

DR 66-5 - C. Bickley Foster, Director  
of Planning, requests consideration  
of Sedgwick County Request for Condi-  
tional Use Permit on Parking

# ACTION

DATE

COMMITTEE

M.A.P.C.

~~B.C.C./B.C.O.C.~~ *Deferred 1 wk. 2-2-66*

*See Approval subject 2-15-66  
to Conditions*

*Closed 3-1-66*

RESOLUTION

BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:


THERE MET in regular session this 9th day of March, 1966, The Board of County Commissioners of the County of Sedgwick, Kansas, in their offices in the Courthouse in Wichita, Kansas. Commissioners present as follows:

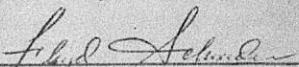
TOM SCOTT	Chairman
FLOYD SCHROEDER	Commissioner
ELMER S. PETERS	Commissioner

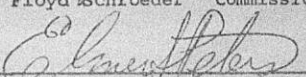
WHEREAS, upon motion duly made and seconded, the terms and conditions of the attached letter addressed to the Board of City Commissioners, in connection with the Conditional Use Permit requested by the Board of County Commissioners, covering the property described therein, is hereby approved.

IT IS BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, SO ORDERED, this 9th day of March, 1966, all members of said Board being present and voting as follows:

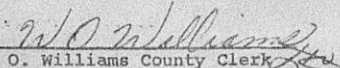
TOM SCOTT, Chairman	AYE
FLOYD SCHROEDER, Commissioner	AYE
ELMER S. PETERS Commissioner	AYE

  
Tom Scott, Chairman

  
Floyd Schroeder Commissioner

  
Elmer S. Peters Commissioner

ATTEST:

  
W. O. Williams County Clerk

BOARD OF COUNTY COMMISSIONERS

SEDGWICK COUNTY KANSAS

COURT HOUSE  
WICHITA 3, KANSAS

March 9, 1966

TOM SCOTT  
CHAIRMAN  
DISTRICT NO. 2  
FLOYD SCHROEDER  
DISTRICT NO. 3  
ELMER S. PETERS  
DISTRICT NO. 1

Wichita Board of City Commissioners  
City Hall, Wichita, Kansas

Gentlemen:

COPY  
The Board of County Commissioners has considered the requirements of the Wichita Board of City Commissioners in regard to the Conditional Use Permit requested by the County to utilize the West Half of the block between Elm and Pine and between Wichita and Waco Streets for parking purposes. We accept these requirements and agree to adhere to them as follows:

1. In regard to curb cut regulations, the only access to the property will be from the alley between Elm and Pine, with a maximum of two 30-foot openings to the parking lot.
2. The County will level and fill the area with particular attention to the basement sites, compact with vibration, stabilize the top "5 to 6" with SA-1 stabilizing agent, provide a 6" crown which will be about 7/10 of 1% grade to provide drainage and surface with sand. The property will be fenced with posts and cable. To prevent sand from encroaching upon adjacent areas adequate grass strip will be maintained from curb to property line, from Elm and Pine.
3. The County agrees to an annual review by the City of the Conditional Use Permit to accommodate any changed conditions.
4. The County will assume all liability from the use of said property as a parking lot, and will save the City of Wichita free and harmless from any and all liability incurred from the county's use of such land. It is understood that the City has already removed the sidealks which were in poor condition and which have created some hazard to pedestrians.

5. The County recognizes that it is desirable to limit the vehicular movement in the parking lot due to the nature of the temporary surfacing and, therefore, parking will be restricted to County employees' use and, occasionally, additional parking when large numbers of jurors are at the Courthouse. Permit stickers will be issued to eligible County employees and the lot periodically checked for illegal parking.

The above listed items were agreed to by the Board of County Commissioners at their regular meeting of March 9, 1966, and it is requested that the City Commission approve and file this letter at their next regular meeting so that a Conditional Use Permit may be issued by the Central Inspection Division of the City Department of Public Works.

We have appreciated the City's cooperation in this matter.

Very truly yours,

Tom Scott, Chairman  
BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

REG:8:2

THE CITY OF WICHITA  
OFFICE OF The City Manager

DATE March 7, 1966

HELP! PREVENT  
ACCIDENTAL  
POISONING



TO C. Bickley Foster, Director of Planning  
FROM Robert G. Finch, Executive Secretary

*Wichita*  
SUBJECT Conditional Use Permit  
County Parking Area

The City Commission on February 15, 1966, approved negotiation of a contract for county use of the west 1/2 of the block between Elm and Pine and between Wichita and Waco.

