

COMMISSIONERS PROCEEDINGS

1598

January 28, 1975

<p>Motion -- carried</p>	<p>Donnell moved that the request as recommended by the Metropolitan Area Planning Commission be approved and the ordinance placed on first reading. Motion carried 4 to 0.</p>
<p>ORDINANCE</p>	<p>An ordinance vacating certain utility easements as follows: The west 100' of the east-west 16 foot utility easement centered on the common line between Kardatzke's 2nd Addition and Nice's 2nd Addition; the east-west 8 foot utility easement on the north line of Kardatzke's 1st Addition, and the 13 foot utility easement running north and south between Kardatzke's 1st and Kardatzke's 2nd Additions, read for the first time and under the rules laid over.</p>
<p>PLAT OF FARMINGTON SQUARE (S/D 74-28)</p>	<p>Plat of Farmington Square (S/D 74-28) located on the east side of Ridge Road and south of Central, presented.</p>
<p>Staff recommendations</p>	<p>An 8-lot residential plat consisting of 81.7 acres. Planning Commission recommended approval subject to avigational easements; relocation or reconstruction of utilities being at the expense of the applicant; submission of an agreement or covenant relating to maintenance of private drives, parking and open space; and recording of the plat within 30 days after approval by the Board of City Commissioners. Valid petitions have been submitted for required public improvements.</p>
<p>Jack Galbraith</p>	<p>Jack Galbraith, Chief Planner, reviewed this matter with the Commission and pointed out that a portion of the cost of the drainage will be an obligation of the City as a portion of the property in this area is owned by the City.</p>
<p>City Engineer</p>	<p>City Engineer answered questions by the Commission as to the type of drainage to be provided which will subsequently be discharged into an existing open drain and then into the flood-way.</p>
<p>RESTRICTIVE COVENANT</p>	<p>Restrictive Covenant covering property in Farmington Square, an addition to Wichita, Kansas divided into Block 1, containing Lots 1, 2 and 3; Block 2, containing Lot 1; Block 3, containing Lots 1, 2, 3, and 4, providing that the owner of these properties, whether the present owner, or his assigns or assigns of his assigns, shall be responsible under the terms and conditions of these covenants for the maintenance of any and all open spaces, driveway areas, parking areas, grass, landscaping and recreational areas within their specific designated lot and block.</p>
<p>AVIGATIONAL EASEMENT</p>	<p>Avigational Easement granting a permanent avigational easement to the public authority authorized by law to own and operate public-owned airports in Sedgwick County, Kansas, for the use of "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all of Farmington Square, an Addition to Wichita, Kansas.</p>
<p>RESTRICTIVE COVENANT</p>	<p>Restrictive Covenant covering Farmington Square Addition, declaring that any building constructed on the premises shall be so designed and constructed as to minimize noise pollution in any such structure, giving due consideration to the use for which such structure is designed and built. This covenant is for the benefit of said property and shall run with the land and shall inure to the benefit of and pass with said property and shall apply to and bind the successors in interest and any owner thereof.</p>
	<p>The following petitions were presented.</p> <p>Petition for 4' sidewalk on the west side of Summitlawn from Freeman Lane to NL Res. A, Farmington Square Addition. 100% petition.</p> <p>Petition for 4' sidewalk on the north side of Freeman Lane from Ridge Road to Summitlawn. 100% petition.</p> <p>petition for 4' sidewalk on each side of Par Lane from Shade Lane to Shade Lane. 100% petition.</p> <p>Petition for 4' sidewalk on east side of Winterset Lane from Wayside Lane to Central. 100% petition.</p>

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- Petition Petition for 4' sidewalk on each side of Shade Lane from Ridge Road to Wayside Lane. 100% petition.
- Petition Paving petition for Winterset Lane, SL Wayside Lane to SL Central Avenue. 100% petition.
- Petition Paving petition for Wayside Lane, 49.42 feet east of EL Freeman Lane to WL Winterset. 100% petition.
- Petition Paving petition for Intersection of Freeman and Wayside Lane from 33.89 feet north of NL Wayside Lane to 49.42 feet east of EL Freeman Lane. 100% petition.
- Petition Paving petition for north half Second Street, EL Ridge Road to EL Lot 1, Block 3, Farmington Square Addition. 100% petition.
- Petition Paving petition for Freeman Lane, EL Ridge Road to WL Summitlawn Lane. 100% petition.
- Petition Paving petition for Shade Lane, EL Ridge Road to SL Wayside Lane and Par Lane, SL Shade Lane to SL Shade Lane. 100% petition.
- Petition Petition for sanitary sewer lateral to serve Lots 1, 2, and 3, Block 1 and Lot 1, Block 3, Farmington Square Addition (North side Shade Lane & east of Ridge Road). 100% petition.
- Petition Petition for sanitary sewer lateral to serve Lot 1, Block 2 and Lots 2, 3 and 4, Block 3, Farmington Square Addition (Shade and Par Lane). 100% petition.
- Petition Petition for storm water sewer to serve Blocks 1, 2 and 3, Farmington Square Addition. 100% petition.
- Petition Petition for storm water drain, from Ridge Road to Big Slough. 100% petition.
- Motion --
 carried Porter moved that the easement and covenants be accepted, the petitions be approved, the Director of Law instructed to prepare the necessary resolutions, the City Clerk instructed to file the certificate, easement and covenants with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and the plat be approved as approved the the Planning Commission and the Mayor authorized to sign. Motion carried 4 to 0.

