ACTION

COMMITTEE		DATE
M.A.P.C.		
B.C.C./B. CO. C.		

No additional work done on this after drft report. JLH 5-28-80

DR 75-13 - Consideration of Appropriate Building Setbacks Adjacent to Rivers by MAPC

Draft 1975

DRAFT/Meek

MEMO

TO Ralph Wulz, City Manager
From Robert A. Lakin, Director of Planning

SUBJECT Appropriate Building Setbacks Adjacent to Rivers.

The Board of City Commissioners in considering amendments to the Marina Lakes Community Unit Plan at their regular meeting of April 29, 1975, requested that the staff study appropriate building setbacks for different types of activity adjacent to rivers. Pursuant to that request the following information is supplied:

The Primary issue relates to the purpose of providing the setback; i.e. whether the area upon which no buildings are to be constructed is intended to provide riverbank protection against errosion, to be preserved for aesthetic value, recreational purposes, landscaping, river access, etc. The purpose of the setback would be the ultimate determinant of setback size or in determining whether ~~even if~~ a building setback is the proper method of goal achievement. For example, if the ultimate purpose is to provide recreational areas then a setback would be inadequate to allow public access and another method such as dedication or fee purchase would be more appropriate.

In consideration of plats, riverbank protection is not presently accomplished through building setbacks but rather by the use of outright dedication of land. The Maintenance Flood Control Office generally requires a 40 foot dedication from the existing bank or the *design bank (whichever is greater); said 40 feet consists of ?

*Design bank - Bank ~~[illegible]~~ three feet above the design water surface. The design water surface for the Big and Little Arkansas Rivers was calculated by the U.S. Army Corps of Engineers based upon expected flow capacities but will soon be changed to reflect the water surface profiles developed by the Department of Housing and Urban Development in conjunction with the flood insurance program. Often erosion has made the existing bank flatter than the design bank would be but rather than providing fill the existing bank location is used.

15' for access and 25 feet for plantings and landscaping (beautification). In reality the actual dedication is often much greater than 40 feet because under Kansas law, property owners adjacent to rivers own to the centerline of the river and under existing policy must dedicate their ownership from the centerline to 40 foot outside of bank (either design or existing). This may be illustrated by the attached table which depicts how much dedication was required on nineteen separate plats adjacent to rivers filed within the last twenty years. As may be noted, dedications ranged from o~~n~~ foot on Benjamin Hills Estates to a maximum of 303 feet on Emel Addition. On those plats where the riverbank dedication varied because of ~~changes~~ differentials in existing or design bank, the range of dedication (such as 30-50 feet) is given. ~~The~~ All dedications were listed on the plat as for the purposes of drainage, riverbank maintenance, flood control, and river beautification unless otherwise noted. Three recent plats (Park Plaza First Addition, Two Rivers Addition, and Kinkaid Park 2nd Addition) have included recreation as one of the dedication purposes which would allow some public recreational uses on the dedicated land. A 1957 plat, Brunch Addition, allowed a recreation easement on the water surface only.

It is also interesting to note that building setbacks adjacent to the river on the various plats were primarily governed by the zoning ordinance, utility easement requirements, or firelane needs. A few plats such as Andrews Addition, Richard Dunn Addition, WIllow Park Estates, and L.J. Timmermeyer

RECEIVED
SEP 1 1973
METROPOLITAN
PLANNING

WEST WICHITA PLANNING COUNCIL

August 9, 1973

COUNCIL MEMBERS PRESENT: John S. Lanz, Ewing Lawrence, Arlene Deuel, Norman Mueller, Lee Roy Haynes, Harold Matheny, Jack Kinderknecht, Stephen Murphy, W. E. Landers, Hervy D. Martens, Mary M. Rogers, Glea Rittgers, Chairman

VISITORS PRESENT: None

STAFF PRESENT: Bob Finkbiner, Ken Kallenbach, Thad Ford, Cheryl Phillippi

The West Wichita Planning Council met on August 1, 1973, at 7:00 a.m. at the Wichita State Bank Board Room, 113 South Osage to discuss policies directed toward residential conservation.

Questions included such matters as:

1. How much emphasis is the Bi-Centennial going to have on the planning recommendations or decisions? Kallenbach responded with the latest news on the matter of the reduced funding possibilities and the temporary type of park development which will occur if this money becomes available. This temporary park use would be a stimulus for further and better re-use of the land slated for the park site.

2. When is the City Material Yard to be relocated? Kallenbach's response was that the City had made some commitment to this relocation in the near future and that these yards will be relocated regardless of the Bi-Centennial funding possibilities. Because of this commitment by the City, there will be some change in the land use presently occupied by the yards to a denser use.

3. What are the urban renewal policies on grants and loans for residential rehabilitation? Rehabilitation loans and grants may be made available to home owners in the West Douglas Area providing the applicants meet the financial requirements and live on a parcel zoned as "residential" classification.

4. How will the transportation flow on Second Street and Douglas be affected after the First/Second Street Bridge is completed? There will possibly be some increase in the flow of traffic on Second and some decrease on Douglas, but the changes are not likely to be significant enough to affect signalization or parking on the streets. The major increase in traffic flow along Second Street is expected between Waco and Seneca. Traffic west of Seneca should be encouraged to use McLean and Douglas in order that neighborhood integrity can be preserved.