This approval was subject to the following requirements:

1. Adherence to the city's curb cut regulation.
2. Suitable filling, leveling and surfacing of the area. (The county has proposed to fill the area, existing basement sites, compact with vibriation, stabilize the top 5" or 6" with SA-1 stabilizing agent, provide a 6" crown which will be about 7/10 of 1% grade to provide for drainage and surface with sand.) The City Commission indicated approval of this surfacing subject to the additional treatment of:
  - a. Providing a curb along the inside of the sidewalk, or
  - b. Surface the perimeter back 30 to 40 feet with a hard surface not requiring sand
3. Annual renewal or review of the permit to accommodate any changed conditions.
4. Filing with the City Clerk a certificate holding the city free and harmless of any liability incurring from use of subject lands.

It would appear that the next step to accomplish would be the drawing of a contract by the county subject to the above conditions.

The proper city officials for the county's representatives to contact in preparing the contract would be Ralph Wulz and John Dekker.

Enclosed is an extract of the minutes of February 15, 1966, pertaining to this matter. Please review and if you agree with the above interpretation, follow through to assure that this matter is properly concluded.

RGF:ld

cc: Ralph Wulz, Director of Public Works  
John Dekker, Director of Law



Mr. Farha --

Mr. Farha stated to those who had never been in Brazil or in Argentina to visit, that if the opportunity ever presented itself to be sure and go because the people there are very friendly, and such a trip would never be regretted.

Sedgwick County  
request for  
Conditional Use  
Permit on  
Parking

Sedgwick County request for conditional use permit on parking again presented, having been deferred one week from the meeting of February 1 and one week from the meeting of February 8, 1966, in order to allow the County Engineer to appear in behalf of the request and to speak to the matter of the type of surfacing to be used and maintenance of the abutting sidewalk areas.

City Manager --

City Manager stated that a request had been received from Sedgwick County for the conditional use of a property north of the Court House that is now under the jurisdiction of the Urban Renewal Administration, it is actually the west half of the block between Elm and Pine and between Wichita and Waco. This property has been cleared but it has not been graded to satisfactory condition and the principal question that is involved is whether or not the regulations that prevail for off-street parking should be waived in connection with this property. The view of the staff is that certain conditions should be provided if the request is approved. The conditions which would be made if approval of the request was to be granted are: 1. Adherence to the City's curb cut regulations 2. Suitable filling and leveling of the area and surfacing with such material to prevent excessive blowing dust and/or creation of mud-bogs, etc. 3. Annual renewal or review of the permit to accommodate any changed conditions. 4. Filing with the City Clerk a certificate holding the City free and harmless of any liability incurring from the use of the subject lands.

Mr. Wilmer  
Freund --

Mr. Wilmer Freund, County Engineer, appeared in behalf of the County Commission who made the request for the conditional use permit. Mr. Freund stated, with reference to the four requirements which the City Manager outlined, that he would say in regard to Number 1, that they have revised their plans, so they will not need to make any curb cuts to enter the parking lot. Number 2 - they propose to fill the area, the existing basement area, compact it with vibration, stabilize the top 5" or 6" with SA 1 stabilizing agent, provide approximately a 5" crown which will be about 7/10 of 1% grade to provide for drainage and surface with sand, unless other requirements are made by the City Commission. Mr. Freund stated with regard to the last two requirements, he would refer those to the County Counselor.

Discussion was had with regards to the sand surface which was being proposed by the County Engineer.

Mr. Freund -- \*

Mr. Freund stated in order to keep the sand surface from getting onto the sidewalk they would propose three solutions for the City's choice: 1. Either provide a curb along the inside of the sidewalk; 2. To restrain parking from parking within 30 to 40 feet of the sidewalk; 3. Or to surface that 30' or 40' with somekind of hard surface that would not require sand.

Mr. Ralph  
Gilchrist --

Mr. Ralph Gilchrist, County Counselor, stated that he thought that requirement No. 3 would be a reasonable request and he did not know why the County would not agree to that condition. In regard to requirement No. 4, Mr. Gilchrist stated, "Yes, as far as harmless from any liability incurring from the use of the land", but he discussed that with Mr. Wulz and Mr. Dekker and the present sidewalks that are there -- either they should be taken out or be replaced. They are not being used because there is no foot traffic that goes west, there is no occupation by any of the residents and it was their intention to fence the area and make an entrance just off of the alley so no curb cut would be necessary, so he thought the City certainly could be held harmless for anything that occurred on this land.

