPLE AND COMES
ABOUT BECAUSE:

1. THE CITY OF WICHITA HAS NO ORDINANCE WHEREBY A DRIVEWAY
CAN BE DEFINED WHEN A STREET IS NOT CURBED AND GUTTERED;
AND
2. THE POLICE DEPARTMENT FEELS THAT IT CANNOT LEGALLY CLEAR
ANY DRIVEWAY WHICH HAS NOT BEEN LEGALLY DEFINED.

A TENTATIVE DRAFT FOR AN ORDINANCE WAS PREPARED BASED UPON THE
COMMENTS OF THE POLICE DEPARTMENT AND THE TRAFFIC ENGINEER AND WAS THEN
DISCUSSED WITH THEM. SUBSEQUENTLY, A SECOND DRAFT OF THE REQUIREMENTS
OF THE POLICE DEPARTMENT AND TRAFFIC ENGINEER FOR SUCH AN ORDINANCE
WAS DRAWN AND IS CURRENTLY IN THE HANDS OF THE POLICE DEPARTMENT AND THE
TRAFFIC ENGINEER FOR THEIR COMMENTS.

UPON ALL OF THE POINTS NECESSARY FOR EFFECTIVE ENFORCEMENT OF THIS
ORDINANCE BEING AGREED TO BY THE POLICE DEPARTMENT AND THE TRAFFIC
ENGINEER, THIS ORDINANCE WILL BE FORWARDED TO THE DEPARTMENT OF LAW
FOR THEIR COMMENTS AND SUGGESTIONS.

ALL CONVERSATIONS REGARDING THIS ORDINANCE HAVE BEEN VERY INFORMAL
AND IT IS SUGGESTED THAT UPON AGREEMENT AT A WORKING LEVEL, THIS
ORDINANCE BE SUBMITTED TO THE RESPECTIVE HEADS OF THE POLICE DEPARTMENT,
DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF LAW AS AN OFFICIAL
COMMUNICATION.

C. D. MULCAHY
PLANNER I

CDM:MM

- Maple 7-11-61--8:30 AM Maple says that where a street is curbed and guttered that Engineering issues the permit for a driveway. Where there is no curb and gutter no permit can be issued for a driveway because there is no ordinance.
- Graves 7-11-61--8:45 AM Graves explains the problem as, "The city does not issue driveway permits except where the street is paved." He also explained that the Police Department does not recognize "de facto" driveways. He referred me to St. Foster and Capt. Clark of the Police Dept. Dial 8 then 231.
- St. Foster 7-11-61--9:30 AM Foster says that an ordinance providing for the identification and location of driveways through a permit issued by the City would be desirable to the Police Dept. Something like a small metal sign placed at the right of the driveway when facing the property with a 12 ft drive immediately to the left of the sign when facing the property. The sign to be issued by the City and give the ordinance number under which issued or some other wording to make the sign identifiable by all persons. Foster feels that this solution would save his department much time and trouble.
- Bottle 7-11-61--10:30 AM Bottle says this can be worked out.

- Foster - 7-12-61-- 11:30 AM Foster has read the rough draft of a proposed ordinance and says that it covers the needed points and is very satisfactory from his standpoint.
- Lakin 7-12-61-- 4:00 PM Lakin objects to the use of an ordinance. He was told that this was my understanding of what L.L.H. thought was needed.
- Braves 7-13-61-- 8:00 AM Braves raised the following points; Face sign toward the street, top of sign to be not more than 3' above ground and bottom to be not less than 2' above ground, Applicant to maintain sign, revocation of permit, abrogation of permit, possibility of law suits over people falling over or otherwise striking the sign.
- Foster 7-14-61-- 11:30 AM Delivered copy of draft to Foster for his comments.
- Brave 7-17-61- Delivered copy to Braves for his comments.
- Foster 7-19-61-- 8 AM Received copy of ordinance with slips attached indicating approval by Capt. Clark and Lt. Foster.
- Braves 7-19-61-- 11:30 AM - Paul Braves phoned his approval and has no comments.

ROBERT A. LAKIN, PLANNER III

JULY 12, 1961

C. D. MULCAHY, PLANNER I

PRIVATE DRIVES AND EASEMENTS IN THE HILLTOP MANOR AND PLANEVIEW AREAS.

THE PROBLEMS OF DRIVEWAYS AND EASEMENTS WERE DISCUSSED ON JULY 11, 1961, WITH PAUL GRAVES, TRAFFIC ENGINEER; LT. FOSTER, POLICE DEPARTMENT; AND GENE PIRTLE, DEPARTMENT OF LAW.

THE PROBLEM OF EASEMENTS IN THESE AREAS CAN BE DISPOSED OF ALMOST IMMEDIATELY INASMUCH AS IT IS THE OPINION OF MR. PIRTLE THAT THIS IS A PRIVATE MATTER BETWEEN THE SEVERAL PARTIES MAKING USE OF THE EASEMENT. MR. PIRTLE DOES NOT FEEL THAT THE CITY OF WICHITA HAS ANY RIGHT TO INTERVENE IN A PURELY PRIVATE MATTER.

THE PROBLEM REGARDING DRIVEWAYS IS RELATIVELY SIMPLE AND COMES ABOUT BECAUSE: (1) THE CITY OF WICHITA HAS NO ORDINANCE WHEREBY A DRIVEWAY CAN BE DEFINED WHEN A STREET IS NOT CURBED AND GUTTERED; AND (2) THE POLICE DEPARTMENT FEELS THAT IT CANNOT LEGALLY CLEAR ANY DRIVEWAY WHICH HAS NOT BEEN LEGALLY DEFINED.

