

STAFF REPORT

(Final Plat, Deferred 4/22/99; Overall Preliminary Plat Approved 10/8/98)

CASE NUMBER: S/D 99-30 - CLEARIDGE ESTATES 2nd ADDITION

OWNER/APPLICANT: Clearidge Estates, LLC, Attn: Bill Cleary, P.O. Box 4036, Bay Pines, FL 33504

SURVEYOR/ENGINEER: Austin Miller P.A., Attn: Tim Austin, 254 S. Laura, Suite 210, Wichita, KS 67211

AGENT: Vern Lambertz, 812 N. Waco, Wichita, KS 67203

LOCATION: South side of Pawnee, West of 143rd St. East

SITE SIZE: 30.2 acres

NUMBER OF LOTS

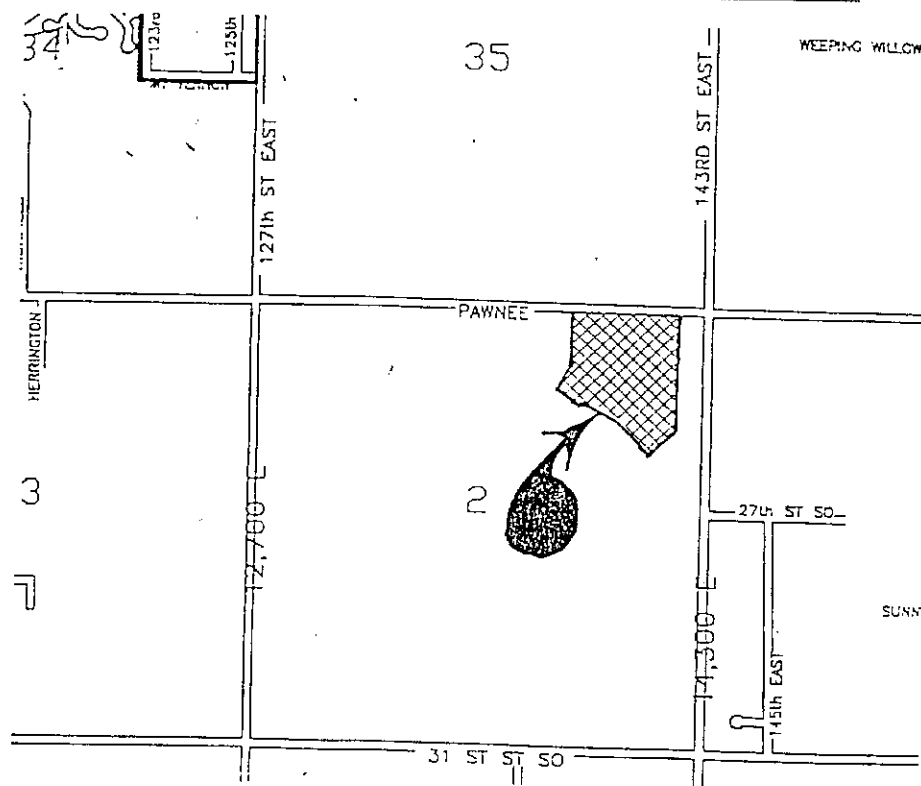
Residential:	30
Office:	
Commercial:	
Industrial:	
Total:	<u>30</u>

MINIMUM LOT AREA: 20,000 sq. ft.

CURRENT ZONING: SF-20, Single-Family

PROPOSED ZONING: Same

VICINITY MAP



Note: This is a final portion of an overall preliminary plat approved October 8, 1998, which covered the northeast quarter section. The final plat for the first phase, adjoining this plat to the west, was approved by the MAPC January 28, 1999. This second phase contains the identical street layout and similar lot configuration as for this portion in the preliminary plat. The plat includes three lot "clusters" which will be limited to one dwelling unit per cluster until municipal water and sewer service are available.

This site is located in the County, within three miles of Wichita City limits. According to the Wichita-Sedgwick County Comprehensive Plan, the site is designated as "Urban Reserve". Although five acre lots are needed for sewage lagoons, the platting of five-acre lots in Urban Reserve areas is considered detrimental to redevelopment into smaller urban-sized lots. Consequently, the applicant has platted 20,000 sq. ft. lots and proposes to join them together by covenant for the installation of sewage lagoons, while allowing the potential for future denser development. The Subdivision regulations recognize such a scheme and require the recording of a restrictive covenant limiting each grouping of lots to one dwelling unit until municipal water and sewer service is available.

