



Department of Public Works

September 22, 2008

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. The plats 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. The Subdivision Committee did require the connection between the two additions; however, they approved an emergency access easement with a gate within Reserve C. This approval was contrary to Engineering staff's recommendation of an outright dedication of right-of-way without the gate as required by the Subdivision Regulations.

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 staff to provide an open connection as recommended by the Subdivision

Engineering Division

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CITY OF WICHITA - 2

Regulations was denied. The plat, as submitted with Reserve C and the gate, was approved unanimously.

The plat went before the City Council on April 18, 2006. The agenda item was written (by Planning Department) to approve the plat 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 and from the April 18, 2006 City Council 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

Gunzelman, Paul

From: Armour, James
Sent: Tuesday, September 23, 2008 9:37 AM
To: Miller, Dale
Cc: Gunzelman, Paul
Subject: FW: Preston Trails neighborhood concern

Any suggestions? I'm open this morning if you can come down and visit with Paul and I.

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

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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: Carrier, Christopher
Sent: Monday, September 22, 2008 11:03 AM
To: Schlapp, Susan
Cc: Gunzelman, Paul; Armour, James
Subject: FW: Preston Trails neighborhood concern

Paul Gunzelman has prepared a letter to Mr. Hurt which reviews the history of this situation. The bottom line is that Engineering opposed the idea of a gate in a private reserve and wanted the street to be a public street without a gate. However, the subdivision committee and planning commission both voted against this, thus allowing the gate. Subsequently, when the plat appeared before the City Council, the agenda report written by planning did not refer to any problem with the gate, so it was approved, and now there is no access to Central from White Tail. We did not agree to this, but it got approved anyway.

If the residents out there want to do something different, we can only suggest that they get with the Planning Department to discuss the possibilities. If you need more, let us know.

Christopher M. Carrier
Director of Public Works
City of Wichita, Kansas

From: Armour, James
Sent: Monday, September 22, 2008 8:46 AM
To: Gunzelman, Paul; Carrier, Christopher
Subject: FW: Preston Trails neighborhood concern

Paul, we need to get this out to them TODAY. Please send me the draft to review. I'll be in Topeka but will be back before 5.

From: Schlapp, Susan
Sent: Sunday, September 21, 2008 6:20 PM
To: Carrier, Christopher; Armour, James
Subject: Fw: Preston Trails neighborhood concern

I thought we had contacted him. If not, would you please
Thanks
Sue

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Department of Public Works

September 23, 2008

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Wichita, KS 67206

RE: Preston Trails Neighborhood

Dear Mr. Hurt,

I have enclosed the hard copies of the minutes from the December 8, 2005 Planning Commission meeting and from the April 18, 2006 City Council meeting.

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

Sincerely,

Paul Gunzelman, P.E.
Traffic Engineer

Engineering Division

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4/18/06

setback provisions to be modified by the plat upon the approval of the Planning Commission.

- J. **GIS** needs to comment on the plat's street names. The street names are approved.
- K. 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.
- 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 316-946-4556) 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 note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- 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. Westar Energy has requested additional easements.
- U. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to Staff and Subdivision Recommendations.

DUNLAP moved, JOHNSON seconded the motion, and it carried (12-0).

- 2-2. **SUB 2005-87: Final Plat -- CENTRAL DEVELOPMENT ADDITION**, located on the north side of Central and west of 127th Street East.
 - A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
 - B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
 - C. **City Engineering** needs to comment on the status of the applicant's drainage plan. Revisions to the drainage plan are needed.
 - D. Complete access control has been platted along Central frontage. The location of the street openings has been approved.
 - E. The Subdivision Committee has approved the preliminary plat with Reserve C for an emergency access easement for connection to the north. The applicant shall guarantee the paving of the emergency access easement to fire department standards.
 - F. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
 - G. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.

- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's south property line and driving surface for Central.
- J. 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 the governing body.
- 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. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lots 6-8, Block 1. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. A modification has been approved.
- M. GIS needs to comment on the plat's street names. Plymouth shall be replaced with Troon or Stratford Row, Plymouth Ct shall be replaced with Stratford Ct.
- N. Street right-of-way dimensions need to be shown.
- O. 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.
- P. 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.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that 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: 316-946-4556) 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 note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within 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. Westar Energy has requested additional easements.
- Y. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

STRAHL The major issue last week at Subdivision Committee was a street connection from the proposed site to the Balthrop 4th Addition to the north. When Balthrop 4th Addition was approved, a plat condition was for a future connection through that site to Central to provide a secondary access in addition to the major access, which is over here to the west. The Subdivision Regulations do require the connection of existing streets to the surrounding area, and we do encourage these linkages between subdivisions. As explained in Item E, of the staff report, the Subdivision Committee did require a connection between these two subdivisions, however the connection was an emergency access easement with a gate to be within Reserve C. Traffic Engineering requested that the connection be an outright dedication of right-of-way instead of an emergency access easement, and Traffic Engineering

wishes that to be a public street. Traffic Engineering is here today to appeal the decision of the Subdivision Committee, and Paul Gunzelman is here to address the Commission in that regard.

