

AGENDA
SUBDIVISION AND UTILITY ADVISORY COMMITTEE
Thursday, May 12, 2016
10:00 A.M.

The regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission will be held on **Thursday, May 12, 2016** at 10:00 a.m. in the Planning Department Conference Room, City Hall, 10th Floor, 455 N. Main Street, Wichita, Kansas.

NOTE: Vacation legal descriptions are available for public inspection in the Metropolitan Area Planning Department.

1. **VAC2016-00004: City request to vacate a portion of the Minnesota public street right-of-way** located east of I-135 and north of 1st Street.

2. **VAC2016-00016: City request to vacate a portion of platted street right-of-way** generally located west of 119th Street West, on the north side of Kellogg Avenue and east of Hornecker Drive.

3. **VAC2016-00017: City request to vacate platted access control** on property located on the southwest side of 21st Street North and K-96.

4. **SUB2015-00047: Revised One-Step Final Plat – SHOCKER ADDITION;** located north of 29th Street North, west of Arkansas.

Surveyor: Kaw Valley Engineering
Acreage: 2.48 acres
Lots: 9 lots

5. **SUB2016-00016: Preliminary Plat – NORTHGATE 2ND ADDITION;** located north of 53rd Street North on the west side of Meridian.

Surveyor: Baughman Company, P.A.
Acreage: 11.38 acres
Lots: 31 lots

6. **DISCUSSION: Plats containing non-contiguous blocks.**

The applicants are requesting the vacation of the south approximately 236 feet of the North Minnesota Street public right-of-way. This portion of Minnesota Street does not intersect with East 1st Street at this location, but ends as a cul-de-sac north of 1st Street. The applicants propose to rebuild the cul-de-sac, which means a portion of the proposed new cul-de-sac will be located on their northmost property, this will require the dedication of public street right-of-way. The applicant proposes the reconstructed cul-de-sac will be Subdivision Standards. There is a sidewalk located on the north end of the cul-de-sac that runs to 2nd Street. There is a water line, water valve, stormwater line and stormwater inlets locate in the cul-de-sac and the length of Minnesota Street. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described reserve. The applicant currently has access/a drive onto Minnesota Street, located just above the radius of the cul-de-sac.