Similar to Phase 1, a Restrictive Rovenant will need to be submitted limiting each of the three clusters in this phase to one building site until sewer and water services are extended to the site.

The covenant also would allow the owner of one lot to lease the remainder of land necessary for the installation of a sewage lagoon. The covenant would terminate upon extension of municipal sewer services to all of the lots approved in the overall preliminary plat. The sewage lagoons would be removed and the remaining lots could be developed.

STAFF COMMENTS:

- A. In accordance with the Subdivision regulations (Sec.7-204(C)), the Applicant shall submit a restrictive covenant addressing the lot clustering concept utilized for this site along with the timing of the petitions for improvements.
- B. 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. Health Department should comment on the feasibility of the Applicant's proposal to join the lots together by covenant for the installation of sewage lagoons.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. The site is located within the 100-year floodplain. County Engineering needs to comment on the status of the applicant's drainage plan.
- E. On the final plat tracing, the plattor's text shall note that the access controls are being dedicated to the appropriate governing body.
- F. County Engineering should comment on the need for any traffic improvements along Pawnee.

- G. The right-of-way widths of the interior streets shall be denoted on the face of the plat.
- H. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The applicant shall guarantee the installation of the interior streets to the suburban standard. The installation of a 36-foot, 6-inch thick, rock surface is required, along with temporary turnarounds at the southwest line of the plat.
- J. The applicant shall discuss acceptable street names with County Fire.
- K. The plattor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The County Commissioners signature block need only include the signature of the Chairman.
- M. 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.
- N. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, 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.
- O. The legal description needs to be revised to accurately portray the property being platted.
- P. 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. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. 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.
- R. 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 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- S. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] 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.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat. This will be used by the City and County GIS Department.

STAFF REPORT
(Final Plat, Overall Preliminary Plat Approved 10/8/98)

CASE NUMBER: S/D 99-30 - CLEARIDGE ESTATES 2nd ADDITION

OWNER/APPLICANT: Clearidge Estates, LLC, Attn: Bill Cleary, P.O. Box 4036, Bay Pines, FL 33504

SURVEYOR/ENGINEER: Austin Miller P.A., Attn: Tim Austin, 254 S. Laura, Suite 210, Wichita, KS 67211

AGENT: Vern Lambertz, 812 N. Waco, Wichita, KS 67203

LOCATION: South side of Pawnee, West of 143rd St. East

SITE SIZE: 30.2 acres

NUMBER OF LOTS

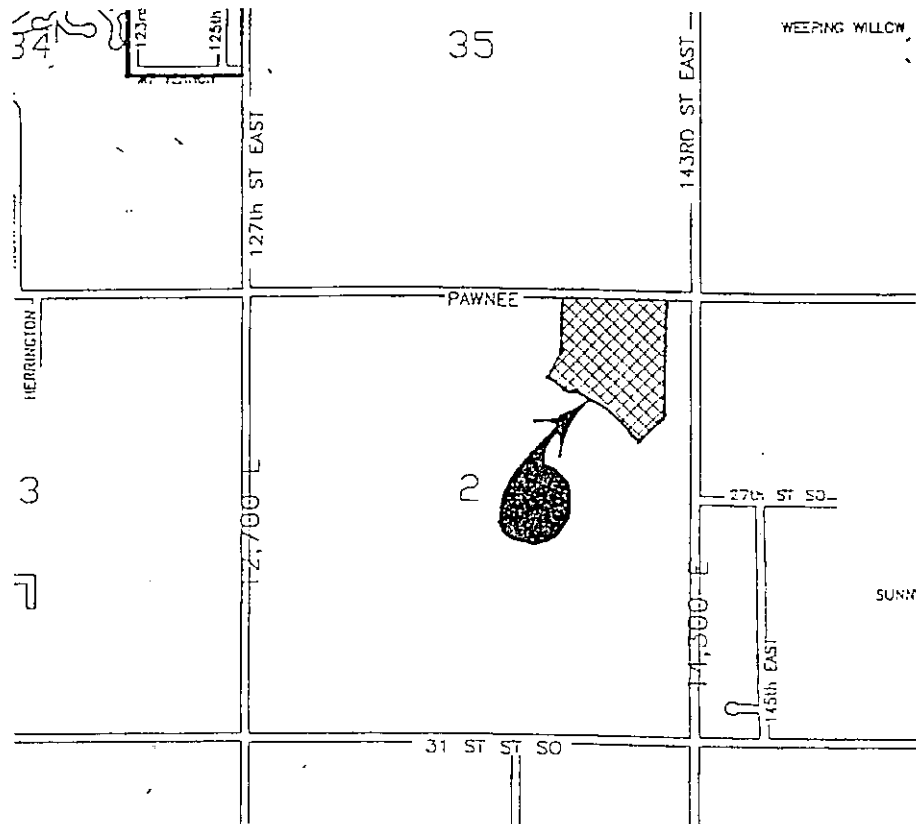
Residential:	30
Office:	
Commercial:	
Industrial:	
Total:	<u>30</u>

MINIMUM LOT AREA: 20,000 sq. ft.

