

PLAT NO. S/D 71-88 MAP NO. G-8W 4146

NAME HOPPER ADDITION

LOCATION On the north side of U.S. 54 Highway approximately
1/2 mile west of 199th Street West

ENGINEER K. O. Taylor

OWNER James Hopper

APPLICATION FILED 12-6-71

SKETCH PLAT FILED 12-6-71 ; REVISED 8-28-72 *

PRELIMINARY FILED none submitted

S/D ACTION N/A

FINAL FILED 9-11-72

S/D ACTION 9-21-72 Approved

MAPC ACTION 9-28-72 Approved subj to conditions

^{BOC}BOC ACTION 11-1-72 Approval

RECORDED December 4, 1972

REMARKS * S/D ACTION: 9-7-72 Approved

S/D 71-88 - HOPPER ADDITION - On
the N side of U.S. 54 Hiway
approx. 1/2 Mile W of 199th St.
West K. O. Taylor

POSTED
12-7-71

5/6 COMMITTEE (revised sketch) Approved 9-7-72
S/D Comm. (final) Approved 9-21-72
M.A.P.C. Approved July to 9-28-72
conditions
D. CO. C. Approved 11-1-72

(4146)
Map No. G-8W
Sec. No. 30
Twp. No. 27 S
Range 2 W

Subdivision Report and Progress
S/D No.: 71-88

Name: HOPPER ADDITION

General Location: On the north side of U. S. 54 Highway approximately
1/2 mile west of 199th Street West

Owner: James Hopper
Address: 631 South Byron Road 67209 Phone: 722-1879
Subdivider: c/o Earl C. Moore
Address: 243 North Hillside 67214 Phone: 684-0106
Engineer/Surveyor: K. O. Taylor
Address: 1543 South St. Francis 67211 Phone: 268-4072

Application Received 12-6-71 FINAL PLAT RECEIVED 9-11-72
Conf. with Applicant none S/D Comm. Action 9-21-72 Approved
* Sketch Plat Received 12-6-71/8-28/72
Present Zoning "R-1" Dept. Report on Final 9-25-72
** Proposed Zoning "C" M.A.P.C. ACTION 9-28-72 Approved
Letter of Intent none 12/15/71 Dept. Report on Final 9-29-72
* S/D ACTION RE REVISED SKETCH Letter on Irons Received N/A
PREL. PLAT RECEIVED none submit Title/Taxes Rec'd & Reviewed 10-22-72
S/D Comm. Action N/A Final Review 10-30-72
Referral to B.COC. 10-30-72
Dept. Report on Prel. N/A B.COC. ACTION 11-1-72 Approved
TRACING PROGRESS: Recorded December 4, 1972
Received 10-27-72
Released 10-27-72
Received _____
Released _____

Comments:

** SCZ-0268 - Associated zone case from "R-1" to "C"

Send Plats to:

HOPPER ADDITION

Marcellin Strunk, Trustee
Attica Township
Colwich, Ks., 67030

Irvin H. Myers, Supt.
USD #265
231 North Walnut
Goddard, Kansas 67052

Called Earl Moore to pick up tracing for recording

October 30, 1972

Max Christman
County Zoning Administrator's Office
Sedgwick County Courthouse
Wichita, Kansas 67203

Subject: Hopper Addition, generally
located on the north side of U. S.
54 Highway, 1/2 mile west of 199th
Street West.

Dear Max:

Enclosed herewith is a copy of a Health Department memo specifying certain restrictions and guidelines for use of private septic systems on the above referred to property. I thought you should be aware of this matter as it will be useful in discussing problems associated with this area when talking to people who are contemplating other development in this area.

The above referred to plat has been scheduled for final approval by the Board of County Commissioners at their regular meeting of November 1, 1972. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

Enclosure

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CO. COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number	71-88	Name	HOPPER ADDITION	
Application Filed:	12-6-71	Sketch Filed:	8-28-72	
Preliminary Plat Filed:	None	Approved by S/D:	N/A	
Final Plat Filed:	9-11-72	Approved by S/D:	9-21-72	
Approved by Metropolitan Area Planning Commission:		Approved by S/D:	9-28-72	

DESCRIPTION

General Location: North side of U.S. 54 Highway approximately
1/2 mile west of 199th Street West

Surveyor or Engineer: K. O. Taylor
Owner: James Hopper
Address: 631 South Byron Road 67209

1. Gross Acreage of Plat	2.4	5. Lineal Feet of New Streets:
2. Number of Lots:		a. 60 R/W 300 ft.
Residential	1	b. R/W ft.
Commercial		c. R/W ft.
Industrial		d. R/W ft.
Other		e. R/W ft.
Total Number of Lots:	1	TOTAL 300 ft.
3. Minimum Lot Frontage:	287 ft.	6. Existing Zoning: "R-1"
4. Minimum Lot Area	86,100 sq.ft.	

