

THE CITY OF WICHITA
DEPARTMENT OF WATER & SEWER

DATE: 11/13/1990

TO: Mike Lindebak, City Engineer

FROM: David R. Warren, Director of Water and Sewer Department

SUBJECT: Jo S. Zakas Addition

In the Planning Department staff report for the Jo S. Zakas final plat the owner has requested that an existing 20-foot easement, in which there is an existing sanitary sewer, be changed to a 10-foot easement.

A 10-foot easement in an area where there are buildings does not provide sufficient working room to make repairs to the sanitary sewer. It is my understanding that the owner has plans to expand a building and the expansion would encroach upon the 20-foot easement and that is the reason for requesting the change to a 10-foot easement.

I recommend that the easement be platted as a 20-foot easement and at the time the owner wishes to expand the building, that an exception be requested to permit the building to encroach upon the easement. By requiring the owner to apply for an exception for the encroachment, it would provide the City with a means of controlling and maintaining accessibility that would be needed for the maintenance of the sanitary sewer lines.

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

November 15, 1990

STAFF REPORT
(Final Plat)

CASE NUMBER: S/D 90-63 - JO S. ZAKAS ADDITION

OWNER/APPLICANT: Jo S. Zakas, 3700 E. Douglas, Wichita,
KS 67218

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

LOCATION: North of Douglas and East of Clifton

SITE SIZE: 1.4 Acres

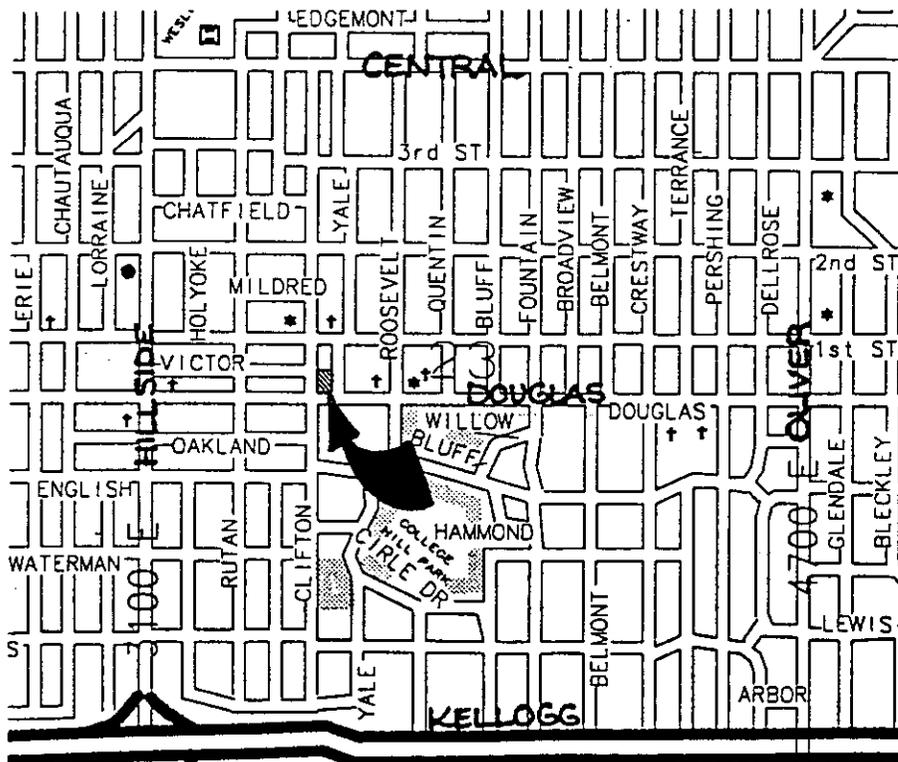
NUMBER OF LOTS

| | |
|--------------|---|
| Residential: | |
| Office: | |
| Commercial: | 1 |
| Industrial: | |
| Total: | 1 |

MINIMUM LOT AREA: 1.4 Acres

CURRENT ZONING: "LC" Light Commercial

VICINITY MAP:



STAFF COMMENTS:

NOTE: This site has received a parking variance from the Board of Zoning Appeals (BZA 15-90) August, 1990 because of a shopping center located here. In addition, the City Council approved a minor street parking privilege on Clifton and Victor Place in October, 1990. The applicant has chosen to submit a replat for the site in order to vacate certain easements and to re-establish certain other conditions.