IT IS RECOMMENDED THAT AN ORDINANCE BE DRAWN WHICH WOULD PROVIDE FOR THE LEGALLY DEFINING THE LOCATION AND LIMITS OF A DRIVEWAY AND PROVIDE FOR THE MARKING OF A DRIVEWAY WITH SIGNS PROVIDED BY THE CITY OF WICHITA. IT IS FURTHER RECOMMENDED THAT THE APPLICATION FOR SUCH A DRIVEWAY BE MADE THROUGH A FORMAL APPLICATION TO THE TRAFFIC ENGINEER ON FORMS TO BE PROVIDED BY HIM AND THAT THE GRANTING OF SUCH PERMIT BE SUBJECT TO A FEE SUFFICIENT TO COVER THE COST OF PROCESSING SUCH PERMITS. IT IS FURTHER RECOMMENDED THAT UPON THE GRANTING OF SUCH PERMIT THAT A COPY BE FILED WITH THE CITY CLERK AND WITH THE POLICE DEPARTMENT.

IT IS SUGGESTED THAT THE SIGN MIGHT BE OF THE APPROXIMATE SIZE AND SHAPE OF THE PRESENT KANSAS LICENSE PLATES WITH THE WORDING "DRIVEWAY - ORDINANCE No. _____" STAMPED THEREON. THIS SIGN WOULD BE PLACED AT THE LEFT EDGE OF THE DRIVEWAY AND ON THE LOT LINE BETWEEN THE PRIVATE AND PUBLIC PROPERTY. THE POINT AT WHICH THE LEFT EDGE OF THE DRIVEWAY CROSSES THE LOT LINE IS A LEGALLY DEFINABLE POINT AND THE ORDINANCE SHOULD REQUIRE THAT SUCH POINT BE TIED TO A LEGAL LOT CORNER OR OTHER LEGAL TIE.

PAGE 2
ROBERT A. LAKIN, PLANNER III
JULY 12, 1961

THE POLICE DEPARTMENT HAS INDICATED THAT THEY WILL PREVENT THE BLOCKING OF ANY SUCH LEGALLY DESCRIBED DRIVEWAY IN THE SAME MANNER AS THEY WOULD PREVENT THE BLOCKING OF ANY DRIVEWAY WHICH HAS AN ENTRANCE ONTO A CURBED AND GUTTERED STREET. THE POLICE DEPARTMENT HAS FURTHER INDICATED THAT THEY WOULD FIND SUCH AN ORDINANCE DESIRABLE IN THAT IT WOULD MATERIALLY REDUCE THE PROBLEM CONNECTED WITH DRIVEWAY BLOCKING THROUGHOUT THE COMMUNITY AND PARTICULARLY IN THE HILLTOP MANOR AND PLANEVIEW AREA.

C. D. MULCAHY
PLANNER I

CDM:BR

JULY 7, 1961

MR. JERRY L. GRIFFITH
ATTORNEY AT LAW
103 NORTH BALTIMORE
DERBY, KANSAS

SUBJECT: PRIVATE DRIVE

DEAR MR. GRIFFITH:

AT ITS REGULAR MEETING ON JULY 6, 1961, THE METROPOLITAN AREA PLANNING COMMISSION DIRECTED THAT THE PROBLEMS CONCERNING EASEMENTS AND DRIVEWAYS IN THE HILLTOP MANOR AND PLANEVIEW AREAS BE STUDIED BY STAFF PERSONNEL. THE COMMISSION DIRECTED THAT A REPORT BE MADE TO THEM AT THEIR NEXT REGULAR MEETING WHICH WILL BE JULY 20, 1961.

THIS DEPARTMENT WILL KEEP YOU INFORMED AS TO THE PROGRESS MADE IN SOLVING THESE PROBLEMS AND APPRECIATES THE PROBLEM THAT MR. AKERS FACES.

IF YOU HAVE ANY QUESTIONS OR COMMENTS WHICH YOU WOULD FEEL WOULD BE OF VALUE TO THIS DEPARTMENT, PLEASE DO NOT HESITATE TO CALL US.

VERY TRULY YOURS,

ROBERT A. LAKIN
PLANNER III

RAL:CDM:BR

CC: MR. BERT AKERS
4231 MENLO DRIVE
WICHITA, KANSAS

JERRY L. GRIFFITH
ATTORNEY AT LAW
103 N. BALTIMORE
DERBY, KANSAS
SUNSET B-0631

*Lot 50
Blk 6.*

July 6, 1961



Metropolitan Planning Commission
Attention: Roy Little
City Hall Annex
Wichita, Kansas

Re: Private Drive

Dear Mr. Little:

I am assisting Mr. Bert Akers to secure a private driveway permit from the City of Wichita, for his property at 4231 Menlo, Wichita, Kansas. It appears that he now has a driveway on his property which he is attempting to use as a private driveway. However, other people keep parking their cars in front of what he considers his private driveway. The Police Department informs Mr. Akers that they will not enforce no parking in front of this driveway because Mr. Akers does not have a driveway permit for that particular area. The city department that issues permits informed Mr. Akers that they will not issue a permit for a private driveway, because there is no curb or guttering in that particular area, and that the permits that they issue are merely curb-cut permits for private driveways.