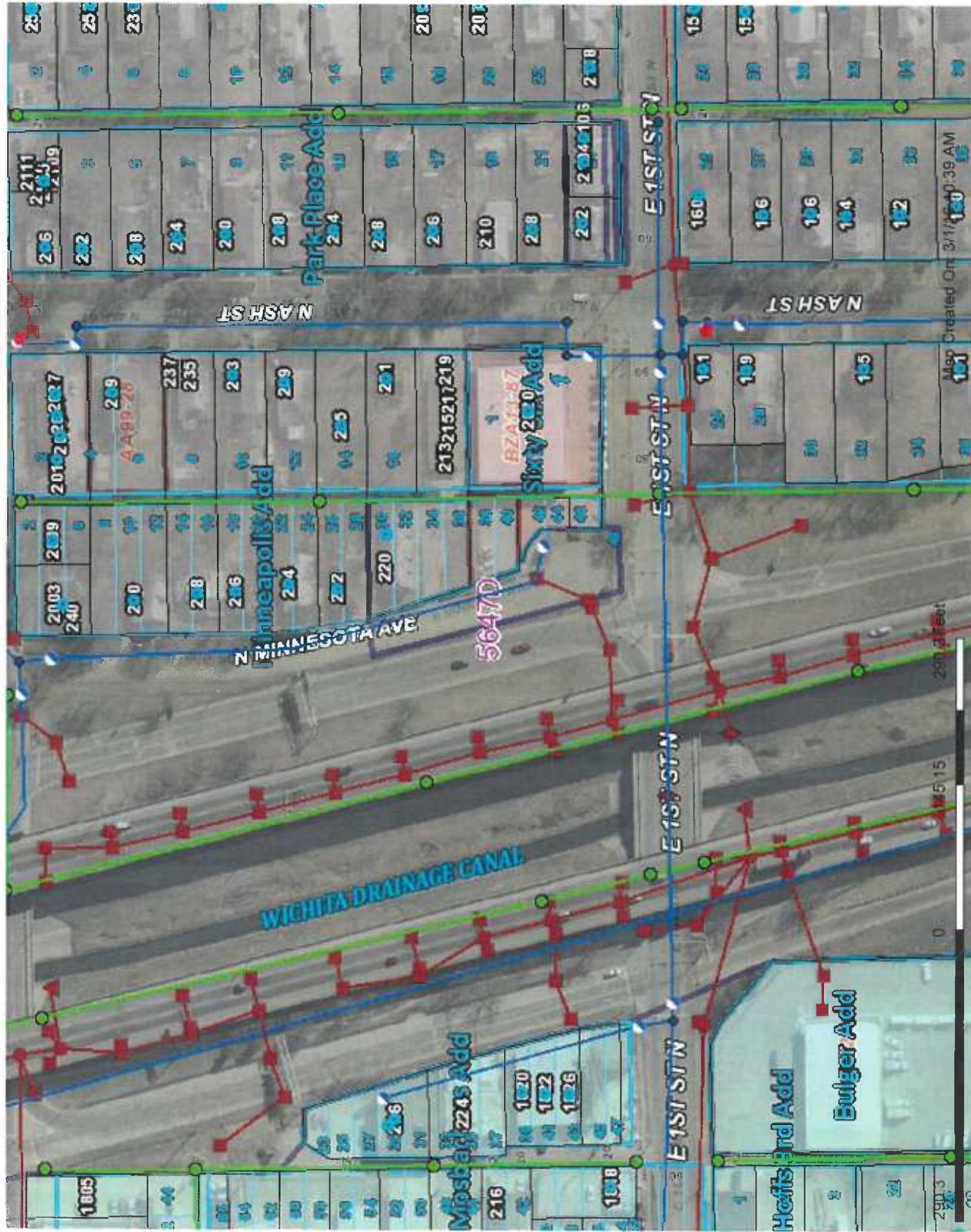
Minnesota Street was originally platted as part of the Minneapolis Addition, which was recorded June 9, 1886. The west, abutting section of I-135 was constructed between 1971 and 1978. The construction of I-135 required addition right-of-way and re-routed Minnesota Street. An I-135 frontage road runs parallel to the west side of this portion of Minnesota. The applicant is proposing an expansion of his auto repair business, which the vacation of Minnesota will facilitate. At the time the application was made, the applicants owned all of the abutting properties, however the ownership of the north most portion of those properties is changing and Planning needs the signatures of that new property owner. Vacation of the right-of-way will not deny any properties access to public street right-of-way and will not change traffic patterns.

NOTE: This case was deferred at the March 10, 2016, SD meeting. The applicant requested the deferral so that VAC2016-00004 could be considered at the May 19, 2016, MAPC meeting, which is the same date as his request, for a zone change from B Multi-family Residential (B) to LC Limited Commercial (LC) and an associated Conditional Use for car sales on portions of the property and proposed vacated Minnesota right-of-way that will used for the relocated cul-de-sac and car sales display; ZON2016-00008 and CON2016-00009.

The zoning case and associated conditional use for the expansion of an existing car sales lot brings into consideration access control. The applicant proposes a drive onto the north portion of the relocated Minnesota cul-de-sac. Staff's concerns are the possibility of trucks using Minnesota Street to deliver cars to the site. The other option is the delivery of cars via Ash Street, the applicant's other drive onto his site. Both Minnesota and Ash Streets are residential streets. Access onto Minnesota Street is only by 2nd Street. Access onto Ash Street is by 1st and 2nd Streets. Both 1st and 2nd Streets are one-way three lane arterials; one-way east on 1st Street and one-way west on 2nd Street. Ash Street has (mostly single-family) residential development located on both of its sides, from 1st Street to 2nd Street. Minnesota has single-family residential development only on its east side, with I-135 located on its west side. Allowing the existing drive on Ash Street to remain open and allowing the proposed drive at the top of the proposed Minnesota cul-de-sac could allow relatively small size truck traffic to deliver and leave the site via the two drives to either 1st or 2nd Streets. The denial of ZON2016-00008 and CON2016-00009 would leave the traffic pattern as it is now.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described public street right-of-way dedicated by separate instrument.

