

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

August 24, 1995

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 95-56 CLARK ADDITION

OWNER/APPLICANT: Ritchie Associates, c/o Jack Ritchie, 8100 E. 22nd Street North - Building 1000, Wichita, KS 67226

and
OWNER: Stephen L. Clark, P. O. Box 21080, Wichita, KS 67208

AGENT: Ritchie Associates, c/o Jack Ritchie (Same address as above)

SURVEYOR/ENGINEER: P.E.C., c/o Gary Wiley, 303 S. Topeka, Wichita, KS 67202

LOCATION: North of Central adjacent to the west line of K-96 Bypass (East of Greenwich)

SITE SIZE: 37.1 Acres

NUMBER OF LOTS

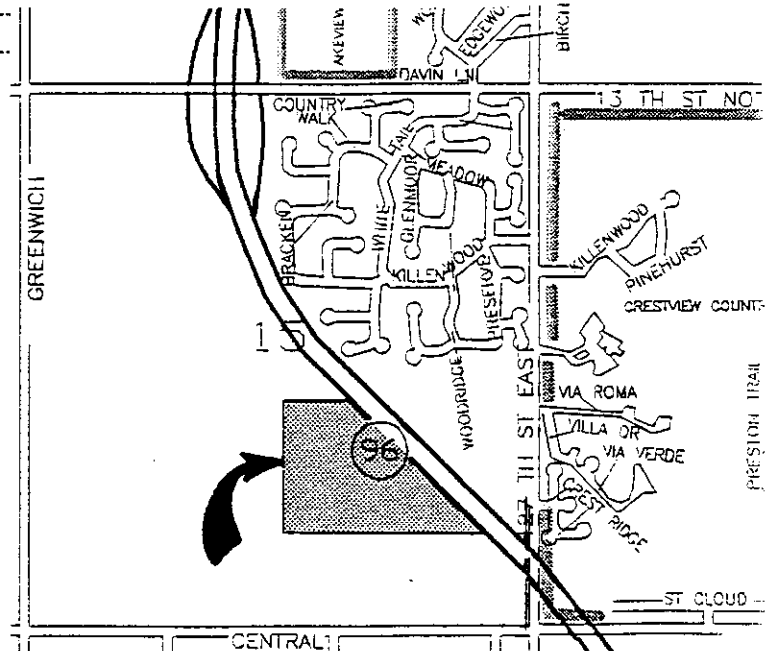
Residential:	72
Office:	
Commercial:	
Industrial:	
Total:	72

MINIMUM LOT AREA: 10,000 sq. ft.

CURRENT ZONING: "R-1"

PROPOSED ZONING: "AA" (SCZ-0687) Approved

VICINITY MAP:



NOTE: The property immediately to the west of this site is being platted as the Balthrop Addition. This Addition and the eastern portion of the Balthrop Addition will initially be very limited in regard to street access. As shown on this plat, the street Tipperary will serve as the only means of access until or unless the street shown as Woodbridge is actually constructed out to Central. As part of the Balthrop platting, and apparently also being shown for this plat, a "Temporary" Emergency Access Easement has or will be provided in order to provide these properties with a second means of access.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This guarantee will apparently be with the County.
- B. The applicant shall guarantee the extension of City water to serve the lots being platted. This guarantee will apparently be with the City and an outside-the-City Water agreement shall also be provided.
- C. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall also provide for sidewalk along one side of Tipperary/White Tail/Bracken (looped street) and the two related street connections (Woodbridge and Tipperary).
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. The applicant shall guarantee construction of the storm sewers required by this plat.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording. Both a City and County Certificate of Petitions shall be provided.
- G. The "Temporary" Emergency Access Easement intended to serve this development and apparently also the Balthrop Addition shall be submitted to the County Fire Department for review and approval. As necessary, this agreement shall indicate the type of driving surface to be installed, who will be responsible for installing and maintaining the easement, under what conditions the easement will be vacated and any other conditions determined appropriate by the County Fire Department.
- H. The Subdivision Regulations encourage, for safety and other practical concerns, that pipelines be platted as Reserves, rather than as a part of a platted lot. The applicant needs to explain what circumstances make the use of a Reserve impossible or at least impractical for this Addition.
- I. The applicant shall submit a copy of the instrument which establishes the Cooperative Refinery Association Pipeline Easement on this property. The applicant's agent shall determine any setback requirements from the pipeline by researching the text of the pipeline agreement. If a setback from the pipeline easement is provided for in the pipeline easement agreement, it shall be indicated on the face of the plat.

not provide the street connection needed to serve this site for many years to come. This same situation also involves the eventual extensions of sanitary sewer and water for this development.

