



PLANNING COMMISSION MEETING

City Hall – 131 N Main St

December 14, 2021 at 7:00 PM

AGENDA

CALL TO ORDER

ROLL CALL

OTHERS PRESENT

AGENDA ADDITIONS

APPROVAL OF MINUTES

1. Planning Commission Minutes June 22, 2021

Commission member _____ moved to approve the minutes of the June 22, 2021 Planning Commission meeting.

Commission member _____ seconded the motion.

CITIZEN COMMENTS

OLD BUSINESS

NEW BUSINESS

Business Items

Consideration

2. **CONSIDERATION OF SANTA FE PLAT**

The City of Cheney recently purchased the 680' x 125' tract of land between Main Street and Garfield, just north of Santa Fe Railroad tracks. The City wishes to plat the property into Santa Fe Street that will run east/west, 4 lots that will be sold, and tie into Jefferson Street. The plan is to straighten the current Santa Fe Street. Due to limited traffic, there are no plans to curb/gutter/pave the road, but crushed asphalt will be used as surfacing.

Motion: Approve/decline the Santa Fe Addition Plat by owner City of Cheney.

3. DISCUSSION OF SANTA FE CROSSING DEVELOPMENT

Ed Laverentz owns Santa Fe Crossing at Lake Road and Santa Fe. Council previously discussed the development and the next steps must be taken by the Planning Commission. Laverentz would like to do a lot split of the north lot and re-plat the south lot into multiple lots. Currently, Santa Fe Street is only 30' wide along the south side of Laverentz's lots and is not wide enough for the standard 60' road right-of-way. The agenda item is for discussion purposes. Next steps would be a variance application and plat.

ADJOURN



PLANNING COMMISSION JUNE 22, 2021

City Hall – 131 N Main St

June 22, 2021 at 7:00 PM

MINUTES

CALL TO ORDER

ROLL CALL

Members Present:

David Woodard, Bret Albers, Melanie Block, Steve Gile, Chad Harrison, Melissa Olthoff, David Rich, Ryan Scott. Staff Present- Danielle Young, City Admin/Clerk

OTHERS PRESENT

Greg Kampling, Greg Williams, and Ken Terrell

AGENDA ADDITIONS

APPROVAL OF MINUTES

Planning Commission Minutes February 22, 2021

Commission member Bret Albers moved to approve the minutes of the February 22, 2021 Planning Commission meeting. Commission member M Block seconded the motion. Motion carried 8-0.

CITIZEN COMMENTS (Limited to items not on the agenda)- None

OLD BUSINESS

NEW BUSINESS

Business Items

OATH OF OFFICE was administered to new Planning Commission member Melissa Olthoff

ELECTION OF OFFICERS

Officers of the Commission shall be elected at the first regular meeting following the first of May.

Commissioner Bret Albers moved to appoint David Woodard as Chairman.

Commissioner Steve Gile seconded the motion. Motion carried 8-0.

Commissioner Ryan Scott moved to appoint Jessa Albers as Vice Chairman.

Commissioner Bret Albers seconded the motion. Motion carried 8-0.

Commissioner David Rich moved to appoint Danielle Young as Secretary.

Commissioner Melanie Block seconded the motion. Motion carried 8-0.

Open Public Hearing

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION AT 811 N LINCOLN TO BUILD A GARAGE WITHIN 25' PLATTED BUILDING SETBACK

Property owner, Dan Fouquet, 811 N. Lincoln submitted a variance application to build a 14' x 48' attached garage on the south side of their house/existing garage with driveway access off of 7th Ave. The garage will be 20' wide at the west end and wrap-around behind the house 6'. The garage will be 6' from the west property line. A variance is required because the garage will encroach into the platted 25' setback on the southern portion of the lot. Notices were sent to properties within 200'.

Greg Kampling spoke on behalf of the property owner, Dan Fouquet, who was not able to attend due to his job. Kampling explained that the proposed setback from the south would be the same distance as Dan and Karen Stoehr's setback to the street (Stoehr's property is located south of 811 N Lincoln). Kampling stated this distance was measured from the street to the house. Kampling stated he would like to wrap the garage around to the back of their house so the variance would be for two directions. Kampling stated the addition would match, as much as possible, the existing house and would set back 2' from the front of the existing garage.

Block asked how much room there was from the Canaan property to the west. It was stated the addition would be 6' from the west property line. Gile asked how far that would be from the neighbor's house. Kampling stated it would be 12' away. Young stated the minimum rear yard was 20'.

Bret Albers asked about the dotted line shown on the map and asked if that was the setback line. Albers asked about the setbacks on the house to the south. Young explained that on a plat they can state what the building setback lines are. The dashed line is 25' from the property line and 12.5' feet- so the house was built right where the building setback is set. Young explained that a front yard setback is 25', so the 811 Lincoln lot was platted for the house to face south on 7th Ave with the 25' setback. The Stoehr property to the south was platted with the 25' to the east for the house to face Lincoln Ave. Fouquet is requesting to build into the 25' setback line and because it's platted, the variance is required. They want to build 14' down. Young stated she and Ewy marked the property pins and measured over the 14' to the south and set a flag. It was roughly about 9.5-10' to the south property line.

Young explained that Lincoln Street is an 80' wide street (from property line to property line) and 7th Ave is a 60' street right of way. Typically, on an 80' street right of way, it's going to be about 20' from back of curb to property line and on the 60' street it will be 12' from back of curb to property line. Young stated that Fouquet is asking for the variance because he understands his house faces Lincoln and even though the setback is 12.5' along Lincoln, if you factor in the additional 10' from the back of the curb to the property line because of the 80' street right of way, if one would look at it from the street, there is about 22.5' from back of curb and looks similar to the setback.

Kampling stated that the new addition would about line up to the existing garage built to the west of Fouquet's property on 7th Ave.

Young stated that Kampling indicated that they're asking for a double variance. Young stated this is because they're wanting to build 14' south into the setback and are also requesting to build to the west, which is technically his required 20' rear yard. Young stated that if the variance isn't allowed, Fouquet could technically build straight to the west within 6' of the west property line without a variance.

Block stated she was originally concerned about the side. Gile asked why the lines were crooked on the map with the drawing of the addition and also thought the flags were crooked. Young stated it could have been because she drew the lines on the map and did not intend them to be crooked and that the property owners were having to move the flags each time they mowed. Woodard stated the intention was to build the addition square to the existing house.

Ken Terrell was at the public hearing just to visit out of curiosity to see how the City is run and appreciated them.

Greg Williams came to see how the Planning Commission was run. Williams stated there was concern about line of site from the corner. Young stated she did do a site triangle and did not find the addition to fall within the site triangle. Williams stated he also had concerns about the Canaan property's line of site to the west, but thought they had the opportunity to come and protest if they saw an issue with it, but they were not in attendance.

Kampling stated that Fouquet was willing to back off the size of the garage addition from 14' to 12' if he needed to.

Bret Albers asked if it was the property owner's position that because the house was turned the side yard should be considered about 7th Ave and if we're asking for a variance to go that way. If the south side is considered a side yard, then the east side would be built out of compliance because it should be 25'. Young stated he was thinking the right way, but that is why the property owner is stating with Lincoln Street being 80', he gains an additional 10' from the property line to the setback line, giving him additional space from the curb to the property line.

Gile asked what the code stated about the distance between the houses. Young stated 6' is the side yard setback.

David Rich asked if there would be any walk-thru doors from the west side. Kampling stated it would be off the patio.

The public hearing was closed at 7:27 pm.

CONSIDERATION OF VARIANCE FOR 811 N LINCOLN

Woodard stated there were 5 conditions to review in considering the variance.

Zoning Code 5.33 states a Variance can be granted if the following conditions are met:

1. That the variance requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of this ordinance would constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
5. That granting the variance will not be opposed to the general spirit and intent of this ordinances.

Melanie Block asked for clarification on distances for the side yard as the GIS map did not look accurate. It was explained that the GIS can be skewed when looking at it visually.

Block asked to look at the other properties along 7th Ave and how close they were built to the street. Young stated that there are several sheds built along 7th Ave with several different plats, and varying setbacks, making 7th Ave an interesting street.

Bret Albers stated we want to make it conducive to live in our community, but he thinks about consistency. If someone builds on a corner lot, could they build in this same fashion and then say later they want to build here too. Albers said the house was built within the plat, even though it was turned, so in looking at the variance conditions he questions if this is something unique to the property? Or is this a situation where it is unique and if we allow building into a setback, does that negate doing a plat. If we're going to allow building outside plats and setback- then what's the reason for it? But we can't have such a strangle hold on things that it's hard to live in the city and we as a board need to be ready for the next guy who builds on a corner lot and wants to do something out to the side. Block stated the plat isn't straight all the way across 7th Ave.

Ryan Scott mentioned that the addition lined up to the other garage along 7th Ave and there were three neighbors present that didn't have an issue with it. Chad Harrison stated that if the front door faced South then we would never allow an addition to the front, but this house is kind of unique because there's still a 25' setback to the front of the house and Albers agreed that it is unique since it's an 80' street.

Ryan Scott asked if a house could be built like this again on a corner lot. Ryan Scott asked if we would run into this again with new construction. Young explained that there are a few homes recently built on corner lots at the Back Nine where this could happen again.

Young mentioned that the Planning Commission heard a variance for Hillman last year with a corner lot and he wanted to build out to the side, but it was technically in his rear yard.

Albers mentioned Ryan's comment, that if a home was built today the front door would have to face the 25' setback. Young stated she wasn't sure that the Zoning Code specified that and there is some confusion whether a driveway or a doorway is the front of a house and it's been conveyed both ways. Melissa Olthoff mentioned her house was built similar, facing Santa Fe with the driveway towards Marshall and her property address being Marshall Street.

