

**SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 4**

~~December 22, 1994~~  
January 19, 1995

STAFF REPORT

(Final Plat Deferred from 12/22/94, Preliminary Plat Approved 10/13/94)

CASE NUMBER: S/D 94-75 CREEKSIDE ESTATES ADDITION

OWNER/APPLICANT: Balmoral Briar, LLC, Attn: Jerry Michaelis, 2307 McLean Blvd., Wichita, K 67204

SURVEYOR/ENGINEER: Savoy, Ruggles, & Bohm, P.A., c/o Mark Savoy, 924 N. Main, Wichita, KS 67203

LOCATION: 1/3-mile north of 29th Street North and 1/2-mile west of 119th Street West

SITE SIZE: 51.5 Acres

NUMBER OF LOTS

Residential:	33
Office:	
Commercial:	
Industrial:	
Total:	33

MINIMUM LOT AREA: 40,000 sq. ft.

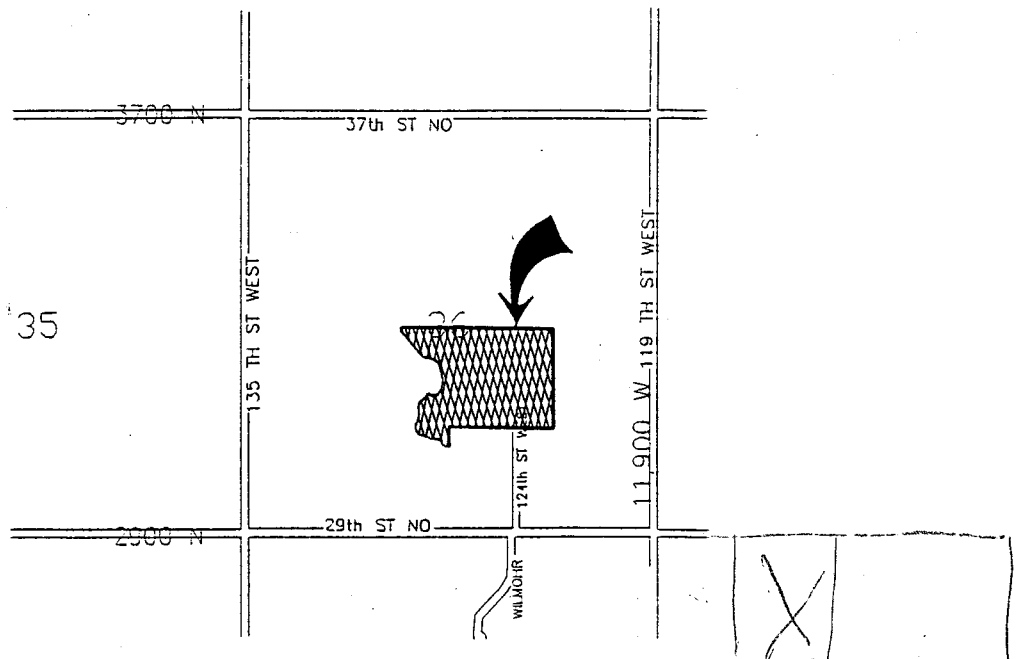
CURRENT ZONING: "R-1 (and a very small portion of "R" in extreme northwest corner.)

PROPOSED ZONING: Same

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VICINITY MAP:



NOTE: As requested, this plat has been redesigned in order to shorten a cul-de-sac and reduce the number of Reserves. As a result, a reduction of one (1) lot has also occurred.