While this may not in essence be any different than situations where a large site is final platted but actually developed in stages (a section at a time), it would or at least could be a major problem if different ownerships exist at any time during the development process of the involved sites. That is we would have legally platted saleable lots without a responsible party needed to install the initial improvements needed to actually make another property developable. This plat at this stage should at the least be considered premature if not suspect. The applicant or the agent should be prepared to discuss this site's planned development. That is, what assures that this site can or would be developed in a coherent manner.

- J. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the County.
- K. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. On the final plat, it should be noted on the face of the plat that complete access control exists to K-96 from this site.
- M. The County Fire Department and/or OCI need to indicate if the street names being platted are appropriate.
- N. On the final plat, additional dimensions should be shown for Lots 16 thru 39, Block 1, adjacent to K-96 to more specifically indicate the location of the easements along the rear of these lots.
- O. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- P. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to County Engineering for review and approval.
- 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 representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- U. The representatives from County Engineering should be prepared to comment on the status of the applicant's drainage concept.
- V. Although this property may be purchased by the developer of the area to the west (Balthrop Addition), this plat exemplifies one of the potential pitfalls or deficiencies in the platting process. This plat has no existing means of direct access to a public street, but rather depends upon a supposed street system in an Addition itself not yet platted and even if platted, it may

STAFF REPORT
(Final Plat, Preliminary Plat Approved 8/24/95)

CASE NUMBER: S/D 95-56 -- BALTHROP 4TH ADDITION (Formerly CLARK ADDITION)

OWNER/APPLICANT: Preston Trails, L.C., 8100 E. 22nd Street North, Building 100, Wichita, KS 67226

AGENT: Ritchie Development Corporation, Attn: Kevin Mullen, 8100 E. 22nd Street North, Building 100, Wichita, KS 67226

SURVEYOR/ENGINEER: Professional Engineering Consultants, Attn: Gary Wiley, 303 S. Topeka, Wichita, KS 67202

LOCATION: North of Central, on the west side of K-96 Expressway

SITE SIZE: 37.1 Acres

NUMBER OF LOTS

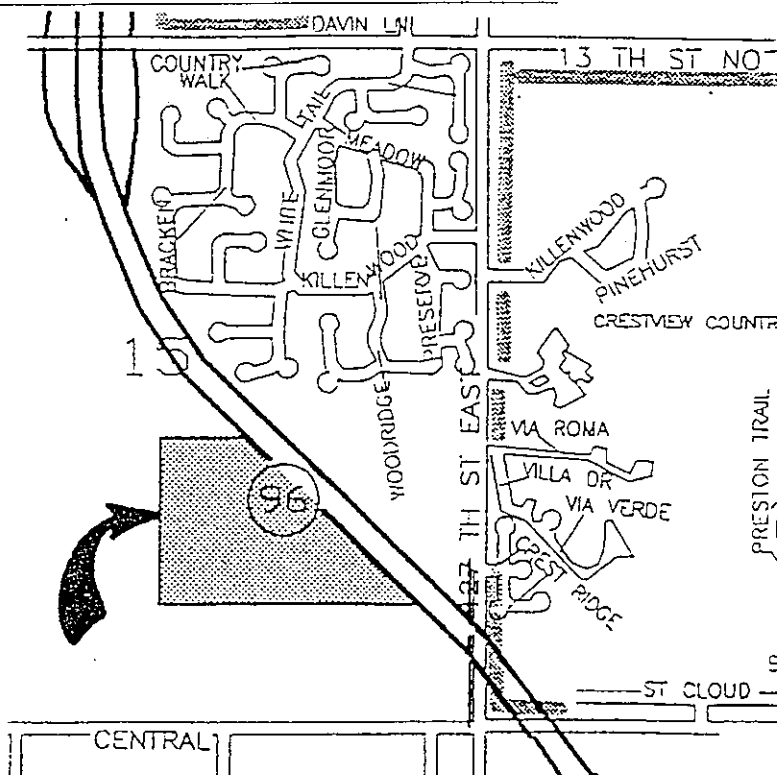
Residential:	72
Office:	
Commercial:	
Industrial:	
Total:	72

MINIMUM LOT AREA: 10,000 Sq. Ft.