Young said she had tried to go through and look at corner lots throughout the city and each one seems to be different as homes face different ways and some have platted setbacks and others don't. Young mentioned the house a block south of 811 Lincoln and if that person asked to build out to the east, past the front of the houses along Lincoln? Since that house technically faces 6th Ave, but has a driveway to the east on Lincoln, she didn't know if a request to build to the east would be similar to this variance request. She thought each property would be a little different.

M. Block thought they needed to take into consideration traffic and that there were only 4-6 homes in the cul de sac.

Woodard asked if there were any other communications with other property owners. Williams stated he talked to Molyneux and he didn't have a problem with it.

Young mentioned the size of the lot is 75.9' and the depth is 115' and the R4 Zoning code says the lot depth should be 120'. Young stated they could technically call it a non-conforming lot and if it had been an additional 5' deep, the house could have been situated differently.

Kampling mentioned Lot 4 being small to the west of Fouquet's and it was discussed whether a lot split had been done prior to that house being built west of 811 N Lincoln.

David Rich mentioned that they could grant the variance with certain considerations and make it match the existing building structure, to do so in such a way to maintain the community. It was mentioned that the request is for an attached structure to be tied into the existing house.

Woodard mentioned that currently there are two lots with the same setback and if the variance is allowed, there will still be 2 lots with the same setback. It will just change, which ones are in common. Melanie Block stated the site triangle had been a concern. Young stated she could show the site triangle.

Young stated that north/south roads in the original part of town are 80' wide street right of ways.

Terrell asked what designated an address and why it was Lincoln Street and if it was platted to face 7th Street, why isn't it 7th Ave. Young stated that the City office sets the address when a building permit is pulled and since the driveway and front door face Lincoln Street, it was given a Lincoln Street address.

Young stated the Zoning Code states that if there are not platted setback lines, then the building is to be 25' from the front street and 15' from the side right of way. Young stated this is from the property line and not from the curb. Young mentioned that if the plat had been reversed with the 12.5' setback along 7th Ave, the variance would technically be allowing a 3' variance since the addition would be approximately 9.5' from the property line instead of 12.5'.

Woodard stated they could deny the variance, approve the variance request or approve with some type of modifications that are desired

Ryan Scott was in favor of approving the variance with guidelines.

David Rich moved to approve the variance with the restriction that it must match existing structure and stay within quality and design of current structure.

Bret Albers seconded the motion.

Motion carried 8-0.

Young asked for clarification that if the existing house is brick, then the addition is to match the exterior and Rich replied that if a home had ½ brick that it would be to carry the design and quality of the structure to the new addition. Motion carried 8-0.

ADJOURN

David Rich moved to adjourn at 8:01 pm.
Block seconded the motion. Motion carried 8-0.



David Woodard, Planning Commission Chair

Attest:

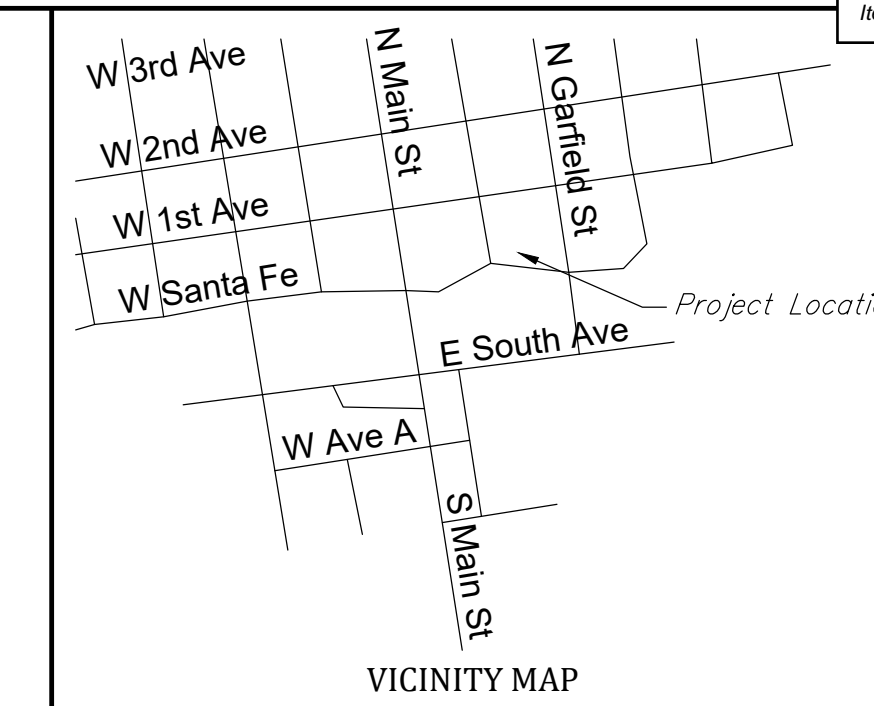
A handwritten signature in black ink that reads "Danielle Young".

Danielle Young, City Clerk

ONE-STEP PRELIMINARY PLAT

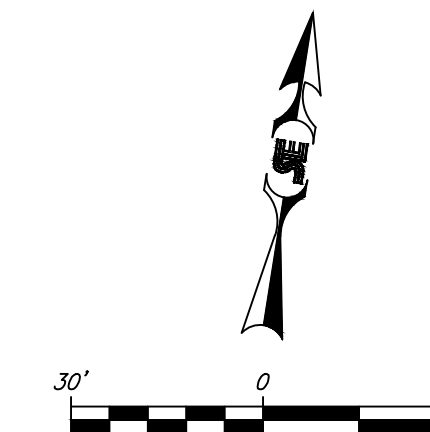
SANTA FE ADDITION

AN ADDITION TO THE CITY OF CHENEY SEDGWICK COUNTY, KANSAS

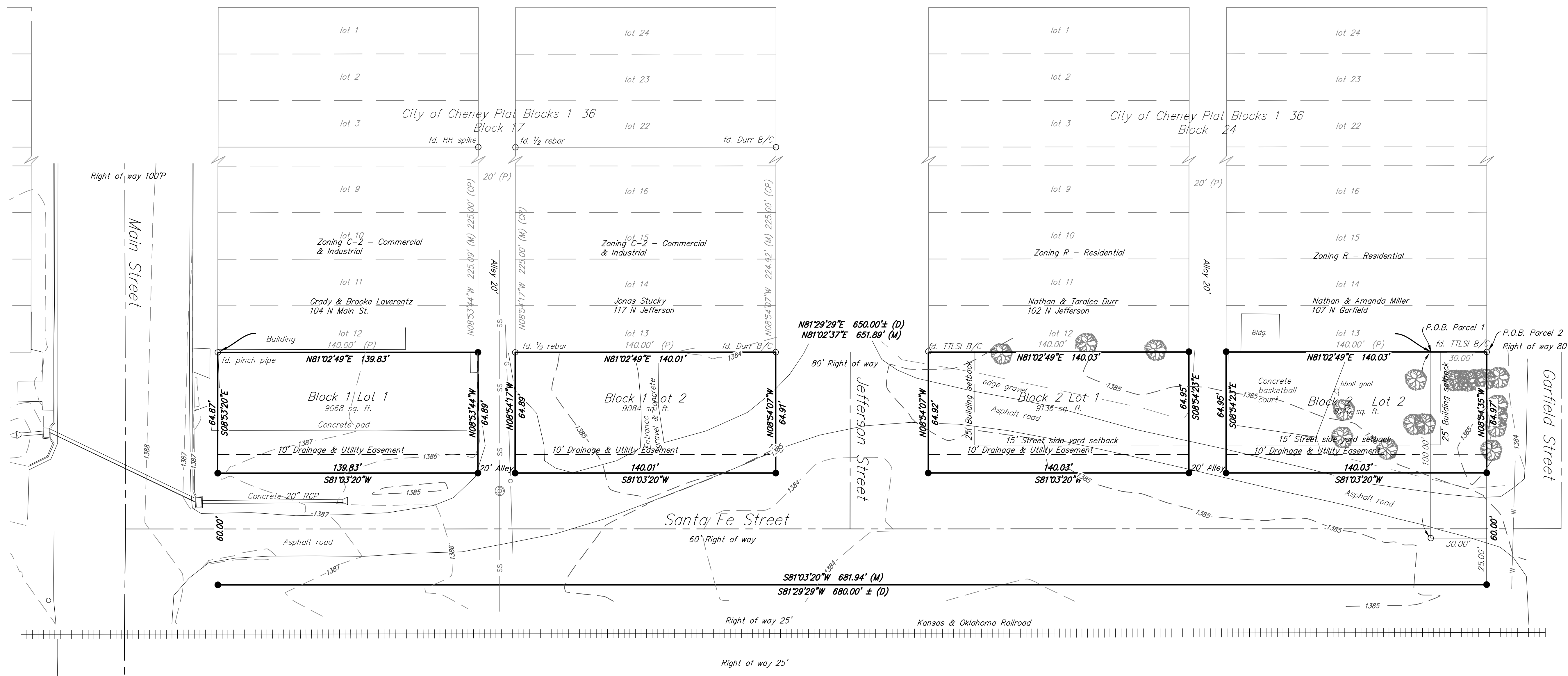


SURVEY LEGEND

- Found Survey Monument
- Set Survey Monument
- ½" rebar with S-E CLS#59 yellow cap
- (M) Measured
- (D) Deeded
- (C) Calculated



E. 1st Avenue



GENERAL NOTES

Owner/Developer: City of Cheney, Kansas, a municipal corporation
P.O. Box 1
P.P. Cheney, KS 67025

This property is not in the 100 year floodplain. It is in Zone X (unshaded), which is defined as Areas determined to be outside the 0.2% annual chance floodplain, as per FIRM Map Number 20155C0850F, effective date 01/06/2010.