- (1) As approved by the Traffic Engineer, vacate the described public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (2) Dedicate by separate instrument public street right-of-way for the relocated cul-de-sac. The cul-de-sac radius will be per the Subdivision Regulations. The original dedication must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (3) Provide a plan for review and approval for the reconstruction of the cul-de-sac and any other required improvements, as required by Public Works and Traffic. The approved private street project for the reconstruction of the cul-de-sac must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action.
- (4) Minnesota Street will remain open and in its current configuration until Minnesota Street is reconstructed, per the approved private street project.
- (5) Provide a covenant, with original signatures, binding and tying the described vacated public street eight-of-way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2016-00004 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (6) Dedicate easements by separate instruments to cover all utilities. These original dedications must be provided to Planning prior to VAC2016-00004 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (7) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (8) All improvements shall be according to City Standards and at the applicants' expense.
- (9) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



Legend

- Parcels
- Lot and Block
- Subdivisions
- Quarter Sections
- Case Tracking
- Historic Sites
- Regional
- State
- State/National
- Zoning Non-Conformance
- Zoning
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 - B MULTI FAMILY
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 - SF-10 SINGLE FAMILY
 - SF-20 SINGLE FAMILY

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1: 1,742



Dedicate and reconstruct cul-de-sac.

Vacate hatched area.

ASH ST

ASH ST

50

50

133.47

139.18

133.17

16

16

1123 28

30

32

34

82.836

50

38

71

40

656

1050

138

118

40 ft

Area 2,961 sq ft
Perimeter 208 ft
400 922

MINNESOTA AVE

Area 1,000 sq ft
Perimeter 146 ft
201 ft

1135

30

30

109.34

70 ft

2020 E
1515 TN.

STAFF REPORT

CASE NUMBER: VAC2016-00016 - Request to vacate a portion of platted Harry Drive public street right-of-way

APPLICANT/AGENT: Steven J Martens & Michael R Martens (applicant/owner) Ruggles and Bohm, c/o Will Clevenger (agent)

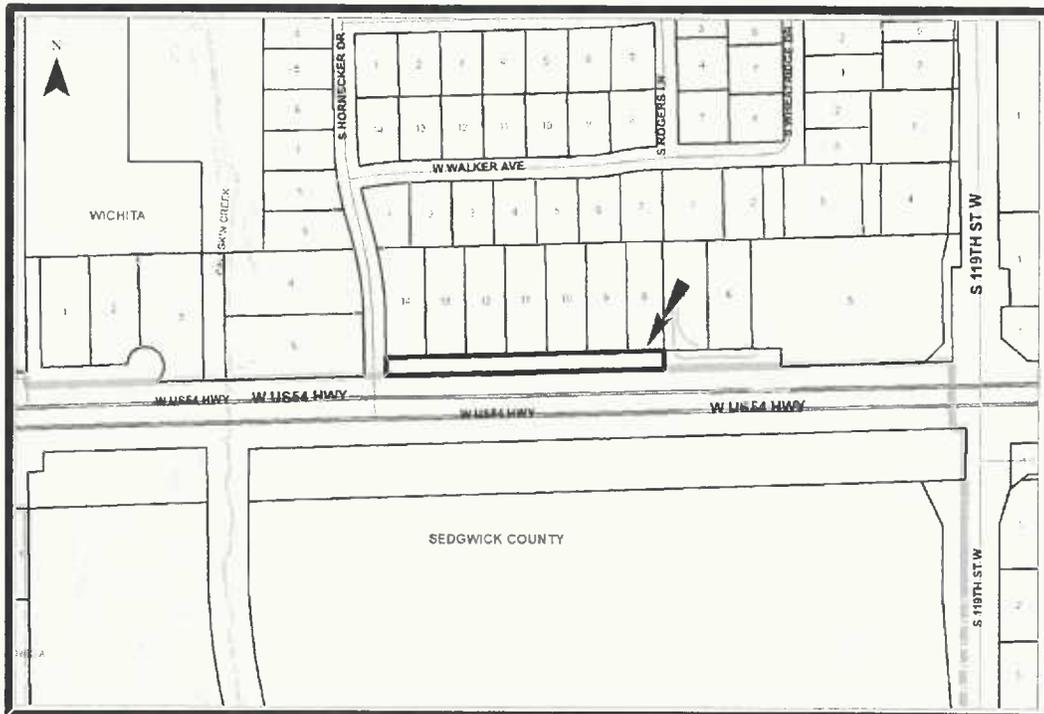
LEGAL DESCRIPTION: Generally described as vacating the 50-foot wide portion of the platted Harry Drive that abuts Hornecker Drive on the west side, Lots 8-14, Block 2, Wheat Ridge Addition on its north side, ending at the west side Lot 7, Block 2, Wheat Ridge Addition on its east side and abuts Kellogg Avenue– US Highway US-54 on its south side, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of 119th Street West, on the north side of Kellogg Avenue – US-54 and east of Hornecker Drive (WCC IV)