I believe that Mr. Akers is entitled to a private driveway to his property so that he might have the right of access and egress. I respectfully request that the Planning Commission establish some type of policy as to what they consider to be a private driveway so that Mr. Akers might make the proper installation and the Police Department would enforce no parking in this private driveway.

Yours very truly,

Jerry L. Griffith
Jerry L. Griffith
Attorney at Law

JLG:lm

EUGENE PIRTLE, ASSISTANT CITY
ATTORNEY
L. L. LITTLE, DIRECTOR OF PLANNING

MAY 31, 1961

DRIVEWAY ACCESS IN HILLTOP MANOR

AS PER OUR TELEPHONE CONVERSATION AND AS A RESULT OF A JOINT MEETING WITH PAUL GRAVES, TRAFFIC ENGINEER; JOHN EPPERSON, ASSISTANT CITY ENGINEER; JERRY GRIFFITH; LT. FOSTER, AND MYSELF, I WOULD APPRECIATE YOUR RESOLVING A DIFFICULT PROBLEM.

THE OWNER OF THIS PROPERTY HAS A FRONTAGE OF 80 FEET WHICH UNDER THE ORIGINAL PLAN AS PREPARED BY THE UNITED STATES GOVERNMENT, CONSTITUTED 80 FEET OF PARKING BAY ASSOCIATED WITH THE STRUCTURES IN THE AREA. UPON THE SALE OF THESE PROPERTIES TO THE PUBLIC, THERE WAS NO PROVISION MADE FOR POINTS OF ACCESS TO AND FROM THESE PROPERTIES.

THE POINT WE ARE ATTEMPTING TO DETERMINE IS BY WHAT MEANS CAN THE OWNER BE ASSURED OF A REASONABLE (SAY 15 TO 20 FEET) MEANS OF ACCESS AND EGRESS FROM HIS PROPERTY. THIS WOULD MEAN THE REMOVAL OF AT LEAST ONE, PERHAPS TWO, PARKING STALLS, AND I WOULD SUGGEST THE INSTALLATION OF A SIGN, OR SIGNS, INDICATING "PRIVATE DRIVE".

THE PROBLEM IS FURTHER COMPLICATED BY AN APPARENT SERIES OF MISUNDERSTANDINGS WITH A "NEIGHBOR" WHO INSISTS ON PARKING HIS CAR AT THE NOW DESIGNATED POINT OF ACCESS AND EGRESS. ENOUGH SAID.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:BER

DR on Study
no 7

MAY 18, 1961

MR. GERALD GRIFFITH
ATTORNEY
103 NORTH BALTIMORE
DERBY, KANSAS

DEAR JERRY:

IN RESPONSE TO YOUR INQUIRY REGARDING THE ASSIGNMENT OF A DRIVEWAY PRIVILEGE AT A CERTAIN PROPERTY IN HILLTOP MANOR, IT IS OUR OPINION THAT THIS MATTER MUST BE HANDLED BY THE OWNER OF THE REST HOME PHYSICALLY INSTALLING A CURB AND DRIVEWAY ACROSS THE FRONTAGE OF THE PROPERTY.

IT IS OUR TENTATIVE OPINION THAT A 20 FOOT DRIVEWAY WOULD MEET THE NECESSARY CRITERIA.

MAY I SUGGEST THAT YOU, PAUL GRAVES, TRAFFIC ENGINEER, AND THE APPROPRIATE PERSON FROM THE POLICE DEPARTMENT, AND MYSELF, HAVE A CONFERENCE REGARDING THIS MATTER.

SINCERELY YOURS,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:BER

UTILITY ADVISORY COMMITTEE

MINUTES

MAY 5, 1955

A special meeting of the Utility Advisory Committee was held on Thursday, May 5, 1955, at 1:45 p.m. in the City Commission room. The following were present: Firsching, Snyder, Kirk, Aiken, Davis, Howard, Burr, Epperson, B. Smith, Rankin, Douglas, Raush, Fisher, Via and Rathke.

This meeting was solely for discussion of the Planeview plats which have been submitted, being Planeview Subdivision No. 1, an irregular area at the southeast corner of Hillside and Pawnee, and Planeview Subdivision No. 2, an irregular area at the northeast corner of Hamilton Road and Hillside.

PLANEVIEW SUBDIVISION NO. 1 - an irregular area at the southeast corner of Hillside and Pawnee.

The director stated that the basic question is utilities - lines seem to be running in every direction.

BURR stated that so far as the water lines, as shown it is roughly correct, although at some points they are off as much as ten feet. Evidently information was taken from the construction plans but the lines were not actually constructed in exactly the same place as indicated on those plans.

The director stated evidently sewers were located from manhole locations.

B. SMITH pointed out that no attempt is made to establish that the sewers are on any easements.

The director stated that at some points the water, gas, and sewer lines at some points could be covered by a 16 foot easement, but that farther on one of the lines branches off and would require an easement for that one utility.

B. SMITH suggested requiring a 16' easement on each utility no matter where it is, but agreed that would probably be impossible because of financing problems when purchasers attempt to secure mortgages.

The director pointed out that the refuse stations would fall within the public right-of-way as now shown. In this respect, B. Smith stated in that case the city would have to police that area, and also it would complicate maintenance.

WOODY RANKIN pointed out that in ^{Hilltop Manor} ~~Planeview~~ as soon as it came into the city the residents demanded back door pick up of garbage and he felt the same would be true in Planeview, and there would be no use for these garbage and trash pick up stations.