The Property is in the City Limits of Cheney, KS.

Boundary Area: 85,183 sq. ft. 1.96 Acre

Current land use: Street, Residential, Commercial Land
Zoning: Block 1 lots 1 and 2 (C-2) Commercial and Industrial
Block 2 lots 1 and 2 (R) Residential

All zoning information was taken from the City of Cheney Zoning information.

Drawing Prepared December 6, 2021
File: 21W038 Cheney Plat Santa Fe St

Field survey work completed: November 2021
Utilities were located by Schwab Eaton field crew visual observations and one-call located markings. One call ticket #21499071

Horizontal Datum: Assumed Coordinates

Contour Intervals = 1 foot

All sanitary sewer, storm sewer, water, and streets shall be constructed according to Kansas Department of Health and Environment and Sedgwick County Standards. Improvements shall be financed and their installation guaranteed by the State of Kansas.

Utility size and location to be addressed on Drainage Plan and Utility Plan and will be submitted to the City.

Minimum building pad elevations shall be provided with the site plan when presented to the City.

BENCHMARK DATA

Site Benchmark (BM): "0" in OPEN on top of fire hydrant located in the Northwest corner of South Avenue & Main Street. Elev. = 1386.11 (NAVD 88)

Datum Benchmark: USGS standard tablet stamped Y312 1956 in the South end of the West headwall of RCB. 148 feet North and 11 feet West of crossroads of 6th & Hoover streets (375th St. West & 31st St. South)
North of SWc of 4-285-4W
Elev. = 1366.93 (NAVD 88)

LEGAL DESCRIPTION:

Parcel 1
Beginning at a point that is on the South line of and 30 feet Westerly of the Southeast corner of Block 24 in the Supplemental Plat of Cheney, Sedgwick County, Kansas; thence on an assumed bearing of South 08°30'31" East, a distance of 100 feet; thence North 81°29'29" East, a distance of 30 feet; thence South 08°30'31" East on the extended West Right of way line of Garfield Street Right of way, a distance of 25 feet to a point 25 feet and normally distant from the centerline of the main track of the Kansas and Oklahoma Railroad; thence South 81°29'29" West and parallel to said centerline of main track, a distance of 680 feet more or less to the East Right of way of Main Street; thence Northwesterly along the extended East Right of way line of Main Street, a distance of 125 feet to the Southwest corner of Block 17 in the Supplemental Plat of Cheney; thence North 81°29'29" East along the South line of said Supplemental Plat of Cheney, a distance of 650 feet more or less to the point of beginning.
AND ALSO
Parcel 2
That portion of vacated Garfield Street described as beginning at the Southeast corner of Block 24, Supplemental Plat of Cheney, Sedgwick County, Kansas, thence on an assumed bearing of South 81°29'29" West along the South line of said Block 24, a distance of 30 feet; thence South 08°30'31" East, a distance of 100 feet; thence North 81°29'29" East, a distance of 30 feet; thence Northwesterly along the extended West Right of way line of Garfield Street, a distance of 100 feet to the point of beginning.

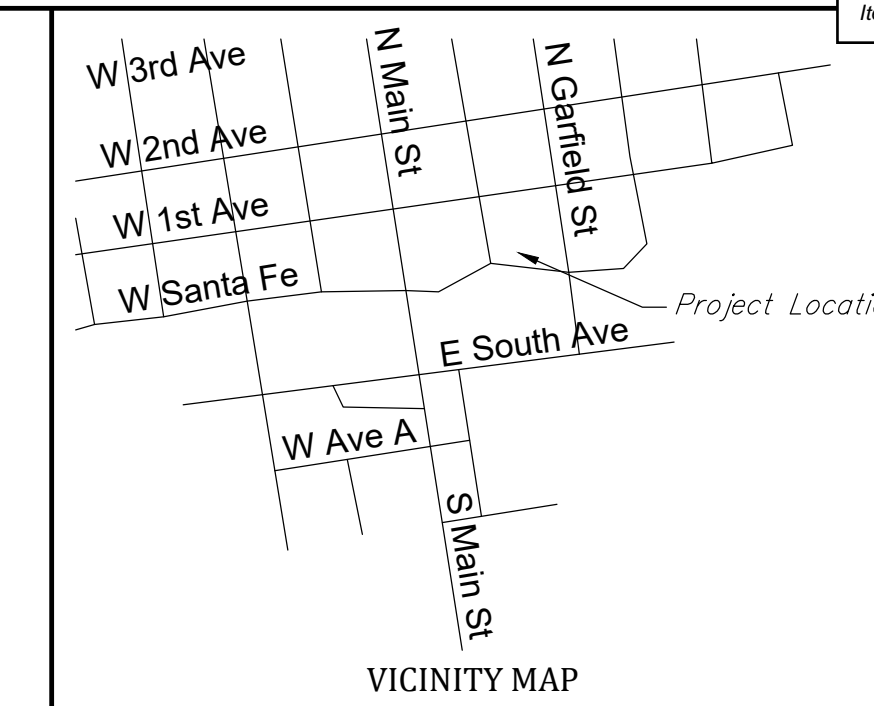
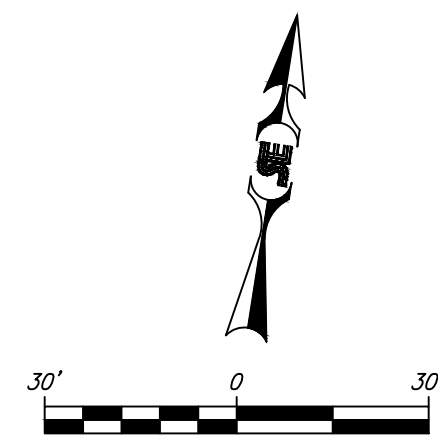
Charles R. Robinson, P.S. #1395
Schwab-Eaton



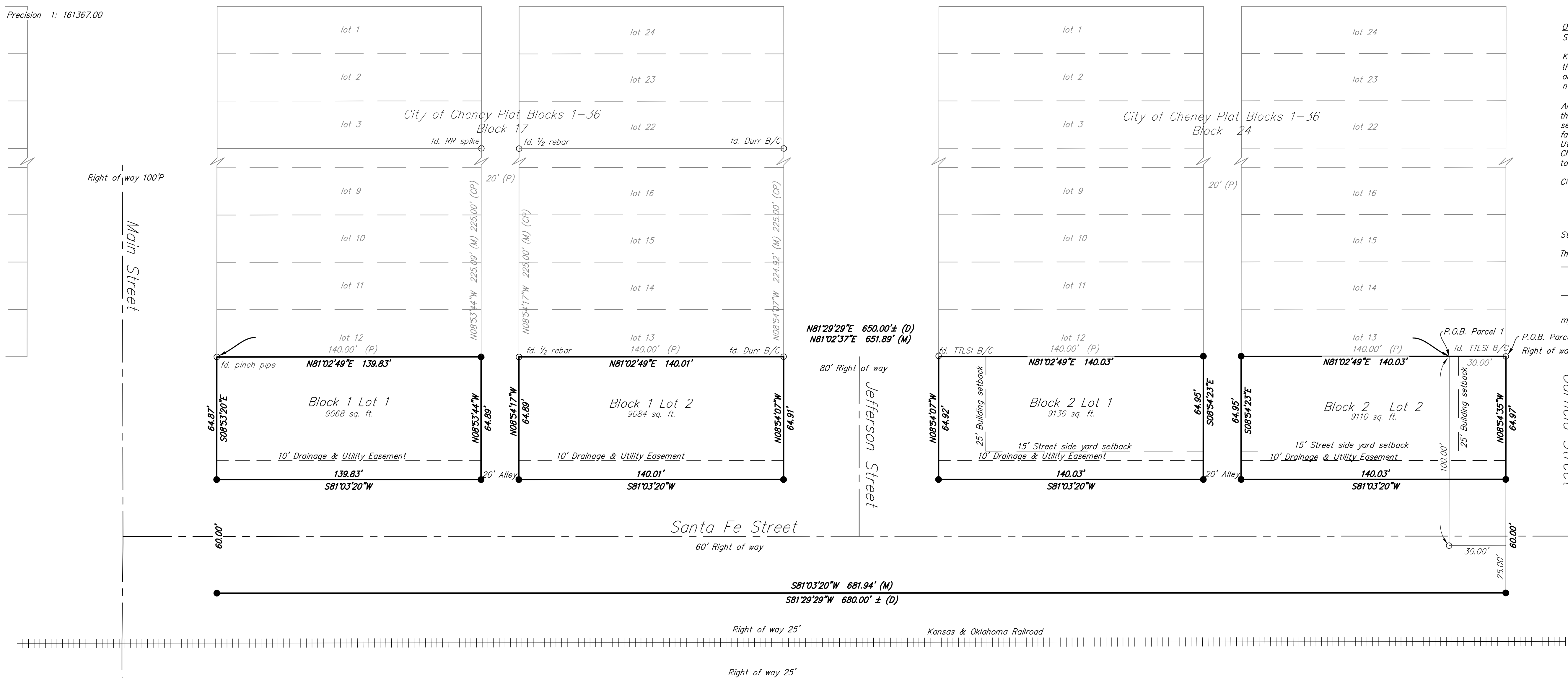
ONE-STEP FINAL PLAT SANTA FE ADDITION AN ADDITION TO THE CITY OF CHENEY SEDGWICK COUNTY, KANSAS

Closure Report
 P.O.B.: North: 1662071.03' East: 1519395.70'
 Segment #1: Line
 Course: South 08°54'35" East Length: 124.97'
 North: 1661947.56' East: 1519415.05'
 Segment #2: Line
 Course: South 81°03'20" West Length: 681.94'
 North: 1661841.54' East: 1518741.41'
 Segment #3: Line
 Course: North 08°53'20" West Length: 124.87'
 North: 1661964.91' East: 1518722.11'
 Segment #4: Line
 Course: North 81°02'49" East Length: 681.89'
 North: 1662071.03' East: 1519395.69'
 Perimeter: 1613.66' Area: 85183.26 Sq. Ft.
 Error Closure: 0.01 Course: North 71°15'42" West
 Error North: 0.002 East: -0.005
 Precision 1: 161367.00

- SURVEY LEGEND**
- Found Survey Monument
 - Set Survey Monument
 - 1/2" rebar with S-E CLS#59 yellow cap
 - (P) Platted
 - (M) Measured
 - (D) Deeded
 - (C) Calculated



E. 1st Avenue



OWNERS CERTIFICATE
 State of Kansas, County of Sedgwick) SS

Know all men by these presents that the undersigned owner of the land described in the Land Surveyors's Certificate, have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets, and other public ways under the name of Santa Fe Addition, located in the City of Cheney, Sedgwick County, Kansas.

