

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 3

December 9, 1993

STAFF REPORT

(Final Plat, Preliminary Plat Approved 10/28/93)

CASE NUMBER: S/D 93-45 BAREFOOT BAY

OWNER/APPLICANT: Grandview Inc., c/o Ritchie Assoc., 8100 East 22nd Street North - Building 1000, Wichita, KS 67226

SURVEYOR/ENGINEER: Yung Design Group, Attn: Terry Smythe, 4912 East 29th Street North - Suite One, Wichita, KS 67220

LOCATION: One-half mile north of 21st Street North on North Shore Blvd.

SITE SIZE: 48 Acres Approximately

NUMBER OF LOTS

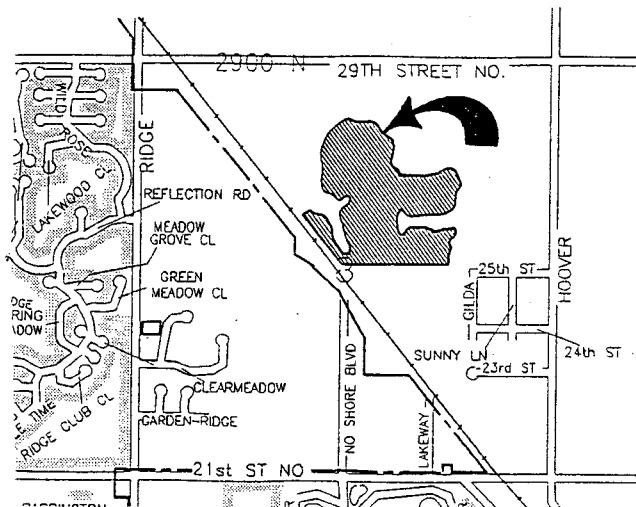
Residential:	41
Office:	
Commercial:	
Industrial:	
Total:	<u>41</u>

MINIMUM LOT AREA: 26,400 sq. ft.

CURRENT ZONING: "E", "R-1" (County)

PROPOSED ZONING: "AA" (City upon annexation, SCZ-660)

VICINITY MAP:



NOTE: This site is in the County, but adjacent to Wichita's City Limits. Most of this site is also under "E" Light Industrial zoning. Within the City of Wichita, "E" zoning does not allow one-family and other residential uses. The site is, however, being platted for one-family development and will be using municipal services.

It should also be noted that this site is in an area the Comprehensive Plan indicated as being reserved for agricultural uses and not expected to be developed for residential uses. Apparently the City Engineer now feels that municipal sewer can be extended to this tract. Planning is not opposed to urban density development for this tract, but it should be noted that if the MAPC approves this plat, the Plan should eventually be amended to reflect the change in the urban growth boundary.

STAFF COMMENTS:

- A. Prior to this plat being forwarded to the City Council, the applicant shall request and obtain annexation to Wichita and a zone change to "AA" One-family zoning. This plat shall be subject to any requirements of such an annexation and zone changes. (The required zone change is being submitted as a County Case (SCZ-660) and is scheduled to be heard by the MAPC 12/2/93).
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This shall also include any needed off-site improvements.
- C. The applicant shall guarantee the extension of City water to serve the lots being platted. This shall also include any needed off-site improvements.
- D. The applicant shall guarantee the paving of the proposed interior streets. To access this site, off-site improvements are being provided for North Shore Boulevard.
- E. The applicant shall guarantee any drainage improvements required by the platting of this property.
- F. The applicant shall guarantee construction of the storm sewers required by this plat.
- G. The applicant shall submit a letter from the Missouri Pacific Railroad indicating its agreement to allow the street crossing proposed for this site.

- H. As was indicated by the preliminary plat, an emergency access easement was being proposed from the plat's southeast corner, eastward out to Hoover. As required by the Subdivision Regulations, the applicant is to guarantee the installation of improvements needed for this access easement (all weather driving surface, gates, etc.).