Addition contained riverbank access easements because the requirement of further dedications would have rendered the property undevelopable. However, the salient point is that riverbank protection, aesthetics, or recreational opportunities have not been generally accomplished through the use of building setbacks but rather through dedication.

Building setbacks have been successfully used in Wichita to minimize the harmful effects of strip zoning and to isolate large traffic generators. However the effectiveness of setbacks as a "buffer zone" is rather limited because parking and circulation aisles are permitted within building setbacks in the "LC" Light Commercial Zone. If an adequate "buffer" is desired, then perhaps a less intensive use classification would be most appropriate. If large recreational areas are needed, then perhaps fee title purchase, recreational easement purchase, or outright parkland dedication is the proper solution. There are many methods of riverbank preservation and the proper method is contingent upon the use desired for the land.

City Commission Communication

Subject: Proposed Disposition of Old City Building, Police Building, and Municipal Courts Building

CC 622-3
June 28, 1973

ACTION

A meeting was held with the Wichita Historical Museum Association and the City Commission on June 12, 1973 at which several items were discussed regarding Wichita Historical Museum Association's eventual usage of the City Building. Resulting from that meeting was the reaffirmed position that the Wichita Historical Museum Association would utilize the facility as a historical museum upon assurance that the association possessed the ability to finance the operation of the facility.

It has been estimated that restoration of the building to bring it up to code standard would require a minimum of $37,000. The expenditures would be in the areas of fire safety and improvements to the electrical system. The demolition of the Police Building would require an additional $17,500. It is estimated that demolition of the Municipal Courts Building would approach this same amount. The demolition costs would be covered either by the Urban Renewal project funds or by available City funds.

RECOMMENDATION

It is recommended that the City Commission approve the resolution providing for the use of the Wichita City Building, 204 South Main, by the Wichita Historical Museum Association upon vacation of City offices from this facility.

It is further recommended that the City Commission authorize the City Manager to negotiate an agreement between the City and the Wichita Historical Museum Association wherein the association would lease the City Building from the City and provide for operation and maintenance of the facility. In this connection the Director of Law will be instructed to include in the City's 1974 Legislative Program a request for authority for extension of the current legal lease period.

Third, it is requested that the City Commission determine the fate of the Police and Municipal Courts Buildings and the future use of the area vacated by these buildings if it is decided that one or both are to be razed. If it is decided that one or both of the Police and Municipal Courts Buildings are to be razed it is recommended that the City Commission authorize the City Manager to further negotiate with the Urban Renewal Agency for funds to construct a gas light park on the vacated land as has been discussed earlier in this communication.

Respectfully submitted,

Ralph Wulz
City Manager

RW:jlk

City of Wichita, Kansas

PLATS ADJACENT TO RIVERS WHICH REQUIRED FLOOD CONTROL DEDICATIONS OR EASEMENTS

Subdivision	Date Recorded	Zoning	[1] Platted Setbacks (from river)	[2] Right-of-way Dedication
Brunch	11/26/57	LC	10' utility	200'-420 recreational uses on water surface only
Marina Lake 3rd	07/09/73	LC	69'-fire lane(24') & utility (35')	10'-90'(by separate inst.)
Marina Lake 5th	In process of platting	B (LC requested)	35' building setback	30'-50'
Church Park	06/27/67	C	15' access easement	5'-20'
Kinkaid Park 2nd	08/23/74	C	---	48'-142' includes recreation
Two Rivers (Indian Center)	approved 04/15/75 (not recorded)	A	o	67' Includes recreation
Park Plaza First	08/01/69	B & LC	30' river easement	132±' includes recreation
Twin Lakes Office	01/31/72	BB	8' utility easement	60'
Replat Blk. K Benjamin Hills Ests	07/24/64	AA	20'utility easement	0'
Robson's Scenic Heights	06/06/67	AA	8' utility easement	20'-40'
Kratzer Addition	10/11/67	AA	0	50'
Andrews	06/18/74	AA	20'utility & riverbank easement access	120'-260'
Bachman	11/03/66	AA	0	20' - 260'
Richard Dunn	08/25/66	AA	20' drainage access and flood control easement	140' - 170'
Emel	07/25/72	AA	10' utility	271' - 303'
L.J. Timmermeyer	07/23/64	AA	20' drainage access & flood control easement	95' - 266'
Willow Park Estates	08/11/69	AA	15' access easement	120' - 250'
Womer's Sixth	10/17/63	AA	20' utility easement	30' - 120'
River Park	03/13/64	AA	30' utility easement	50' - 120'
Lester Turley	02/28/69	AA	0	21'- 54'

[1] Yard setback requirements of zoning district also apply.

[2] Dedication for drainage, riverbank maintenance, flood control, and river beautification unless otherwis noted.

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE April 29, 1975

TO The File

FROM Jack H. Galbraith, Chief Planner

SUBJECT DR 75-13 - Consideration of appropriate building setback adjacent to Rivers

On this date in the consideration of the Marina Lake community unit plan, the Board of City Commissioners requested that the Planning Commission consider a policy of appropriate building setbacks adjacent to rivers.

JHG

Jack H. Galbraith

JHG:js