An easement or license to enter upon, locate, construct and maintain or authorize the location construction and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, upon, over and under these areas outlined and designated on this plat as Utility Easements and or Drainage Easements, is hereby granted to the City of Cheney, Kansas, and other governmental entities as may be authorized by state law to use for said purposes.

City of Cheney, Kansas, a Municipal Corporation
 Phillip Mize, Mayor

NOTARY CERTIFICATE

State of Kansas, County of Sedgwick) SS
 The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

_____, Notary Public

my commission expires: _____

P.O.B. Parcel 1

P.O.B. Parcel 2

Right of way 80'

Right of way 80'

Right of way 80'

Right of way 80'

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LAND SURVEYORS CERTIFICATE AND LEGAL DESCRIPTION
 State of Kansas, County of Sedgwick) SS

I, Charles R. Robinson, Professional Land Surveyor License 1395 in the State of Kansas, do hereby certify that this is a true and correct plat of survey, to the best of my knowledge and belief, which was made by me or under my responsible charge.

LEGAL DESCRIPTION:

Parcel 1
 Beginning at a point that is on the South line of and 30 feet Westerly of the Southeast corner of Block 24 in the Supplemental Plat of Cheney, Sedgwick County, Kansas; thence on an assumed bearing of South 08°30'31" East, a distance of 100 feet; thence North 81°29'29" East, a distance of 30 feet; thence South 08°30'31" East on the extended West Right of way line of Garfield Street Right of way, a distance of 25 feet to a point 25 feet and normally distant from the centerline of the main track of the Kansas and Oklahoma Railroad; thence South 81°29'29" West and parallel to said centerline of main track, a distance of 680 feet more or less to the East Right of way of Main Street; thence Northwesterly along the extended East Right of way line of Main Street, a distance of 125 feet to the Southwest corner of Block 17 in the Supplemental Plat of Cheney; thence North 81°29'29" East along the South line of said Supplemental Plat of Cheney, a distance of 650 feet more or less to the point of beginning.
 AND ALSO
 Parcel 2
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Kansas Coordinate System 1983 South Zone was the coordinate system used for the survey.

All Public Easements and Dedications are hereby vacated by virtue of K.S.A. 12-512b, as amended.

Charles R. Robinson P.S. 1395

CITY ATTORNEY CERTIFICATE

State of Kansas, County of Sedgwick) ss

This plat of Santa Fe Addition has been submitted to and approved by the City Attorney of Cheney, Sedgwick County, Kansas, this _____ day of _____, 2021.

_____, City Attorney
 Austin Parker

CITY COUNCIL CERTIFICATE

State of Kansas, County of Sedgwick) ss

This plat and all dedications shown hereon are accepted by the City Council of the City of Cheney, Kansas, this _____ day of _____, 2021.

At the Direction of the City Council
 _____ Mayor
 Phillip Mize
 _____ City Clerk
 Danielle Young

TRANSFER RECORD

State of Kansas, County of Sedgwick) SS

Entered on transfer record this _____ day of _____, 2021.

_____, County Clerk
 Kelly B. Arnold

REGISTER OF DEEDS

State of Kansas, County of Sedgwick) SS

This is to certify that this instrument was filed for record in the Register of Deeds office at _____ on this _____ day of _____, 2021.

_____, Register of Deeds
 Tonya E. Buckingham
 _____ Deputy
 Kenly Zehring

COUNTY SURVEYOR CERTIFICATE

State of Kansas, County of Sedgwick) SS

I hereby certify that this survey has been reviewed for filing, pursuant to K.S.A. 58-2005 for content only and is in compliance with those provisions, no other warranties are extended or implied.

_____, Deputy County Surveyor
 Tricia L. Robello, PS #1246
 Sedgwick County, Kansas

PLANNING COMMISSION CERTIFICATE

State of Kansas, County of Sedgwick) ss

This plat of "Santa Fe Addition", an Addition to Cheney, Sedgwick County, Kansas, has been submitted to and approved by the Cheney City Planning Commission.

Dated this _____ day of _____, 2021.