FISHER pointed out that the refuse department would also be in favor of elimination of these pick up stations.

AIKEN felt the health department would be strongly in favor of the elimination of the garbage pick up stations. Garbage and trash cans are supposed to be placed on private property and not on public property.

VIA asked if he was to assume that it was the concensus of the group that it would prefer that these stands for garbage and refuse be eliminated, torn out and taken out of the right-of-way.

EPPERSON stated this would permit all right-of-way to be 60 feet with the elimination of those areas.

The director stated they have followed the sidewalk, parking areas, refuse stands and coal boxes being indicated as a part of the right-of-way.

B. SMITH asked if all the lots conformed to the area on zoning.

The director said they would comply under a "B" classification.

B. SMITH pointed out that all lots don't have access to public streets. He wondered if the city might have some legal liability whereby they could be forced to provide access.

It was pointed out that easements have been provided for those inside lots in most cases, but that some places have been missed in this respect.

The director stated if the garbage stands are eliminated from the right-of-way there would be no reason why a uniform right-of-way couldn't be provided.

It was apparent that most of the parking bays have been included in the street right-of-way, altho most of the places have room for parking off the right-of-way.

VIA asked if it would be well to try to include the parking bays in the public right of way, and Smith stated if the right-of-way is going to the side walk they would have to be included.

The director wondered if parking bays less than 100 feet in length should be included as public right-of-way. Smith thought anything less than 100 feet should be a private easement.

The director stated that when originally discussed, it had more or less been agreed, that all courts more than 100 feet in length would be public rights-of-way but all less than that would go as private easements, and wondered if that was still the concensus of opinion.

B. SMITH stated this would get away from maintenance of regular parking area. If an accident occurs the police have to investigate and also the city would not have any control of parking which would be expected if public right-of-way.

WOODY pointed out that if it is public right-of-way a car has to be moved every 24 hours.

The director asked if another general policy could be established in that any of these short parking bays less than 100 feet would become private easements.

BURR was agreeable, stating they were obviously for parking purposes only. They serve only the property adjacent and not the public generally.

EPPERSON suggested that anything labeled as parking area would not belong to the public and anything that is labeled as a street could be public right-of-way.

FISHER pointed out that some labeled as streets are shorter than others labeled parking areas, so that wouldn't work.

After much discussion, it was agreed that the courts less than 100 feet in length would be private easements for parking, and that anything more than 100 feet would be a public right-of-way.

The director asked what could be established as a general policy in regard to utility easements - water, gas and sewer and lights. He wondered if 16 feet would be needed for an easement for only one utility line.

BURR pointed out that in repairing a break in a water line 16 feet is not sufficient - that they have had breaks in this area and will continue to have breaks.

B. SMITH stated that 16 feet is never considered sufficient for construction of a sewer - that the cooperation of the people will be needed.

The director stated that the easements seem to vary in width from 20 feet down to 3 or 4 feet, and wondered if 8 feet on the outside of each line, except where it comes to a building, could be considered.

BURR stated there would be no assurance the utility line would be protected then - that it might be off from where it is shown.

The director suggested a catch all clause to indicate that there would be an easement at any place where a line is located, to cover misplaced lines. He felt all line easements should actually be shown and easements granted, but with the catch all clause to the effect that any line that isn't on the easement would automatically be in an easement.

In the discussion it was suggested a blanket easement be granted over the whole area except that part covered by existing structures.

BURR stated that if a blanket easement was given over the whole area and in some places with that area, they found some of their lines were 30 feet from where they were supposed to be.

SMITH stated the objection to a blanket easement is that utilities could go in and do anything anytime, and thought it might be logical if a blanket easement could be made to cover maintenance of existing utilities at this time.

The director pointed out that some kind of easements will have to be shown through the area in relation to new construction. Further, loan companies are going to require that utility lines and easements be located.

It was pointed out that existing utility lines should be shown.

After considerable discussion, the following basic requirements were agreed on to be applicable to the platting of Planeview:

1. It was the concensus of the group that the garbage and refuse stands and coal bins be eliminated, torn out and taken out of the right-of-way. This would permit uniform street width.
2. All lots to have public right-of-way where possible and where not possible private easement for access.
3. All courts more than 100 feet in length to be public rights-of-way, and all less than 100 feet would be private easements.
4. Easements to be 8 feet on each side of a utility line as shown, except for structures, with a catch all clause indicating easements granted wherever a utility is located in cases where they are not on the easements as shown.
5. Where possible lot lines to be changed to more nearly fit in with easements.
6. Curve data and angles to be shown on all lots.
7. All electric and telephone poles to be indicated.
- ~~8. Provide parking area by private easement.~~
9. What about utility lines that go under a structure.

GENERAL REQUIREMENTS ON PLANEVIEW SUBDIVISION NO. 1

1. Where possible all lot lines be changed to fit public utility easements.
2. Complete curve data to be shown on all streets.
3. Angles to be shown on lot lines so they may be located.

4. Show all electric and telephone lines - none have been shown.
5. Utility easements to be shown as 8 feet on each side of line except when avoiding buildings.