STAFF COMMENTS:

- A. Based upon the Comprehensive Plan this site is in an area designated for "Suburban" type development. Under the suburban classification a lot size of one (1) acre is considered the appropriate minimum size. Such a lot size reflects both the intended rural character for such areas, but also the minimum size needed for the use of on-site sewer and water facilities. Several lots, however, are at or just above 40,000 square feet or just under one (1) acre. The majority of lots, though, exceed the one (1) acre criteria and it is recommended that approval of this plat be considered to indicate that it is substantially in compliance with the Comprehensive Plan.
- B. Until property either to the north or east of this site develops, only one means of access will exist to this site. For a number of lots access out to 29th Street West will be over 1/2 mile in distance. For safety or emergency purposes such access is unacceptable. The applicant shall, therefore, obtain a second means of at least emergency access for this site. Specifically, it would appear that such an access easement could be provided from 119th Street West in the area indicated as being proposed as 32nd Street North. Based on aerial photos, the site now being platted appears to have been or is in the same ownership as the property to the east. This easement needs to be provided by separate instrument being a minimum of 20 feet in width, with provisions also made for the installation and maintenance of an all weather driving surface within this easement. Before submitting the final plat, the applicant was to meet with County Fire Department staff to determine the acceptability of any such access easement. At this time, the applicant's agent has indicated that they've been unsuccessful in obtaining such access.
- C. Since neither municipal water nor sanitary sewer is available to serve this property, 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 approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. Based upon the lot sizes being platted, approval for septic systems shall be required. The applicant is advised that the use of on-site facilities is to be considered only temporary for this site. City sewer and water may be available to this area in the near future.
- D. The applicant shall submit petitions for the future extension of municipal water and sanitary sewer to this site. These petitions will be held until such time as such facilities are adjacent to or reasonably available to this site.
- E. This area is both within 3-miles of the City of Wichita and is platting lot sizes which requires the guaranteeing of paving of the interior streets to the suburban paving standard. This guarantee shall also provide for a temporary cal-de-sac in the vicinity of lot 24, block 3.
- F. The applicant shall guarantee any drainage improvements required by the platting of this property.
- G. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- H. 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.
- I. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the County 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.
- J. Based upon the Comprehensive Plan, a recreational corridor is indicated along the Cowskin Creek located along the west line of this plat. As indicated on the plat, this corridor is being granted by separate instrument. This instrument shall be submitted to Planning for review and processing.
- K. The applicant either in the plat's text of the final plat tracing needs to cite the dedication of the temporary cul-de-sac and the conditions under which it would or will be vacated, or at least cite that it has been dedicated by separate instrument with such instrument submitted to Planning for processing with the plat.
- L. On the final plat tracing, the MAPC signature block shall be amended to indicate John W. McKay, Jr., as Chairman.
- M. As indicated in the platting binder, a mortgage is being held on this site by the Chisholm Trail State Bank. This party shall either be included as a signatory on the plat or proof submitted to Planning indicating that the mortgage has been released.
- N. 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.
- O. 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
- P. 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.
- Q. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- R. Recording of the plat within 30 days after approval by the City Council.
- S. The representatives from County Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to confirm the acceptability of the indicated minimum building pad elevations.

**SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 7**

December 22, 1994

STAFF REPORT

(Final Plat, Preliminary Plat Approved 10/13/94)

CASE NUMBER: S/D 94-75 CREEKSIDE ESTATES ADDITION

OWNER/APPLICANT: Balmoral Briar, LLC, Attn: Jerry Michaelis, 2307 McLean Blvd., Wichita, KS 67204

SURVEYOR/ENGINEER: Savoy, Ruggles, & Bohm, P.A., c/o Mark Savoy, 924 N. Main, Wichita, KS 67203

LOCATION: 1/3-mile north of 29th Street North and 1/2-mile west of 119th Street West

SITE SIZE: 51.5 Acres

NUMBER OF LOTS

Residential:	33
Office:	
Commercial:	
Industrial:	
Total:	<u>33</u>

MINIMUM LOT AREA: 40,000 sq. ft.