Since such required improvements are of a non-public nature, a petition cannot be used for these improvements. That portion of the easement not within the plat would also need to be created by separate instrument. Such an easement should first be submitted to Planning and the Fire Department for review. Upon approval such document needs to be recorded by the applicant and a recorded copy submitted to Planning for the plat file.

Prior to submitting the final plat, the applicant was to meet with the Fire Department Representative to determine if the existing driving surface, gates, etc. indicated as being present are acceptable or if improvements still need to be provided. Also, if indicated necessary, an easement greater than the 10-foot easement shown on the preliminary plat was to be provided. The applicant also needed to discuss with the Fire Department acceptable street names for this plat.

As can be noted by the final plat, the applicant is now showing a 20-foot easement off-site, but immediately adjacent to the plat's south line. The representative from the City's Fire Department needs to indicate if this easement is now acceptable and if any improvements need to be provided. If acceptable, the easement needs to be recorded so that the recording information can be shown on the final plat tracing. A copy of this recorded easement shall also be submitted for the plat file.

The Fire Department representative shall also indicate if the street names now shown on the plat are acceptable.

- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the

event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.

- K. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. The applicant shall submit a letter indicating that the buildings in Reserve D will be removed upon completion of this site's development or upon a request by the Office of Central Inspection.
- M. On the final plat tracing, a reference shall also be placed on the face of the plat (sheet showing the lots) indicating that this site is subject to minimum building pad elevations as referenced in the plat's text.
- N. On the final plat tracing, the recording information for the off-site dedication of right-of-way, for North Shore, shall be shown. A recorded copy of this dedication shall be submitted for the plat file.
- O. The plat's text shall be amended on the final plat tracing to indicate that any activity within the floodway needs to be approved by the City rather than appropriate Engineer.
- P. Prior to the release of the final plat tracing, the applicant shall provide proof that the property taxes noted in the platting binder have been paid.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- T. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- U. Recording of the plat within 30 days after approval by the City Council.
- V. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to indicate the acceptability of the indicated minimum building pad elevation and if Reserve D adequately provides for the indicated floodway.
- W. The applicant is advised that various State and Federal requirements for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 4

October 28, 1993

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 93-45 BAREFOOT BAY

OWNER/APPLICANT: Grandview Inc., c/o Ritchie Assoc., 8100 East 22nd Street North - Building 1000, Wichita, KS 67226

SURVEYOR/ENGINEER: Yung Design Group, Attn: Terry Smythe, 4912 East 29th Street North - Suite One, Wichita, KS 67220

LOCATION: One-half mile north of 21st Street North on North Shore Blvd.

SITE SIZE: 48 Acres Approximately

NUMBER OF LOTS

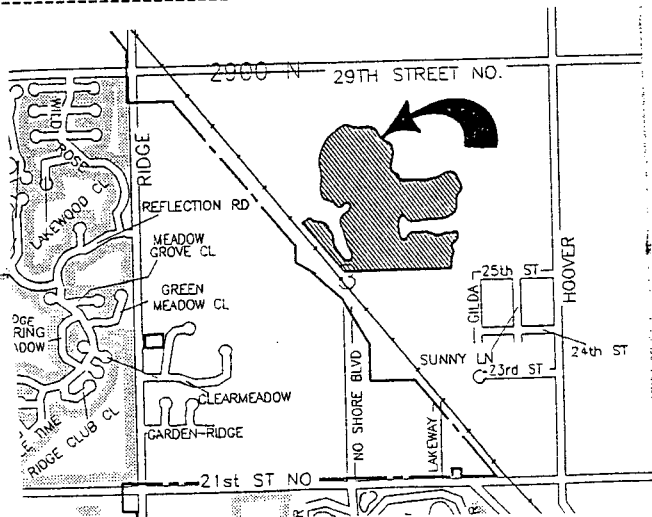
Residential:	41
Office:	
Commercial:	
Industrial:	
Total:	<u>41</u>

MINIMUM LOT AREA: 26,400 sq. ft.