Planning Commission Recommendation:

That this plat be approved, subject to being recorded within 30 days after approval by the Board of County Commissioners. Kamen moved, Harrison seconded and it carried unanimously.

NOTE: Associated County zone Case SCZ-0268, "R-1" zone approved by the Board of County Commissioners subject to platting. 7-5-71

Vote of Planning Commission:

ACTION: Approve the plat as approved by the Metropolitan Area Planning Commission.

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF ENVIRONMENTAL HEALTH

DATE October 18, 1972
1-0179

TO John Gist, Principal Planner

FROM *SA* Steve Innes, Environmental Health Engineer

SUBJECT Hopper Addition

The most recent set of soil percolation tests in addition to visual observation on this addition of 2.4 acres north of Goddard indicate the possibility of acceptable percolation rates at some depth deeper than the normal thirty inches. The use of some yet to be determined soil absorption system for sewage disposal on this property is therefore approved as well as a private water system with the following conditions:

1. That at some time agreeable to Mr. Hopper and prior to construction of any building, a hole will be dug with a backhoe or similar device to expose soil to a depth of about seven feet for observation by a representative of this Department.
2. Based upon the findings of the above, and previous percolation data, a sewage system will be designed by this Department and it shall then be constructed in accordance with this design.
3. That before the installed sewage system is covered, the Health Department is notified for inspection.
4. That the use of this property for an auto repair shop not be changed or expanded until such time as the sanitary sewer system of the city of Goddard services this property.

fs

cc: Jim Hopper
Kenneth Taylor

Mayor Wilbur Floyd, Goddard, Kansas



Earl C. Moore
ATTORNEY AND COUNSELOR
243 North Hillside
Wichita, Kansas 67214

EARL C. MOORE

684-0106

October 11, 1972

Metropolitan Planning Com.
City Hall
Wichita, Kansas 67202

In Re: Hopper Plat

Gentlemen:

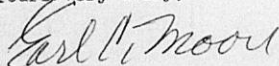
TITLE OPINION

This will advise that I have examined the title
Evidence on the Hopper tract under consideration
by the Metropolitan planning department. From
said examination we find title in fee simple in

James I. Hopper and
Meridith Hopper, his wife.

There is no mortgage and the taxes for year 1971
and prior years are paid.

Yours very truly,



Earl C. Moore

ECM:njh



September 29, 1972

Mr. K. O. Taylor, P.E.
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 71-88 - Final Plat of
HOPPER ADDITION

Dear Mr. Taylor:

At the regular meeting of the Metropolitan Area Planning Commission on September 28, 1972, the above-captioned plat was considered. The action of the Commission was to recommend that the plat be approved as recommended by the Subdivision Committee, subject to the conditions stated in our letter of September 25, 1972.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration.

- JH* Compliance with the requirements of the Metropolitan Area Planning Commission.
- JH* Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- JH* Certification by an attorney that fee title is vested in the plat.
- JH* Certification that all taxes due and payable for 1971 and prior years have been paid.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
cc: James Hopper, 631 South Byron Road 67209
Earl C. Moore, Attorney, 243 North Hillside 67214

September 25, 1972

Mr. K. O. Taylor, P.E.
1543 South St. Francis
Wichita, Kansas 67211

Subject: S/D 71-88 - Final Plat of
HOPPER ADDITION

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, September 21, 1972, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

OK The name "Kellogg Drive" shall be indicated and labeled on the frontage road adjacent to the south line of Lot 1, Block 1, and the name "Hopper Street" shall be indicated and labeled on the street right-of-way being dedicated for the new north-south street adjacent to the east line of Lot 1, Block 1.

See memo from Health Dept
Since percolation tests have been conducted and it has been determined that a septic tank sewage system cannot be utilized on subject property, approval of the plat shall be subject to the applicant and/or his engineer working with the Environmental Health Department for the design and approval by said department of an alternate sewage disposal system and the use of a private water supply on subject property.