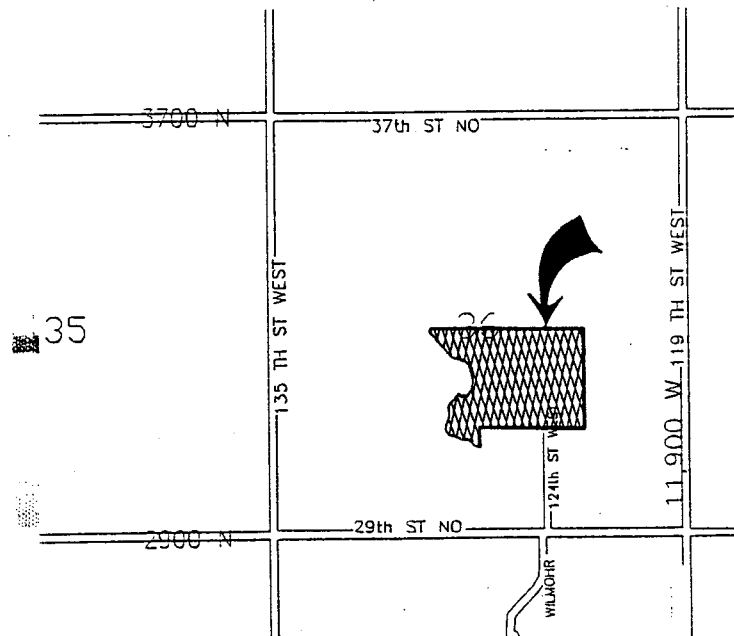
CURRENT ZONING: "R-1 (and a very small portion of "R" in extreme northwest corner.)

PROPOSED ZONING: Same

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VICINITY MAP:



NOTE: As requested, this plat has been redesigned in order to shorten a cul-de-sac and reduce the number of Reserves. As a result, a reduction of one (1) lot has also occurred.

STAFF COMMENTS:

- A. Based upon the Comprehensive Plan this site is in an area designated for "Suburban" type development. Under the suburban classification a lot size of one (1) acre is considered the appropriate minimum size. Such a lot size reflects both the intended rural character for such areas, but also the minimum size needed for the use of on-site sewer and water facilities. Several lots, however, are at or just above 40,000 square feet or just under one (1) acre. The majority of lots, though, exceed the one (1) acre criteria and it is recommended that approval of this plat be considered to indicate that it is substantially in compliance with the Comprehensive Plan.
- B. Until property either to the north or east of this site develops, only one means of access will exist to this site. For a number of lots access out to 29th Street West will be over 1/2 mile in distance. For safety or emergency purposes such access is unacceptable. The applicant shall, therefore, obtain a second means of at least emergency access for this site. Specifically, it would appear that such an access easement could be provided from 119th Street West in the area indicated as being proposed as 32nd Street North. Based on aerial photos, the site now being platted appears to have been or is in the same ownership as the property to the east. This easement needs to be provided by separate instrument being a minimum of 20 feet in width, with provisions also made for the installation and maintenance of an all weather driving surface within this easement. Before submitting the final plat, the applicant was to meet with County Fire Department staff to determine the acceptability of any such access easement. At this time, the applicant's agent has indicated that they've been unsuccessful in obtaining such access.
- C. Since neither municipal water nor sanitary sewer is available to serve this property, 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 approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. Based upon the lot sizes being platted, approval for septic systems shall be required. The applicant is advised that the use of on-site facilities is to be considered only temporary for this site. City sewer and water may be available to this area in the near future.
- D. The applicant shall submit petitions for the future extension of municipal water and sanitary sewer to this site. These petitions will be held until such time as such facilities are adjacent to or reasonably available to this site.
- E. This area is both within 3-miles of the City of Wichita and is platting lot sizes which requires the guaranteeing of paving of the interior streets to the suburban paving standard. This guarantee shall also provide for a temporary cal-de-sac in the vicinity of lot 24, block 3.
- F. The applicant shall guarantee any drainage improvements required by the platting of this property.
- G. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- H. 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.
- I. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the County 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.
- J. Based upon the Comprehensive Plan, a recreational corridor is indicated along the Cowskin Creek located along the west line of this plat. As indicated on the plat, this corridor is being granted by separate instrument. This instrument shall be submitted to Planning for review and processing.
- K. The applicant either in the plat's text of the final plat tracing needs to cite the dedication of the temporary cul-de-sac and the conditions under which it would or will be vacated, or at least cite that it has been dedicated by separate instrument with such instrument submitted to Planning for processing with the plat.
- L. On the final plat tracing, the MAPC signature block shall be amended to indicate John W. McKay, Jr., as Chairman.
- M. As indicated in the platting binder, a mortgage is being held on this site by the Chisholm Trail State Bank. This party shall either be included as a signatory on the plat or proof submitted to Planning indicating that the mortgage has been released.
- N. 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.
- O. 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
- P. 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.
- Q. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- R. Recording of the plat within 30 days after approval by the City Council.
- S. The representatives from County Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to confirm the acceptability of the indicated minimum building pad elevations.

