

PLAT NO. S/D 73-7 MAP NO. Y-4-C

NAME ALGIE L. HALL ADDITION

LOCATION On the NS of 53rd St. N between Seneca &
Interurban

ENGINEER K. O. Taylor

OWNER Algie L. Hall

APPLICATION FILED 1/22/73

SKETCH PLAT FILED 1/22/73

PRELIMINARY FILED _____

S/D ACTION _____

FINAL FILED 1/22/73

S/D ACTION 2/1/73 Approved subj to conditions*
S/D Comm 1-9-75 Forwarded without recommendation
MAPC ACTION 2-8-73 Stricken from the agenda
2-22-73 Approved subj to conditions
BCC ACTION 3-18-75 Approved 15' setback
5-6-75 Approved
RECORDED 5-19-75

REMARKS * 2/15/73 S/D (final) Approved subj to conditions

mapc 1-9-75 deferred
mapc 2-13-75 reapproved subject to same condition

S/D 73-7 ALGIE L. HALL ADDITION -
on the NS of 53rd St. N between
Seneca St. & Interurban. Algie L.
Hall by K. O. Taylor

POSTED
1-25-73

ACTION

DATE

S/D COMMITTEE (final) Approved July 2.1.73

S/D Approved City Engineer 2.15.73

M.A.P.C. Stricken from the ~~Construction~~ ^{Construction} 2.8.73

M.A.P.C. Approved July to Construction 2.22.73

B.C.C. / ~~8~~ 5-6-75

S/D Comm. forwarded without 1-2-75
Recommendation

Map No. Y-4-C
Sec. No. 17
Twp. No. 26S
Range 1E

Subdivision Report and Progress

S/D No.: 73-7

Name: ALGIE L. HALL ADDITION

General Location: On the NS of 53rd St. N between Seneca & Interurban Drive

Owner: Algie L. Hall

Address: 1422 Ashford ⁶⁷²¹⁹

Phone: _____

~~Subdivisor~~ Agent: D. Keith Anderson

Address: 430 N. Market ⁶⁷²⁰²

Phone: 268-3375 ⁷⁵⁵⁻¹²⁷³

Engineer/Surveyor: K. O. Taylor

Address: 1542 S. St. Francis

Phone: 264-4072

Application Received 1/22/73

Conf. with Applicant _____

Sketch Plat Received 1/22/73

Present Zoning R-1

Proposed Zoning "B" C **

Letter of Intent _____

PREL. PLAT RECEIVED none submitted

S/D Comm. Action N/A

Dept. Report on Prel. N/A

TRACING PROGRESS:

Received 4-17-75

Released _____

Received _____

Released _____

Comments:

Assoc. zone case SCZ-0298 R-1 LC to C

* 2-15-73 S/D (final) Approved subj to conditions

* 2-22-73 MAPC Approved subj to conditions

Send Plats to:
ALGIE L. HALL ADDITION

Raymond Davison, Trustee
Kechi Township
R. R. #2
Valley Center, Kansas, 67147

FINAL PLAT RECEIVED 1/22/73

S/D Comm. Action 2/1/73 Approved

subj to conditions *

Dept. Report on Final _____

M.A.P.C. ACTION 2-8-73 Structure from

Dept. Report on Final _____

Letter on Irons Received N/A

Title/Taxes Rec'd & Reviewed 4-30-75

Final Review 5-1-75

Referral to B.C.C. 5-1-75

B.C.C. ACTION 5-6-75 Approved

Recorded May 13, 1975

S/D Comm. 1-2-75 forwarded

without recommendation

map c 1-9-75 deferred

map c 2-13-75 reapproved

subject to some condition

4/15/75 plat for MFC

5/9/75 called K.O. Taylor to
pick up tracing for recording



No postage stamp required
Postage prepaid by

Wichita-Sedgwick County
Metropolitan Area Planning Department
104 South Main
Wichita, Kansas 67202

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSSUBDIVISION APPROVAL

S/D Number **73-7** Name **ALGIE L. HALL ADDITION**
 Application & Sketch Filed: **1-22-73**
 Preliminary Plat Filed: **--** Approved by S/D: **--**
 Final Plat Filed: **1-22-73** Approved by S/D: **--** (Forwarded to MAPC
 Approved by Metropolitan Area Planning Commission: **without recommendation**
 Approved by Metropolitan Area Planning Commission: **2-13-75**

DESCRIPTION

General Location: **North side of 53rd Street North
 between Seneca and Interurban Drive**

Surveyor or Engineer: **K. O. Taylor**
 Owner: **Algie L. Hall**
 Address: **1422 Ashford 67219**

1. Gross Acreage of Plat 0.9	6. Access Control	
2. Number of Lots:	St. 53rd St. N.	No. Openings 2
Residential _____	St. _____	No. Openings _____
Commercial 1	St. _____	No. Openings _____
Industrial _____	7. Req'd Improvements	
Other _____	St. Paving _____	Water _____
Total Number of Lots: 1	Sidewalk _____	Drainage _____
3. Minimum Lot Area: 0.8 Acres	Sewer _____	Other _____
4. Existing Zoning "R-1"		
5. Special Problems Discussed None		

Planning Commission Recommendation:

That this plat be approved subject to recording of the plat within 30 days after approval by the Board of City Commissioners. Gragert moved, Taylor seconded and it carried by a vote of 7 in favor (Gragert, Taylor, Hopper, Goebel, Gardenhire, Kamen and Savina), and 2 opposed (Rising and Bayouth). Hennessy absent.