- C.* Recording of the plat within 30 days after approval by the Board of County Commissioners.

The enclosed "marked" copy of the final plat is form your information and files.

Page 2 - Final Plat of HOPPER ADDITION
September 25, 1972

This matter will be forwarded to the Planning Commission for its consideration on Thursday, September 28, 1972, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

Enclosure

cc: Mr. James Hopper, 631 South Byron Road, 67209
Earl C. Moore, Attorney, 243 North Hillside, 67214

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 71-88 Name HOPPER ADDITION
Date Application Rec'd. 12-6-71 Preliminary Approval N/A
Scheduled S/D Meeting 9-21-72

DESCRIPTION

General Location On the north side of U. S. 54 Highway approximately
1/2 mile west of 199th Street West
Owner James Hopper
Surveyor/Engineer K. O. Taylor Phone 264-4072
Address 1542 South St. Francis

- | | | | |
|--|-----------------------|--|----------------|
| 1. Gross Acreage of Plat | <u>2.4</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>60</u> R/W <u>300</u> ft. | |
| Residential | | b. <u> </u> R/W <u> </u> ft. | |
| Commercial | <u>1</u> | c. <u> </u> R/W <u> </u> ft. | |
| Industrial | | d. <u> </u> R/W <u> </u> ft. | |
| Other | | e. <u> </u> R/W <u> </u> ft. | |
| Total Number of Lots | <u>1</u> | TOTAL | <u>300</u> ft. |
| 3. Minimum Lot Frontage | <u>287</u> ft. | 8. Sidewalk adjacent to all | |
| 4. Minimum Lot Area | <u>86,100</u> sq. ft. | streets? <u> </u> yes <u>X</u> no | |
| 5. Existing Zoning | <u>R-1</u> | | |
| 6. Proposed Zoning | <u>C</u> | | |
| 9. Public Water Supply <u>No</u> (Yes-No), Name <u> </u> | | | |
| 10. Public Sanitary Sewers <u>No</u> (Yes-No), Name <u> </u> | | | |
| 11. Health Department Approval (where applicable) <u> </u> Yes <u> </u> (Yes-No) | | | |
| 12. City of Wichita <u> </u> : Three-Mile Area <u> </u> X | | | |

STAFF COMMENTS:

- A. The associated County zone case SCZ-0268, "R-1" to "C" has been approved by the Board of County Commissioners subject to platting.
- B. The name "Kellogg Drive" shall be indicated and labeled on the frontage road adjacent to the south line of Lot 1, Block 1.
- C. The applicant and/or his engineer shall contact Bob Vinson of the Department of Public Works and the County Zoning Administrator's Office relative to an appropriate street name to be indicated on the plat for the new north-south street right-of-way being dedicated.
- D. Since percolation tests have been conducted and it has been determined that a septic tank sewage system cannot be utilized on subject property, approval of the plat shall be subject to the applicant and/or his engineer working with the Environmental Health Department for the design and approval by said department of an alternate sewage disposal system and the use of a private water supply on subject property.
- E. Recording within 30 days after approval by the Board of City Commissioners.

NOTE: This plat has been submitted in final form only, as provided for in Article 4, Part 5, of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements, or discuss the feasibility of the applicant extending and/or installing same.

September 12, 1972

K. O. Taylor, P.E.
1542 South St. Francis
Wichita, Kansas 67211

Subject: S/D 71-88 - Sketch Plat
of HOPPER ADDITION

Dear Mr. Taylor:

The above referred to sketch plat was considered by the Subdivision Committee at their meeting of September 7, 1972. It was the action of the Committee to approve the sketch plat and authorize the preparation and submission of a preliminary or final plat subject to the following conditions:

- ef* A dedication of 5 feet of right-of-way along the east line of subject property for a future north-south street with the balance of the street right-of-way for said street to be dedicated from the property to the east.
 - ef* A 20 foot building setback shall be indicated from the new north-south street dedication and a 35 foot building setback shall be indicated from the 50 foot frontage road dedication adjacent on the south.
 - ef* A 10 foot utility easement shall be indicated adjacent to the west line of the plat.
- D. The applicant and/or his engineer shall work with the Environmental Health Department relative to the design of an alternate sewage disposal system for subject property since septic tank systems cannot be utilized. Approval of the plat will be subject to the approval of such a sewage treatment system and the use of a private water supply, by the Environmental Health Department.