CURRENT ZONING: SF-20, Single-Family

PROPOSED ZONING: Same

VICINITY MAP



Note: This is a final portion of an overall preliminary plat approved October 8, 1998, which covered the northeast quarter section. The final plat for the first phase, adjoining this plat to the west, was approved by the MAPC January 28, 1999. This second phase contains the identical street layout and similar lot configuration as for this portion in the preliminary plat. The plat includes three lot "clusters" which will be limited to one dwelling unit per cluster until municipal water and sewer service are available.

This site is located in the County, within three miles of Wichita City limits. According to the Wichita-Sedgwick County Comprehensive Plan, the site is designated as "Urban Reserve". Although five acre lots are needed for sewage lagoons, the platting of five-acre lots in Urban Reserve areas is considered detrimental to redevelopment into smaller urban-sized lots. Consequently, the applicant has platted 20,000 sq. ft. lots and proposes to join them together by covenant for the installation of sewage lagoons, while allowing the potential for future denser development. The Subdivision regulations recognize such a scheme and require the recording of a restrictive covenant limiting each grouping of lots to one dwelling unit until municipal water and sewer service is available.

Similar to Phase 1, a restrictive covenant will need to be submitted limiting each of the three clusters in this phase to one building site until sewer and water services are extended to the site.

The covenant also would allow the owner of one lot to lease the remainder of land necessary for the installation of a sewage lagoon. The covenant would terminate upon extension of municipal sewer services to all of the lots approved in the overall preliminary plat. The sewage lagoons would be removed and the remaining lots could be developed.

STAFF COMMENTS:

- A. In accordance with the Subdivision regulations (Sec.7-204(C)), the Applicant shall submit a restrictive covenant addressing the lot clustering concept utilized for this site along with the timing of the petitions for improvements.
- B. 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. Health Department should comment on the feasibility of the Applicant's proposal to join the lots together by covenant for the installation of sewage lagoons.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. The site is located within the 100 year floodplain. County Engineering needs to comment on the status of the applicant's drainage plan.
- E. On the final plat tracing, the platlor's text shall note that the access controls are being dedicated to the appropriate governing body.
- F. County Engineering should comment on the need for any traffic improvements along Pawnee.

- G. The right-of-way widths of the interior streets shall be denoted on the face of the plat.
- H. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The applicant shall guarantee the installation of the interior streets to the suburban standard. The installation of a 36-ft, 6-inch thick rock surface is required, along with temporary turnarounds at the southwest line of the plat.
- J. County Fire shall comment on the plat's street names.
- K. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The County Commissioners signature block need only include the signature of the Chairman.
- M. 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.
- N. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, 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.
- O. The Parks and Pathways Plan has indicated that a recreation corridor should be provided along the north line of this plat. The Applicant should contact the Planning Department's Land Use staff to discuss issues involving the dedication of public access easements.
- P. The legal description needs to be revised to accurately portray the property being platted.
- 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. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- 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 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- T. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] 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.
- U. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat. This will be used by the City and County GIS Department.

P. O. Box 781226
Wichita, KS 67278
May 5, 1999

Subdivision Committee
Metropolitan Area Planning Commission
Wichita, KS

Ladies & Gentlemen:


We would like to go on record with the following statements. Further, these statements should become part of the permanent record in Case #S/D 9848, and we would request a written response from the Subdivision Committee stating your position of agreement or disagreement with each.

First, we do not believe it is possible for an increase in water drainage to exit across our land without us having to sacrifice the back wetland portion of our property. We believe new eroded waterways will be created, large trees will fall, and other vegetation will be destroyed. We have a video of the current flow of water and the erosion caused after they removed trees and brush from the property being platted. This video was made over a period of 1 1/2 years. In essence, we are expected to sacrifice a portion of land so that a development can earn larger profits through the sale of scenic lots.