REASON FOR REQUEST: Right-of-way will not be used for improvements of Kellogg Street – US-54

CURRENT ZONING: All abutting and adjacent north, east and west properties are zoned GC General Commercial. Kellogg Street – US-54 abuts the south side of the site.

VICINITYMAP:



The applicants are requesting the vacation of the 50-foot wide portion of the unimproved, platted Harry Drive public street right-of-way (ROW) that abuts Hornecker Drive on the west side, Lots 8-14 (subject lots), Block 2, Wheatridge Addition on its north side, ending at the west side Lot 7, Block 2, Wheatridge Addition on its east side and abuts Kellogg Avenue– US Highway US-54 on its south side; a distance of approximately 759.33 feet. VAC2005-00035 vacated the eastern 320-foot long (x) 50-foot wide, portion of Harry Drive ROW that abuts the south sides of Lots 7-6, and a southwest portion of Lot 5, all in Block 2, the Wheatridge Addition; approved December 13, 2005, by the Wichita City Council. The combination of the the current vacation request and VAC2005-00035 appears to leave approximately 20 feet of Harry Drive. The applicants will need to verify if this is a remnant or if the combination of the two noted vacation cases removes all of Harry Drive. There is a platted 35-foot front setback on the subject lots that can be vacated with this case, although it was not requested. The applicant has provided a cross lot access agreement between the subject lots that will provide access to Hornecker Drive, which appear to have access onto Kellogg Avenue – US-54. The Wheatridge Addition plat has complete access control on the abutting Lots 5-14 onto Harry Drive, making the cross lot access agreement necessary. The public ROW Hornecker Drive provides access for the subject lots. Harry Drive will not be used for improvements of Kellogg Street – US-54. There does not appear to be public utilities located in Harry Drive, but utility poles may be located in this portion of Harry Drive. The Wheatridge Addition was recorded with the Sedgwick County Register of Deeds on April 8, 1968.