SHEET NO. 1 - Specific comments

1. Is Lot 8, Block A anticipated for commercial?
2. Extend alley at northwest corner in Block A into Hillside at right angle.
3. Where utilities are grouped as at the rear of Lots 11, 12, 13, 14, and 15, Block A, show easement to cover all. Two other instances in Block B.
4. Eliminate parking bays between Lots 21 and 26, and 26 and 31 in Block A, and between Lots 16 and 17, 8 and 9, 17 and 27 in Block B.
5. Show sewer easement in Lot 1, Block G.
6. Where is the waterline easement in relation to the school area in Block G.
7. Where does the 20 foot easement at the west side of Lot 11, Block G go, and what is the status of the area to the west of said easement?
8. Driveway easement at Lots 9 and 10, Block G.
9. Dedicate the following: Lots 31 and 32, Block A; east end of Lot 9, Block H, as indicated on marked copy of the plat; irregular area jutting west from Lot 1, Block G; area indicated as vacant to the west of Lots 2, 3, and 4, Block B, and that indicated as vacant north of Lot 13, Block B.

SHEET NO. 2 - Specific comments

1. What about water lines at northwest corner of Block E pertaining to Lots just south of Roosevelt, and also water lines in relation to Lot 15, Block E?
 2. Is the easement between Lots 55 and 58, 56 and 57 Block E supposed to be 5 feet on each side?
 3. Eliminate in connection with Lots 18, 19, 21, 22 and 23, Block E as part of the right-of-way, also small areas adjacent to Lots 26 and 37, Block E.
-

SHEET NO. 3 - Specific Comments

1. Eliminate parking areas provided in Block D between Lots 32 and 38, and 32 and 26.
 2. Dedicate creek area to the public and easement for storm water at west side of Block D, and lower parts of Lots 19 and 21, Block D.
 3. Eliminate irregularity in Cessna Street as it goes south.
 4. Remainder of George Washington Drive and drainage is questioned at the southeast edge of this sheet.
-

SHEET NO. 4 - Specific Comments

1. Eliminate area between Lots 13, 14, 15, 16, and 17 as a part of the street right-of-way, and also in relation to Lot 8.
 2. Include pointed area jutting into Lot 3 as a part of the lot, and eliminate the lower part of Lot 9 as a part of the lot.
 3. Dedicate easement for storm sewer at east side of Lots 16 and 18, and also area to the southeast in relation to the creek.
-

SHEET NO. 5 - Specific Comments

1. 30 feet for sewer easement at west side of Lot 27, Block O, and what about drainage from Block P to the west.
 2. What about water lines in Block P and at northwest portion of Block O?
 3. Eliminate curve at end of Jewett Street and make it straight across, and give this area to the north a lot number.
 4. Dedicate to the public all area west of Block O in relation to the creek.
-

SHEET NO. 6 - Specific Comments

1. What about water line at west side of Block O, and west portion of Block P?
 2. Eliminate curve at end of Jewell Street and make it straight across, and eliminate curve at end of Whitney Lane.
 3. Dedicate remainder of George Washington Drive at north side of plat.
-

SHEET NO. 7 - Specific Comments

1. What about water line and gas line in relation to business buildings in Lot 1, Block N?
 2. Eliminate parking bay between Lots 1 and 6, Block O, and vacant area in Block O should not be labeled as such.
 3. Eliminate parking area between Lots 9 and 10, Block P.
 4. Dedicate to public area at the northwest corner of this sheet.
-

SHEET NO. 8 - Specific Comments

1. Eliminate indications of public street south of Ross Parkway in Blocks R and S, and also one on the north side of Ross Parkway.
-

SHEET NO. 9 - Specific Comments

1. Eliminate parking bays in Block I (2) on the north side of East Roseberry Street.
 2. Where are gas lines for lots 14 through 21, Block G?
 3. Show sewer easement at the north side of the area.
 4. What is the status of the area between Lots 16 and 23, Block G, and what about a 20' driveway?
 5. What is the status of the lot at the very northwest corner?
 6. Dedicate area to the public north of Block G and west of the school.
-

SHEET NO. 10 - Specific Comments

1. What is the status of the land and buildings in Block K?
 2. Dedicate ravine and creek area to the public, including the triangular area jutting off from the athletic field.
-

SHEET NO. 11 - Specific Comments

1. Dedicate all of Hillside.
 2. Make Roseberry Court uniform right-of-way to Lots 29 and 30.
 3. Eliminate parking bay on west side of Vassar between Lots 43 and 46.
 4. Line up lot lines and easements on west side of Vassar.
 5. Dedicate area at the southeast to the public.
-

SHEET NO. 12 - Specific Comments

1. What about water line in this Block J.
 2. Dedicate area to the southeast of Block J to the public.
 3. What about joint drive to Lot 18, and to Lot 17 and 19.
-

SHEET NO. 13 - Specific Comments

1. Where does water line to school come from?
 2. What about gas line in Block M and water line in Block M.
 3. 30 foot easement for sewer at north side of Block M.
 4. Dedicate area to the public.
-

This plat was previously returned for platting of an east-west street somewhere near the half section line and that requirement has been complied with by establishing 35th Street South.