- A. The applicant shall guarantee the relocation of the sanitary sewer in the western portion of this site to the location of the easement being provided for this sewer.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

D. Development plans for this site indicate only two driveways out to Douglas. Considering the layout of the on-site parking and buildings, no more than two access points from Douglas can be accommodated. The final plat tracing shall therefore be amended to indicate access control except for two openings to Douglas.

E. The established standard for easements involving sanitary sewer is for a 20-foot width. City Engineering needs to indicate the acceptability of the 10-foot easements being proposed for the sanitary sewers crossing this site. The east-west easement across the eastern two-thirds of the site was platted as a 20-foot easement on the preceding Zakas 4th Addition. An existing building is apparently encroaching this original easement. The western portion of this east-west easement and a north-south segment were platted as 10-foot easements in the Zakas 4th Addition. Based on initial development plans for this site additional easement width could be provided for portions of these easements.

F. When the Zakas 4th Addition was platted, a 10-foot contingent dedication was provided for right-of-way involving Yale. No change in the requirement for this dedication was established during the BZA case. However, planned expansions into this area does make the existing contingent dedication inappropriate. A revised contingent dedication shall be provided with the final plat tracing which revises the condition of the contingency to take into account both the existing and planned buildings.

G. While no alterations in the existing platted building setbacks were specifically identified during the BZA review of this site from those platted with the Zakes 4th Addition, this plat,

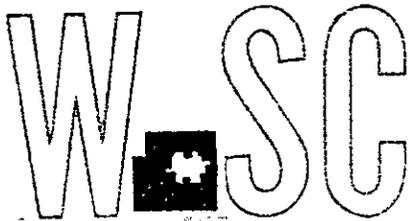
however, is proposing some substantial changes. These changes, however, should only be considered appropriate for the specific development for which the BZA case was approved.

Consequently, the applicant shall submit a covenant which provides that a 20-foot setback, from the contingent dedication, will be observed to Yale. Twenty foot setbacks will also be observed from Clifton and Victor and a 35-foot setback shall be observed from Douglas should the site develop in any manner substantially different than what was initially proposed during the BZA review. For instance, any appreciable removal of the free standing structures and replacement by one or a limited number of large structures, would require observance of the 20-foot setback.

A note shall be placed on the face of the plat stating "A covenant has been recorded concerning conditions under which greater building setbacks are to be observed other than those shown on this plat."

- H. Since this site will be providing sidewalks within the site itself, along Victor and Clifton, a 5-foot sidewalk easement shall be platted to allow for the main tenancy of the sidewalks. These sidewalks were required by the BZA case and are to be provided at the time of the site's development.
- I. The applicant is advised that the title binder indicates substantial taxes are due for this site and the plat tracing cannot be released for recording unless proof is provided that these taxes have been paid in full.
- J. 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.
- K. 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.
- 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 representative from Traffic Engineering should be prepared to comment on the access controls being required for this site or any traffic improvements that should be provided.

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

November 16, 1990

Brent Wooten
Baughman Company
315 Ellis
Wichita, KS 67211

Re: S/D 90-63 - JO S. ZAKAS ADDITION

Dear Brent:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, November 15, 1990, the above captioned plat was considered. The action of the Committee was to recommend that this plat be deferred for two weeks for further consideration.

This matter will be returned to the Planning Commission for its consideration on Thursday, November 29, 1989. If you have any questions concerning this matter, please call.