CURRENT ZONING: "E", "R-1" (County)

PROPOSED ZONING: "AA" (City)

VICINITY MAP:



NOTE: This site is in the County, but adjacent to Wichita's City Limits. Most of this site is also under "E" Light Industrial zoning. Within the City of Wichita, "E" zoning does not allow one-family and other residential uses. The site is, however, being platted for one-family development and will be using municipal services.

It should also be noted that this site is in an area the Comprehensive Plan indicated as being reserved for agricultural uses and not expected to be developed for residential uses. Apparently the City Engineer now feels that municipal sewer can be extended to this tract. Planning is not opposed to urban density development for this tract, but it should be noted that if the MAPC approves this plat, the Plan should eventually be amended to reflect the change in the urban growth boundary.

STAFF COMMENTS:

- A. Prior to this plat being forwarded to the City Council, the applicant shall request and obtain annexation to Wichita and a zone change to "AA" One-family zoning. This plat shall be subject to any requirements of such an annexation and zone changes.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This shall also include any needed off-site improvements.
- C. The applicant shall guarantee the extension of City water to serve the lots being platted. This shall also include any needed off-site improvements.
- D. The applicant shall guarantee the paving of the proposed interior streets. To access this site, off-site improvements are being provided for North Shore Boulevard. City Engineering needs to indicate if any additional guarantees are required for this street. Also, Engineering needs to indicate any special requirements (guarantees) needed for the railroad track crossing.
- E. The applicant shall guarantee any drainage improvements required by the platting of this property.
- F. The applicant shall guarantee construction of the storm sewers required by this plat.
- G. The applicant shall submit a letter from the Missouri Pacific Railroad indicating its agreement to allow the street crossing proposed for this site.

- H. As indicated by this plat, an emergency access easement is being proposed from this plat's southeast corner, eastward out to Hoover. As required by the Subdivision Regulations, the applicant shall guarantee the installation of improvements needed for this access easement (all weather driving surface, gates, etc.).

The representative from the City's Fire Department should be prepared to comment on this emergency access easement. That is, the types of improvements to be guaranteed, the width of the indicated easement, and so forth.

Since any required improvements are of a non-public nature, a petition cannot be used for these improvements. That portion of the easement not within this plat will also need to be created by separate instrument. The easement should first be submitted to Planning and the Fire Department for review. Upon approval this document needs to be recorded by the applicant and a recorded copy submitted to Planning for the plat file.

- I. Considering the location of the emergency access easement and a wall easement immediately adjacent to the north line of this easement, it seems impractical to burden Lot 41 with these two easements. It is recommended that on the final plat that Reserve D be extended along what is now the south 15 or so feet of Lot 41.
- J. The final plat shall state in the plattor's text the purposes of the proposed reserves as well as who is to own and maintain the reserves.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.
- M. The applicant shall submit a covenant which provides for four (4) off-street

parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.

- N. Prior to this plat being released for recording, the applicant shall submit a letter indicating that the buildings in Reserve D and Lots 27 and 28, have been removed.
- O. On the final plat, it shall be noted in the plattor's text that utilities may cross the wall easement.
- P. On the final plat, the easements and building setbacks shall be clearly labeled within Reserves C and D. In particular, it is unclear as to what the dashed lines indicate along the south line of these Reserves.
- Q. When this site was reviewed by Planning as a sketch plat, the northern portions of Lots 20 and 21 were shown as part of the Lake or what is now being platted as Reserve F. At nearly 700 feet, Lot 21 obviously exceeds the Subdivision Regulations criteria for lots not to exceed in length a lot's width by a ratio of 2 1/2 to 3. This is a unique situation, however, in which this requirement is justifiable in being waived, but the applicant is requested to explain the reasons behind allowing a lot or lots of this nature.
- R. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- S. Requirements for a final plat (see pages 24-29, Part 4, Article 5 of the MAPC Subdivision Regulations).
- T. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative

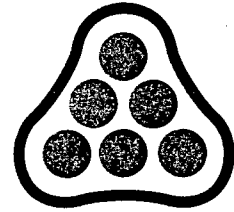
mailbox locations can be determined.

