

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: SUB 2002-135 -- DAWN'S COUNTRY ESTATES

OWNER/APPLICANT: Emory L. and Patricia D. Vankirk, 15110 E. 47th St. South, Derby, KS 67037

SURVEYOR/ENGINEER: Emory L. and Patricia D. Vankirk, 15110 E. 47th St. South, Derby, KS 67037

LOCATION: North side of 47th St. South, East side of 143rd St. East

SITE SIZE: 62.5 acres

NUMBER OF LOTS

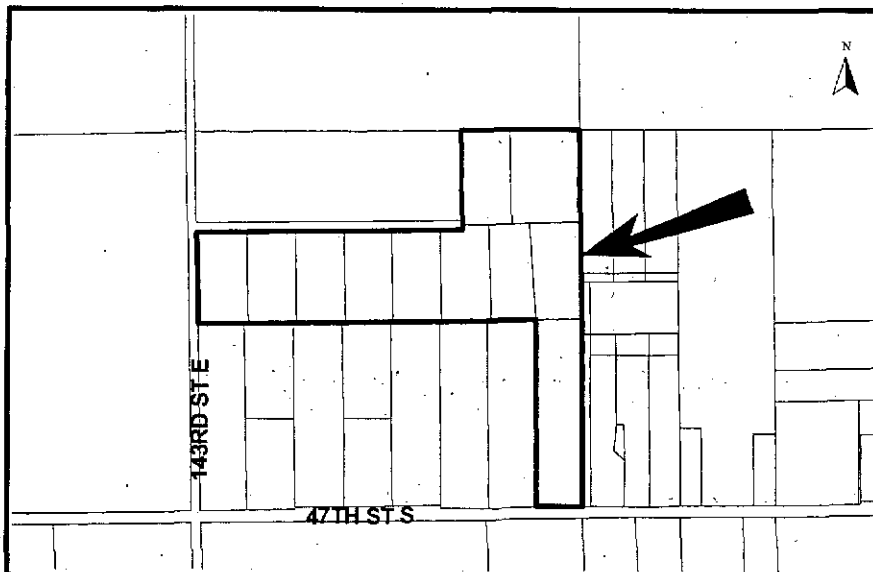
Residential:	11
Office:	
Commercial:	
Industrial:	
Total:	<u>11</u>

MINIMUM LOT AREA: 4.45 acres

CURRENT ZONING: RR, Rural Residential

PROPOSED ZONING: Same

VICINITY MAP



NOTE: This is unplatted property located in the County in an area designated as rural" by the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan.

Planning Staff recommends approval of the plat.

STAFF COMMENTS:

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Wichita Environmental 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. If a dedication of right-of-way for 143rd St. East is needed, Lot 1 will contain under the minimum 4.5 acres needed for lots served by sewage lagoons.
- B. The site is currently located within the Rural Water District No. 3. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and Health Department from the water district to that effect.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. County Engineering needs to comment on the status of the applicant's drainage concept. **A topographic survey needs to be submitted. A drainage plan is needed.**
- E. The plat's text shall denote the creation of the floodway reserves in addition to including the standard floodway language as follows:
- "The Floodway Reserve is hereby reserved for floodway purposes. The Floodway shall be the responsibility of the owner of Lots ____ until such time as the governing body exercising jurisdiction elects to assume maintenance responsibility and improvement of the drainage; provided further that no structure shall be constructed on or within said Floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the Engineer of the appropriate governing body."
- F. Access controls need to be platted. Complete access control needs to be denoted along 143rd Street East. Access control except one opening needs to be denoted along 47th St. South. The final plat shall reference the dedication of access controls in the plat's text.
- G. County Engineering has requested additional right-of-way in accordance with the Access Management Policy. A 60-ft half-street right-of-way is needed for both perimeter streets. The plat's text on the final plat shall note the dedication of the streets to and for the use of the public.
- H. County Engineering/County Fire Department needs to comment on the street length of 44th St. East (1,800 feet) including the ingress and egress easements (2,175 feet). Rural cul-de-sacs over 1,200 feet in length must provide a stub street connection or contingent street dedication providing future access to adjoining tracts. **County Engineering requests that 44th St. South be extended to the east line of Lot 9.**

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- I. The applicant shall guarantee the installation of the proposed extension to 44th St. South to the 36-ft rock suburban street standard.
- J. County Fire Department should also comment on the need for an emergency access easement extending from the terminus of 44th St. South.
- K. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lot 11. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width.
- L. County Engineering requests that 44th St. South be included within the plat and dedicated to the public.
- M. Access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2)The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- N. County Fire Department advises that 44th Street South needs to be accepted and approved by the county before development on individual lots.
- O. The recording information for the KGE easement shall be indicated on the face of the plat.
- P. 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.
- Q. The platlor'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.
- R. 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.)
- S. 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.
- T. 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 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- U. 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.

- V. 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.

- W. Perimeter closure computations shall be submitted with the final plat tracing.

- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.

- Y. 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.

- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

Emory L & Patricia D Vankirk
15110 E. 47th St. So.
Derby, KS 67037
November 15, 2002

Office of the Planning Department
Tenth Floor, City Hall,
455 North Main, Wichita, KS 67202

Gentlemen:

SUBJECT: Preliminary Plat of "Dawn's Country Estates"

On August 28, 2002 I came to your office and met with Neil Strahl to prepare for the filing of the subject plat the next day. That week I also became aware of the possibility of permanent extensions being granted for exemption from platting requirements. Since this would nullify the need for platting, I gave Mr. Strahl a copy of my Preliminary Plat and the Restrictive Covenants (see attachments) so he could obtain Mr Parnacot's opinion of my position . Due to this review, submittal of additional copies of the platting package was put on hold. To qualify, I went ahead and applied for the extension the next day, August 29, after recording deeds for all tracts to match the preliminary plat (See GIS enclosure). The results of the review were presented to me in the letter from Mr Wiltse, that I received in late September (see attachment).

I do not agree with their position, since the restrictive covenants filed in 1986(attached), make it clear that the restrictions governing this development are based on (5) acre tracts and the legal description normally shown in most restrictive covenants, define the boundries of the development as a whole and not individual tracts. However, I try to keep litigation as a last resort. Since I am already into the platting process I am going to continue with this approach and I am submitting the rest of the package along with this letter.

Enclosures:

COPIES OF: Preliminary Plat of "DAWN'S COUNTRY ESTATES"

GIS PRINT OF DEVELOPMENT WITH OVERLAY OF TRACTS AND NAMES

RESTRICTIVE COVENANTS: Filed 12/15/86 Film 0853 page 0181 thru 0184
Filed 7/9/79 Film 374 page 770

UTILITY EASEMENTS: Filed 12/15/86 Film 0853 page 0185
Filed 6/20/55 Book 346 page 326

NOTES:

- 1) 44th Street South was accepted by the County in May of 1994. (There are no new streets or extensions required or proposed by this development)

Preliminary Plat of "DAWN'S COUNTRY ESTATES"

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- 2) A Natural Gas line was installed on the south side of 44th St. So. in November of 1987 (This 2 inch line was sized to accomodate 23 users and runs 4500 ft to 5320 E 47th St. So.)
- 3) A rural water line was installed on the south side of 44th St. So in 1991.
- 4) Minimum building setback from front property line is 100 feet (based on 135 feet setback from road centerline required by Restrictive Covenants).
- 5) Zoning is Rural Residential. A county approved Legal Non-Conforming Use of land is currently applicable to portions of Tracts 4, 5 & 6 and all of Tracts 7, 8, 9, 10 and 11 (where the applicants reside). This non-conforming use is a private airfield (FAA 44KS). Sale of tracts in this development will be from the west end intially and when progression is made to tracts 4 through 8, the boundry of the non-conforming use will be reduced by that tract's contribution. The bottom line is, I am not selling tracts 1 through 8 with any right of access to 44KS or any right to be considered part of it. Tracts 9 & 10 are reserved by the applicants for a potential future home site (which is the only reason we got involved in building East 44th Street South and the land purchase along it). For this reason, Tracts 9 & 10 could be combined, if that didn't create a regulation problem. Keeping it as two tracts improves residential potential, when the airstrip is no longer used.

6) DRAINAGE CONSIDERATIONS & PLAN

This development was reviewed for drainage in 1994 by the county (Mr. Robert George) for the acceptance inspection of East 44th St. So., which I built to County standards. At that time, Mr. George stated that there would not be enough water draining to require a floodway. For this reason, as well as 26 years of substantiating observations, I am requesting a waiver to the topographic survey requirement of this preliminary plat.

Tract 1 drains to the Southwest corner and has no other inflow, since it is blocked by road ditches. Tracts 2, 3, 4, 5 and half of tract 6 (area of 22 acres) drains to the Southeast corner of tract 5 and has no other inflow (since it is blocked by road ditch to the north). The road ditch drainage collects from a ridge line at the Northeast corner of Tract 1. To the West, from that point, it drains into 143thrd Street East. To the East it, it drains water off the road with little to no inflow from the south adjacent tracts and then exists into the Southwest corner of Tract 7.

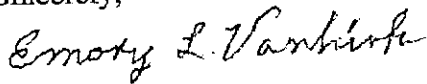
The Northeast half of Tract 6, Tracts 7, 8, 9 & 10 (approximately 21.3 acres) drain to the Northeast corner of Tract 9. There is additional inflow of about 5 acres west of Tract 7. Inflow of 20 acres north of Tract 9 comes across the north line of Tract 9. In this area I have created a floodway to drain around the crowned end of the airstrip runway (See GIS aerial-attached). The runway crowning to the south, eliminates the old drainage pathway shown on the floodzone map on the plat. The drainage is now along the North property line for 170 feet to the Northeast corner and then South 471 feet along the East property boundry where it

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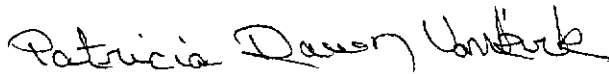
discharges onto the East property. Due to this combined drainage area of 46.3 acres, I have made this a floodway. See the plat for more details.

The undersigned owners and applicants welcome the opportunity to meet with the Subdivision Committee and/or any other persons involved with issues associated with this preliminary plat.

Sincerely;



Emory L. Vankirk



Patricia Dawn Vankirk