CURRENT ZONING: SF-20, Single-Family Residential

PROPOSED ZONING: SF-6, Single-Family Residential

VICINITY MAP



Note: This site has been approved for a zone change (SCZ-0687) from SF-20, Single-Family Residential to SF-6, Single-Family Residential. The site is located in the County adjoining Wichita's city limits and the Applicant will need to submit a request for annexation. The site will connect with the Balthrop Addition to the west.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's city limits, the applicant shall submit a request for annexation. If the Applicant chooses to complete the plat prior to annexation, both City and County consideration is needed and the County Commissioner signature block will be required.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This guarantee shall be with the County for service through the Four Mile Creek sanitary sewer system. On the final plat tracing, appropriate wording shall be added to the Mayor's signature block indicating the City's agreement to allow a County sewer district to be formed within the City.
- C. The applicant shall guarantee the extension of City water to serve the lots being platted.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. City/County Engineering needs to comment on the status of the applicant's drainage plan.
- F. The applicant shall provide a guarantee for the paving of the interior streets. This guarantee shall also provide for a sidewalk along one side of the looped street (Tipperary/White Tail/Bracken) and the related street connections (Woodridge and Tipperary).
- G. City Fire Department needs to comment on the need for an emergency access easement to provide for two points of access to this site.
- H. City Fire Department needs to indicate if the street names being platted are appropriate.
- I. Lots 21-24 exceed the maximum depth to width ratio of 2.5 to 1 and a modification will need to be granted.
- J. To allow for County Surveyor approval, the appropriate signature block needs to be added.
- K. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. The plat'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.

- M. 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.)
- N. 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.
- O. 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.
- P. 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.
- Q. 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.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. 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.
- U. 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 Release 13 version of AutoCAD. This will be used by the City and County GIS Department.



FINAL BOUNDARY CLOSURE FOR BALTHROP 4TH ADDITION

33 North: 377722.7134 East : 2376884.5148
Line Course: N 00-57-32 W Length: 1314.33'

32 North: 379036.8626 East : 2376862.5181
Line Course: N 89-10-11 E Length: 441.31'

258 North: 379043.2576 East : 2377303.7839
Line Course: S 50-13-19 E Length: 344.80'

257 North: 378822.6514 East : 2377568.7702
Line Course: S 56-32-49 E Length: 201.00'

259 North: 378711.8542 East : 2377736.4655
Line Course: S 50-50-11 E Length: 1000.00'

263 North: 378080.3174 East : 2378511.8124
Line Course: S 42-18-20 E Length: 202.24'

264 North: 377930.7461 East : 2378647.9389
Line Course: S 45-07-33 E Length: 254.92'

274 North: 377750.8879 East : 2378828.5886
Line Course: S 89-10-11 W Length: 1944.28'

33 North: 377722.7134 East : 2376884.5148

Perimeter: 5702.87' Area: 1,617,253 sq.ft. 37.13 acres



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Perimeter: 5702.87' Area: 1,617,253 sq.ft. 37.13 acres



Gunzelman, Paul

From: Jeremy Hurt [JHurt@clarkinvestment.com]
Sent: Wednesday, October 01, 2008 11:11 AM
To: Jeremy Hurt; Armour, James
Cc: Carrier, Christopher; Gunzelman, Paul; Schlapp, Susan; Bob Lappin
Subject: RE: Preston Trails neighborhood concern

Mr. Armour –

Just following up with you on this issue. I have not received the minutes of the planning commission meeting as of yet. Also, wondering if you have any feedback on what we can do to protest this current gate situation.

From: Jeremy Hurt
Sent: Monday, September 22, 2008 9:49 PM
To: 'Armour, James'
Cc: Carrier, Christopher; Gunzelman, Paul; 'Schlapp, Susan'; 'Bob Lappin'
Subject: RE: Preston Trails neighborhood concern

Mr. Armour-

Thank you for getting back to me. I understand the process and events that you have described below. I am surprised that this was approved by Planning and overlooked by the City Council without discussion! As a busy citizen, it is very difficult to take the time to investigate every detail on a neighboring plat application. It is frustrating that our neighborhood would not be notified about this unique situation. I could go on and on. Is there anything that we as Preston Trails residents can do to appeal this decision? Should we start a petition? Any other suggestions? There are about 20-25 residents that are very upset and frustrated about this. We want quicker access and a safer emergency response time without any gate.