- W. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.

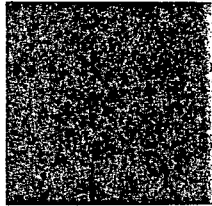
- X. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept. Also, Engineering needs to indicate if any part of this site should be platted for floodway and if or what requirements there are for the platting of minimum building pad areas. The Public Works Director recently has raised a concern with Planning staff that building lots in areas of high groundwater like this should be prevented from constructing basements which are likely to be below the water table and thus likely to flood. Engineering staff should indicate if a minimum elevation should be established for any floors, including basement floors, on this plat.

October 31, 1996

Mr. Mike Lindebak, P.E.
The City of Wichita
City Engineer's Office
455 N. Main Street
Wichita, KS 67202



PROFESSIONAL
ENGINEERING
CONSULTANTS
PROFESSIONAL ASSOCIATION



Attention: Ms. V.R. Huang, P.E.

Reference: Barefoot Bay
Plat Correction
PEC Project No. 36-93444-2051

Dear Mr. Lindebak:

Transmitted herewith is a Certificate of Correction to Plat and accompanying Affidavit for the City Engineer. This correction is for certain distances and bearings as described. With concurrence of your office, please obtain a notarized signature of the City Engineer.

Thank you for your cooperation.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

Michael W. Berry, P.E.
Manager
Land Development Division

MWB:plr

Encl: As noted

cc. Beckett
File 36-93444-3-2051
Rob Ramseyer, Ritchie Associates

CERTIFICATE OF CORRECTION TO PLAT

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

We, Professional Engineering Consultants, P.A., Engineers and Surveyors in aforesaid State and County do hereby state that there are certain errors in the bearings in Lot 40, Block 1, Barefoot Bay an Addition to Wichita, Sedgwick County, Kansas.

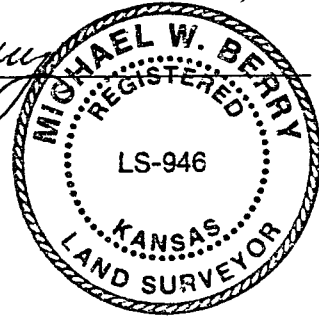
The bearing along the northerly line of said Lot 40 should be N59°26'23"E and not N56°26'23"E as shown; also along the easterly line the bearing shown as N9°23'13"E should be changed to N9°32'13"E.

Date 10/30/96

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

Michael W. Berry

Michael W. Berry, R.L.S. No. 946



PLA - ENGINEERING
2021-1-1282
RECEIVED

AFFIDAVIT

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

Michael E. Lindebak, P.E., City Engineer for the City of Wichita, Kansas, being first duly sworn, on oath states:

That there are certain errors in the bearings in Lot 40, Block 1, Barefoot Bay an Addition to Wichita, Sedgwick County, Kansas.

The bearing along the northerly line of said Lot 40 should be N59°26'23"E and not N56°26'23"E as shown; also along the easterly line the bearing shown as N9°23'13"E should be changed to N9°32'13"E.

FURTHER AFFIANT SAITH NAUGHT.

[Signature]
Michael E. Lindebak, P.E.

Dated this 5th day of November, 1996

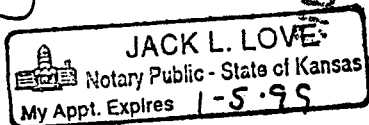
(SEAL)

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

Be it remembered that on this 5th day of November, 1996 before me, a Notary Public in and for said State and County, came Michael E. Lindebak, City Engineer for the City of Wichita, Kansas, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

[Signature], Notary Public

My Appointment Expires: 1/5



RECEIVED
11/5/96
ENGINEERING