Page 2 - Sketch Plat of HOPPER ADDITION
September 12, 1972

~~B.~~ Requirements for a preliminary or final plat of the MAPC
Subdivision Regulations.

It was recognized by the Committee that conditions A & B above would require the moving of the applicants existing building forms and roughed in plumbing on the site but felt that this would actually be a benefit to the applicant since if a building was constructed where the forms are now located there would be no room for driveways or parking in front of said building. It was also determined that the problems involved with present and future access to the U. S. 54 Highway right-of-way would have to be resolved when the property to the east plats and develops.

Enclosed is a marked "engineers copy" of the sketch plat for your information and records. If you have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

Enclosure

cc: Mr. James Hopper, 631 South Byron Road, 67209
Earl C. Moore, Attorney, 243 North Hillside, 67214

S/D NO. 71-88 Name HOPPER ADDITION
Date Application Rec'd. 12-6-71 Preliminary Approval _____
Scheduled S/D Meeting 9-7-72

DESCRIPTION

General Location On the north side of U. S. 54 Highway approximately
1/2 mile west of 199th Street West
Owner James Hopper
Surveyor/Engineer K. O. Taylor
Address 1542 South St. Francis Phone 264-4072

- | | |
|---|---------------------------------|
| 1. Gross Acreage of Plat <u>2.4</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>60</u> R/W <u>300</u> ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>1</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>1</u> | TOTAL <u>300</u> ft. |
| 3. Minimum Lot Frontage <u>287</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>86,100</u> sq. ft. | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning <u>R-1</u> | |
| 6. Proposed Zoning <u>C</u> | |
| 9. Public Water Supply <u>No</u> (Yes-No), Name _____ | |
| 10. Public Sanitary Sewers <u>No</u> (Yes-No), Name _____ | |
| 11. Health Department Approval (where applicable) <u>Yes</u> (Yes-No) | |
| 12. City of Wichita _____ : Three-Mile Area <u>X</u> | |

STAFF COMMENTS:

- A. Subject plat is located on the north side of U. S. 54 Highway approximately 1/2 mile west of 199th Street West, just to the north of Goddard, Kansas. Sanitary sewer is not available to the property and results of soil percolation tests were not acceptable with an average rate of 350 minutes. Conventional septic tank lateral systems are therefore not to be permitted and the applicant's engineer proposes to work with the Environmental Health Department regarding the design of an alternate sewage treatment and disposal system. In the interim, and subject to an alternate sewage system being approved, the applicant and his engineer have asked that this revised sketch plat be forwarded to the Subdivision Committee for discussion and comment on the following items, the outcome of which will affect the preparation of the preliminary plat.
- B. Subject property has access to U. S. 54 Highway by way of a 60-foot private ingress and egress easement adjacent on the east. This easement is expected to someday be the general alignment of a public street, and at present intersects with the north line of U. S. 54 at a break in the access control along this highway. It should be noted, however, that this access break and private easement does not align with a medial break in the center of the highway, and therefore only right turns in and right turns out will be possible. Alternative considerations for the future north-south public street should include the following:
1. Assume the public street alignment to remain the same as the private easement with no change in the off-set from the medial break. Increase the width of the 60-foot easement to the 70 foot standard for suburban streets by a 5-foot dedication from this plat and other properties on each side of the easement when they plat; or, contemplate that the 10 additional feet will all come from the property to the east when platted. Dedication for the north-south street from subject property will require relocation of forms, reinforcing and roughed-in plumbing of a proposed building, the location of which is shown on the sketch plat.

2. Keep the north-south street alignment the same as the private easement, require 5 feet of additional street right-of-way from subject plat and the relocation of the proposed building; and further, propose the elimination of the off-set with the medial break by some-day accomplishing the relocation of the medial break.
 3. Require only the additional right-of-way from subject property which is necessary to skew the street in a southeasterly direction so as to intersect the frontage road and U. S. 54 in alignment of the existing medial break. This would require approval of a shift or relocation of the break in the access control from its present location to a point opposite the existing medial break.
- C. Consideration needs to be given to establishing appropriate building setbacks, normally 35 feet from the frontage road and 20 feet from the new north-south street, in relation to the conflicts created in this particular instance with the improvements which already exist for the proposed building.