Thank you for your help!

Jeremy Hurt

From: Armour, James [mailto:JArmour@wichita.gov]
Sent: Monday, September 22, 2008 6:05 PM
To: Jeremy Hurt
Cc: Carrier, Christopher; Gunzelman, Paul
Subject: RE: Preston Trails neighborhood concern

Jeremy, I apologize for the delay in responding to your questions. We have researched the issue and offer the following. We will send the minutes of the Planning Commission meeting to you by hard copy.

Jeremy Hurt
Clark Investment Group
1223 N. Rock Road Bldg E200
Wichita, KS 67206

RE: Preston Trails Neighborhood

Dear Mr. Hurt,

Councilmember Schlapp forwarded your concerns regarding the gate between Balthrop 4th Addition (Preston Trails) and the Crestlake Addition to address. Below is a brief history regarding the installation of the gates. Plats are filed with the Wichita Planning Department. These plats of proposed subdivisions are heard before three boards prior to being approved; the Subdivision Committee (sub-committee of the Planning Commission), the Planning Commission, and the City Council.

When Balthrop 4th Addition was platted and approved in 1995, White Tail Street was stubbed to the south to allow for a future connection to Central when the area to the south developed. The Subdivision Regulations do require a connection, or provisions for a connection to the surrounding areas. Staff does support these connections to provide alternate ways to the arterial street system.

In late 2005, the Central Development Addition (now platted as Crestlake Addition) was platted. Traffic Engineering staff recommended an outright dedication of right-of-way between the two subdivisions without a gate. The Subdivision Committee did require the connection between the two additions; however, they approved it as an emergency access easement with a gate within Reserve C.

On December 8, 2005, the plat was scheduled on the Planning Commission agenda. Traffic Engineering staff attended the meeting to appeal the decision of the Subdivision Committee. Again the request from Traffic Engineering staff was to provide an open connection was not approved. The plat, as submitted with Reserve C and the gate, was approved unanimously by the Planning Commission.

The plat went before the City Council on April 18, 2006. The agenda item was prepared by Planning and the recommendation was to approve the plat as a consent item as approved by the Planning Commission. The plat was approved by the City Council 7-0 without discussion.

I have enclosed minutes from the December 8, 2005 Planning Commission meeting for additional information.

In order for this to be reversed, a vacation case must be filed by the property owner to request the vacation of Reserve C allowing gates. Without this vacation case, they are allowed by right to have the gate.

If you need any additional information please let me know. I can be reached at (316) 268-4501.

Sincerely,

Jim Armour, P.E.
City Engineer

Cc: Chris Carrier, P.E., Public Works Director
Paul Gunzelman, P.E., Traffic Engineer

From: Jeremy Hurt
To: Schlapp, Susan

Sent: Fri Sep 19 15:16:29 2008

Subject: RE: Preston Trails neighborhood concern
Ms. Schlapp-

I just wanted to check in with you about this issue. I have not heard anything from staff and wanted to give the neighbors some feedback. Please let me know if I should contact someone in particular. Thanks for all of your help!

From: Schlapp, Susan [mailto:SSchlapp@wichita.gov]

Sent: Tuesday, September 09, 2008 12:45 PM

To: Jeremy Hurt

Subject: RE: Preston Trails neighborhood concern

There have been some concerns expressed by some neighbors.
I have asked staff to respond to you, as they can explain it better than I can
Thank you for expressing your concern
I will do anything I can to help
Sue

From: Jeremy Hurt [mailto:JHurt@clarkinvestment.com]

Sent: Tuesday, September 09, 2008 12:39 PM

To: Schlapp, Susan

Subject: RE: Preston Trails neighborhood concern

Ms. Schlapp-

I just wanted to check in with you to see if you've had a chance to look into this. There are several within the neighborhood that have asked about the status.

Thank you for your consideration!