- Ralph Wulz -- Ralph Wulz, Director of Public Works, stated that he thought the Commission was aware of the fact that the present city code specifies concrete, asphaltic concrete, asphalt or other comparable surfacing, and in his opinion sand surfacing is not comparable to these as far as prevention of blowing or a surfacing area is concerned, but it is strictly up to the Commission what they wish to approve, because he had no particular concern about this area since there are no residences immediately adjacent to it for they have all been removed and he doubted if there would be much complaint from the blowing sand, however he certainly felt that the surfacing which was proposed is not a comparable surfacing to that presently required in the code.
- Mr. Gilchrist -- In answer to question by Commissioner Stevens who inquired as to whether this was proposed to be used for private or public parking Mr. Gilchrist stated that it was his understanding that the area would be used for parking area for employees of the Court House only, in order to relieve the congested condition that now exists, and it will be private parking as far as the County is concerned.
- City Manager -- City Manager pointed out the fact that the City of Wichita did release to the county the area west of the present parking over by the railroad tracks, and apparently nothing has been done in that area, and there was to have been a bond posted in connection with the use of that but the bond has not been accomplished and he did not believe that the County has agreed to the conditions that were established on the use of that property.
- Mr. Gilchrist -- Mr. Gilchrist stated that the area referred to by the City Manager is not being used by the County at this time and most of the parking there is from the people at the post office and Federal building. Mr. Gilchrist stated that he thought the County would sign a document or contract in this regard.
- Mr. Wulz -- Mr. Wulz stated that he viewed the sidewalks in the area and he concurred in the statement which Mr. Gilchrist made and he had no other alternative than either remove the walks or condemn them and have them replaced, and that should be done immediately.
- Mr. Gilchrist -- Mr. Gilchrist stated that he did not know that the County requested the use of the other land nor was he aware that the City acted on the request which would allow the County to use the land provided a bond was submitted to cover the City, that apparently this happened when he was not connected with the County Commission.
- Tarrant -- Mayor Tarrant suggested that if the west 60 feet of Lots 2 - 32 even, on Wichita Street, being Wichita Street right-of-way located between Central Avenue and Elm Street is not being used by the County, that the City contract with the Federal Government for the use of it with the same covenants as are outlined for the County Commissioners. Tarrant moved that previous action regarding this area be repealed.
- Discussed.
- John Dekker -- John Dekker, Director of Law, suggested that the action on repealing previous action be deferred one week to allow the County to look at it and see whether or not they might not still want to use it.
- Mr. Gilchrist -- Mr. Gilchrist stated that he could not answer for the Commission but he could see no reason why they would not still be interested in it, but he felt that this is public street right-of-way and people could not be prohibited from parking there even if the County did not want them to.

City Manager -- City Manager stated that he thought it could be blacktopped and metered and controlled if that was the Commission's desire, however he suggested that such action be deferred one week for the County to decide whether or not they would like to take the offer that was previously approved.

Stevens - motion that action on previous arrangement be deferred one week & contractual arrangement outlined in requirements 1, 2, 3 & 4 be negotiated. Stevens moved that action on the previous arrangement be deferred for one week and that the contractual arrangement outlined in requirements No. 1, 2, 3 and 4 be negotiated.

Mayor Tarrant removed his original motion.

In answer to question by City Manager who inquired whether or not the County was agreeing to submitting a certificate holding the City free and harmless of any liability incurring from the use of the subject land, Mr. Gilchrist stated that the County would agree to assume any liability as far as the use of the land is concerned.

Mr. Dekker -- Mr. Dekker stated that as he understood it, the City should have an agreement signed by the County Commissioners assuming and holding the City not liable and assuming any indebtedness on the part of the County.

Tarrant -- In answer to question by Mr. Dekker who inquired if the Commission would entertain that same type of agreement rather a bond on the property west of the Court House, Mayor Tarrant stated "Yes" they would.

Commissioner Stevens' motion carried unanimously.

Policy Statement regarding financing for Sidewalks Policy Statement regarding financing for sidewalks, presented.

The policy for financing of sidewalks has been revised as of February 1, 1966, to conform with the City Commission's action on that date to accept petitions in those cases where it is determined that a street will not, or cannot be opened in the immediate future.

--approved & filed REPORT FROM MET. PLANNING COMM. Request for Vacation of Builders 17th Addition

Tarrant moved that the policy statement be approved and filed. Motion carried unanimously.