NOTE: The associated zone case SCE-0298 from "R-1" and "LC" to "C" was approved by the Board of County Commissioners subject to platting.

ACTION: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

ANDERSON & FOSTER

ATTORNEYS AT LAW

P. O. BOX 222

210 WEST MAIN

VALLEY CENTER, KANSAS 67147

316 755-1273

D. KEITH ANDERSON

MICHAEL E. FOSTER

April 29, 1975

Mr. Curtis Newby, Junior Planner
Metropolitan Area Planning Department
City Building Annex
104 South Main Street
Wichita, Kansas 67202

RE: SCZ-0298 - Zone change from
"R-1" and "LC" to "C" and
S/D 73-7 Algie Hall Addition

Dear Mr. Newby:

Confirming our telephone discussion this date, it was not until this date that I learned something else needs to be done by the applicant to complete the Plat in the referenced matter, same being the furnishing of a tax receipt not only for current taxes but for the entirety of the previous years taxes.

Please find enclosed a photostatic copy of the tax receipt showing the last half of taxes paid in full with respect to the property, subject of the referenced matter. Taxes are, therefore, paid in full for not only the first half, but the last half of 1974 and for all prior years. This letter is to certify to the facts just set out.

In additional confirmation of our discussion this date, this is to request on behalf of the applicant a thirty (30) day extension of time to complete the mechanical process of circulating the final Plat for signing by the appropriate governmental officials and filing.

In support of my request for extension, please be advised I was of the impression the Plat had already been so circulated and filed. In attempting to verify today that it had in fact been filed with



Mr. Curtis Newby, Junior Planner
April 29, 1975
Page Two

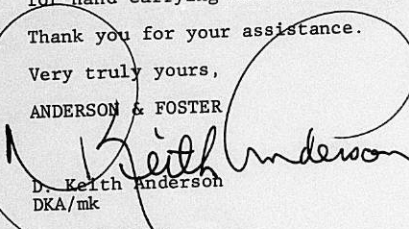
the Register of Deeds, I discovered the facts as above related. We ask your consideration in providing the time necessary only to complete the formal securing of signatures, processing and filing of the Plat, which result, quite frankly, can probably be obtained well in excess of the requested thirty (30) day time.

Please notify me when the Plat is to be released for forwarding to the County offices. I would like to take personal responsibility for hand carrying the Plat through the County procedure.

Thank you for your assistance.

Very truly yours,

ANDERSON & FOSTER


D. Keith Anderson
DKA/mk

cc: Al Hall
Kenneth O. Taylor

Enclosure

ANDERSON & FOSTER

ATTORNEYS AT LAW

P. O. BOX 222

210 WEST MAIN

VALLEY CENTER, KANSAS 67147

316 785-1273

D. KEITH ANDERSON

MICHAEL E. FOSTER

March 21, 1975

Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Department
City Building Annex
104 S. Main St.
Wichita, Kansas 67202

RE: SCZ-0298 - Zone Change from
"R-1" and "LC" to "C" and
S/D 73-7 Algie Hall Addition

Dear Mr. Galbraith:

Please be advised I have examined the Abstract of
Title to the following described real property:

The West 122 feet of Lot 16, and the West
122 feet of the South 10 2/3 feet of Lot
15, Interurban Place, Sedgwick County,
Kansas,

which abstract is last certified by the Security Abstract
and Title Co., Inc. as correct to February 18, 1975 at
7:00 o'clock a.m., said real property just described
being the real property subject of the referenced re-
zoning and platting matter.

Assuming said abstract and information therein set out
to be accurate and correct, please be advised that at
said time I find title ownership to said property to
be in the name of Lolita M. Polson, one of the applicants.
The other named applicants, Algie L. Hall, Rena E. Hall,
Jerry L. Leep and Judith K. Leep, have ownership interests
in the same property by virtue of contracts to purchase.

Very truly yours,
ANDERSON & FOSTER

D. Keith Anderson
D. Keith Anderson
DKA/dld
cc: Algie L. Hall



247-1272

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF ENVIRONMENTAL HEALTH

DATE March 21, 1975

TO Curtis Newby, Junior Planner

FROM ~~Steve~~ Steve Innes, Environmental Health Engineer

SUBJECT Algie L. Hall Addition

No soil percolation tests have been done in this area on the north side of 53rd Street North between Seneca and Interurban Drive. However, general soil maps available indicate that the percolation rate is less than 90 minutes and that the water table is greater than 10 feet.

A septic tank-lateral system and private water well for this one lot addition is approved with the following conditions. The Health Department must be contacted for design approval and minimum sizing of any septic system. After a septic system is constructed, the Health Department must be contacted for inspection before backfilling. The water well must be installed by a state licensed well contractor.