Secondly, we oppose approval of the final plat until a complete drainage plan has been presented to the Subdivision Committee and our representative, Mr. M. S. Mitchell, so that this plan can be studied and responded to by all concerned.

Thank you for your consideration.

Sincerely,


Patricia Ann
Skip & Pat Swearingen

STAFF REPORT

(Final Plat, Deferred 4/22/99 and 5/6/99, Overall Preliminary Plat Approved 10/8/98)

CASE NUMBER: S/D 99-30 - CLEARIDGE ESTATES 2nd ADDITION

OWNER/APPLICANT: Clearidge Estates, LLC, Attn: Bill Cleary, P.O. Box 4036, Bay Pines, FL 33504

SURVEYOR/ENGINEER: Austin Miller P.A., Attn: Tim Austin, 254 S. Laura, Suite 210, Wichita, KS 67211

AGENT: Vern Lambertz, 812 N. Waco, Wichita, KS 67203

LOCATION: South side of Pawnee, West of 143rd St. East

SITE SIZE: 30.2 acres

NUMBER OF LOTS

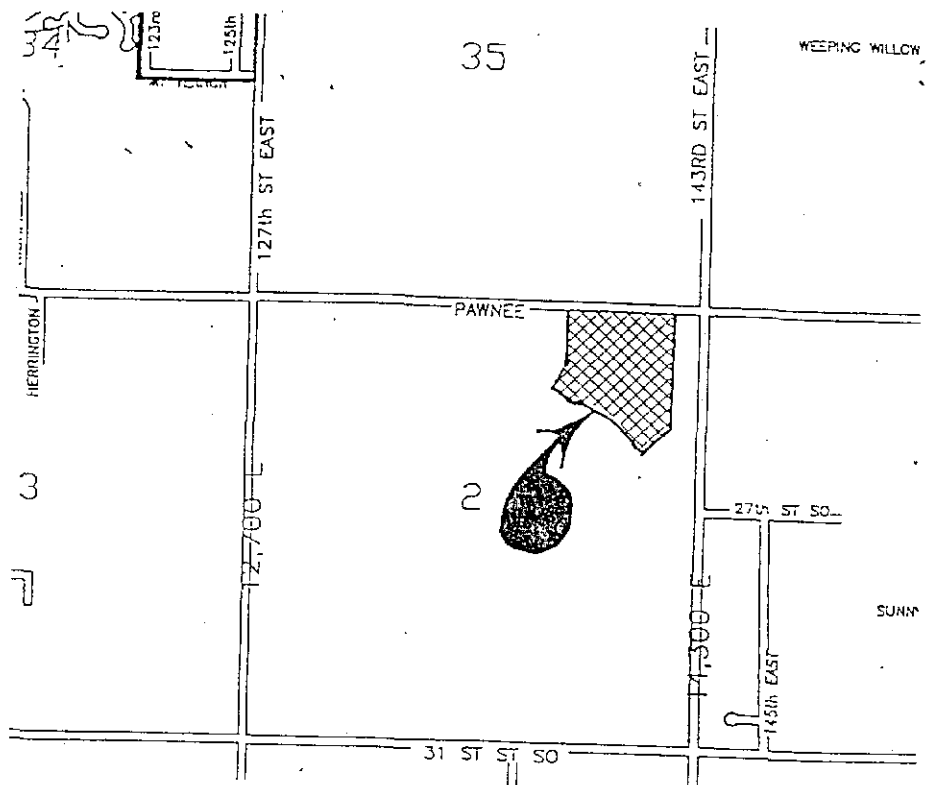
Residential:	30
Office:	
Commercial:	
Industrial:	
Total:	30

MINIMUM LOT AREA: 20,000 sq. ft.

CURRENT ZONING: SF-20, Single-Family

PROPOSED ZONING: Same

VICINITY MAP



Note: This is a final portion of an overall preliminary plat approved October 8, 1998, which covered the northeast quarter section. The final plat for the first phase, adjoining this plat to the west, was approved by the MAPC January 28, 1999. This second phase contains the identical street layout and similar lot configuration as for this portion in the preliminary plat. The plat includes three lot "clusters" which will be limited to one dwelling unit per cluster until municipal water and sewer service are available.