Jeremy Hurt
Clark Investment Group
1223 N. Rock Road Bldg E200
Wichita, KS 67206
Cell 316.209.3736
jhurt@clarkinvestment.com
www.thewaterfrontwichita.com

From: Schlapp, Susan [mailto:SSchlapp@wichita.gov]

Sent: Wednesday, August 27, 2008 4:18 PM

To: Jeremy Hurt

Subject: RE: Preston Trails neighborhood concern

I am checking into it
Thanks for letting me know
Sue

From: Jeremy Hurt [mailto:JHurt@clarkinvestment.com]

Sent: Wednesday, August 27, 2008 9:19 AM

To: Schlapp, Susan

Cc: Kerschen, Tom; Bob Lappin
Subject: Preston Trails neighborhood concern

Ms. Schlapp-

I have been asked by several of the Preston Trails residents to voice our concern about a gate that has been installed between our neighborhood and a new residential development called Crestlake. When several residents purchased their lots/homes within the East part of Preston Trails, we were told that White Tail street would be continued and eventually connected to Central. Ritchie did install said street with a dead end at their property line. Now that there is a new residential development that street has been connected and there could be access to Central. The problem is that there has been a gate installed at the property line between the two developments. Please see the attached documents for reference and advise should you need further details.

Many residents were led to believe that this was a temporary gate while streets and utilities were being constructed. Now that the gate has remained CHAINED/Locked we have all gained increasingly concerned that this will be a permanent gate as labeled on the Crestlake plat. We are all wondering how a city street paid with our special taxes can be blocked by a gate.

- Our primary concern is the extra time it would take an emergency vehicle to access the 3rd Phase of Preston Trails neighborhood should there be an emergency (police, fire, ambulances, etc.) Ninety seconds could make all the difference in a medical emergency!
- Obviously this would also be more convenient for the school bus drivers. They have claimed this would take several minutes off of their busy route.
- Finally, the gate, chain, lock, "No Access" sign, "Emergency Access" sign, wooden poles and buckets, and all the other barriers around the gate are very unappealing from the Preston Trails side of the gate and seem unnecessary.

We are ready to prepare a petition if that is the next necessary step. Thank you for your consideration to this important neighborhood concern!

Jeremy Hurt
Ph. 209-3736

Gunzelman, Paul

From: Blackwell, Ronald D.
Sent: Monday, October 27, 2008 10:05 PM
To: Glassman, Kelli; Sherfield, Antione
Cc: Schlapp, Susan; Gunzelman, Paul; Rodriguez, Christy; Thompson, Robert; Bricknell, Edward
Subject: RE: Preston Trails/Crest Lake HOA

Sensitivity: Private

Kelli:

Staff has reviewed the circumstances at Preston Trails/Crest Lake Home Owners Association. The area was designated a reserve and approved by the MAPC as well as the City Council. As a reserve and at the urging of the home owners fencing (gate) was allowed as long as it allowed accessibility for the fire department and other emergency services. The current arrangement has been approved by the fire department.

rdb

From: Glassman, Kelli
Sent: Friday, October 24, 2008 5:38 PM
To: Sherfield, Antione
Cc: Schlapp, Susan; Gunzelman, Paul; Rodriguez, Christy; Blackwell, Ronald D.
Subject: Preston Trails/Crest Lake HOA
Sensitivity: Private

Good evening –

Councilmember Schlapp and I attended the Preston Trails HOA meeting last night at Holy Cross School/Church (on Greenwich between 13th St N and Central.)

Preston Trails HOA adjoins Crest Lake HOA in this area, but these two HOA's are separated by a vacated 20 ft. reserve with gated entrance. Citizens in Preston Trails would like these gates open due to concern of quick emergency access response and ease of access to surrounding streets for citizens and school buses. The Crest Lake developer has declined to discuss this issue with Preston Trails and City staff have explored the options to resolve this issue, but legally the City cannot mandate further action on this. However, Councilmember Schlapp has agreed to try to meet with both developments to try to reach a compromise in this situation.

I called the County and they said that the MAPD may have contact info (other than the developer) for this HOA. Christy – do you have this info available to you and if so would you be able to provide this info to Antoine and Councilmember Schlapp?

Chief Blackwell – As mentioned above, residents are concerned about fire response to their area. Would you be able to test this and make sure that necessary equipment would be able to gain access if needed in case of emergency?

Paul – There was discussion of possibly modifying the gate to allow pedestrian traffic. Is that something that may be an option in your opinion? However, this may be an issue to be discussed with the two HOA's if and when they meet???

Another question that would follow this is who would pay for the specials if a walking path was designed.

I am out of the office on Monday, but please let me know if you have any further questions on this.

Thanks.

Kelli Glassman
Neighborhood Assistant District IV
Stanley Neighborhood City Hall
1749 S. Martinson
Wichita, KS 67213
Phone - (316) 303-8009
Fax - (316) 858-7736
KGlassman@wichita.gov