Steve Innes
Environmental Health Engineer

SI/gt

cc Keith Anderson
P. O. Box 222
210 W. Main
Valley Center, Kansas 67147

Loren Houk, Area Sanitarian



March 18, 1975

D. Keith Anderson
430 North Market
Wichita, Kansas 67202

Subject: SCZ-0298 - Zone change from
"R-1" and "LC" to "C" and S/D 73-7
Algie Hall Addition

Dear Mr. Anderson:

The Board of City Commissioners at their regular meeting on March 18, 1975 considered your request for an appeal of the 35-foot building setback condition as recommended by the Planning Commission. The action of the City Commission was to approve your appeal and authorize the plat to indicate a 15-foot building setback line from the 60-foot of half street right-of-way dedication for 53rd St. North. Based on this action it is necessary for you to have the corrections made on the plat tracing and comply with the remainder of the conditions as recommended by the Subdivision Committee and Planning Commission as described in our letters to K. O. Taylor dated February 23, 1973 and February 16, 1973. At such time as those conditions are complied with we will forward this plat to the Board of City Commissioners for final approval.

As you will recall, the above captioned zone case was approved by the Metropolitan Area Planning Commission on December 14, 1972, and by the Board of County Commissioners in December 27, 1972. 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 case is considered denied and closed. It should be noted, however, that the County Commission has granted two extensions to the allotted platting time.

D. Keith Anderson
March 18, 1975
Page Two

This is to advise you that the time limit will now expire on April 30, 1975, and in the event the plat has not been recorded by the expiration date, based on the action of the governing body, the case file will be marked "denied and closed".

Based on the action of the City Commission today I would see no reason why the conditions of platting cannot be complied with within the next 2-3 weeks and it would appear that you could have the plat completed and recorded by the extended deadline of April 30, 1975. If you find this is not the case it would be necessary for you to request through the County Commission another extension.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

cc: Algie L. Hall, 1422 Ashford, 67219
K. O. Taylor, 1542 S. St. Francis, 67211

March 12, 1975

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

S/D 73-7 - Algie L. Hall Addition - plat
approval requirements.

We are in receipt of a letter from Mr. Keith Anderson, Attorney, representing the applicant on the above referred to plat. Mr. Anderson is requesting that the plat be forwarded to the Board of City Commissioners for consideration of the 35 foot building setback and street right-of-way dedication required as part of the conditions of approval. Mr. Anderson has had both Subdivision Committee and the Planning Commission reconsider these requirements. The action of the Planning Commission at their meeting of February 13, 1975 was to deny Mr. Anderson's request that the building setback be reduced to 15 feet from the 60 foot half street dedication.

Attached herewith are copies of the Planning Commission meeting minutes of February 22, 1973 when the plat was first considered, and the Planning Commission minutes of February 13, 1975, the most recent hearing concerning this matter.

It is requested that this matter be placed on the agenda for consideration by the governing body at their regular meeting of March 18, 1975.

Jack H. Galbraith
Chief Planner

JHG:CLN:rme
Attachments

cc: Mr. Keith Anderson, Attorney
P. O. Box 222
Valley Center, Kansas 67147

D. KEITH ANDERSON

ANDERSON & FOSTER
ATTORNEYS AT LAW
P. O. BOX 222
210 WEST MAIN
VALLEY CENTER, KANSAS 67147
316 785-1273

MICHAEL E. FOSTER

March 7, 1975

Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Commission
City Building Annex
104 S. Main St.
Wichita, Kansas 67202

RE: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION
Our File: 4965

Dear Jack:

In response to your letter of February 14, please be advised we do wish to appeal the matter. I call to your attention, however, that I believe the matter is forwarded to the County Commissioners.

I would appreciate your docketing the appeal. I note our final date for extension is April 30; and, your assistance in docketing the matter sufficiently in advance of that date to conclude the matter would, of course, be appreciated.

Thank you.

Very truly yours,

ANDERSON & FOSTER

D. Keith Anderson
D. Keith Anderson
DKA/dld

cc: Algie L. Hall
Kenneth O. Taylor
Dean Sellers, Assistant City Engineer

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 13, 1975:

13. S/D 73-7 - Final Plat of ALGIE L. HALL ADDITION, generally located on the north side of 53rd Street North between Seneca and Interurban Drive.

GALBRAITH pointed out that the Planning Commission approved this final plat on February 22, 1973, and at that time required a 60-foot dedication for 53rd Street North and a 35-foot setback from 53rd Street North. The applicant has asked for reconsideration of these two requirements, since the plat of Goolsby Addition (adjacent on the east), was required to dedicate only 50 feet of street right-of-way, and to observe a lesser setback than 35 feet. GALBRAITH continued to recall for the Commissioners that 53rd Street North is a Federal Aid Secondary road and since consideration of the Goolsby Addition, the County Engineer has been requiring a 60-foot right-of-way, and also to aid in handling the drainage situation. As for the lesser setback, GALBRAITH said at the time of consideration of the Goolsby Addition, a building had already been started at less than the 35-foot setback, and for that reason the usual 35-foot setback was not required.

GALBRAITH said this applicant under subject plat as recommended for approval, would have to place any commercial building farther back from the street right-of-way than those on the Goolsby Addition to the east. He said in 1973 when the plat was reconsidered on the basis of this same request, the Commission had concluded that the 35-foot setback should be obtained from the new right-of-way line.