_____, Chairman
 Brett Albers

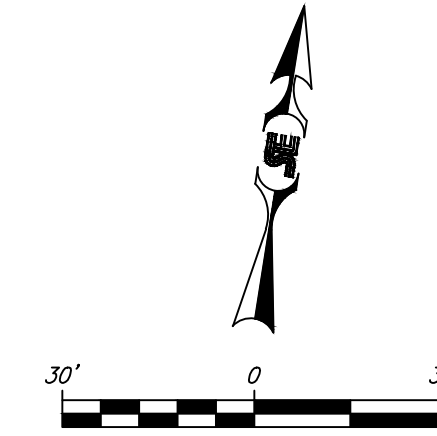
Attest:
 _____ Secretary
 Jami Viner



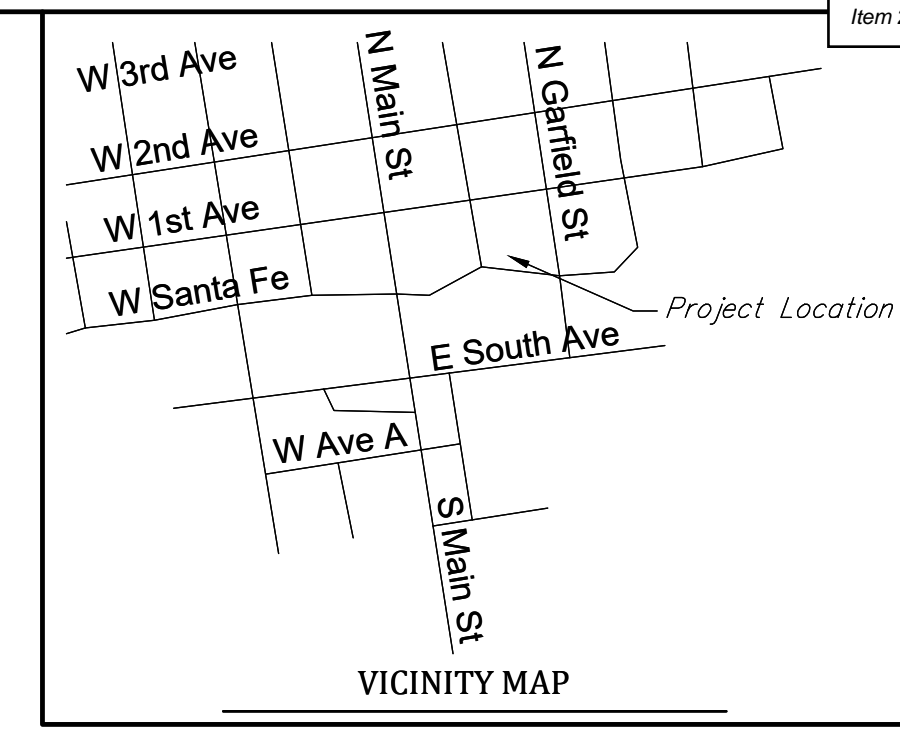
DRAINAGE PLAN

SANTA FE ADDITION

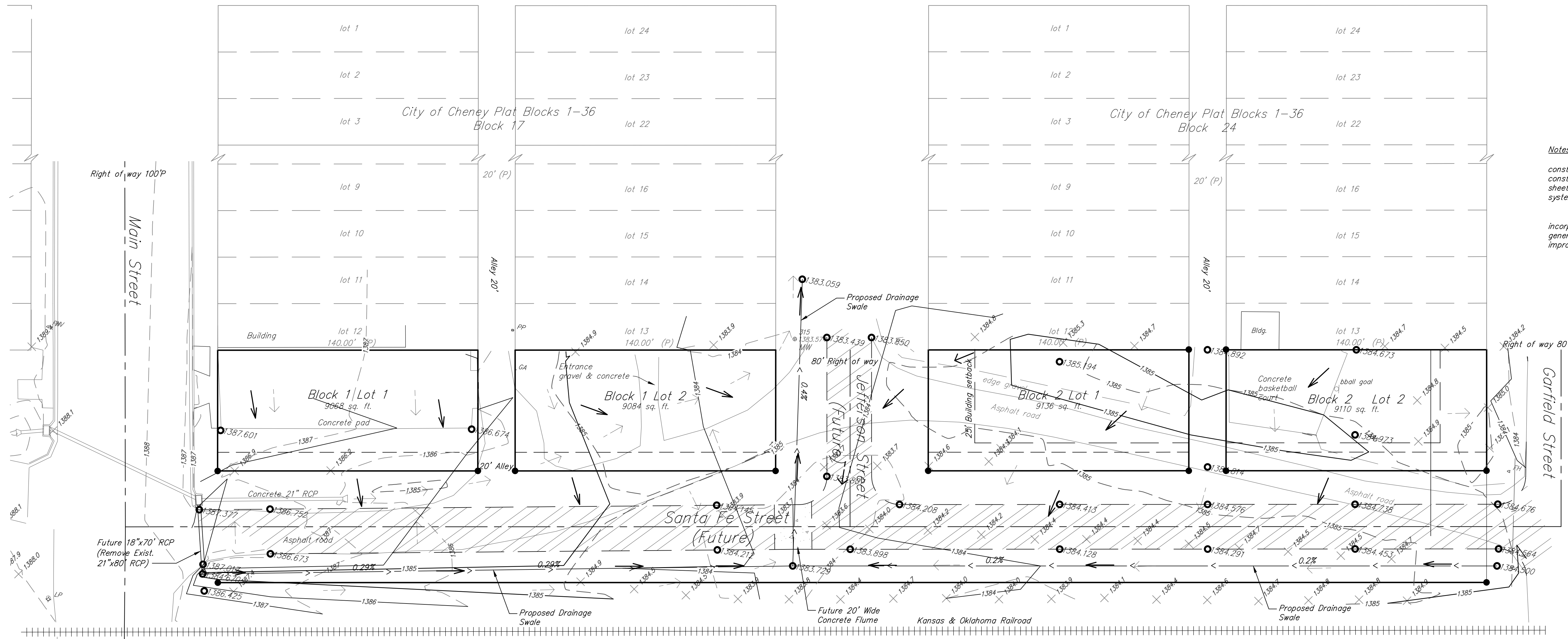
AN ADDITION TO THE CITY OF CHENEY SEDGWICK COUNTY, KANSAS



- SURVEY LEGEND**
- Found Survey Monument
 - Set Survey Monument
 - 1/2" rebar with S-E CLS#59 yellow cap
 - (M) Measured
 - (D) Deeded
 - (C) Calculated



E. 1st Avenue



- DRAINAGE LEGEND**
- - - Existing Drainage Pattern
 - - - Future Drainage Pattern

Notes:

- 1) Future drainage improvements shown are anticipated to be constructed with Santa Fe Street. Santa Fe is anticipated to be constructed with a rafter crown allowing drainage from Blocks 1 and 2 to sheet flow South across the road to the future ditch and drainage system.
- 2) A specific site development plan for Blocks 1 and 2 is not incorporated as part of this plat. Future individual lot development should generally maintain existing drainage patterns and comply with future improvements shown.

Excerpt from Unapproved Cheney City Council Minutes- November 11, 2021

DISCUSSION OF SANTA FE CROSSING DEVELOPMENT

Ed Laverentz presented to the County. He and his wife own Santa Fe Crossing at Lake Road and Santa Fe. It is platted for two lots (a north and south lot) with a common driveway off of 391st. Laverentz asked about splitting the north lot into two lots with access off of Heather Lane and would go through the platting process for the south lot to make 4 to 5 lots with access off of Santa Fe Street. Laverentz understood there had been discussion at previous meetings regarding development along streets without curb/gutter. Laverentz asked for direction on what might be allowed before going through the platting process. Laverentz would like to develop it for single family residential to match the existing neighborhood along Heather Lane.

There is some reservation about the future of Santa Fe Street. Currently, the city owns Santa Fe Street, which is only 30' wide along the south side of Laverentz's lots and is not wide enough for the standard 60' road right-of-way. Laverentz asked what would be allowed to happen along Santa Fe, without knowing the future of the railroad. Administrator Young read the City Code that states with the Governing Body's approval could go away from standard street requirements. With a plat, adequate public facilities have to be available, which means the road has to be adequate to handle traffic generated by the development. Young has discussed different options with the city engineer. There is an additional 25' railroad right-of-way between the tracks and the City's Santa Fe property that could possibly be utilized in the future for a road right of way if the railroad is ever abandoned. This would give 55' for the Road Right-of-way, which is still short of the required 60' the engineer wants to see. Young stated the Council could state they don't want access off of Santa Fe and require access to the development off of Lake Road. Or require a cul de sac or private road in between the current two lots. They could allow entrance off of Santa Fe with the understanding that the road right-of-way is only 30' and require future setbacks be put in place so if enough right of way is required, an actual road could be built later on or some type of road improvements could be required along Santa Fe, without the full curb/gutter. The city code also states it should be 3" thick asphalt.

Laverentz will have to go through the platting process with the Planning Commission; however, the code states the Governing Body has the ability to waive the street requirements; therefore, that is why he's present at this meeting. Councilmember Albers asked about discussing different areas of town with dirt roads that haven't been developed at a previous Council meeting. Albers thought it needs addressed, as it's been done in other areas of town. Mayor identified several problems, including the road narrowing, the house that is built on the property to the east of Laverentz's lots does not allow for the City to utilize part of Laverentz's lot as future right of way, and a cost to curb/gutter the road was outrageous a few years ago. Albers asked if the lot sizes would compare to the rest of the neighborhood. Laverentz said the lots would be larger than the other lots along Heather Lane. Laverentz stated if he split the north lot into two lots, it is just a lot split process and doesn't have to go through the platting process. Laverentz asked what was going to happen with Santa Fe Street in the future since the City only owns a 30' wide section south of his lots and what will be allowed to happen? Albers thought the City was in need of buildable lots. Laverentz stated he had plenty of depth, going north to south and was willing to give up some of his lot to accommodate for future road right of way for if the railroad is ever abandoned. But the property to the east (Diskin) doesn't have real estate available to make the adequate road right of way for Santa Fe. Laverentz thought the decision made should be done that is fair and would be done for others in the future, if other requests are made.

Councilmember Kampling thought that acquiring a little more easement to the north, could allow for a future street to be built from Lake Road, but not necessarily east since Diskin's property would block the full 60' ROW. Santa Fe east of Diskin's then widens out again. Mayor Mize asked about a smaller easement that in the future the road could be moved and built? Laverentz mentioned that there is currently a 20' drainage and utility easement that runs along Santa Fe, so nothing can be built within that easement. Lot would be approximately 90' wide. Laverentz stated the lots would be desirable and plenty deep at 199'. Councilmember Gile stated she hated to stunt growth since so many people are looking for an area to build.

Marc Bennett, lives on Heather Lane to the north of Laverentz's property. He remembered when Greg Kampling and John Hillman owned the lots there was conversation about paving Heather Lane, which would assess specials to his property. It was discussed then that if an access road was built off of Heather Lane, then Heather Lane would have to be paved. He also remembered that Santa Fe was an easement, and not a road at that time. Bennett was curious if specials were going to be assessed and where the access for the lots would be and how the houses would face Heather Lane. Bennett thought at one time it was discussed to have 3 lots off of Lake Road because access from Heather Lane and Santa Fe. It seems the development has been complicated and discussed several times. Albers asked if driveways were allowed off of Heather Lane and not requiring curb/gutter at this time. Albers asked Bennett if he saw issues with that. Bennett said if they were just single-family houses of 1500+ sq ft, like his, with a single driveway going to each lot to the south, he didn't think that would be a problem. Bennett asked Kampling if he remembered why that wasn't an option. Kampling stated there wasn't an option off of Santa Fe at all when he owned it. Bennett stated he just wanted to know what was going in as he isn't keen on duplexes or apartments being built there. He understood allowing single family homes like his that is across the street on Heather Lane. Also, he wanted to know if Heather Lane would be required to be paved and if so, who is going to pay for the road? Bennett also brought up the need for a sewer and has been discussed in the past.

Councilmember Albers asked about the requirement of 50% of the homeowners requesting the road be paved and it was determined from the current number of owners, that the number of residents that own lots along Heather Lane, it would be difficult to move forward with paving the road. Councilmember wants to continue growing the community, but doesn't want to cause hardship on the people that have been living in that area for a long time. Albers thought that allowing Laverentz's north lot to be split into two with access off of Heather Lane would be okay, but access for the south lot was a bigger item to discuss.

Councilmember Kampling mentioned taking an additional easement off of Laverentz's south property to be able to make the 60' Road ROW when the railroad abandons. Attorney Austin Parker mentioned that the north lot could be split with access off of Heather as a dirt road because the road was already over 50% build-out, so getting the existing property owners to agree to specials to pave the road would be hard. Parker stated Laverentz could ask for a variance from the Planning Commission. He thought the planning commission would be interested in knowing Laverentz is willing to give some land for the right-of-way. Parker mentioned filing a plat with a variance.

Councilmember Albers mentioned Laverentz might not want to go down that route of doing the plat and variance together. The Planning Commission can help give input on the growth of the community. Councilmember Kampling mentioned if Rails to Trails comes through town, then the City may not get the full 25' ROW. It was mentioned that the Rails to Trails last requested the City to maintain several miles of the trail outside the City and the Governing Body was not favorable to the maintenance request and needed to be looked at from a legal standpoint.