Sincerely,

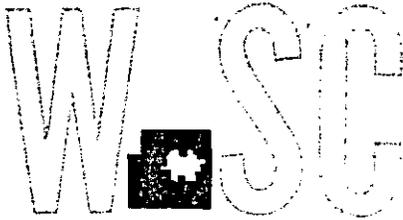
Kandace A. Jones
Associate Planner

KJ:sm

cc: Gary L. Snyder, 310 W. Central, Suite 211, Wichita, KS
67202

Jo S. Zakas, 3700 E. Douglas, Wichita, KS 67218
~~Mike Lindebak, City Engineer~~

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

November 30, 1990

Brent Wooten
Baughman Company
315 Ellis
Wichita, KS 67211

Re: S/D 90-63 - (Final Plat) Jo S. Zakas Addition

Dear Brent:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, November 29, 1990, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. The applicant shall guarantee the relocation of the sanitary sewer in the western portion of this site to the location of the easement being provided for this sewer. A separate sanitary sewer petition shall also be submitted, which will be held, for any future sewer improvements that may be needed in the eastern portion of the E-W easement crossing this site. The applicant shall meet with City Engineering to determine the extent of this guarantee.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. The final plat shall, as indicated on the Zakas 4th Addition, provide a 20-foot sanitary easement in the eastern 3/4's of the plat. This easement may be reduced to 10-feet in the easterly 40 feet provided a guarantee is provided to repair or reconstruct this sewer line if or when needed.
- D. When the Zakas 4th Addition was platted, a 10-foot contingent dedication was provided for right-of-way involving Yale. No change in the requirement for this dedication was established during the BZA case. However, planned expansions into this area does make the existing contingent dedication inappropriate. A revised contingent dedication shall be provided with the final plat tracing which revises the condition of the contingency to take into account both the existing and planned buildings.

- E. While no alterations in the existing platted building setbacks were specifically identified during the BZA review of this site from those platted with the Zakas 4th Addition, this plat, however, is proposing some substantial changes. These changes, however, should only be considered appropriate for the specific development for which the BZA case was approved.

Consequently, the applicant shall submit a covenant which provides that a 20-foot setback, from the contingent dedication, will be observed to Yale. Twenty foot setbacks will also be observed from Clifton and Victor and a 35-foot setback shall be observed from Douglas should the site develop in any manner substantially different than what was initially proposed during the BZA review. For instance, any appreciable removal of the free standing structures and replacement by one or a limited number of large structures, would require observance of the 20-foot setback.

A note shall be placed on the face of the plat stating "A covenant has been recorded concerning conditions under which greater building setbacks are to be observed other than those shown on this plat."F. Since this site will be providing sidewalks within the site itself, along Victor and Clifton, sidewalk easements to allow for the maintenance of the sidewalks and to assure public access to those sidewalks will need to be provided at some point. These sidewalks were required by the BZA case and are to be provided at the time of the site's development. The applicant shall meet with Planning Department staff to determine how and when appropriate easements can be provided at the time of sidewalk installation.

- G. The applicant is advised that the title binder indicates substantial taxes are due for this site and the plat tracing cannot be released for recording unless proof is provided that these taxes have been paid in full.
- H. 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.
- I. 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.
- J. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- K. Recording of the plat within 30 days after approval by the City Council.

S/D 90-63 Jo S. Zakas
Page 3

L. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Also, Engineering needs to indicate if the sanitary sewer easements are acceptable for this site.

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

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. The certificate will be required if petitions are submitted. Forms for the bond and irrevocable Letter of Credit are available from this office.