WARNER Does that mean that if it is a public street it can't be gated?

STRAHL That is correct.

HILLMAN Did you receive under Item C, the drainage plan?

STRAHL I have not been informed that has been resolved as of yet, but normally we would take care of that before we proceed to City Council.

MCKAY What is the size of the lots on either side of this area?

STRAHL I think they appear to be in the 8,000 square feet range.

MCKAY I mean the width of the lots.

STRAHL It appears to be about 85 feet.

ALDRICH Could you repeat what you just said about Item E of the staff report, where Traffic Engineering and staff want that open as a street, is that correct?

STRAHL That is correct.

HENTZEN Was the Traffic Engineer available at the Subdivision Committee meeting?

STRAHL Yes, they were available and voiced their opposition, and they are back here today to appeal.

PAUL GUNZELMAN Traffic Engineer, As Neil said that when Balthrop 4th was platted in 1995 they did provide for a connection to the south, and that is what I would like, and I would like the plat approved with that public connection and not be gated. To my knowledge we haven't gated any public streets, and since these are both public I would like to keep that open. We did have one gate in southeast Wichita with two public streets, and that was removed in 2001. I would like to do as we have done in the past, connecting the two subdivision together with a public street.

WARNER Is the opposition from the developer or from the neighbors to the north?

GUNZELMAN From the developer, I believe.

DUNLAP Where we are talking about this going up to the north joins with a street that is already up there right?

GUNZELMAN Yes, it does.

DUNLAP That street that is already up there is a standard width?

GUNZELMAN It is a little narrower than a standard width.

DUNLAP Will we be requiring some reduction in the property owned by the people up there in order to make it standard width?

GUNZELMAN I would be okay with connecting this up to match the existing standard width.

DUNLAP If it is narrower than standard width to the north, this is going to be wider?

GUNZELMAN I would match this pavement to the north.

MARNELL As far as what street would be constructed would it still meet the Wichita Street Standards, the street itself not the right-of-way?

GUNZELMAN It would be, I believe, that is it would be narrow pavement and we would not allow parking.

CHRIS BOHM, RUGGLES AND BOHM, 924 N. Main, Wichita, KS 67203 We submitted this plat as a sketch plat probably 5-6 months ago, and what we had done before we submitted that was to talk to Fire Department, Traffic and everyone, first of all, to eliminate that connection completely. Through the course of those discussions it was very clear that we needed the connection, and we are fully in agreement to connect the roads. We submitted the sketch plat with the express purpose of dealing with this issue of dealing with the Reserve and the gate at that time, and the developer has moved forward through preliminary plat and final plat in good faith that this would be the case.

Whitetail Street to the north, in Balthrop, is platted as a 32-foot right-of-way. It was a backdoor right-of-way, and this subject property had been proposed as a commercial development back at the time of the platting of Balthrop Addition. So accommodations could have been made for some traffic control as we approach Central with that development, and over the time that ground sold, and we have before you the plat that we are asking for today. If you look at the Balthrop 4th and Preston Trails they have three points of access, two out to Greenwich Road, and one to the south down to Central. Each of those three entrances are single fronted, very long entrances with a Reserve on the opposite side. The entrance south on Central is about a 1,000 feet

long, and restricted to three entrances, and has a terrific way of stacking traffic that would approach Central. We feel we have met every item of this plat, and we ask you approve the plat as a Reserve crossing between the two Whitetail Streets.

TIM BUCHANAN, RRT, LLC, 7303 E. 21st Street North, Suite 110, Wichita, KS 67206 I would like to correct one piece of information that was stated. The gate was proposed as a result of a request of the people that live to the north. There were homeowners at our previous meetings, and this street design was created with the assumption with the approval of the gate was going to continue. The homeowners would have been here today had they thought the decision from before was going to be reversed. The gate is there partially as a result of the request from the homeowners to the north that don't want all this traffic coming past their houses, particularly the ones that live right on the connecting street.