Laverentz does not plan to do anything with the north lot until a decision is made on the south lot. There is a water line that runs in between his two current lots and if he were to put a cul de sac down the middle, the backs of the houses would face towards Bennett's house on Heather Lane. Gile didn't think Heather Lane would want to look at

the back sides of the houses from the cul de sac. Attorney Parker suggested a developer's agreement for guidance on moving forward. Councilmember Albers thought if Council was all good with splitting the north lot and taking the additional 5' of the south side of the south lot for future road right of way, and forego the requirement of curb/gutter, then a developer's agreement wouldn't be required. Albers thought the property was unique and special circumstances have been done to get land developed. The reason there isn't a street on the south side is because there is not enough right of way. Parker stated this qualified the land for a variance since it is a unique circumstance and was inherited by the property owner due to the Railroad and Santa Fe. Albers wanted to make it known that the next new development starting from a blank slate may not get the same allowance of no curb/gutter, but due to the existing circumstance that is why the Council is willing to allow this development to happen. Kampling thought it was important to have a full 60' road right-of-way from the alley to Lake Road. Laverentz stated the homes would be similar to existing homes in the neighborhood.

Parker said Laverentz's next step should be to go to the Planning Commission to get the variance and then once the variance is acquired, he can do the plat. Albers asked what the timeline would be. Young stated there would be a Planning Commission meeting the first week of December and Laverentz could come talk to them then. The variance is about a 2-month process because a public hearing a notice must be served. The variance is approved by the Planning Commission and does not come back to the Council. Parker discussed doing the variance and plat all at the same time. The Plat is approved by the Planning Commission and then comes to the City Council for final approval. Albers was concerned that if Laverentz did it all at the same time and the variance wasn't approved, he would be out the cost of the Plat.

It was discussed that Laverentz could go to the next Planning Commission meeting and discuss his plan with them and then he could apply for a variance first and then a Plat from the Planning Commission. Minutes from the Council meeting would be provided to the Planning Commission for them to review the discussion and see that the Council is in favor of Laverentz moving forward with the proposed development.

Young asked Council if they wanted any additional improvements to the current condition of Santa Fe. Council thought the current seal on that section of road of Santa Fe was the nicest section of Santa Fe Street. Laverentz didn't think the residential traffic along that section of Santa Fe would tear up Santa Fe, since there are already semis utilizing Santa Fe.

Bennett asked about the requirement for sewer on those lots and thought the city's sewer didn't have enough lift in that area. Storm drainage was also discussed for that area. Parker mentioned that part of the plat would address drainage of stormwater. Mayor questioned if the surface water would drain to Santa Fe? Young mentioned that a smaller type of lift station or individual sewer lift pumps had been discussed with Laverentz. Laverentz stated he preferred individual sewer lifts, like the houses on Lake Road. An engineer will look into the sewer requirements.

SANTA FE CROSSING 2ND ADDITION AN ADDITION TO CHENEY, SEDGWICK COUNTY, KANSAS

This plat of "SANTA FE CROSSING 2ND ADDITION, an Addition to Cheney, Sedgwick County, Kansas, has been submitted to and approved by the Cheney Planning Commission, Cheney, Kansas. Dated this 17th day of September, 2017.



Cheney Planning Commission
Bret Abers Chairman
Randall Oliver Secretary
Randall Oliver

This plat approved and all dedications shown hereon, are hereby accepted by the City Council of the City of Cheney, Kansas, dated this day 14th of September, 2017.



Linda Ball Mayor
Danielle Young City Clerk

State of Kansas) SS
Sedgwick County)
Approved this 26th day of September, 2017.
City Attorney for the City of Cheney, Kansas.

Austin Parker City Attorney

2017. Entered on transfer record this 28th day of September, 2017.
Kely B. Arnold County Clerk

State of Kansas) SS
Sedgwick County)
This is to certify that this plat has been filed for record in the office of the Register of Deeds, this day of 2017, at o'clock M. and is duly recorded.



Tonya Buckingham Register of Deeds
Judy J. Paget Deputy

Savoy Company, P.A.
Land Surveyors
PROJECT NO. 170117D 0
483 S. 16th/2nd, Wichita, KS 67211-1911
PH: (316) 263-6000
FAX: (316) 263-6275
www.savoyco.com

State of Kansas) SS
Sedgwick County)
We, Savoy Company, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we have surveyed and platted "SANTA FE CROSSING 2ND ADDITION", an Addition to Cheney, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows:

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 2 and all of Heather Court adjacent to said Lots 3, 4, 5, 6, 7 and 8, Block 2, Wulf Hollow, an Addition to Cheney, Sedgwick County, Kansas.

All Public easements and dedications being vacated by virtue of K.S.A. 12-512(b) as amended.

Savoy Company, P.A.
Date: 15 SEP 17
Surveyor

Reviewed in accordance with K.S.A. 58-2005 on this 15th day of September, 2017.



Deputy County Surveyor
Sedgwick County, Kansas

Know all men by these presents that we, the undersigned, have caused the land described in the surveyors certificate to be platted into Lots, a Block and Streets to be known as "SANTA FE CROSSING 2ND ADDITION", an Addition to Cheney, Sedgwick County, Kansas. The Drainage and Utility Easements are hereby granted for the construction and maintenance of all public utilities and for drainage purposes. The Joint Access Easement is hereby granted to provide access to both Lots 1 and 2. Construction and Maintenance costs for the joint drive shall be shared equally between the respective owners. The A drainage plan has been developed for this plat and all drainage easements, rights-of-way, or reserves shall remain as established grades, or as modified with the approval of the appropriate governing Engineer, and unobstructed to allow for the conveyance of stormwater. Access Control is hereby granted to the appropriate governing body and is as shown on the face of the plat.

Gregory F. Kampling Marcia A. Kampling
Gregory F. Kampling Marcia A. Kampling

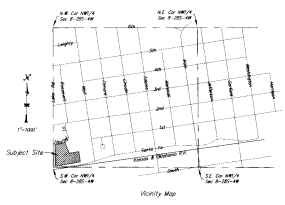
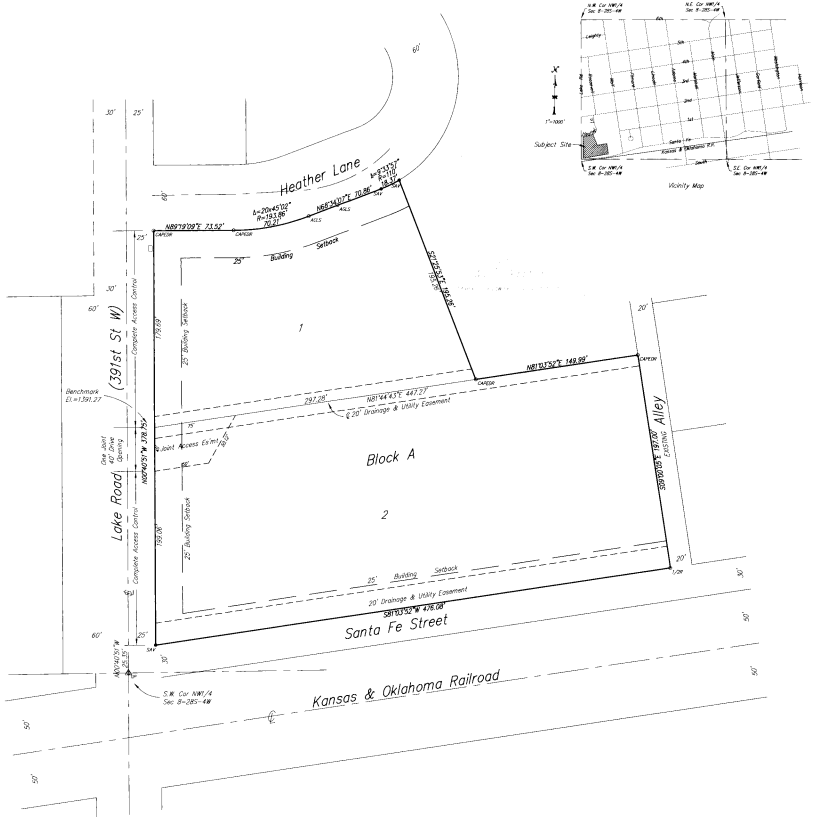
Debora K. Hillman Revocable Trust, Dated November 30, 2013
John A. Hillman Trustee Debora K. Hillman Trustee

State of Kansas) SS
Sedgwick County)
The foregoing instrument acknowledged before me, this day of 2017, by John A. Hillman, Trustee and Debora K. Hillman, Trustee of the Debora K. Hillman Revocable Trust, Dated November 30, 2013, on behalf of the Trust.

My App't. Exp. Notary Public
EVELYN J. MIZE
Notary Public - State of Kansas

State of Kansas) SS
Sedgwick County)
The foregoing instrument acknowledged before me, this day of 2017, by John A. Hillman, Trustee and Debora K. Hillman, Trustee of the Debora K. Hillman Revocable Trust, Dated November 30, 2013, on behalf of the Trust.