August 1, 1972

Mr. James Hopper
c/o Earl C. Moore
243 North Hillside
Wichita, Kansas 67214

Subject: SCZ-0268 - Zone change from "R-1" to "C" and associated sketch plat, S/D 71-88, Hopper Addition. Generally located on the north side of U. S. 54 Highway approximately 1/2 mile west of 199th Street West.

Dear Mr. Hopper:

As you will recall, the above captioned County zone case was approved by the Metropolitan Area Planning Commission on August 26, 1971, and by the Board of County Commissioners on September 8, 1971. The action of the governing body was to approve the request subject to the application area being platted within one year from the date of approval by the Board of County Commissioners; and that in the event the plat is not recorded with the Register of Deeds within one year from the date of approval by the governing body, this zone case is considered denied and closed.

On December 6, 1971 a sketch plat, S/D 71-88, Hopper Addition, was submitted on subject property and as the plat has not yet gone beyond the "sketch" stage of platting; and as the one year time limit on the platting will expire on September 8, 1972, we would appreciate you and/or your attorney contacting our office at your earliest convenience to discuss your intentions with regards to completing the platting requirement.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH
OFFICE OF Environmental Health

DATE May 30, 1972
1-0083

TO John Gist, Principal Planner
FROM ~~ST~~ Steve Innes, Environmental Health Engineer

SUBJECT Hopper Addition
Percolation Tests

Results of soil percolation tests on this property generally located north of Goddard on U. S. 54 were not acceptable with an average rate of 350 minutes.

Therefore, soil absorption systems for sewage disposal such as a conventional septic tank-lateral system are not approved.

fs

cc: Mr. Earl Moore
243 North Hillside
Wichita, Kansas 67214

May 24, 1972

Derald Linn
KAKE ACTION NEWS
Post Office Box 1010
Wichita, Kansas 67201

Dear Mr. Linn:

Your viewer's letter concerns an interesting zoning and subdivision case immediately adjacent to Goddard. The matter is somewhat complex, involves policy questions (which the Metropolitan Area Planning Commission and the County Commission are the final authorities as we only advise) and is yet unresolved due to inaction by the applicant and/or his agents. For those items which Mr. Hopper feels are unjust, they can be appealed to the next higher authority, the Subdivision Committee of the Metropolitan Area Planning Commission, the MAPC, the County Commission and, if appropriate, to the District Courts. As a Democratic process, this procedure seems to me to be the very essence of Democracy.

As to the specifics of the problem, Mr. Hopper purchased a tract of land zoned the R-1 Suburban Residential classification. If the real estate person selling him the property did not accurately convey the status of zoning, Mr. Hopper's grievance is with that person. His attorney should advise him of what recourse he may have under the law. In obtaining the zoning change to the "C" General Commercial district, the approval was granted subject to the platting of the property. He was given one year to accomplish this. The Kansas Supreme Court in a case entitled Hudson Oil vs. Wichita validated this practice.

The logic to the requirement of platting is simple. If an owner of land proposes to put it to urban use (non-agricultural) or to make major changes in the intensity of the use of the land, then that owner should solve the problems created by that action. This includes questions of access, sewerage, drainage and easements for utilities. We attempt to bring about the solutions of these problems through the platting process.

Mr. Hopper's concern seems to be on the requirement for a frontage road and the new side road. As to the first, the Goddard City Planning Commission, the MAPC and the State Highway Department have recognized this need and recommended that the plat require the frontage road dedication. The highway (US 54) in this area has access control acquired i.e. Hopper has no direct way to get to the highway except across land to the east, which he doesn't own. He is land locked. If a road system is not started, the next owner to the west may be similarly situated. As each piece of land develops, it should contribute to the solution. As for the "someday public road", even the previous owner of this land, who is now piecing out parcels from the larger tract, recognized the need, as he established "a road easement" (non-public) by an agreement with Mr. Hopper at the same location we have asked for a public road dedication. The request does not seem unreasonable.

Percolation tests are required if individual sewer systems are to be allowed. If the soil doesn't accommodate septic tanks, then some other solution must be found. We do not believe the public desires further pollution. Health requirements and common sense dictates that we take care of this problem.

I am including staff reports and correspondence on this case for your further information. Your viewer has had all of this. The nut of the complaint seems to be that Mr. Hopper has started to build (excavation and forms, but no concrete for

May 24, 1972

Page Three

footings) without proper zoning or platting. The location of these forms creates problems in relation to the streets. From our records, Hopper was made aware of the requirements for zoning and platting and apparently chose to ignore them until the County Zoning Officer ordered him to stop. Please note the letter dated August 24, 1971, Galbraith to Craig.