MCKAY Could we hear from somebody that is on the Subdivision Committee that heard this in detail?

DOWNING I can give you a little information. We discussed this last week and the request was made by the Traffic Engineer to open that to a full street, and we also had discussion with the Fire Department and with the Police Department, and they were comfortable with the locked gate, and so we chose to go with the gate as was requested.

MARNELL I saw the vote on this was approved (4-0), and the number of members had shown to be more. Did someone abstain from voting?

DOWNING No one abstained. I don't recall if it was early or not but I think 4 or 5 was all that were in attendance.

MITCHELL I agree with the applicant. I was here on the sketch plat hearing, and the neighbors did appear and did not want that connection made partially on the basis that they had been there all these years without it, and there didn't appear to be any traffic problems, and for the two owners of the adjacent lots they felt that they had been somewhat promised this condition that they had of having that narrow connection for their side load garages without it being a street. One other thing that we learned last week was that the pavement that comes from the north doesn't extend clear to the property line. There is also a box culvert going under this area so it is a very unusual situation. I for one supported the recommendation, and would do so again today.

MOTION: To approve subject to the Subdivision Committee Recommendation.

MITCHELL moved, MCKAY seconded the motion, and it carried (12-0).

2-3. **SUB 2005-109: Final Portion of Overall Preliminary Plat -- EMERALD BAY ESTATES ADDITION**, located on the west side of West Street and north of 21st Street North.

NOTE: This site is located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation.

An overall preliminary plat was approved for the site in October 2005. This first phase -- which covers the northern portion of the overall preliminary plat -- is consistent with the preliminary plat in regards to number and size of lots, and street layout.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer (main and laterals) and City water (main and laterals) to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. **Traffic Engineering** has requested a petition for future decel lane.
- F. **Traffic Engineering** needs to comment on the access controls. The plat proposes one street opening to West Street. Complete access control is platted along the perimeter street frontage. **The plat should be redesigned to develop storage for traffic at West Street access off Emerald Bay.**
The street opening along West Street has been relocated southward in accordance with the request of Traffic Engineering.
- G. **City Fire Department has required a second point of access from West Street. The applicant has agreed on an emergency access control in accordance with Fire Department standards. An emergency access easement shall be established by separate instrument. The text of the instrument shall indicate the type of driving surface to be installed and address installation and maintenance. Standard gating and signing are required per City/County Fire Department standards.**
- H. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.

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The establishment of a redevelopment district will facilitate the use of tax increment financing to pay the cost of a portion of public improvements constructed in conjunction with the proposed 47th & Broadway redevelopment project. Only if the project is approved, a redevelopment plan adopted, and the specific improvements authorized by Council action, will the tax increment revenues generated in the district will actually be utilized.

The ordinance establishing the redevelopment district has been approved by the City's Law Department. The City Council may amend the proposed boundaries of the redevelopment district at the tie of adoption of the ordinance.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that public hearing be closed and the Ordinance establishing the 47th & Broadway
--carried Redevelopment District Area be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita establishing the Broadway & 47th Street Redevelopment District, introduced and under the rules laid over.

PLANNING AGENDA

John Schlegel Director of Planning stated that the Planning Agenda could be considered as consensus, except Item 19, unless the Council desired to withhold other Items.

Motion--carried Mayans moved the Planning Agenda be approved as consensus, except Item 19. Motion carried 7 to 0.

(Agenda Item No. 19)
123-125 E. DOUGLAS

APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 123-125 EAST DOUGLAS. (DISTRICT I)

John Schlegel Director of Planning Reviewed the Item.

Agenda Report No. 06-0414

At the March 13, 2006 Historic Preservation Board meeting, the applicant requested approval for demolition of a commercial building located at 123-125 East Douglas. Lowell Richardson, a representative of the owners of the property, filed a Certificate of Appropriateness application to demolish and replace it with a 15-space surface parking lot. The property is located within the Central Business zoning district and requires no on-site parking.

This property is located within 500 feet of the Old City Hall – 204 S. Main, the Wheeler Kelly Hagny Building – 120 S. Market, and the Kress Building – 224 E. Douglas which are listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places. Kansas State Statute K.S.A. 75-2715 – 75-2725 requires that projects occurring within 500 feet of a state or national register listed property or district be reviewed. The review guidelines set forth specific considerations for evaluation. According to the Sanborn Fire Insurance Maps, a brick building has been in this location since 1887. Although the building is not historically significant, it is part of an intact block face that is typical of the historic character of the commercial area. Removal of the structure for a surface parking lot located in a row of zero-lot line structures does not meet the intent of Environs Design Review Standards Guideline 1 or Guideline 2.