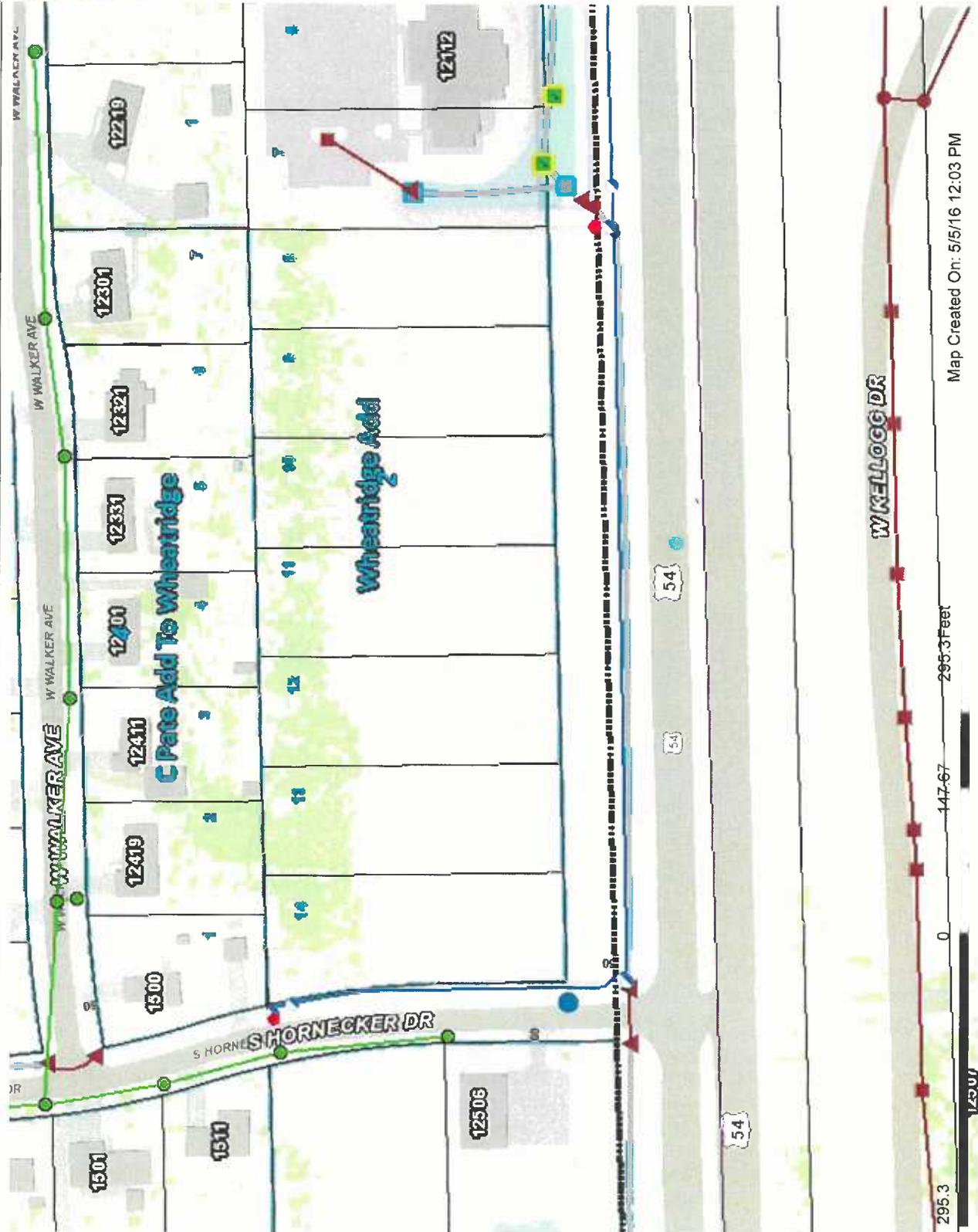
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of public street right-of-way.

- (1) Provide Planning with a legal description of the vacated Harry Drive right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2016-00013 proceeding to City Council for final action.
- (2) Vacate the platted 35-foot front setback located on and running parallel to the south property lines of Lots 8-14, Block 2, Wheatridge Addition.
- (3) Verify that VAC2016-00016 and VAC2005-00035 have vacated all of Harry Drive.
- (4) Retain complete access control on the south property lines of Lots 8-14 (subject lots), Block 2, Wheatridge Addition.
- (5) An approved cross lot circulation agreement (with original signatures) for Lots 8-14, Block 2, Wheatridge Addition will be recorded with the Vacation Order at the Sedgwick County Register of Deeds.
- (6) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2016-00016 proceeds to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (7) If needed dedicate a portion of Harry Drive as easement(s) by separate instrument to cover all utilities. The original dedication(s) must be provided to Planning prior to VAC2016-00013 proceeds to City Council for final action and subsequent recording with the Register of Deeds.