KEITH ANDERSON, attorney for the applicant, said his client, Mr. Hall, purchased subject property after the Goolsby Addition was platted and building constructed, and he has greatly improved the appearance of subject tract (up to that time it was an informal dump), and started processing a rezoning application and platting, assuming there would be no problem. Now it appears that because of the requirement for additional right-of-way and setback, any structures which Mr. Hall places on his property will have to set back farther from the street than those on the Goolsby Addition to the east, whereas his plans are to have a nice new commercial building for his business and the same economic advantage in terms of having show rooms as close to the roadway as those on the east.

As presently required by this Commission, the front of any building would be situated 20 feet farther back than those adjacent buildings. ANDERSON said his client is willing to dedicate the 20 feet for 53rd Street North, but would like the setback reduced to 15 feet so that his buildings would be in the same alignment as the Goolsby buildings. He maintained that this would not be a drastic change in the neighborhood.

HOPPER said he was the only member of the Subdivision Committee present at the last meeting, and that he had asked that the full Commission hear this second request without a new recommendation from the Subdivision Committee.

ANDERSON said it was beyond his comprehension that this street would ever be widened, however, it is in the Master Plan with that possibility.

GRAGERT commented that the line would have to be drawn somewhere, and if this request is granted, how could the Commission deny another request to the west. He pointed out that he could not see much possibility of the usual commercial type businesses wanting to locate closer than 35 feet to the front property line, because most want parking in front. In this case, the length of the lot is equal to a City block and he could not understand the reluctance of the Commission to grant such a request when it would not interfere with the neighborhood.

GALBRAITH again pointed out that the policy has been to encourage a 35-foot setback for commercial buildings, and a lesser setback was approved on the Goolsby Addition only because the building was under construction at the time of platting, and it is reasonable for the Commission to require a 35-foot setback in other cases, as possibly other areas along 53rd Street North are requested and approved for commercial.

ANDERSON felt that to grant this exception to the policy would not be creating future problems for the Commission, and that possibly there could be a different setback for those commercial uses which need to be closer to the road for advertising purposes (such as this case), and those that need parking space in front of their business.

GRAGERT expressed opposition to such a suggestion as it would mean the Planning Commission should determine just what businesses need to be closer and which ones do not, and felt the general guidelines for commercial should be followed.

GRAGERT said the circumstances on the Goolsby building were unfortunate, but apparently the applicant can develop his property commercially, and it can be expected that property adjacent on the west may eventually be developed commercial, and now seems to be the proper time to start requiring the 35-foot setback.

MOTION: That the Planning Commission again deny the request for a reduction in the setback, and recommend approval of this plat, subject to the same conditions as established in the approval on February 22, 1973. Gragert moved, Taylor seconded and it carried by a vote of 7 in favor (Gragert, Taylor, Hopper, Goebel, Gardenhire, Kamen and Savina) and 2 opposed (Rising and Bayouth). (Hennessy absent.)

February 14, 1975

Mr. Keith Anderson, Attorney
430 North Market
Wichita, Kansas 67202

Re: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION

Dear Mr. Anderson:

At the regular meeting of the Metropolitan Area Planning Commission on February 13, 1975, the above-captioned case was re-considered at your request. After considerable discussion relative to your request that the building setback be reduced to 15 feet from the 60-foot half-street dedication, it was the action of the Planning Commission to deny the request. Therefore, based on this action, the plat is still considered as being recommended for approval subject to the conditions listed in our letters to K. O. Taylor dated February 16, 1973 and February 23, 1973.

Should you desire to appeal the conditions of approval on to the Board of City Commissioners, please advise and we will schedule it for their consideration.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Kenneth O. Taylor, 1542 South St. Francis 67211
Algie L. Hall, 1422 Ashford 67219
Dean Sellers, Assistant City Engineer

January 16, 1975

Mr. Keith Anderson, Attorney
430 North Market
Wichita, Kansas 67202

Subject: S/D 73-7 - Final
Plat of Algie L. Hall Addition

Dear Mr. Anderson:

At the regular meeting of the Metropolitan Area Planning Commission on January 9, 1975, the above-captioned case was deferred until the next scheduled meeting on January 23, 1975. Today we received your letter advising that you have a conflict on that date and would like to have this case considered at a later meeting.

Therefore, this is to advise you, and those receiving copies of this letter, that we will place this plat on the Planning Commission agenda for February 13, 1975, meeting to begin at 1:30 p.m. in Room 401 City Building Annex.

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

cc: Kenneth O. Taylor, 1542 South St. Francis 67211
Algie L. Hall, 1422 Ashford 67219
Dean Sellers, Assistant City Engineer

ANDERSON & FOSTER

ATTORNEYS AT LAW

P. O. BOX 222

210 WEST MAIN

VALLEY CENTER, KANSAS 67147

316 755-1273

D. KEITH ANDERSON

MICHAEL E. FOSTER

January 16, 1975

Jack H. Galbraith
Chief Planner
Metropolitan Area Planning Commission
City Building Annex
104 S. Main St.
Wichita, Kansas 67202

RE: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION
Our File: 4965

Dear Mr. Galbraith:

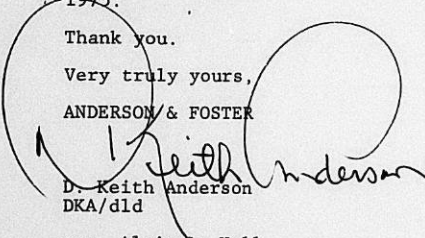
As orally communicated to you at the time of hand-delivering this letter to your office, I have a long standing out-of-town conflict with the hearing date in the referenced matter now set for January 23, 1975 at 1:00 p.m.