AREA Report from the Metropolitan Area Planning Commission (Case No. V-0368) in regard to vacation of Builders 17th Addition, legally described as the south half of the NE 1/4 of Sec. 12, Twp. 28 S, Range 1 W, Sedgwick County, Kansas, except the S 49.5' thereof, including all easements, streets, avenues and courts therein, EXCEPT the N 30' thereof heretofore dedicated for S 1/2 of 33rd Street South and EXCEPT the E 90' dedicated for Meridian Ave. and EXCEPT the W 30' dedicated for Sheridan Avenue, located between Sheridan and Meridian and between 33rd Street South and Protection Drainage Ditch, presented, together with proposed vacating ordinance. Planning Commission recommended that the application be approved subject to: 1. Any relocation or reconstruction of utilities necessitated by this vacation being at the sole expense of the applicant. 2. All proceedings being without cost to the City, County or any public utility company.

Jack Galbraith-- Jack Galbraith, Senior Planner, pointed out the area on a map and stated that it was a request for the vacation of streets, avenues, easements, etc. except the perimeter dedication of 33rd Street, Meridian, Sheridan and drainage right-of-way to the south. The applicant has also filed a request for zone change which will be heard by the Planning Commission on Thursday, February 17, for an "RB" 4-plex zoning classification and they have also filed a residential Community Unit Plan which indicated townhouse construction in the area.

## The City of Wichita

CITY BUILDING • TELEPHONE AMherst 2-8211

WICHITA, KANSAS

COPY

February 4, 1966

Mr. Ralph Gilchrist  
County Counselor  
Sedgwick County Court House  
Wichita, Kansas

Re: Conditional Use Permit for  
County Parking Area

Dear Mr. Gilchrist:

I have received a memorandum from Mr. Bickley Foster of the Planning Department, recommending that you and I get together to discuss the legal concerns of the City Commission concerning the use to be made of part of the Urban Renewal land for temporary parking for the County Courthouse.

Our problem, as I understand it, is relatively simple. If you are permitted to surface this parking lot with other than concrete or asphalt, there will be residue deposited on the sidewalk surrounding the parking lot. We need an agreement with you, by insurance or some other method, guaranteeing that:

- (1) The sidewalk will be kept clean.
- (2) No defects will occur in the sidewalks which may cause injury or which may become the basis of a lawsuit.
- (3) The City be insured against any injury arising out of a fall on the sidewalk.

The reason that the above are ordinarily made a condition of parking lot use, is that sidewalks generally deteriorate around a



Mr. Ralph Gilchrist  
County Counselor  
February 4, 1966

parking lot and, therefore, we are trying to alleviate the injury  
to us.

If you have any questions, please call.

Very truly yours,

John Dekker  
Director of Law

JD:cr

✓ copy: C. Bickley Foster, Planning Director

February 3, 1966

John Dekker, Director of Law  
C. Bickley Foster, Director of Planning

Conditional Use Permit for  
County Parking Area

As you know, at the City Commission meeting on February 1, the request of Sedgwick County for a Conditional Use Permit for parking purposes was deferred for one week in order to obtain information requested by the City Commission. In addition to the question of what kind of surfacing would be used, questions were raised as to the need for a maintenance contract and also the liability of the City or County for any possible accident which might occur in the vicinity of the parking area. I feel that you should contact the County Counselor, Mr. Ralph Gilchrist, and discuss the legal concerns of the City Commission directly with him. The County Engineer, Mr. Wilmer Freund, will not be available for the Commission meeting on February 8 and, therefore, I am suggesting to the Manager, by a copy of this letter, that the matter be deferred until the February 15 meeting of the City Commission, at which time it would be hoped that Messrs. Freund and Gilchrist would be available to present this matter.

CBF:ber

cc: Russell E. McClure  
City Manager

Ralph Gilchrist  
County Counselor

Wilmer Freund  
County Engineer

*Copy sent to Bob Finch*

XXXX 13205

January 31, 1966

Mr. Ralph Gilchrist  
County Counselor  
Sedgwick County Court House  
Wichita, Kansas

RE: Parking North of Courthouse

Dear Mr. Gilchrist:

A temporary parking lot for courthouse employees is proposed on the following area:

All that part lying West of the alley in the platted block bounded by Water Street on the East, Pine Street on the North, Wichita Street on the West and Elm Street on the South.