ZONE CHANGE REQUEST
Z-1471
& CUP APPROVAL

Report from Metropolitan Area Planning Commission (Case Number Z-1471) in regard to zone change from "AA" and "A" to "LC" and approval of a commercial community unit plan at the northeast corner of McCormick and Tyler Road, presented.

Planning Commission recommended approval subject to conditions A through I as set out in the Planning Commission Minutes of January 9, 1975 regarding platting, building setbacks, curb cuts, facing of structures, the plan running with the land regardless of transfer of title; development in accordance with the plan; and changes being submitted for approval by the Planning Commission and City Commission.

Chief Planner reviewed the Community Unit Plan with the Commission and stated that drainage is a concern of the area residents, as well as the proposed realignment of Hendryx Street on the north side of subject area. He stated that 22.9% valid protest petitions have been filed by adjacent property owners and it will require a 4/5 vote on the part of the Commission for approval.

Roger Sherwood, Attorney for the applicant, spoke in support of the zone change and the development plan for this area and stated that a temporary solution has been proposed by the Public Works Department to use the existing

7. V-0708 - VACATION OF UTILITY EASEMENT ON THE WEST SIDE OF WEST STREET IN AN AREA SOUTH OF 13TH STREET NORTH.

Planning Commission recommends approval subject to any relocation or reconstruction of utilities being at the sole expense of the applicant and all proceedings being without cost to the City, County or any utility company.

ACTION: Approve the request as recommended by the Metropolitan Area Planning Commission and place the ordinance on its first reading.

8. S/D 74-28 - PLAT OF FARMINGTON SQUARE LOCATED ON THE EAST SIDE OF RIDGE ROAD AND SOUTH OF CENTRAL.

An 8-lot residential plat consisting of 81.7 acres. Planning Commission recommends approval subject to avigational easements; relocation or reconstruction of utilities being at the expense of the applicant; submission of an agreement or covenant relating to maintenance of private drives, parking and open space; and recording of the plat within 30 days. Valid petitions have been submitted for required public improvements.

ACTION: Accept the easement and covenants, approve the petitions, instruct the Director of Law to prepare the necessary resolutions, instruct the City Clerk to file the certificate, easement and covenants with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant; and approve the plat as approved by the Planning Commission and authorize the Mayor to sign.

*Planning 13,470
S/D 41,900
ht. 55,370*

Petitions shown as 100%, however the City owned lots are not represented by sig.

9. Z-1741 & DP-50 - ZONE CHANGE FROM SINGLE FAMILY AND DUPLEX TO LIGHT COMMERCIAL AND APPROVAL OF A COMMERCIAL COMMUNITY UNIT PLAN AT THE NORTHEAST CORNER OF McCORMICK AND TYLER ROAD.

Planning Commission recommends approval subject conditions of platting platting, building setbacks, curb cuts, facing of structures, the plan running with the land regardless of transfer of title; development in accordance with the plan; and changes being submitted for approval by the Planning Commission and City Commission.

ACTION: 1. Approve the zone change and CUP as recommended by the Metropolitan Area Planning Commission, subject to the recommended conditions, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
2. Return the applications to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

10. Z-1661 - ZONE CHANGE FROM MULTIPLE FAMILY DWELLING DISTRICT TO COMMERCIAL DISTRICT ON THE WEST SIDE OF WASHINGTON IN AN AREA SOUTH OF MORRIS.

Planning Commission recommends approval subject to replatting within one year, additional street right-of-way for Washington, appropriate building setback and access control or the application be considered denied and closed.

The City Commission previously considered this case on November 12, 1974, and returned it to the Planning Commission for consideration of deleting two adjacent 25-foot lots from the replatting.

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning Commission, subject to the condition of platting, and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Commission; or
2. Take such action as the City Commission deems appropriate.