- (8) If needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (9) All improvements shall be according to City Standards and at the applicants' expense.
- (10) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



VAC2016-16 utilities



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1: 1,772

Legend

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UAC2016-16

CROSS-LOT CIRCULATION AGREEMENT

THIS DECLARATION, made this 7TH day of APRIL, 2016 by the undersigned,

WITNESSETH; That,

WHEREAS, Declarants are the owners of the following described property:

Lots 8, 9, 10, 11, 12, 13 and 14, Block 2, Wheatridge Addition, Sedgwick County, Kansas.

and

WHEREAS, it is desirable to provide a cross-lot circulation agreement for the benefit of the above described property; and

WHEREAS, Declarants are the owners of parcels of land, which combined comprise the property to be burdened by said agreement and desire hereby to establish cross-lot circulation agreement serving said property.

NOW, THEREFORE, Declarants hereby declare and establish the cross-lot circulation agreement, as follows:

1. Declarants grant to all future Owners, their agents, assigns, lessees, customers invitees, licensees, tenants and employees a nonexclusive easement over, through, and around the above described property for driveways, walkways, ingress and egress, parking motor vehicles. All entrances, exits, aisle ways and driveways shall be unobstructed so that vehicular and pedestrian traffic may easily move to and from adjoining lots within the common area and the adjacent streets.
2. The rights herein granted and all provisions hereof shall be deemed covenants that shall run with the land and shall inure to the benefit of and be binding upon Declarants and their successors and assigns.

IN WITNESS WHEREOF, this Declaration has been executed the date first above written.

[Signature]
Steven J. Martens
[Signature]
Michael R. Martens

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

This instrument was acknowledged before me this 7th day of April 2016, by Steven J. Martens.

[Signature]
Notary Public

My Appointment Expires: _____

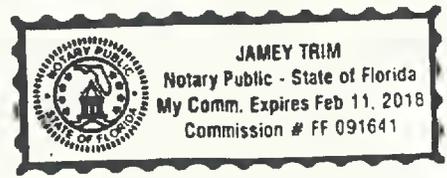


STATE OF Florida)
Polk) SS
SEDGWICK COUNTY)

This instrument was acknowledged before me this 7th day of April 2016, by Michael R. Martens.

[Signature]
Notary Public Jamey Trim

My Appointment Expires: Feb 11, 2018



The applicant proposes to vacate 40 feet of 433.7 feet of platted complete access control onto 21st Street North, located on the northwest property line of Lot 5, Block 1, Cross Pointe 2nd Addition (the subject site). The applicant proposes a right-in – right-out drive onto 21st Street North. 21st Street North is a paved four-lane, two-way, arterial road at this location. The east end of a full curbed landscaped (grass) median strip lines up with the proposed vacated portion of platted complete access control. To more fully ensure that the proposed drive is right-in – right-out it, the full curbed landscaped median strip may have to be extended further east. Currently the subject site has access to 21st Street North via the public street Crossmark Place by a 45-foot access easement abutting the south side of the subject site. The abutting west property, Lot 10, Block 1, Cross Pointe Addition (recorded July 22, 2005), has direct access onto the public street Crossmark Place, which provides access to 21st Street North.

The proposed drive would be located approximately 211 feet east of the public street Crossmark Place and 220 feet west of the 21st Street North – Kansas Highway K-96 interchange. The current Access Management Regulations standard for a right-in – right-out drive is 200 feet between drives or arterial intersections and 400 feet between full movement drives or arterial intersections.

There does not appear to be any public utilities located in the area of the vacation. There appears to be a small franchise utility tower and maybe a ground level box located in the area of the vacation. A City right-of-way tree appears to be in the area of the vacation. The Cross Pointe 2nd Addition was recorded with the Sedgwick County Register of Deeds on January 3, 2008.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