Because of the reason just set out, I would ask your consideration in rescheduling the hearing of the captioned case for the next meeting which I understand to be on February 13, 1975.

Thank you.

Very truly yours,

ANDERSON & FOSTER


D. Keith Anderson
DKA/dld

cc: Algie L. Hall
Kenneth O. Taylor
Dean Sellers

January 10, 1975

Mr. Keith Anderson, Attorney
430 North Market
Wichita, Kansas 67202

Re: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION

Dear Mr. Anderson:

At the regular meeting of the Metropolitan Area Planning Commission on January 9, 1975, the above-captioned case was brought up. Inasmuch as there was no one present to discuss this matter with the Commissioners, their action was to defer full consideration to their next regular meeting, which will be held on January 23, 1975, starting at 1:00 p.m. in Room 401 City Building Annex, 104 South Main.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Kenneth O. Taylor, 1542 South St. Francis 67211
Algie L. Hall, 1422 Ashford 67219
Dean Sellers, Assistant City Engineer

January 3, 1975

Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION.

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, January 2, 1975, the above captioned plat was considered. The action of the Committee was to recommend that this plat be forwarded to the MAPC without recommendation relative to the building setback to be indicated on subject plat. All other conditions as required previously still stand as originally recommended.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, January 9, 1975, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme

cc: Algie L. Hall, 1422 Ashford, 67219
D. Keith Anderson, Attorney, 430 N. Market, 67202
Dean Sellers, Assistant City Engineer

December 24, 1974

D. Keith Anderson
Attorney at Law
P. O. Box 222
Valley Center, Kansas 67147

Re: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION.

Dear Mr. Anderson:

We are in receipt of your letter of December 19, 1974, requesting that the above captioned plat be placed back on the Subdivision Committee agenda so that you can discuss the requirements of additional dedication for 53rd Street and a 35 foot building setback from the street right-of-way line. This is to advise you that we will schedule this plat on the next regular meeting of the Subdivision Committee of January 2, 1975, at 1:00 p.m., Room 401 City Building Annex, 104 South Main Street.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:rme

cc: Algie L. Hall, 1422 Ashford, 67219
Kenneth O. Taylor, 1542 S. St. Francis, 67211

December 24, 1974

Subdivision Committee and Utility Advisory
Committee
Jack H. Galbraith, Chief Planner

S/D 73-7 - Final Plat of ALGIE L. HALL ADDITION.

The above captioned plat was considered at the Subdivision Committee meeting of February 15, 1973. The plat was approved subject to several conditions, which being the requirement of 10 additional feet of right-of-way for 53rd Street and a 35 foot building setback from the new street right-of-way line. The applicant's attorney has requested that this matter be scheduled for reconsideration by the Subdivision Committee, and it is scheduled for your meeting of January 2, 1975.

Attached is a copy of the letter to the applicant's engineer, dated February 16, 1973, which indicates your recommended conditions of approval.

JHG:rme
Attachment

MAPD
February 22, 1973

RE: AGENDA ITEM NO. 13

-
11. S/D 73-7 - Final Plat of ALGIE L. HALL ADDITION, generally located on the north side of 53rd Street North between Seneca and Interurban Drive.

GALBRAITH stated that one of the requirements of the Subdivision Committee in recommending approval of this plat is the dedication of an additional 10 feet for the north half of 53rd Street North (the plat indicates a dedication of 20 feet, to result in a total width for the north half of 50 feet) and a 35-foot building setback. The applicant at the Subdivision Committee meeting pointed out that on Goolsby Addition adjacent on the east, which was platted several years ago, only 50 feet was required for the north half of 53rd Street and a 25-foot setback taken because of an existing structure. GALBRAITH said that since the Goolsby plat was considered, the County Engineer has pointed out serious drainage problems in the area and asked for the additional 10 feet of right-of-way for that reason and also because it is an FAS roadway. GALBRAITH said the Committee felt it appropriate to start requiring the extra right-of-way all along 53rd Street to properly handle the improvement of the street and drainage, and the 35-foot setback is what is normally required on a major street such as 53rd Street.

KEITH ANDERSON, attorney for the applicant, said the area has been approved for commercial zoning and development as has the

MAPD

February 22, 1973

property to the east on which there are two nice buildings maintaining a total setback (right-of-way 20 feet and setback of 25 feet) of only 45 feet. ANDERSON said his client is conducting a business on the rear of subject property now, but eventually as business warrants new construction, he will erect a building on the front and desires that it be in the same alignment as Goolsby's building to the east.

