

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2  
May 13, 1993

STAFF REPORT  
(Final Plat)

CASE NUMBER: S/D 93-25 - BERNHARDT ADDITION Final Plat

OWNER/APPLICANT: Chris A. & Amelia A. Bernhardt, 9600 E. 47th Street South, Wichita, KS 67037

SURVEYOR/ENGINEER: Baughman Company, P. A., 315 Ellis, Wichita, KS 67211

LOCATION: Southwest corner of Webb Road and MacArthur Road

SITE SIZE: 159,036 square feet

NUMBER OF LOTS

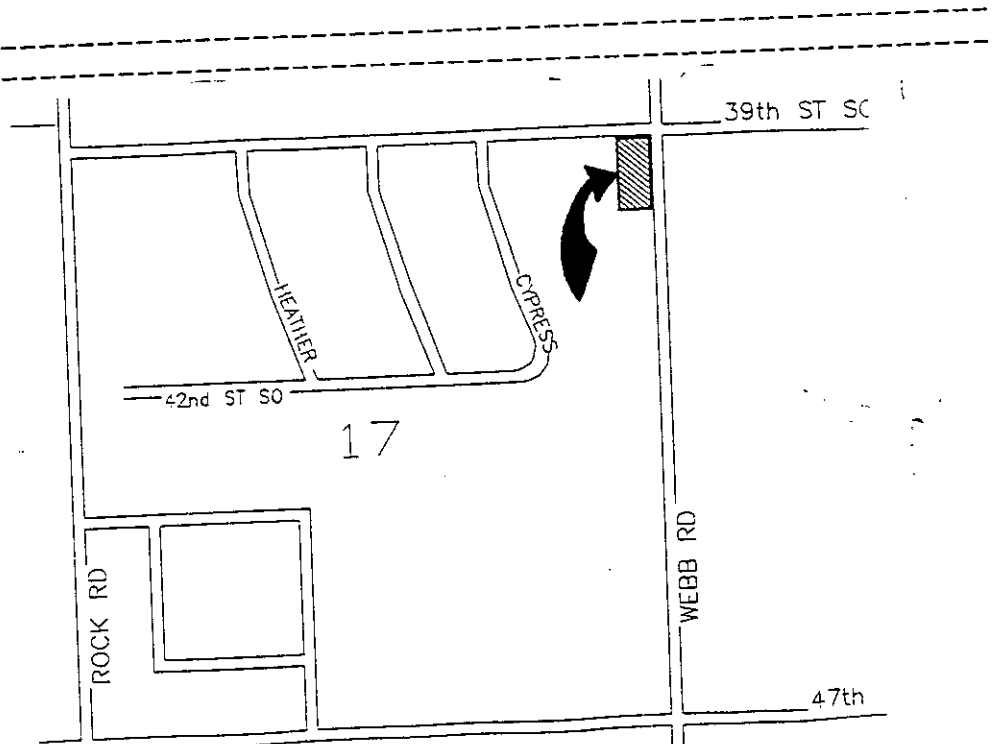
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1

MINIMUM LOT AREA: 159,036 sq. ft.

CURRENT ZONING: "LC" and "R1"

PROPOSED ZONING:

VICINITY MAP:



STAFF COMMENTS:

NOTE: This site is in the County and is under "LC" Light Commercial Zoning for most of the area being platted. This site is also intending to apparently use on-site sanitary sewer (lagoon) and water. However, it has been indicated that the intended development for the site is residential. Further, the site's present size is approximately 3.65 acres or appreciably below the 5 acre (4.5 in certain situations) requirement, as indicated by the Subdivision Regulations, for the use of a lagoon.

However, most of the quarter section in which this site is located was laid out in 5 acre tracts at a time when the Subdivision Regulations provided an exemption from platting, to obtain a residential building permit for tracts 5 acres or larger in size. Further, the requirement for 5 acres for lagoon use allowed street right-of-way to be included in a site's gross size. This area presently has a 20-acre exemption for platting and the current subdivision regulations do not provide that adjacent right-of-way can be considered in the site's size for purpose of allowing a lagoon.

- A. As indicated by Section 7-204,(T) of the Subdivision Regulations, property being platted for the use of lagoons and on-site water should at a minimum be 5 acres in size (with lots of 4.5 acres allowed in certain cases). Further, this minimum lot size is to be exclusive of street right-of-way. Approval of this plat is therefore subject to waiver of this platting requirement by the Metropolitan Area Planning Commission.
- B. In addition, however, the five acre requirement is also a County Health Department standard which, in addition to the MAPC's waiver of the Subdivision requirements, must also be waived by the County Health Department. This plat must, therefore, obtain approval for the use of on-site facilities and if a lagoon is to be used, a waiver shall be obtained. The applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for the use of on-site sanitary sewer and water wells. A memorandum shall be obtained specifying approval.
- C. The applicant is advised that the majority of this site is zoned "LC" Light Commercial. Only approximately the south 110 feet is under County "R-1" Suburban Residential zoning. Since this site is being planned for residential development, in order to avoid concerns with the compatibility of this site with the actual residential uses adjacent to the site or its proper classification for tax purposes, it is recommended that the applicant apply for a zone change to "R-1" zoning.
- D. The applicant shall submit a copy of the instrument which establishes the Beech Aircraft Corporation Pipeline Easement on this property. The applicant's agent shall determine any setback

requirements from the pipeline by researching the text of the pipeline agreement. If a setback from the pipeline easement is provided for in the pipeline easement agreement, it shall be indicated on the face of the plat.

- E. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- F. On the final plat tracing, a County Commission approval/signature block shall be provided. This site is within 3-miles of Wichita and both the City Council and County Commission need to approve this plat.
- G. On the final plat tracing, the face of the plat shall also indicate the access control (openings) being allowed to MacArthur and Webb in the areas beyond the 100 feet of complete access controls.
- H. The applicant's agent is reminded that a platting binder is to be submitted with the final plat. This plat shall be subject to review of this platting binder and any applicable requirements.
- I. 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.
- J. 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.
- K. 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.
- L. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- M. Recording of the plat within 30 days after approval by the City Council.
- N. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- O. The representative from County Engineering should be prepared to comment on the status of the applicant's drainage plan.

Note: This plat has been submitted in final form only.