The enclosed "marked" copy of the final plat is for your information and files.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, December 6, 1990 at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,

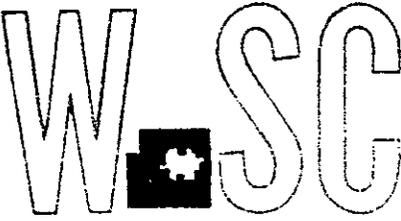
Kandace A. Jones

Kandace A. Jones
Associate Planner

KJ:sm

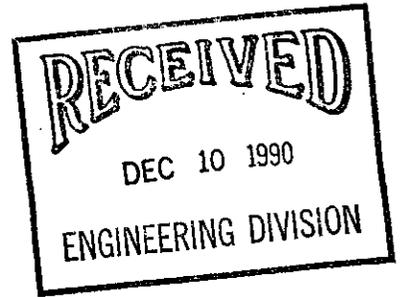
cc: Gary L. Snyder, 310 W. Central, Suite 211, Wichita, KS
67202
Jo S. Zakas, 3700 E. Douglas, Wichita, KS 67218
Mike Lindebak, City Engineer

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561



December 7, 1990

Brent Wooten
Baughman Company
315 Ellis
Wichita, KS 67211

Re: S/D 90-63 - Jo S. Zakas Addition

Dear Brent:

At the regular meeting of the Metropolitan Area Planning Commission on December 6, 1990, the above captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of November 30, 1990.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the City Council for consideration:

1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
2. Submission of a check, made out to the Register of Deeds, covering the costs of any documents to be recorded as a requirement of platting.

Please call if you have any questions.

Sincerely,

Kandace A. Jones
Associate Planner

KJ:sm

cc: Gary L. Snyder, 310 W. Central, Suite 211, Wichita, KS
67202

Jo S. Zakas, 3700 E. Douglas, Wichita, KS 67218

Mike Lindebak, City Engineer

CITY OF WICHITA
WATER & SEWER DEPARTMENT
ADMINISTRATION/SYSTEM PLANNING & DEVELOPMENT

TO: F. E. Withrow, Jr.

FROM: Steve Palmer, P.E., Civil Engineer II

SUBJECT: Zakas Fourth Addition - Clifton Square

DATE: July 30, 1991

The final platting conditions for the Zakas Fourth Addition in August, 1978, indicated that the applicant "shall guarantee, by petition, the relocation of the existing sanitary sewer line located under the building on the west portion of the lot." As far as can be determined, this petition was never processed.

The final platting conditions for the Zakas Fourth Addition in November, 1990, required the applicant to guarantee the relocation of the sanitary sewer in the western portion of this site to the location of the easement being provided for this sewer. A separate sanitary sewer petition was also to be submitted, which will be held, for any future sewer improvements that may be needed in the eastern portion of the east-west easement crossing this site.

In addition, the final plat of the Zakas Fourth Addition shall provide a 20-foot sanitary easement in the eastern three-fourths of the plat. This easement may be reduced to ten feet in the easterly 40 feet, provided a guarantee is provided to repair or reconstruct this sewer line if or when needed.

On November 13, 1990, David Warren wrote a memo to Mike Lindebak recommending that the existing 20-foot easement remain, indicating that an exception should be requested to permit encroachment upon the easement at such time as the owner wished to expand the building.

A 10-foot easement in an area where there are buildings does not provide sufficient working room to make repairs to the sanitary sewer.

Sewer Maintenance televised the sanitary sewer located beneath one of the buildings in the proposed plat. The sewer appeared to be in good condition. Normally we would not utilize Sewer Maintenance funds to reconstruct or relocate sewers that are in such good condition and functioning properly.

Jo Zakas, on the other hand, is asking the City to fund the relocation of the sanitary sewer. She talked to Chris Cherches, and he indicated to us that he would like to eliminate this "financial handicap." Mr. Cherches, in a memo to David Warren, states that Jo Zakas has no money and that this line is old. In addition, Mr. Cherches likes Clifton Square, would hate to see it jeopardized, and would hate to lose the valuation it represents for the City.

I have not seen the petition drawn up by Baughman Company, but I assume the \$18,000 cost was to be assessed to the property without any use of City funds. Brent Wooten, Baughman Company, indicated to me that Mr. Cherches suggested that the City fund a portion or all of the costs to relocate the sewer.