Guideline #1 specifies, "The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided."

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Guideline #2 specifies, "The environs of a property should be used as it has been historically or allow the inclusion of new uses that require minimal change to the environs' distinctive materials, features, and spatial relationships." Demolition of character-defining features or structures with no plans for compatible replacement features or structures is not recommended. Demolition of character-defining structure(s) with the intention of creating open space, such as a parking lot or park is not recommended.

The RTKL Downtown Master Plan, adopted by City Council in 1989, further recommends against creating any openings in the block faces along Douglas Avenue.

In November 2005, the Historic Preservation Board reviewed a request for demolition of 115-121 East Douglas and construction of a multi-level parking garage to be built in its place. HPB granted approval of the demolition and is requiring the applicant to present the final design of the parking garage exterior for approval. The 123-125 East Douglas surface lot would be immediately east of the new parking garage structure.

By a 5-0 vote, the HPB denied the demolition of 123-125 East Douglas because replacing a building with a surface parking lot instead of another structure with similar materials, massing and setback does not meet the environs review standards outlined in K.S.A. 75-2715 – 75-2727 and would erode the historic context of the Old City Hall, Wheeler Kelly Hagny Building and the Kress Building. The applicant is appealing the decision of the HPB.

There are no financial considerations for the City.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use".

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Cybil Strum

Ms. Strum stated that she recommended keeping the building and making it into a garage or something.

Ray Frederick

Mr. Frederick, 815 North Main, stated that he recommended allowing the applicant time to review the options.

Motion--
carried

Brewer moved to defer this Item until the May 2 Council meeting so that the Staff and applicants can meet to discuss options and recommendations. Motion carried 7 to 0.

SUB2005-82

SUB2005-82-PLAT OF CONQUEST NORTH SECOND ADDITION, LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 06-0415

This site, consisting of 53 lots on 15.17 acres, is a replat of a portion of the Conquest North Addition and is located within Wichita's city limits. The site is zoned TF-5, Two-family Residential District. The Conquest North Community Unit Plan (CUP/DP-24) has been approved, and a Notice of Community Unit Plan (CUP) has been submitted.

City water services are available. Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer and drainage improvements. A Restrictive Covenant was submitted to provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves and private street.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Notice of Community Unit Plan, Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-181

Resolution of findings of advisability and resolution authorizing construction of Lateral 119, Sanitary Sewer No. 23 (west of Hillside, north of 27th Street North) 468-84173, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-182

Resolution of findings of advisability and resolution authorizing improving Storm water Drain No. 293 (west of hillside, north of 27th Street North) 468-84174, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-87

SUB2005-87-PLAT OF CRESTLAKE ADDITION, LOCATED ON THE NORTH SIDE OF CENTRAL AND WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0416

This site, consisting of 66 lots on 35.97 acres, is located in Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for street, sewer, water and drainage improvements. Restrictive Covenants were submitted to: 1) provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-183

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90192 (north of Central, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-184

Resolution of findings of advisability and resolution authorizing construction of Lateral 396, Four Mile Creek Sewer, 468-84182 (north of Central, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-185

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 294, 468-84183 (north of Central, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-186

Resolution of findings of advisability and resolution authorizing constructing pavement on Bracken/Troon/Woodridge from the north line of Central to the north line of Central; Bracken Court, from the west line of Bracken to and including the cul-de-sac, Troon Court, from the south line of Troon to and including the cul-de-sac; White Tail from the north line of Troon to a point approximately 50' north of the north line of Crestlake, 472-84406 (north of Central, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

DED2006-07

DED2006-07-DEDICATION OF A UTILITY EASEMENT, LOCATED NORTH OF 29TH STREET NORTH AND WEST OF BROADWAY. (DISTRICT VI)

Agenda Report No. 06-0417

This Dedication is associated with a lot split case (SUB 2006-20). The Dedication is for construction and maintenance of public utilities.

There are no financial considerations.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

AIRPORT AGENDA

AIRFIELD SWEEPER PURCHASE OF AIRFIELD SWEEPER.

Agenda Report No. 06-0418

On March 21, 2006 three bids were received for the purchase of a new airfield sweeper. The new equipment will replace an airfield sweeper that is 11 years old.

The lowest bid received from Midwest Truck Equipment was higher than the estimated budget amount.







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