He stated that the requirements as now stated would place the front of Mr. Hall's building 20 feet behind the Goolsby buildings which he considered would be a considerable disadvantage to Mr. Hall's operation. He said they were willing to give the 30 feet for the street, but asked that only a 15-foot setback be required so that Mr. Hall's building can be in a competitive position with the Goolsby buildings. ANDERSON continued to point out that the whole area is in the process of redevelopment and his client is spending considerable money on his business and desires to have a nice appearing place and that the area for a number of years has presented a very undesirable appearance.

In further discussion of this matter, LAKIN pointed out that the normal setback requirement on commercial property is 35 feet and it was his recollection that an exception was made on the Goolsby property because footings were already poured for the building prior to platting. It was reported that this action was in about June of 1970.

For clarification, ANDERSON reported that one of the Goolsby buildings has been there for a considerable time and at the time of rezoning he received a permit to extend the existing building, and after that constructed another building, so that now both buildings face on 53rd Street maintaining the same setback as the original building.

KAMEN pointed out that apparently the error was made in platting of Goolsby Addition because at that time the drainage problem was not apparent; however, he did not think it a good idea to continue making the same error along 53rd Street North. He felt that little by little the frontage on this street will change and unless proper right-of-way and setback lines are required, the result of redevelopment will not be the most desirable. He said the Subdivision Committee felt it would be improper to allow another incorrect setback and establish a precedent for setbacks along the entire area.

JACKSON said the requirements of the Subdivision Committee in respect to right-of-way and setback was in line with the County Engineer's suggestions, although he realized it is a bad situation for the applicant.

RISING asked if the County Engineer's decision was based on considered judgment of the situation, or is it likely to be a different opinion the next time something is submitted along 53rd Street. NANCY GRAHAM, representing the County Engineer, said

MAPD

February 22, 1973

the decision was reached only after considered judgment and it is a part of an overall plan.

LAKIN pointed out for the record that last year the Subdivision Rules and Regulations were amended to provide 60 feet for half-street right-of-way for all FAS roads.

ALGIE HALL said all he wanted was to be able to put his building even with Goolsby's and he could not understand why requirements for his property should be different.

HARRISON said he agreed with the applicant, especially in view of the small area involved. JACKSON agreed that possibly it could be small when considering the entire frontage of 53rd in this general area, but the treatment on this tract will have an affect on the balance of the area to the west. JACKSON commented that it would have seemed more reasonable to grant another exception had Mr. Hall's property been east of Goolsby's, thus placing it closer to Armstrong where exceptions could have been halted.

ANDERSON referred again to the improvement in the area being made by Goolsby and Hall and that he felt Mr. Hall should be granted the same consideration with respect to right-of-way and building setback lines as Goolsby to the east.

MOTION: That the Planning Commission recommend to the City Commission approval of this plat as recommended by the Subdivision Committee, subject to the following conditions:

- A. An additional 10 feet for the north half of 53rd Street North shall be indicated on the plat and the indicated 35-foot building setback from said street shall be adjusted accordingly.
- B. A 10-foot utility easement shall be indicated adjacent to the west line of the plat. The applicant shall contact the Planning Department regarding this matter.
- C. "Access control except for one opening" adjacent to the north line of 53rd Street North shall be indicated on the face of the plat and within the plattor's text.
- D. The lot shall be graded so as to drain to 53rd Street North.
- E. The applicant shall contact the Wichita-Sedgwick County Environmental Health Department relative to obtaining instructions for conducting percolation tests to determine whether the use of individual private water and septic tank systems can be permitted on subject property. A letter

MAPD

February 22, 1973

shall be obtained from said Department setting forth approval of such systems, which shall be submitted to the Planning Department.

- F. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Jackson moved, Kamen seconded and it carried by a vote of 6 in favor (Jackson, Kamen, Hennessey, Taylor, Rising and Burnett) and 1 opposed (Harrison). (Blakey absent.)

JB

ANDERSON & FOSTER

ATTORNEYS AT LAW

P. O. BOX 222

210 WEST MAIN

VALLEY CENTER, KANSAS 67147

316 755-1273

D. KEITH ANDERSON

MICHAEL E. FOSTER

December 19, 1974

Mr. Jack Galbraith, Chief Planner
Metropolitan Area Planning Commission
City Building Annex
140 S. Main Street
Wichita, Kansas 67202



RE: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION

Dear Mr. Galbraith:

This letter is to request reconsideration by the Subdivision Committee of the plat in the referenced matter.

Following change of zoning, the plat on this matter was considered by the subcommittee and by the Planning Commission in February of 1973. Particular requirements for final platting are set out in the letter of February 16, 1973 from Curtis L. Newby, Junior Planner. I directed a letter to the Sedgwick County Commission on October 15, 1974 for reconsideration and for extension of time to accomplish same, you responding by letter of October 21, 1974. While in your offices on another matter December 16, 1974, I learned in talking with Curtis Newby that the County Commission has extended the date for such consideration to April 30, 1975, thus this letter to you this date to ask that the matter be set for hearing.

The only requirement to which my client seriously objects is Requirement "A", the request for dedication of an additional ten feet for the north half of 53rd Street and corresponding adjustment of the 35 foot building setback. Mr. Hall has done considerable work in restoring the subject property from an informal neighborhood "dump" to an acceptable appearance, his eventual plans being for the erection of a building comparable to the other new building developments on the north side of 53rd Street, principally to the east thereof.