My App't. Exp. Notary Public
EVELYN J. MIZE
Notary Public - State of Kansas



Benchmark: Square Cut Top of Curb
1.5' W. of Fire Hydrant E. Side of Lake Road
at Western Corner of Lots 1 & 2,
Santa Fe Crossing 2nd Addition
Elevation = 1361.27 (NA4288)

SURVEY MARKER LEGEND
1/2" 1/2" Rebar (Found - Origin Unknown)
1" Iron Pipe (Found - Origin Unknown)
1/2" 1/2" Rebar w/ Cap (Found - Origin Unknown)
1/2" 1/2" Rebar w/ A.C.S. Cap (Found)
1/2" 1/2" Rebar w/ Savoy Cap (SA)

LEGEND:
P = Plotted
M = Measured

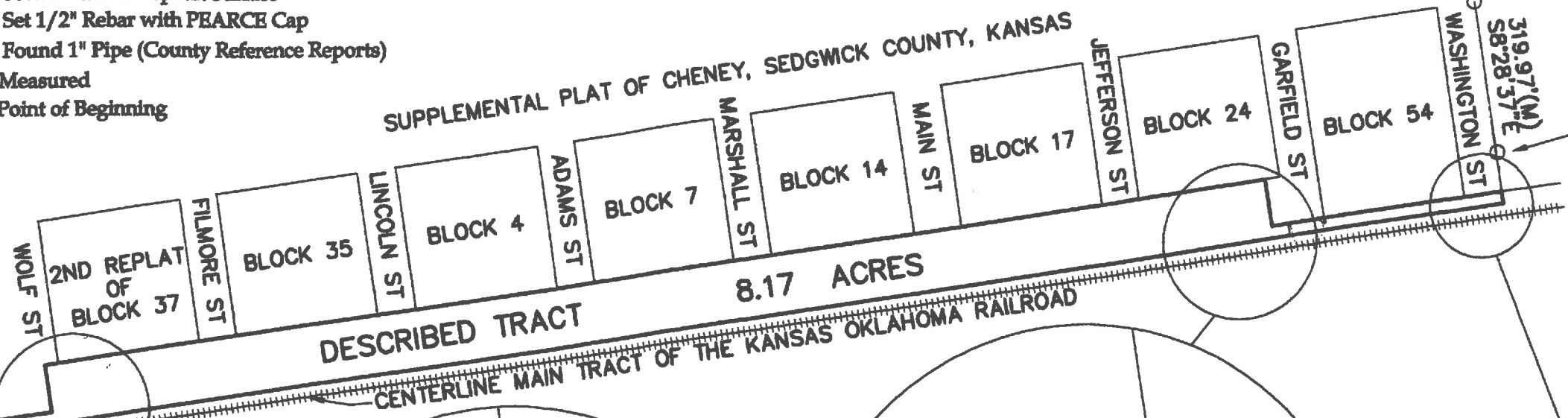
Prepared: August 24, 2017



SCALE 1" = 300'
(Unless noted otherwise)

LEGEND

- ⊗ Set PK Nail in Asphalt Surface
- Set 1/2" Rebar with PEARCE Cap
- Found 1" Pipe (County Reference Reports)
- (M) Measured
- (POB) Point of Beginning



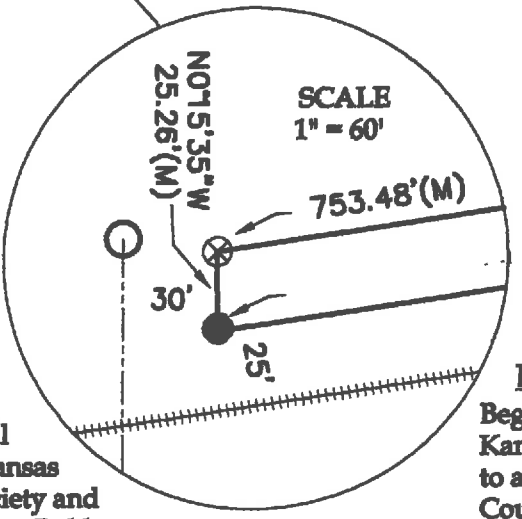
FOUND 1/2" REBAR AT THE SOUTHEAST CORNER OF WASHINGTON AND FIRST AVE

FOUND MACON BAR AND CAP AT THE NORTHWEST CORNER OF LOT 4 B&M FIRST ADDITION

WEST QUARTER CORNER SECTION 8, T28S, R4W

2584.68'(M)
S01°15'35"E

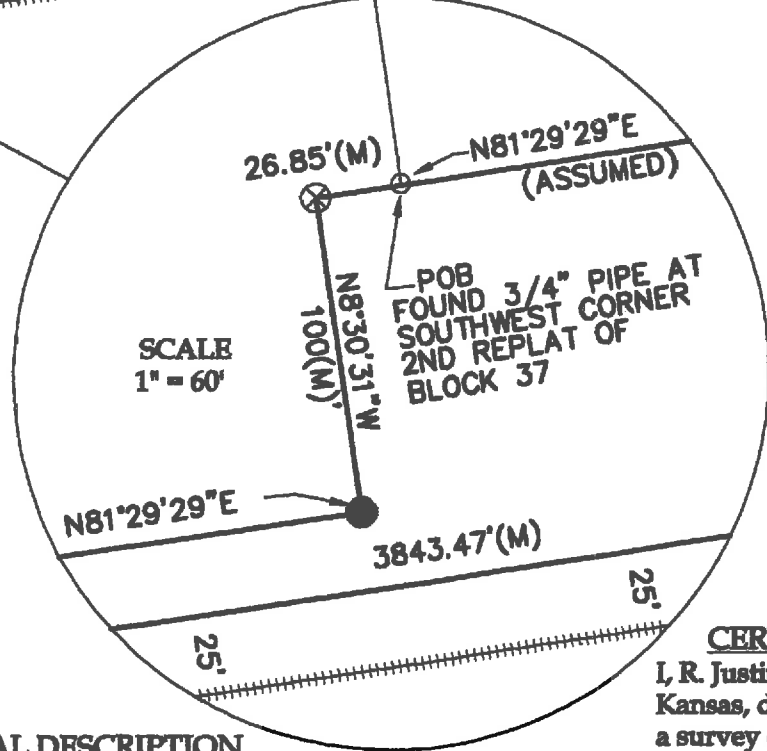
SOUTHWEST CORNER SECTION 8 T28S, R4W



NOTES

Section Corner Reference Ties were taken and will be filed with the Kansas State Historical Society and the Sedgwick County Public Works Department as required by KSA 58-2001.

The bearings shown on this drawing are grid bearings. The basis of bearings is geodetic north from a point 380' west of the West Quarter Corner of Section 8, T28S, R4W.

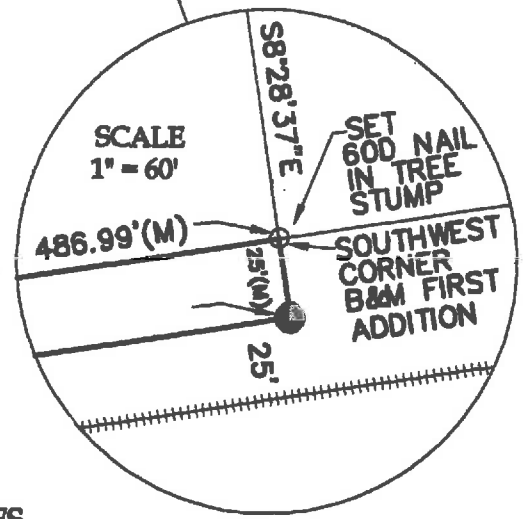
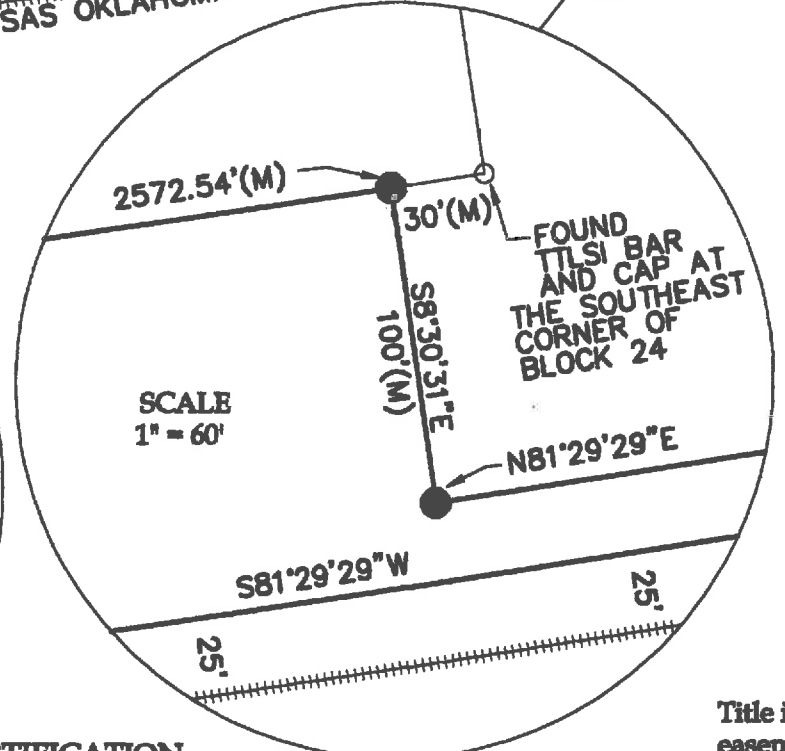
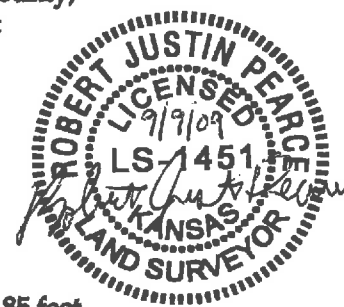


LEGAL DESCRIPTION

Beginning at the southwest corner of the 2nd Replat of Block 37, in Cheney, Sedgwick County, Kansas; thence easterly on an assumed bearing of N81°29'29"E a distance of 2572.54 feet to a point on the south line of Block 24, Supplemental Plat of Cheney, Sedgwick County, Kansas, said point being 30 feet westerly of the southeast corner of said Block 24; thence S8°30'31"E, 100 feet; thence N81°29'29"E, 486.99 feet to the southwest corner of B&M First Addition to Cheney, thence S8°28'37"E on the extended east line of Washington Street, 25 feet, to a point 25 feet and normally distant from the centerline of the main track of the Kansas & Oklahoma Railroad; thence S81°29'29"W and parallel to said centerline of main track, 3843.47 feet to the east right of way of 391st Street West; thence N0°15'35"W, 25.26 feet; thence N81°29'29"E, 753.48 feet; thence N8°30'31"W, 100 feet to the extended south line of the 2nd Replat of Block 37; thence N81°29'29"E, 26.85 feet to the point of beginning, said tract containing 8.17 acres.