We propose to fill the basement sites and generally level the area. Compaction will be by vibration and sheepsfoot rollers. The finished surface will be crowned 6 inches for drainage all four directions. The top 6 inches of this lot will be stabilized with SA-1 (Acid) and brought to a Type A compaction. Approximately two hundred (200) tons of C.M.X. sand will be applied on the surface.

Twenty (20) trees 12 inches or less in diameter will be removed. No curb cuts will be required as entrances will be provided off the alley and Wichita Street. These two traffic ways presently are not paved.

Should there be further question, please do not hesitate to contact this office.

Very truly yours,

*Wilmer Freund*  
Wilmer Freund  
County Engineer



WF/ar

cc: Mr. Tom Scott, Chairman Board of County Commissioners  
Mr. C. Bickley Foster

7804.190

4

January 26, 1966

Russell E. McClure, City Manager  
C. Bickley Foster, Director of Planning

Sedgwick County Request for  
Conditional Use Permit on parking

Under the provisions of Section 28.04.180.A.4, approval for any governmental unit, by special permit and subject to such protective restrictions as it deems necessary, allow any use in any zoning district. The request from the County arises from a clause of the zoning ordinance which prohibits in industrial areas, those uses first permitted in residential areas (exclusive industrial zoning). Off-street parking is first permitted in the "B" Multiple family area and is, therefore, excluded in "E" Light Industrial.

The area described is in the Park Plaza "A" Urban Renewal Area and has been proposed as a parking area in the Courthouse Parking Study prepared by this Department.

The Board of City Commission, in considering past requests under this section of the Code (for utility company substations) has referred the requests to the Planning Commission for public hearing and has required notices be sent in the same manner as zoning changes. However, this is not a statutory or ordinance requirement. In view of the nature of the request and due to the fact that it is requested at this time as a temporary use, it is recommended that the item be placed on the Agenda for February 1, 1966, and that no referral or public hearing be held. Conditions of approval should probably provide for the permit to be a temporary one and include conditions requiring adherence to the City's curbside regulations and requiring the area be suitably filled and leveled and to be surfaced with such material to prevent excessive blowing dust and/or creation of mud bogs, etc. In this instance, the County Engineer proposes to treat the soil by an acidizing process. This appears to be acceptable for a temporary use. The Commission may wish to provide for an annual renewal or review of the permit to accommodate any changed conditions.

CBF:RAL:ber  
cc: Robert Finch  
Executive Secretary

January 21, 1966


Mr. Tom Scott, Chairman  
Board of County Commissioners  
Sedgwick County Court House  
Wichita, Kansas

Dear Mr. Scott:

Replying to your letter of January 7, 1966, requesting a waiver of the parking restrictions to permit Sedgwick County the temporary use of the area you describe in your letter is being referred to the Planning Director, C. Bickley Foster, so that he may process this request for you with the Board of Zoning Appeals. It is my understanding that this appeal board has the authority to grant variances of this type.

The members of the City Commission were notified of your request and desire to be of every assistance possible.

Sincerely yours,

  
Russell E. McClure  
City Manager

REM:ld

cc: Floyd Schroeder, County Commissioner  
Elmer Peters, County Commissioner  
Wilmer Freund, County Engineer  
✓ C. Bickley Foster, Director of Planning  
Ralph Wulz, Director of Public Works





BOARD OF COUNTY COMMISSIONERS

# SEDGWICK COUNTY KANSAS

COURT HOUSE  
WICHITA 3, KANSAS

January 17, 1966

FLOYD SCHROEDER  
CHAIRMAN  
DISTRICT No. 3  
ELMER S. PETERS  
DISTRICT No. 1  
TOM SCOTT  
DISTRICT No. 2

Mr. Russell McClure  
City Manager  
City Building  
202 South Main  
Wichita, Kansas

*BZA*  
~~MAPE~~ *has authority to*  
*grant waiver - CB 7*

Dear Mr. McClure:

The Board of County Commissioners of Sedgwick County, Kansas, hereby makes official application to the City of Wichita, Kansas, for waiver of the "No Parking Restriction" on an area zoned light industrial and described to wit:

All that part lying West of the alley in the platted block bounded by Water Street on the East, Pine Street on the North, Wichita Street on the West and Elm Street on the South.

Such waiver will permit Sedgwick County the temporary use of the area for courthouse parking and will alleviate the congestion and parking problem now encountered at the courthouse.

Your favorable action on this matter will be appreciated by The Board.

Very truly yours,

THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

BY: *Tom Scott*  
Tom Scott, Chairman

WF:TS:z

cc: Wilmer Freund  
County Engineer