After discussion, it was moved, seconded and carried that this plat be approved, subject to the following:

1. Easements as follows: Block A - between 4 and 5
- Block B - between 2 and 3, 3 and 4, and 5 and 6
- Block C - between 2 and 3, 4 and 5
- Block D - between 2 and 3 and anchor easement between 1 and 2, and easement between 4 and 5, and 6 and 7
- Block E - between 2 and 3, 15 and 17, 4 and 5, 14 and 15, 8 and 9, 12 and 13, and 7 and 8
- Block F - between 1 and 2, 7 and 8, 2 and 3, 6 and 7
- Block G - between 5 and 6, 9 and 10, 3 and 4, 11 and 12, 13 and 14, 16 and 17, 1 and 17.
- Block H - between 2 and 3, 6 and 7
- Block K - between 2 and 3, 4 and 5
- Block J - between 2 and 3, 4 and 5, 7 and 8, 8 and 9
- Block M - between 5 and 6
- Block N - between 4 and 5

D. Flanview Subdivision No. 1, an irregular area at the southeast corner of Hillside and Pawnee.

The director stated that at the special meeting last week when this plat was considered, some basic policies were decided upon in relation to the Flanview area.

It was decided a 8' easement should be shown on each side of any existing utility line - they had not shown electric or telephone lines on the plat so that was requested.

The first point to form a policy on was parking bays off of the various streets which were more than 100 feet wide should be street right-of-way and those less than 100 feet would be private easements or joint easements for joint use of the buildings around the parking bays. It was the consensus of the group that perhaps each one should be considered individually but letting the 100 foot length be a guide post to generally decide which would be dedicated and which would not.

Another basic point which the Planning Commission will have to determine is this: Within the plan the street right-of-way varies considerably in width. There are none less than our minimum requirement but vary from 60 to 80 feet, depending on how the parking bays have been pulled into the right-of-way. The majority of the group at the special meeting felt the right-of-way should disregard any parking bays and should be uniform throughout.

The Public Housing representative did not like the idea, but felt the parking bay should show within the public right-of-way where parallel.

KESSLER pointed out that it would be in one owners front yard yet others would have to use it, which would make for trouble.

EPPELSON pointed out the problems that would occur when it comes to paving and maintenance.

The director stated that another problem is the question of sidewalk. As a general rule the sidewalks are back of the parking bays. It was the thought of the group that we should perhaps ignore because it would just create another impossible situation.

The director stated that the city has the right to require all reasonable requirements and he has found as a general rule that FHA object to things but will probably not let these points hold up the closing of any final deal.

KESSLER wondered if there was some way legally could leave the parking bays as setbacks and indicate as easements for parking.

VIA stated it could be done the same as others which are more clearly defined - give joint easements.

After more discussion, it was moved, seconded and carried that the Committee recommend to the Planning Commission that uniform rights-of-way be maintained throughout the Planeview area.

The director referred to the trash and garbage stands in the area. It was the consensus of the group last week that those stands should be disregarded - they have shown in the plat they are dedicating the ground which those stands are on.

After brief consideration, Kessler moved, it was seconded and carried that garbage stands be disregarded and considered as part of the plat and that the residents make provision for collection the same as other areas in the city.

It was pointed out that curve data and angles should be indicated on lots and streets and that dedication be made of some of the open land to open up and make more uniform some of the drainage right-of-way.

The matter of utility easements was discussed briefly, the director pointing out that all easements and lines should be shown, but that no easement would be required where a line was under an existing structure.

The director stated that all comments would be assembled and a ruling obtained from the Planning Commission as to policy, and forwarded to FHA. Then they could start on preparation of the final because a lot of changes will have to be made.

E. Planeview Subdivision No. 2, an irregular area at the northeast corner of Hillside and Hamilton Road.

The director pointed out that the overhead utility lines do not coincide with any other easements and Mr. Miller wanted originally to put those on a separate sheet and record them separately. The director stated he had not approved of this method because it would make it too cumbersome for any one to ever try to find and no matter how jumbled it looked it should be all on one sheet.

The director pointed out that the planning commission in discussion of policies relative to the exception to the parking bay areas, through the recommendation of the Director of Service agreed to accept all of those parking areas as public right-of-way.

They agreed that all garbage stands would have to be removed from public right-of-way and street rights-of-way in general, except as related to parking bays would be uniform in width.

In considering Sheet 1, the director stated that to the east of Block B the area which was vacant, suggested that they extend the lots fronting on to Rutan and Bruce back to a greater depth and everything back of that to be dedicated to the public which would tie into the school ground.

BURR stated that they have a water line back of the units in 9 and 10 and one runs west back of the unit on Lot 5, Block C just west of there and one which runs north in Lots 11 and 12.

He pointed out that it would take considerable time to locate all these lines and that he has not had the time to actually locate them. He stated that numerous lines have been left off entirely.

RAUSH stated that the purchasers of the units will be the ones to suffer if all lines are not shown because the service lines from the main line into the units will cross others' property and there would be no way for a buyer to know that unless it is shown in the plat. He felt the utility companies would be protected by the escape clause.

DAVIS stated they have had several requests already for removal of their line so garages could be built. If they moved their line and garages built over a water line it will certainly be a mess.

The director stated that, of course, they are supposed to show all utility lines and easements but the only way it can be known that they have is for individual utility companies to check.

BURR stated they have finally checked all of Subdivision No. 1 and it took considerable time and if they can have time they could check through all of No. 2.

RAUSH stated that quite a few gas lines were left off also.

The director suggested that if utility lines are shown on preliminary, then it will require two checkings by the utility companies, preliminary and final, and wondered if the preparation of the final could be started with all easements to be shown and then the utilities could just check the one plat.

The final will just show easements - not existing lines, and it would be up to the utility companies to determine whether or not their lines were within the easements as shown.