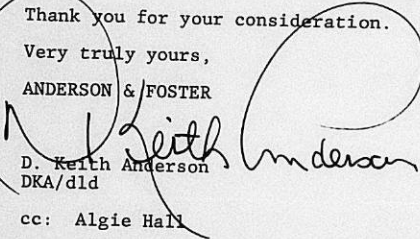
Mr. Jack Galbraith
December 19, 1974
Page Two

There is ample land to make the dedication requested, the sole objection being the required placement of Mr. Hall's intended building in a north-south plane as compared to the new commercial buildings to the east. I am familiar with Goolsby's Addition, just to the east, having been the attorney representing the applicant in that matter and am aware that the dedication required in that case was 20 feet, the building setback being 25 feet. In the Hall case, you are requesting a 30 foot dedication and a 35 foot building set back, meaning that the face of Mr. Hall's building, when completed, will be set back 20 feet further to the north than the adjoining commercial buildings, thereby depriving Mr. Hall of the advertising and commercially advantageous exposure accorded the Goolsby buildings. It is our ultimate aim to simply have some arrangement in a combination of dedication and setback requirements to enable Mr. Hall to face a building the same distance from the roadway as the neighboring commercial buildings so as to enable him the same commercial use of the property as those other buildings over the extended period of years he intends to occupy the premises.

Thank you for your consideration.

Very truly yours,

ANDERSON & FOSTER


D. Keith Anderson
DKA/dld

cc: Algie Hall

October 21, 1974

Mr. Tom Scott, Chairman
Sedgwick County Commission
Sedgwick County Courthouse
525 North Main
Wichita, Kansas 67203

Re: SCE-0298 - zone change from
R-1 & LC to C; and S/D 73-7 -
Algie L. Hall Addition.
Generally located on the
north side of 53rd Street
North in an area east of
Seneca.

Dear Mr. Scott:

We have received a copy of a letter to you from Keith Anderson, attorney, requesting a six month extension of time to complete the platting associated with the above referred to zone case. The zone case was approved by the Board of County Commissioners on December 27, 1972, subject to platting within one year's time. The associated final plat of Algie L. Hall was approved by the Metropolitan Area Planning Commission on February 15, 1973, subject to several conditions. Two conditions of the plat approval: 1) Dedication of 10 feet of additional street right-of-way for 53rd Street, and 2) indicating a 35 foot building setback from 53rd Street, the applicant could not agree with.

Until the present, there has been no further action taken on either the zone case or the plat. Although the one year platting time limit has long since expired, the applicant's attorney, Mr. Anderson, is requesting six months in which to resolve the street dedication and building setback matter and complete the platting requirement of the original zone case approval. Therefore, since this is not the usual request for extension of platting time prior to expiration of the platting time limit it would be our recommendation, should you choose to grant the requested six months to complete the plat, that no further extensions of time beyond this first request be considered or granted.

Mr. Tom Scott
October 21, 1974
Page 2

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

cc: Keith Anderson, Attorney, 430 N. Market, 67202
Earl Rush, County Commissioner
Elmer Peters, County Commissioner
Charmaine McDonald, Deputy County Clerk
Jack Turner, County Counselor
Max Christman, County Planning & Zoning Office

10/74

The applicant called wishing to extend
his plating time for assoc. zone case
SCZ-0298. He also wants to appeal
10' street dedication & bldg setback to
the B.C.C. If street R.O.W. is reduced
as requested, then the applicant must ask
for his extension in plating time.

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public Works Maint. **DATE** March 15, 1973



**ON SAFETY
PHASE II**

TO Jack Galbriath, Chief Planner-MAPD

FROM M. S. Mitchell

SUBJECT -- Algie L. Hall Adn.
SD No. 73-7

Reference is made to my request before the Subdivision Committee for a Lot Grading plan. Please be advised that the Engineer, Mr. K. O. Taylor has submitted a plan to grade lot to drain to 53rd Street. This plan is satisfactory.

I trust this information is sufficient to permit final processing of the plat; however, if further discussion is desired, please advise.

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton
John Riddel, Central Inspection w/exhibit
Algie L. Hall Adn. Plat File

February 23, 1973

Mr. Kenneth O. Taylor
1542 South St. Francis
Wichita, Kansas 67211

Re: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION

Dear Mr. Taylor:

At the regular meeting of the Metropolitan Area Planning Commission on February 22, 1973, 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 February 16, 1973.

