

MEMORANDUM

TO: Bob Schreck, CPO 6
THRU: Tom Sneider, CPO Staff
FROM: Kurt Schroeder, Superintendent of Central Inspection
RE: Minimum Pad Elevations in the Moorings 3rd and 4th Additions
DATE: March 17, 1998

OVERVIEW

This is in response to the February 22, 1998 letter from Michael D. Imbler, 4801 Portwest Circle (Moorings 4th Addition) to CPO member Bob Schreck about potential flooding problems from Crystal Lake for certain properties in the Moorings (see attached). In the past, some questions have also been raised about this by a resident in the Moorings 3rd Addition. Mr. Imbler is concerned that per private covenants attached to the Moorings development, pumping of Crystal Lake is not required by the developer or homeowner's association (HOA) until the water level in the lake reaches 140.0 city datum, even though a number of homes have floors (basements, walkouts, etc.) at levels of as low as 137.0 city datum.

OCI, with assistance from the City Engineer, City Subdivision Engineer and the Planning Department, has researched the drainage concept plans, plats, zoning records and building permits for both the Moorings 4th Addition and the Moorings 3rd Addition. It is the opinion of OCI and the City Engineer's Office that the level at which Crystal Lake will begin to be pumped should be privately resolved by the developer and/or the homeowner's association formed to maintain the lake reserve areas. It is important to note that the Moorings developments are not in a federal flood area, and are not controlled by Federal Emergency Management Agency (FEMA) guidelines for minimum pad elevations or minimum "lowest opening" elevations. The specifics of each of the Moorings 4th and 3rd Addition plats is outlined in detail below.

City staff has been told by the Moorings platting engineer that the HOA (John Dekker, President) in conjunction with the Moorings developer, Bill Bachman, is working on an agreement that would provide to the HOA two 16", 75 h.p pumps capable of pumping 11,000 gallons per minute, along with two 90 h.p tractor/generators and a storage building. The platting engineer indicated that pumping had been done in 1993 (the year of the huge rains) with one such pump and that a high lake level of 136.0 had been maintained. We're told that the HOA is now trying to finalize an agreement that would begin pumping of Crystal Lake at 135.0 and would maintain the lake level at no higher than 136.0.

PLAT HISTORY AND BACKGROUND

Moorings 4th Addition (Portwest Circle, Portwest Court and Keywest Court):

The plat was approved on 10/13/87, and was recorded **without** any minimum building pad elevations indicated or any "continuous high point ground elevations" indicated, although the subdivision report from the Subdivision Committee of the MAPC did require that the plat's text be amended to include reference to minimum pad elevation. The drainage concept plans submitted include general notes which state "All lots shall have a continuous high point ground elevation of 143.0 city datum.", but make no reference to minimum building pad elevations. Per my discussions with Vicky Huang, Subdivision Engineer, a "continuous high point ground elevation" simply means that lots should be developed to have such a high point elevation to drain water back toward the lake, and would not preclude construction of a basement floor or walkout level with a floor well below this elevation. The approved drainage concept plans for the Moorings 4th Addition has no individual lot elevations or building pad requirements on it.

The plat text does state that "Reserve "A", "B" and "C" are reserved for open space and a lake to be owned and maintained by a lot (or home) owner's association."

When issuing permits, OCI performs reviews of the plat to check for easements and any references to floodways, floodplains, minimum pad elevations, lowest opening elevations, etc. For subdivisions platted since 1991, OCI also reviews the detailed drainage concept plans as required by Subdivision Regulation amendments approved in late 1990. In this case, the Moorings 4th Addition has no minimum pad or lowest opening elevations indicated on the plat, and no detailed drainage concept plan was required at the time of platting. Therefore, no elevation requirements for minimum floor or opening elevation levels would have been attached to the building permit issued on any given lot in the Moorings 4th Addition.

Moorings 3rd Addition (3000 and 3100 Blocks of Keywest Court):

The Moorings 3rd Addition Plat was approved by the City on 12/6/83. On the original plat, there was a requirement that "All lots have a continuous minimum high point ground elevation of 143.0 city datum. The minimum building pad elevation on these is 143.0". However, about the time that initial construction was to begin, the minimum building pad elevations required by the original plat were vacated in their entirety through vacation case V-1318 (recorded on 5/7/85). However, the vacation case did maintain the requirement for a continuous minimum high point ground elevation of 143.0 city datum.

This plat text also indicates that "Reserve A is reserved for open space and a lake to be owned and maintained by an ownership association".

Again, since this was platted and developed prior to requirements for detailed drainage concept plans, and because no minimum pad or lowest opening elevations are indicated (as amended through the vacation case), building permits issued had no required minimum pad or opening elevations requirements on them.

Michael D. Imbler

4801 Portwest Circle
Wichita, Kansas 67204
Home Phone 838-2842

February 22, 1998

Robert Schreck
CPO Representative
District 6

Dear Mr. Schreck,

I am writing to express my concern about new development in the Moorings altering the natural drainage of the area. As the development proceeds, slopes are changed, additional concrete and roofs shed more water, and channels are connected to Crystal Lake. All of this additional water is then discharged into Crystal Lake. As you know, Crystal Lake is not a lake in the true sense of the word, but actually is an old sandpit. Therefore, there is no dam and no spillway. There is no exit at all for the water, except for the slow process of percolation through the soil into the water table below. Because there is more watershed area than there is lake area, this provides a multiplying affect on any rainfall. In other words, one inch of rain can raise the lake by approximately two inches. With increased development that is designed to drain into the lake, this multiplying affect will increase. I have two major concerns:

- 1) This discharge can and has flooded my yard and other yards in the development. This cracks sidewalks, kills grass, and other landscaping (including trees). It also obviously prevents use of the flooded areas. While some of this is merely a risk of nature, additional drainage into the lake takes what is a rare freak of nature and could make it a regular occurrence. An appropriate drainage plan that does not negatively impact existing residents should be implemented before further development proceeds.

- 2) The covenants for the Moorings require the developer (MIBAC) to install a pump to maintain the lake at a maximum water level of 140.0 (City Datum). This has not been done and MIBAC is about to turn over the responsibility to Homeowner's Associations now being formed (MIBAC has proposed furnishing portable pumps whose deployment time could conceivably allow flooding). One obvious problem with this is that the city has allowed houses to be built at 137.0 (and possibly below) (reference The Moorings Fourth Addition Covenants). The pumping level needs to be established by the city to protect houses built at a level approved by the city. With the multiplying affect of rainfall caused by ever increasing watershed into the lake, this level obviously needs to be a couple of feet below city datum 137.0. If the pumping level is allowed to be determined by popular vote by the Homeowner's association, a predictable result is that pumping will commence after 49 percent are flooded (51 percent, a majority, would now feel at risk!).

One further point to consider. Since maintaining the lake level will be a cost assessed to the homeowners, allowing any additional drainage into the lake is levying a financial burden on the existing residents for which they derive no corresponding benefit. I do not desire in any way to preclude a developer's legal use of his land, but I must be protected from that use causing me damage or loss of use of my property.

Sincerely,



Michael Imbler