HOWARD reviewed some of the difficulties in putting the utility lines in this area originally, where there were so many changes and deviations from the original plan.

It was agreed among the utility men that they would prefer to check only one plat and if ~~utilities~~ easements are shown on the final they can check and determine whether their lines are within the easements as shown or covered by the catch all clause.

The director asked if it would be agreeable to do the same as done on Ne. 1 - say all have to be shown with the understanding that the final will not receive approval until such time as all have been completely checked out by the utility companies.

He suggested that the final plat show all easements for all utilities and they will have to understand it will probably have to be a lot of corrections on the final when the utility companies have fully checked.

This was agreed upon, and the director pointed out that they show some land, for example, on Hillside which is not shown as lots or anything. He wondered what they intended to do with that. If they intend to sell it off for building sites then they should have lots and right-of-way to get into them.

BURR thought there should be some way of keeping any more buildings from going in.

The director stated that in Block E on Sheet 1 is a big vacant area back in the middle where evidently, as far as he could tell, there must have been units at one time, and the aerial map indicates it is a drainage way.

C. Request that Walnut Lane be assigned a different street name.

The director stated that this is a private street for which the city has installed a sign. The request comes from a resident at 321 South Walnut Street, who indicates there is confusion between her address and one on Walnut Lane.

The director felt the city should take down the street marker - it is not a public right of way and not officially Walnut Lane.

EPPERSON suggested that the owner of this private street should change it to Maple Lane instead of Walnut Lane.

The director stated that no action actually could be taken by this Committee since it is a private street.

V. DEDICATIONS

A. Dedication from Ray Krack for south half of Skinner From George Washington Boulevard east 280 feet.

It was moved, seconded and carried that the Committee recommend to the Planning Commission that this dedication be approved.

Meeting adjourned at 3: 15 p.m.

Warren Blazier
Acting Chairman

E. Hilltop Manor, an irregular area between Lincoln and Harry and east of Bluffview.

After consideration and study, it was moved, seconded and carried that the Committee recommend to the Planning Commission that this plat be approved, subject to the following:

Sheet 3 -

30 foot easement ~~at intersection~~ across the front of Lots 79, 80 and 81 on Terrace Drive 449
16' east-west easement from west side of Lots 1 & 24 to present north-south easement

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Sheet 4 - 5' easement across the front of the lots facing Terrace Drive, from Bayley ~~xxx~~ south to and including Lot 27.

Sheet 5 - 5' easement across the front of Lots 15 and 16, Block F, and extend the east-west easement in Lot 18 20 feet farther east.

Sheet 6 - Dedicate the portion indicated as Perpetual Roadway Easement west of Bluffview Drive.

Sheet 7 - check dimensions on Bluffview.

Draft # 1

AN ORDINANCE PROVIDING FOR LEGALLY DEFINING
AND LOCATING DRIVEWAYS TO PROPERTIES ABUTTING
STREETS AND ALLEYS NOT CURBED AND GUTTERED
AND RELATING THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY
OF WICHITA, KANSAS:

SECTION 1. DEFINITION---A driveway shall be that portion
of the street Right-of-Way to and across the Right-of-Way line
which provides the abutting property access and egress to the
street Right-of-way.

SECTION 2. A driveway shall be twelve (12) feet in width
measured along the Right-of-Way of the abutting street and shall
be measured from the point on the aforesaid Right-of-Way line
where the left line of the driveway crosses the aforesaid Right-
of-Way line when passing from the Street to the abutting property
and further, being measured from left to right. The aforesaid
point on the left driveway line and the Right-of-Way line of the
the street shall be tied to a legal subdivision corner in and
of the City of Wichita, Kansas.

Section 3. Application for a legally defined driveway
shall be made to the Traffic Engineer of the City of Wichita, Kansas,
on forms to be supplied by said Traffic Engineer, said application
to be accompanied by the fee of \$ _____, together with the proper
legal description of the location of the driveway for which application
is made.

*Who is to
install the
sign
Reversible
Facing at R/W
Maintenance
Law suits
abrogation*

Section 4. Upon the approval of the driveway, the Traffic Engineer will cause to be delivered to the applicant a sign with the words "DRIVEWAY - Ordinance No. _____" of such size as to be easily visible, with the words stamped therein, of metal, painted with contrasting colors; aforesaid sign to be placed on a metal post not less than two (2) feet above normal ground surface and not more than three (3) feet above normal ground surface; which post shall be set where the point on the Right-of-Way line of the street where the left line of the driveway crosses the aforesaid Right-of-Way line when passing from the Street to the abutting property.

*top +
bottom
of sign*

Section 5. The Traffic Engineer shall cause a copy of the approved application, together with a verified legal description of the location of the driveway, to the Police Department of the City of Wichita, Kansas, and such other persons as the Traffic Engineer may deem it prudent to inform.

Section 6. This ordinance shall take effect and be in full force from and after publication once in the official city paper.

PRELIMINARY

AN ORDINANCE PROVIDING FOR LEGALLY DEFINING AND LOCATING DRIVEWAYS TO PROPERTIES ABUTTING STREETS AND ALLEYS NOT CURBED AND GUTTERED AND RELATING THERETO.

1. Definition---A driveway shall be that portion of the street right-of-way to and across the right-of-way line which provides the abutting property access and egress to the street right-of-way.