This site is located in the County, within three miles of Wichita City limits. According to the Wichita-Sedgwick County Comprehensive Plan, the site is designated as "Urban Reserve". Although five acre lots are needed for sewage lagoons, the platting of five-acre lots in Urban Reserve areas is considered detrimental to redevelopment into smaller urban-sized lots. Consequently, the applicant has platted 20,000 sq. ft. lots and proposes to join them together by covenant for the installation of sewage lagoons, while allowing the potential for future denser development. The Subdivision regulations recognize such a scheme and require the recording of a restrictive covenant limiting each grouping of lots to one dwelling unit until municipal water and sewer service is available.

Similar to Phase 1, a restrictive covenant will need to be submitted limiting each of the three clusters in this phase to one building site until sewer and water services are extended to the site.

The covenant also would allow the owner of one lot to lease the remainder of land necessary for the installation of a sewage lagoon. The covenant would terminate upon extension of municipal sewer services to all of the lots approved in the overall preliminary plat. The sewage lagoons would be removed and the remaining lots could be developed.

STAFF COMMENTS:

- A. In accordance with the Subdivision regulations (Sec.7-204(C)), the Applicant shall submit a restrictive covenant addressing the lot clustering concept utilized for this site along with the timing of the petitions for improvements.
- B. 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. Health Department should comment on the feasibility of the Applicant's proposal to join the lots together by covenant for the installation of sewage lagoons. A lagoon layout is requested.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. The site is located within the 100 year floodplain. County Engineering needs to comment on the status of the applicant's drainage plan. Additional side yard drainage

easements are needed. Minimum building elevations need to be denoted. A joint maintenance agreement with the adjoining landowner to the east is requested regarding the pond. A flood reserve needs to be platted along lots 8 and 9, Block A.

- E. Complete access control shall be dedicated along Pawnee. On the final plat tracing, the platator's text shall note that the access controls are being dedicated to the appropriate governing body.
- F. County Engineering should comment on the need for any traffic improvements along Pawnee. A guarantee is required for a left and right turn bay along Pawnee.
- G. The right-of-way widths of the interior streets shall be denoted on the face of the plat.
- H. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The applicant shall guarantee the installation of the interior streets to the suburban standard. The installation of a 36-ft, 6-inch thick rock surface is required, along with temporary turnarounds at the southwest line of the plat. The terminus of the cul-de-sacs needs to be increased to a 75-ft radius.
- J. The applicant shall discuss acceptable street names with County Fire. County Fire has approved the names Woodale and Stonebridge.
- K. The platator's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The County Commissioners signature block need only include the signature of the Chairman.
- M. 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. County Engineering requests revised language regarding the Reserve pertaining to entry monuments.
- N. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, 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.

- O. The legal description needs to be revised to accurately portray the property being platted.
- P. 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. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. 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.
- R. 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 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] 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.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Southwestern Bell has requested additional easements.
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat. This will be used by the City and County GIS Department.
- Y. Clearidge Estates needs to be spelled correctly in the plattor's text regarding the Reserve.