My suggestion to Mr. Hopper is that he either submit a plat as requested or appeal the earlier sketch plat to the S/D Committee, and on up the line if needed. His attorney, Mr. Moore, and his engineer, Mr. Taylor, are quite familiar with the procedures. The last time we have had any contact from them was in December, 1971.

If you have any other questions on Mr. Hopper's case, our files are open to you. Mr. Galbraith or I will be available to discuss it further.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:gw

cc: Metropolitan Area Planning Commission
cc: Board of County Commissioners

Attachments:

Staff Report - 8-23-71/8-26-71
Letter - Galbraith to Craig - 8-24-71
Letter - Galbraith to Moore - 8-27-71
Referral to B.Co.Comm. - 9-8-71
Letter - Galbraith to State - 9-9-71
Letter - State to Galbraith - 9-17-71
Letter - Gist to Hopper - 12-15-71

KAKE-TV television 10

Post Office Box 1010 / 1500 North West Street
Wichita, Kansas 67201
(316) 943-4221

May 16, 1972

Metropolitan Area Planning Department
City of Wichita
104 South Main
Wichita, Kansas

Gentlemen:

Our ACTION NEWS Division attempts to help area viewers with their problems when they have been unable to achieve a satisfactory conclusion themselves.

Enclosed is a copy of a letter which explains the problem of one of our viewers. We are referring the problem to you, confident that you will be able to help.

We would appreciate hearing from you if you can be of assistance. Any information you can provide will be forwarded to our viewer. Thank you.

Sincerely,

Derald Linn

Derald Linn
KAKE ACTION NEWS
Wichita, Kansas

DL:km

P.S. Do you have an answer for Mr. ^{Hopper.} Harper?



recd 5-16-72

My question is: How can the Wichita Metropolitan Planning Commission "legal" blackmail a property owner into donating highway frontage on land before they will approve plating to permit a building permit?

I bought this land (287 ft frontage) on the north side of Highway 54 in Goddard, Kansas over a year ago which was zoned Rural residential. (At the time we purchased it it was presented to us as "commercial-zoned") - We had to finally hire a lawyer to help us get a zoning change which cost us \$150. to file for one. It is now zoned "commercial" but still won't give us a permit to build a commercial building until the plating was done. Now they won't accept the plating until a "percolation test" is run; but they won't do anything until we donate or they call it "dedicate" a 50 ft frontage from the highway and 10 more feet along the 1/4 mile side to go with an existing 60 ft for a "someday public road". How can this be called a democratic way of doing things!

This is our land description -

A tract in the SE $\frac{1}{4}$ of Section 30, Township 27 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas; Beginning at a point on the north right-of-way line of U.S. Highway 54, as condemned in Case #B-17272, 2058.42 Feet west of the east line of said SE $\frac{1}{4}$; thence north parallel to the east line of said SE $\frac{1}{4}$, 1201.6 Feet; thence west 287 Feet; thence south 1201.6 Feet to said north right-of-way line; thence east 287 Feet to the point of beginning.

Jim Hopper
Mr. Jim Hopper
631 S. Byron Avenue
Wichita, Kansas 67209

December 22, 1971

Albert L. Kamas
3619 Elmwood
Wichita, Kansas 67218

Subject: James Hopper property
north of Goddard, generally
located on the north side of
U.S. 54 Highway approximately
1/2 mile west of 199th Street
West.

Dear Mr. Kamas:

In August of this year our office mailed a notice to you concerning a request for change in zoning, SCZ-0268 "R-1" Suburban Residential Dwelling District to the "C" Commercial District, involving the above captioned property. This request has been processed through the point of being conditionally approved by the Board of County Commissioners subject to platting, and the applicant, Mr. James Hopper, has submitted a sketch plat for the property in question.

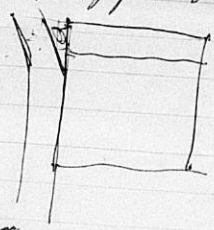
As we view his plat in relation to U. S. 54, there are problems of providing proper access not only to his property but establishing an adequate street system and access for the general area. Since you are a landowner just to the east of Mr. Hopper, separated by an area reserved by others for street purposes, we would appreciate having an opportunity to further discuss this with you. Please call me and perhaps we can set a time at your convenience which would permit me to better explain the situation with the aid of maps and drawings available in our office.