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:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
3. Certification by an attorney that fee title is vested in the plattor.
4. Certification that all taxes due and payable for 1972 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: Algie L. Hall, 1422 Ashford 67219
D. Keith Anderson, Attorney, 430 North Market 67202
Dean Sellers, Assistant City Engineer

February 16, 1973

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

Subject: S/D 73-7 - Final Plat of
ALGIE L. HALL ADDITION

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, February 15, 1973, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- ✓ An additional 10 feet for the north half of 53rd Street North shall be indicated on the plat and the indicated 35-foot building setback from said street shall be adjusted accordingly.
- ✓ A 10-foot utility easement shall be indicated adjacent to the west line of the plat. The applicant shall contact the Planning Department regarding this matter.
- ✓ "Access control except for one opening" adjacent to the north line of 53rd Street North shall be indicated on the face of the plat and within the plat's text.
- ✓ The lot shall be graded so as to drain to 53rd Street North.
- ✓ The applicant shall contact the Wichita-Sedgwick County Environmental Health Department relative to obtaining instructions for conducting percolation tests to determine whether the use of individual private water and septic tank systems can be permitted on subject property. A letter shall be obtained from said Department setting forth approval of such systems, which shall be submitted to the Planning Department.

Page 2 - Final Plat of ALGIE L. HALL ADDITION
February 16, 1973

- ✓. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, February 22, 1973, 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. Algie L. Hall, 1422 Ashford, 67219
Attorney D. Keith Anderson, 430 North Market, 67202

February 2, 1973

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

Subject: S/D 73-7 - Final Plat
of ALGIE L. HALL ADDITION

Dear Mr. Taylor:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, February 1, 1973, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- X. An additional 10 feet for the north half of 53rd Street North shall be indicated on the plat and the indicated 35-foot building setback from said street shall be adjusted accordingly.
- X. A 10-foot utility easement shall be indicated adjacent to the west line of the plat.
- C. An existing structure on subject property which will encroach into the new 10-foot easement shall be removed from said easement prior to release of the plat tracing for recording.
- Y. "Access control except for one opening" adjacent to the north line of 53rd Street North shall be indicated on the face of the plat and within the plat's text.
- E. The lot shall be graded so as to drain to 53rd Street North.

Page 2 - Final Plat of ALGIE L. HALL ADDITION
February 2, 1973

7. The applicant shall contact the Wichita-Sedgwick County Environmental Health Department relative to obtaining instructions for conducting percolation tests to determine whether the use of individual private water and septic tank systems can be permitted on subject property. A letter shall be obtained from said Department setting forth approval of such systems which shall be submitted to the Planning Department.

8. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

This matter will be forwarded to the Planning Commission for its consideration on Thursday, February 8, 1973, 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: Algie L. Hall, 1422 Ashford, 67219
D. Keith Anderson, 430 North Market, 67202
Dean Sellers, City Engineering

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-7 Name ALGIE L. HALL ADDITION
Date Application Rec'd. 1-22-73 Preliminary Approval N/A
Scheduled S/D Meeting 2-1-73

DESCRIPTION

General Location On the north side of 53rd Street North between Seneca
and Interurban Drive

Owner Algie L. Hall
Surveyor/Engineer K. O. Taylor
Address 1542 South St. Francis Phone 264-4072

- | | |
|---|---------------------------------|
| 1. Gross Acreage of Plat <u>0.87</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>20</u> R/W <u>122</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>122</u> ft. |
| 3. Minimum Lot Frontage <u>122</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>35,460</u> sq. ft. | streets? <u>yes</u> <u>X</u> no |
| 5. Existing Zoning _____ | |
| 6. Proposed Zoning <u>LC</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. The associated zone case SCZ-0298 from "R-1" and "LC" to "C" has been approved by the Board of County Commissioners subject to platting.
- B. The applicant shall contact the Wichita-Sedgwick County Environmental Health Department relative to obtaining instructions for conducting percolation tests to determine whether the use of individual private water and septic tank systems can be permitted on subject property. A letter shall be obtained from said Department setting forth approval of such systems which shall be submitted to the Planning Department.
- C. 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.

Map No.: Y-4-C
Section No.: 17
Twp. No.: 26S
Range: 1E

S/D No. 73-7

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Algie L. Hall Addition
General Location: North Side 53RD St. North between Seneca + Interurban
Name of Property Owner: Algie L. Hall
Address: 1422 Ashford Phone: _____
Name of Subdivider: D. Keith Anderson
Address: agent 430 North Market Phone: 262-5175
Name of Agent/Surveyor: R.D. Taylor
Address: 1542 So. St. Francis Phone: 264-4072
Date of Application: 1-19-73

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 0.87 Ac
2. Number of Lots:
 - Residential _____
 - Commercial 1
 - Industrial _____
 - Other _____
3. Total Number of Lots 1
4. Minimum Lot Frontage 122 ft.
5. Minimum Lot Area 35,460 ft.
6. Existing Zoning _____
7. Proposed Zoning LC
7. Lineal Feet of New Streets:
 - a. 20 R/W 122 ft.
 - b. _____ R/W _____ ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 122 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply No (Yes-No), Name _____
10. Public Sanitary Sewers No (Yes-No), Name _____
11. Health Department Approval (where applicable) Yes (Yes-No)
12. City of Wichita Three-Mile Area

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: D. Keith Anderson
Attorney and Agent for Algie L. Hall

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

Received by Carl Newley
Date 1-22-73
Fee Submitted \$50.00

Form 233-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

150.00

DESCRIPTION	AMOUNT
Subdivision Application	

Name: *Adams & Hall Addl*

Address: *1543 S. H. Avenue*

Type: *DD-407103* Due Date:

Comments:

Date: *1-22-73* By: *Carl Newby*