2. A driveway shall be twelve (12) feet in width measured along the right-of-way line of the abutting street and shall be measured from the point on the aforesaid right-of-way line where the left line of the driveway crosses the street right-of-way line when passing from the street right-of-way to the abutting property, the width of the driveway being measured from left to right ~~in like manner~~ with the point of beginning of the measurement being tied to a legal subdivision corner in and of the City of Wichita, Kansas.

3. Application for a legally defined driveway shall be made to the Traffic Engineer of the City of Wichita, Kansas, on forms to be supplied by the Traffic Engineer, which forms shall provide space for the complete legal description of the point on the left side of the driveway at the Right-of-way line of the street, the point of beginning of measurement required to be tied to a legal subdivision corner in and of the City of Wichita, Kansas, and said application shall be accompanied by the fee of ___ dollars.

4. Upon the approval of the application for a legally defined driveway,

PRELIMINARY

the Traffic Engineer will cause to be delivered to the applicant a sign with the words "Driveway - Ordinance No. ___" of such size as to be readily visible, the words stamped therein, of metal, painted with contrasting colors, which sign shall be placed by the applicant on a metal post so that the bottom of the sign is not less than two (2) feet above normal ground surface and the top of the sign not more than three (3) feet above normal ground surface, which post shall be placed at the point of beginning of measurement so that the sign shall face the street right-of-way and this sign shall be maintained and kept painted so as to be easily legible at all times by the applicant.

5. Whenever the street shall be curbed and guttered the need for a legally defined driveway shall be deemed to have ceased to exist and the post and sign marking such driveway shall be removed.

6. The Traffic Engineer may, at his discretion, determine that any legally defined driveway is not in the best interest of the City of Wichita and/or the public and, after notifying the applicant of his intent, revoke the permit for such legally defined driveway and notify the Police Department of the City of Wichita and such other persons as he may ^{have} informed of the granting of the legally defined driveway.

7. The Traffic Engineer shall cause a copy of the application for a legally defined driveway with a certification of approval and verification of the legal description, to be delivered to the Police Department of the City of Wichita and such other persons as the Traffic Engineer may deem it prudent to inform.

AN ORDINANCE PROVIDING FOR LEGALLY DEFINING AND LOCATING DRIVEWAYS
TO PROPERTIES ABUTTING STREETS AND ALLEYS NOT CURBED AND GUTTERED
AND RELATING THERETO.

MC
Copyright

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PRELIMINARY

the Traffic Engineer will cause to be delivered to the applicant a sign with the words "Driveway - Ordinance No. ____" of such size as to be readily visible, the words stamped therein, of metal, painted with contrasting colors, which sign shall be placed by the applicant on a metal post so that the bottom of the sign is not less than two (2) feet above normal ground surface and the top of the sign not more than three (3) feet above normal ground surface, which post shall be placed at the point of beginning of measurement so that the sign shall face the street right-of-way and this sign shall be maintained and kept painted so as to be easily legible at all times by the applicant.

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7. The Traffic Engineer shall cause a copy of the application for a legally defined driveway with a certification of approval and verification of the legal description, to be delivered to the Police Department of the City of Wichita and such other persons as the Traffic Engineer may deem it prudent to inform.

Approved by St. Peter and Capt. Clark of M.O.S. Approved by Traffic Engineer Swais

PRELIMINARY

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1. Definition---A driveway shall be that portion of the street right-of-way to and across the right-of-way line which provides the abutting property access and egress to the street right-of-way.
2. A driveway shall be twelve (12) feet in width measured along the right-of-way line of the abutting street and shall be measured from the point on the aforesaid right-of-way line where the left line of the driveway crosses the street right-of-way line when passing from the street right-of-way to the abutting property, the width of the driveway being measured from left to right ~~in the manner~~ with the point of beginning of the measurement being tied to a legal subdivision corner in and of the City of Wichita, Kansas.
3. Application for a legally defined driveway shall be made to the Traffic Engineer of the City of Wichita, Kansas, on forms to be supplied by the Traffic Engineer, which forms shall provide space for the complete legal description of the point on the left side of the driveway at the Right-of-way line of the street, the point of beginning of measurement required to be tied to a legal subdivision corner in and of the City of Wichita, Kansas, and said application shall be accompanied by the fee of ___ dollars.
4. Upon the approval of the application for a legally defined driveway,

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the Traffic Engineer will cause to be delivered to the applicant a sign with the words "Driveway - Ordinance No. ___" of such size as to be readily visible, the words stamped therein, of metal, painted with contrasting colors, which sign shall be placed by the applicant on a metal post so that the bottom of the sign is not less than two (2) feet above normal ground surface and the top of the sign not more than three (3) feet above normal ground surface, which post shall be placed at the point of beginning of measurement so that the sign shall face the street right-of-way and this sign shall be maintained and kept painted so as to be easily legible at all times by the applicant.

5. Whenever the street shall be curbed and guttered the need for a legally defined driveway shall be deemed to have ceased to exist and the post and sign marking such driveway shall be removed.

6. The Traffic Engineer may, at his discretion, determine that any legally defined driveway is not in the best interest of the City of Wichita and/or the public and, after notifying the applicant of his intent, revoke the permit for such legally defined driveway and notify the Police Department of the City of Wichita and such other persons as he may ^{have} informed of the granting of the legally defined driveway.

7. The Traffic Engineer shall cause a copy of the application for a legally defined driveway with a certification of approval and verification of the legal description, to be delivered to the Police Department of the City of Wichita and such other persons as the Traffic Engineer may deem it prudent to inform.