Very truly yours,

John D. Gist
Principal Planner

JDG:rme

Meeting on
12-27-71 Hopper Addition



Mr. Hopper
R.O. Taylor
Mr. Moore

Contact State about
relocation of access
to coincide with
medical break

December 15, 1971

Mr. James Hopper
631 Byron Road
Wichita, Kansas 67209

Subject: S/D 71-88 - Sketch Plat of
HOPPER ADDITION, on the north side of
U. S. 54 Highway approximately 1/2
mile west 199th Street West.

Dear Mr. Hopper:

We have reviewed the above referred to sketch plat in light of the associated County zone case SCZ-0268, "R-1" to "C", and the existing U. S. 54 Highway plans for this area. In the approval of the associated zone case dedication of 50 feet of right-of-way for a frontage road, dedication of right-of-way for an interior north-south 70 foot street and normal setbacks from both streets were required. These requirements have not been satisfied on the sketch plat and we cannot approve the plat as drawn at this time.

With regards to the frontage road, the State Highway Commission in a reply to our letter of inquiry has indicated that they cannot authorize the use of any of the existing U. S. 54 right-of-way for frontage road purposes at this location, and further they recommend that a frontage road system be developed along this entire section of the highway. We would also point out that the plans for the existing highway right-of-way indicate subject property has not been provided with direct access to the highway, and therefore it would appear that access is gained only by means of crossing adjoining land which is not owned by the applicant and not dedicated to the public. This presents a problem in being able to plat a lot having direct access to a public street and would involve dedication by separate instrument for street right-of-way from adjoining property or possibly the owner(s) of said land joining with you in the plat. Such a dedication would also require that acceptable geometrics be worked

Page 2
December 15, 1971

out so that the required frontage road and north-south street dedication would intersect with one of the existing access points to U. S. 54 Highway which are located to the east and west of subject property. As far as the building setbacks earlier referred to, they should provide for a setback of 150 feet from the center line of U. S. 54 Highway or 35 feet from the north line of the new frontage road which ever is greater, and perhaps a minimum of 20 feet from the new north-south street.

It is our recommendation at this time that the sketch plat be revised taking into account the conditions of approval of the associated zone case and the comments above. Prior to the submission of a revised sketch plat, it is suggested that the applicant and his engineer contact the Planning Department regarding the problems concerning the access to U. S. 54 Highway, and perhaps contact the adjoining land owner(s) to the east relative to their cooperation in dedicating street right-of-way to help this plat's problem of access to the highway.

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

Very truly yours,

John D. Gist
Principal Planner

JDG:CLN:rme

cc: Earl C. Moore, 243 N. Hillside, 67214
K. O. Taylor, 1542 S. St. Francis, 67211

(4146)

S/D No. 71-88

Map No.: 8-8W
Section No.: 30
Twp. No.: 27 S
Range: 2 W

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Hopper Addition
General Location: North Side U.S. 54 opposite City of Goddard
approx 1/2 mi. W of 199th St W.
Name of Property Owner: James Hopper Phone: 722-1879
Address: 631 So. Byron Road
Name of Subdivider: Earl Moore Phone: 684-0106
Address: agent 243 North Hillside
Name of Agent/Surveyor: KO Tangle Phone: 264-4072
Address: 1542 S. St. Francis
Date of Application: Dec 1, 1971

SUBDIVISION INFORMATION:

- Gross Acreage of Plat 2.4
- Number of Lots:
Residential _____
Commercial 1
Industrial _____
Other _____
Total Number of Lots 1
- Minimum Lot Frontage 287 ft.
- Minimum Lot Area 86100 ft.
- Existing Zoning "R-1"
- Proposed Zoning "C"

- Lineal Feet of New Streets:
a. 60 R/W 300 ft.
b. _____ R/W _____ ft.
c. _____ R/W _____ ft.
d. _____ R/W _____ ft.
e. _____ R/W _____ ft.
TOTAL 300 ft.
- Sidewalk adjacent to all streets? yes no

- Public Water Supply No (Yes-No), Name _____
- Public Sanitary Sewers No (Yes-No), Name _____
- Health Department Approval (where applicable) Yes (Yes-No)
- City of Wichita Three-Mile Area ~~Neither~~ Hopkardes 3mi. ring

The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: James Hopper

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by Curt Hawley
Date 12-6-71
Fee Submitted none

T9-301B
(2-71)