May 20, 1999

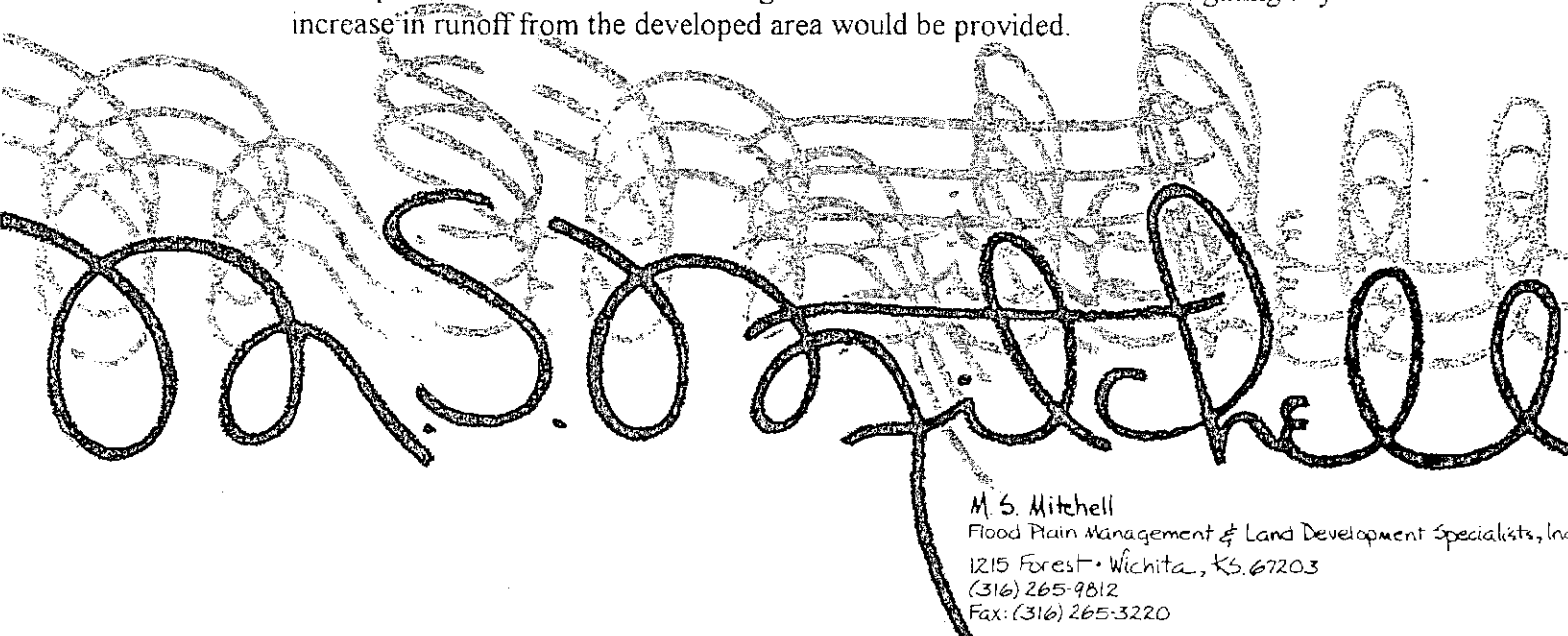
Subdivision Committee, Metropolitan Area Planning Commission
10th Floor - City Hall
455 North Main Street
Wichita, KS 67202

Ladies & Gentlemen:

I represent Mr. and Mrs. Swearingen who own property immediately east of Clearidge Estates Second Addition. For some time we have asked for engineering drawings and calculations to support the applicant's claim that Phase II and Phase III of Clearidge Estates will have no adverse effect on the Swearingen property, including the dam which is located on their property.

On April 30, Mr. Swearingen, Mr. Don Keifer (who owns property south of Swearingen with lake frontage), Jim Weber and I met with Mr. Kirk Miller at the dam and spillway which serves as the outlet for the east drainage basin of Clearidge Estates Second Addition. At that meeting Mr. Miller agreed to the following:

1. Include in the Drainage Concept Plan for Clearidge Estates Phase II a channel and berm along the west line of the Swearingen property which would collect and transport all runoff from Phases II and III into the lake and discharge over the spillway of the dam.
2. Include in the Drainage Concept Plan for Clearidge Estates Phase II a hydraulic analysis comparing runoff from the existing area in Phases II and III which drains to the east basin to runoff from the proposed development. Methods of mitigating the effect of runoff from the developed area would be presented along with standard calculations of how that mitigation would be achieved.
3. Include in the Drainage Concept Plan for Clearidge Estates Phase II a hydraulic analysis of the entire east basin and water surface profiles for existing and with full development conditions with the design storm rainfall. A method of mitigating any increase in runoff from the developed area would be provided.



M. S. Mitchell
Flood Plain Management & Land Development Specialists, Inc.
1215 Forest • Wichita, KS. 67203
(316) 265-9812
Fax: (316) 265-3220

4. Include in the Drainage Concept Plan for Clearidge Estates Phase II a survey and condition analysis of the existing dam and spillway serving as outlet for the east basin. Plans for reconstruction of the spillway would include a method for spreading the cost of those improvements.

To date we have received a four page Drainage Report dated May 5, 1999 which does not address all of the items listed above and a HEC-2 water surface profile printout which does not address the difference between existing and developed conditions.

No Drainage Concept Plan based on existing and proposed contours or elevations has been provided so that input data for those two submittals can be independently verified.

No survey of the existing dam and spillway and no plan for improvement of those facilities has been presented.

There is a difference in the water surface profile in the HEC-2 run submitted and one run in the conventional manner.


Runoff calculations for the entire east basin used in the HEC-2 run have not been provided.

In their letter of May 5, Mr. and Mrs. Swearingen asked you not to approve the Final Plat of Clearidge Estates Second Addition until "a complete drainage plan has been presented to the Subdivision Committee...". That has not been done.

Sincerely,

M.S. Mitchell

Agent for Mr. & Mrs. Swearingen

A handwritten signature in black ink, appearing to read "M.S. Mitchell", is written over the typed name.