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

October 13, 1994

STAFF REPORT  
(Preliminary Plat)

CASE NUMBER: S/D 94-75 CREEKSIDE ESTATES ADDITION

OWNER/APPLICANT: Balmoral Briar, LLC, Attn: Jerry Michaelis, 2307 McLean Blvd., Wichita, KS 67204

SURVEYOR/ENGINEER: Savoy, Ruggles, & Bohm, P.A., c/o Mark Savoy, 924 N. Main, Wichita, KS 67203

LOCATION: 1/3-mile north of 29th Street North and 1/2-mile west of 119th Street West

SITE SIZE: 51.5 Acres

NUMBER OF LOTS

Residential:	34
Office:	
Commercial:	
Industrial:	
Total:	<u>34</u>

MINIMUM LOT AREA: 40,000 sq. ft.

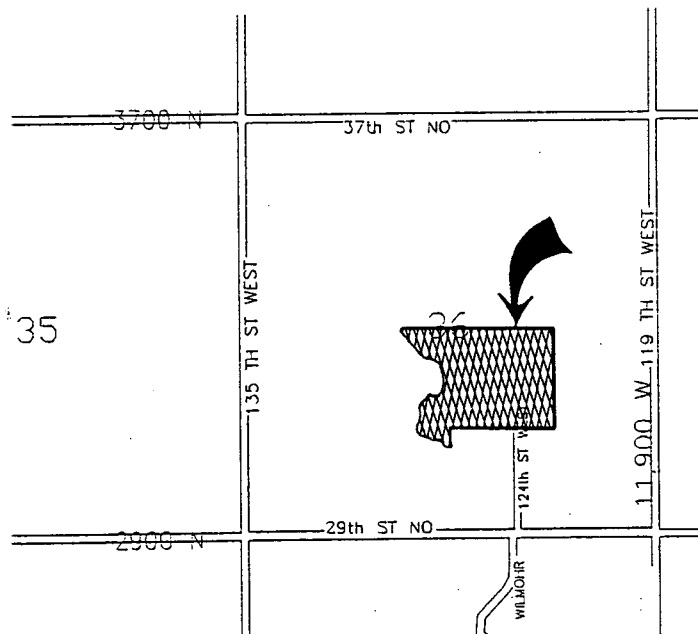
CURRENT ZONING: "R-1 (and a very small portion of "R" in extreme northwest corner.)

PROPOSED ZONING: Same

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VICINITY MAP:



STAFF COMMENTS:

- A. Based upon the Comprehensive Plan this site is in an area designated for "Suburban" type development. Under the suburban classification a lot size of one (1) acre is considered the appropriate minimum size. Such a lot size reflects both the intended rural character for such areas, but also the minimum size needed for the use of on-site sewer and water facilities. Several lots, however, are at or just above 40,000 square feet or just under one (1) acre. The majority of lots, though, exceed the one (1) acre criteria and it is recommended that approval of this plat be considered to indicate that it is substantially in compliance with the Comprehensive Plan.
- B. Until property either to the north or east of this site develops, only one means of access will exist to this site. For a number of lots access out to 29th Street West will be over 1/2 mile in distance. For safety or emergency purposes such access is unacceptable. The applicant shall, therefore, obtain a second means of at least emergency access for this site. Specifically, it would appear that such an access easement could be provided from 119th Street West in the area indicated as being proposed as 32nd Street North. Based on aerial photos, the site now being platted appears to have been or is in the same ownership as the property to the east. This easement needs to be provided by separate instrument being a minimum of 20 feet in width, with provisions also made for the installation and maintenance of an all weather driving surface within this easement.
- C. The final plat shall be redesigned to eliminate the length of the cal-de-sac now being shown as 124th Street Ct. in the north and western portions of the plat. Cal-de-sacs of over 600 feet are considered appropriate only in cases where lots are 5-acres or larger or where physical or other unique situations exist, making use of a cal-de-sac of up to 1000 feet necessary. Neither are the lot sizes being platted nor are there unique conditions which would justify the nearly 1300 foot cal-de-sac now being shown. The final plat can either be redesigned so that the two courts are connected such that a looped street is created or the shorter cal-de-sac extended westward in such a manner that the other cal-de-sac can be shortened.
- D. Since neither municipal water nor sanitary sewer is available to serve this property, 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 approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. Based upon the lot sizes being platted, approval for septic systems shall be required. The applicant is advised that the use of on-site facilities is to be considered only temporary for this site. City sewer and water may be available to this area in the near future.
- E. The applicant shall submit petitions for the future extension of municipal water and sanitary sewer to this site.
- F. This area is both within 3-miles of the City of Wichita and is platting lot sizes which requires the guaranteeing of paving of the interior streets to the suburban paving standard. This guarantee shall also provide for a temporary cal-de-sac in the vicinity of lot 25, block 3.

- G. The applicant shall guarantee any drainage improvements required by the platting of this property.
- H. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- I. 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.
- J. It should be noted that the platting of individual Reserves on individual lots is not typical. Generally, such Reserves cover broader areas and are owned and maintained by a homeowner's association. Such Reserves are also typically provided to cover areas involved in drainage or floodway type uses. The applicant in this case intends to link the Reserve areas to the associated lot, and by platting such areas as Reserves rather than just as a part of the lot, floodway insurance can supposedly be avoided.

County Engineering needs to indicate if this is acceptable, that is, should these Reserves simply be platted as a Floodway or Floodway Reserve or is it acceptable to plat these individual Reserves provided that the plat indicates that each Reserve is also platted for floodway purposes.

If Reserves are platted, the applicant shall submit a covenant indicating who is to own and maintain each Reserve, that each Reserve will be tied to a lot in such a manner that neither can be sold separately, and the covenant shall also allow the appropriate governing body to enter the Reserves and if need be maintain the drainage purposes of the Reserve(s) and charge any costs back to the property owners in a manner similar to special assessments.

- K. Based upon the Comprehensive Plan, a recreational corridor is indicated along the Cowskin Creek located along the west line of this plat. Prior to submitting the final plat, the applicant shall meet with Planning Department staff to determine how such a recreational corridor can be provided by this plat.
- L. The final plat shall note in the plattor's text the standard floodway language.
- M. The final plat shall indicate the needed minimum building pad elevations for this site. They shall be shown both on the face of the plat and within the plattor's text. It shall also be indicated if the elevations are for the lowest floor or opening elevation. Both on-site and off-site bench marks shall be indicated.
- N. On the final plat easements and building setbacks shall be labeled on the face of the plat.
- O. The recording information shall be shown on the final plat for the KPL easement along the north line of the plat.
- P. On the final plat, dashed lines shall be used for where the streets terminate at the plat's perimeter.
- 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. 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 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- T. 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
- U. 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.
- V. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- W. The representatives from County Engineering should be prepared to comment on the status of the applicant's drainage concept. County Engineering also needs to indicate the minimum building pad requirements for this site and if the floodway boundary being platted is adequate.