CERTIFICATION

I, R. Justin Pearce, a Licensed Land Surveyor in the State of Kansas, do hereby certify that on Sept 9, 2009, I completed a survey of the following described property:



NOTES

Title information was not provided, right of ways, easements, and reservations are unknown. Record Title was not provided, ownership is unknown.

Excluded by surveyor/client agreement: The location of utilities, improvements, possession lines, roadways, drives, railroad siding, trees, structures, buildings, foundations, and fences.

Survey of: **Part of Section 8, T28S, R4W**

Prepared by: **PEARCE surveys**

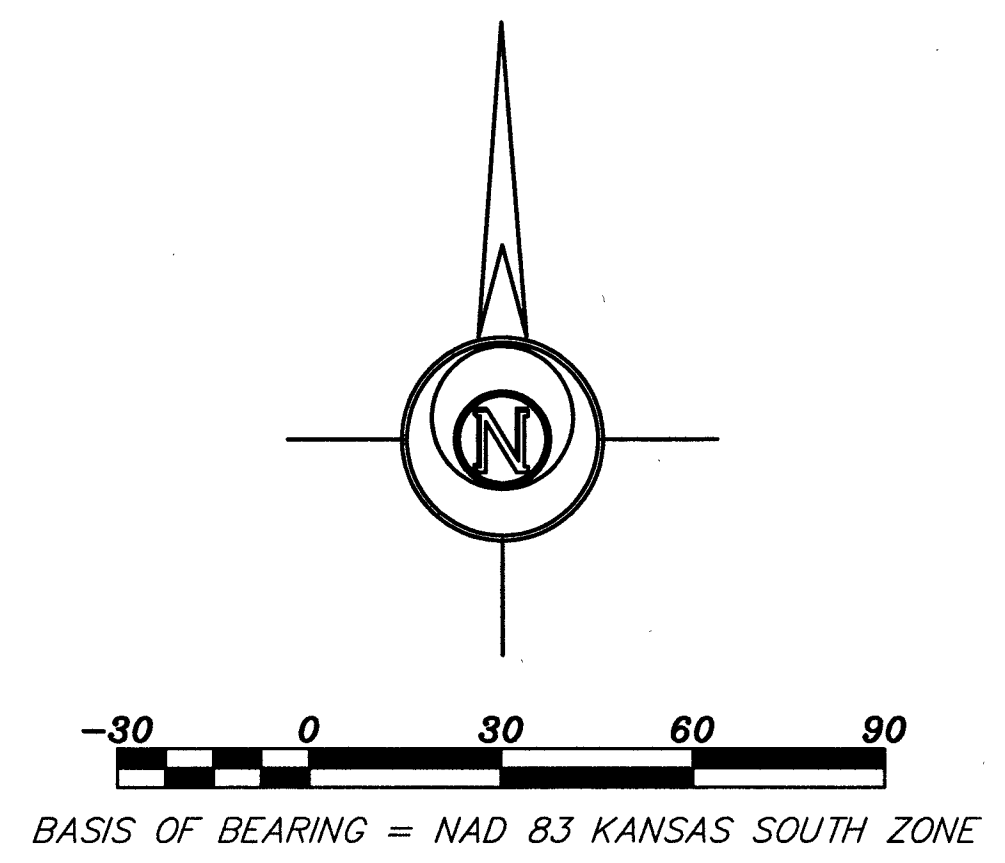
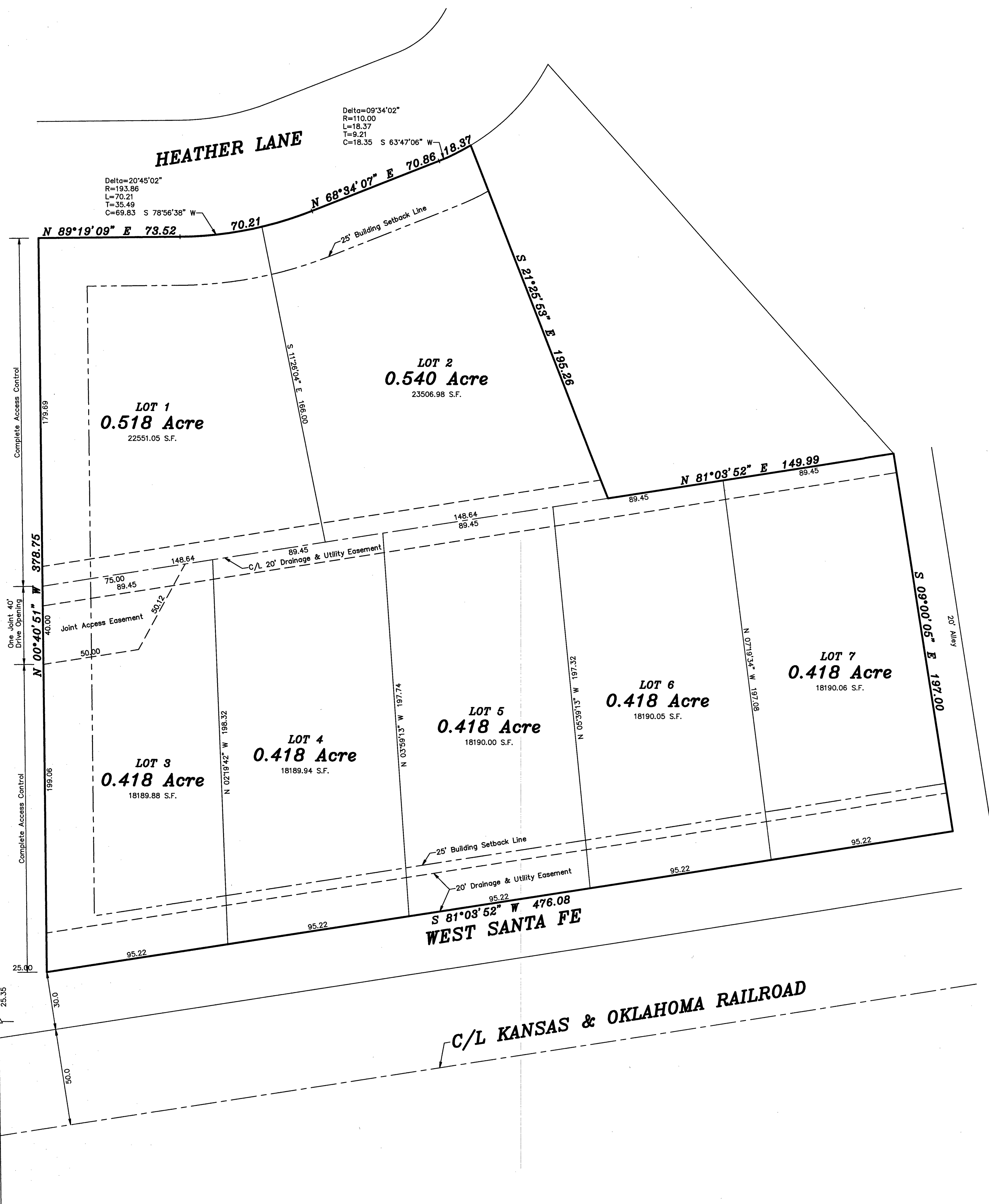
1300 N Spruce
Kingman, Ks 67068
(620) 532-1133
pearcesurveys@sbcglobal.net

File: 090109CHENEYRAIL1.

LAKE ROAD (391st STREET WEST)

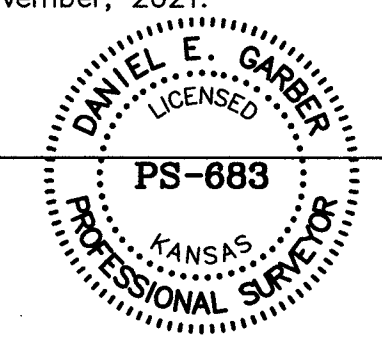
SW Cor. NW 1/4
Sec. 8, T28S, R4W

Computer: 11/19/2021 11:19:29 AM P.A. Speed 11/19/2021 11:19:29 AM by 62262777
Plot Title & Date: Santa Fe Crossing 2nd Addition, 11/19/2021 11:19:29 AM



DESCRIPTION:
Lots 1 & 2, Block A, Santa Fe Crossing 2nd Addition an Addition to Cheney, Sedgwick County, Kansas

SURVEYOR'S CERTIFICATE:
I hereby certify this plat to be a true, correct and complete representation of the property described hereon, as surveyed under my supervision, this 19th day of November, 2021.



Prepared For:	ED LAVERENTZ			Description:	LOTS 1 & 2, BLOCK A SANTA FE CROSSING 2ND ADD. SEDGWICK COUNTY, KANSAS
Prepared By:	Garber Surveying Service, P.A.				
GSS HUTCHINSON 2908 North Plum St. 67502 Ph. 620-665-7032 (Main Office)		BRANCH OFFICES:	MCPHERSON Ph. 620-241-4441	MANHATTAN Ph. 785-320-4810	NEWTON Ph. 316-283-5053
Drawn By:	GAQ	Scale:	1"=30'	Date of Field Work:	2021
Checked By:	DEG	Date:	11/19/2021	Sheet	1 of 1 Sheet(s)
					Job No: G2021-13