Hopefully a recommendation can be made based on the above information.


Steve Palmer, Civil Engineer II

cc: David R. Warren, Director of Water & Sewer

INTEROFFICE MEMORANDUM

Date: 26-Jul-1991 02:38pm CDT
From: Chris Cherches
CHERCHES
Dept: City Manager
Tel No: 268-4351

TO: David R. Warren

(WARREN_D)

Subject: RE: Clifton Square

Dave, I would like to help this lady. I have copy of the petition invovled and will ship it to you. If it doesn't violate some policy, I would like tohelp her by eliminating this "financial handicap" since this sewer is old and not sure it is only for her, etc. See what you can do...and advise. thank you.

7/29/91

Mike W:

Will you please follow-up on this with Mike Lindelbak see what is proposed what needs to be done. what Jo Zakas wants us to do what we can do / should do. Please get back to me by Friday, Aug 2, so I can report to CM.

Thanks

DRW

I N T E R O F F I C E M E M O R A N D U M

Date: 25-Jul-1991 12:58pm CDT
From: Chris Cherches
CHERCHES
Dept: City Manager
Tel No: 268-4351

TO: David R. Warren

(WARREN_D)

Subject: Clifton Square

Yesterday, Jo Zakas came to the office to discuss trhe petition that we are trying to get her to sgn...pertaining to a payment estimated to be \$18,000...something about a sewer line that might someday need to be relocated.

Anyway to assit her? She has no money and the line is old, right? Can we justify having it replaced as part of the City's system or is this purely a local service line? This lady is having hard time to make ends meet and this is a nifty center that I would hate see go down the tube..right now and lose the valuation it presents to the City....

7-25-91

Mike W:

Will you follow-up on this for me.
Check w/ Lindebak & Brienzastein
on what project this is..... details, etc

Thanks,
DRW

METROPOLITAN AREA PLANNING
DEPARTMENTCITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

November 30, 1990

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315 Ellis
Wichita, KS 67211

Re: S/D 90-63 - (Final Plat) Jo S. Zakas Addition

Dear Brent:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, November 29, 1990, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- A. The applicant shall guarantee the relocation of the sanitary sewer in the western portion of this site to the location of the easement being provided for this sewer. A separate sanitary sewer petition shall also be submitted, which will be held, for any future sewer improvements that may be needed in the eastern portion of the E-W easement crossing this site. The applicant shall meet with City Engineering to determine the extent of this guarantee.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. The final plat shall, as indicated on the Zakas 4th Addition, provide a 20-foot sanitary easement in the eastern 3/4's of the plat. This easement may be reduced to 10-feet in the easterly 40 feet provided a guarantee is provided to repair or reconstruct this sewer line if or when needed.
- D. When the Zakas 4th Addition was platted, a 10-foot contingent dedication was provided for right-of-way involving Yale. No change in the requirement for this dedication was established during the BZA case. However, planned expansions into this area does make the existing contingent dedication inappropriate. A revised contingent dedication shall be provided with the final plat tracing which revises the condition of the contingency to take into account both the existing and planned buildings.

August 14, 1978

Baughman Company
330 Laura
Wichita, Kansas 67211

Re: S/D 78-80 - Final Plat - Zakas Fourth Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 10, 1978, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- A. Approval of the plat is subject to the approval of an associated zone case Z-2060 "A" and "LC" to "CC" involving a portion of subject property.
- B. A 20-foot building setback from the contingent street dedication on Yale and a 10-foot building setback from Victor Place, shall be indicated on the final plat.
- C. The applicant shall guarantee the closing of the existing driveway on Victor Place and the southernmost driveways on Clifton and Yale. The City Engineer shall be contacted regarding the amount of the guarantee.
- D. Any abandonment or relocation of existing utilities necessitated by this plat shall be at the sole expense of the applicant.
- E. The applicant shall guarantee by petition the relocation of the existing sanitary sewer line located under the building on the west portion of the lot.
- F. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.