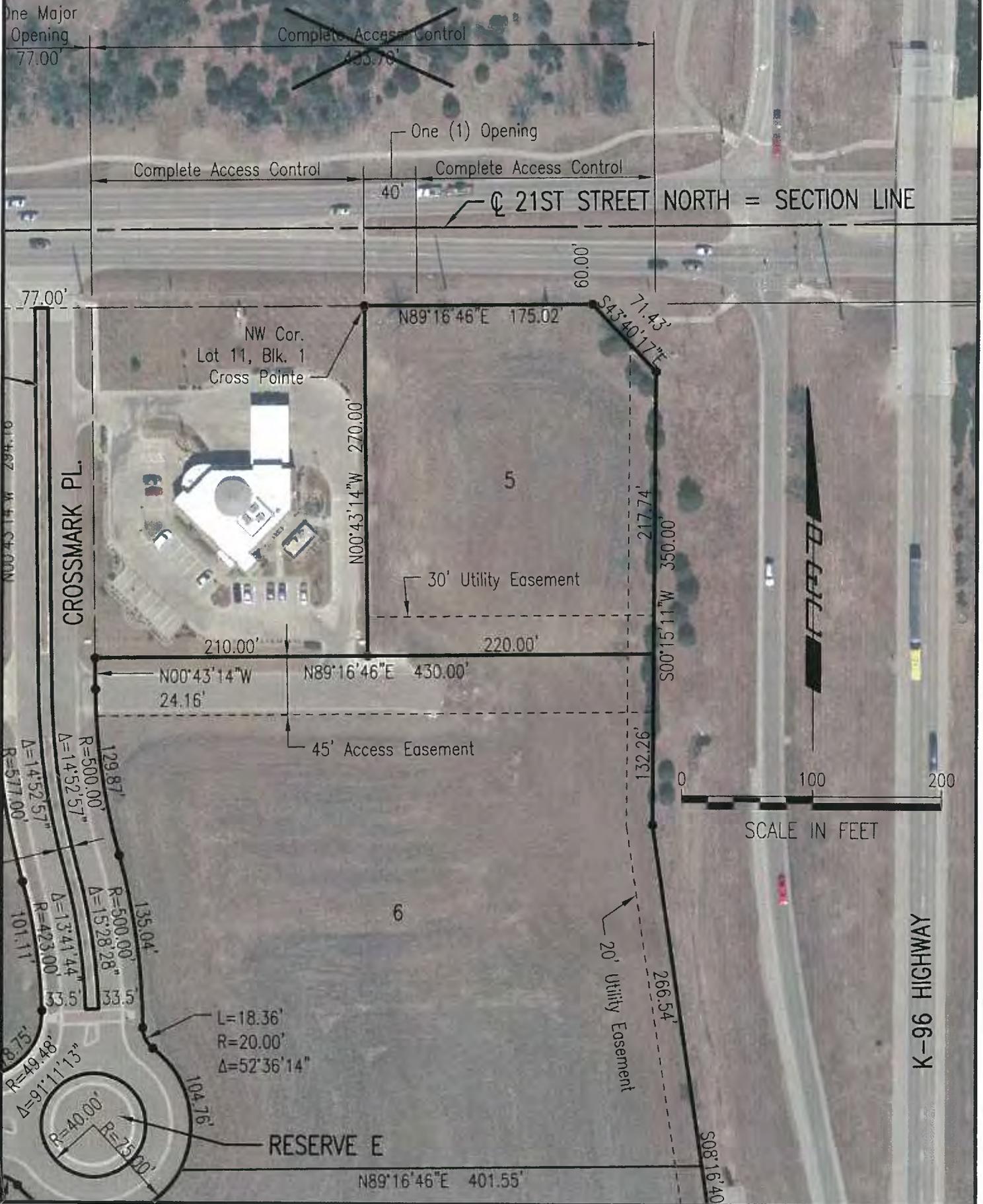
Conditions (but not limited to) associated with the request:

- (1) Vacate that portion platted access control to allow one drive onto the sites' 21st Street North frontage, as approved by Public Works - Traffic. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. This must be provided to Planning prior to the case going to the City Council for final action.
- (2) If necessary provide a plan for review and approval to extend the full curbed landscaped median strip further east. If required provide Planning with a private project number of the approved plan. This must be provided to Planning prior to the case going to the City Council for final action.
- (3) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense. Provide written approval from the utility companies prior to the case going to the City Council for final action.
- (4) If the City right-of-tree is removed another right-of-tree must be planted within 30 days of the removal of the existing right-of-tree.

- (5) All improvements shall be according to City Standards and at the applicant's expense, including all required plans, permits, inspections and the construction of the drive onto 21st Street North.
- (6) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

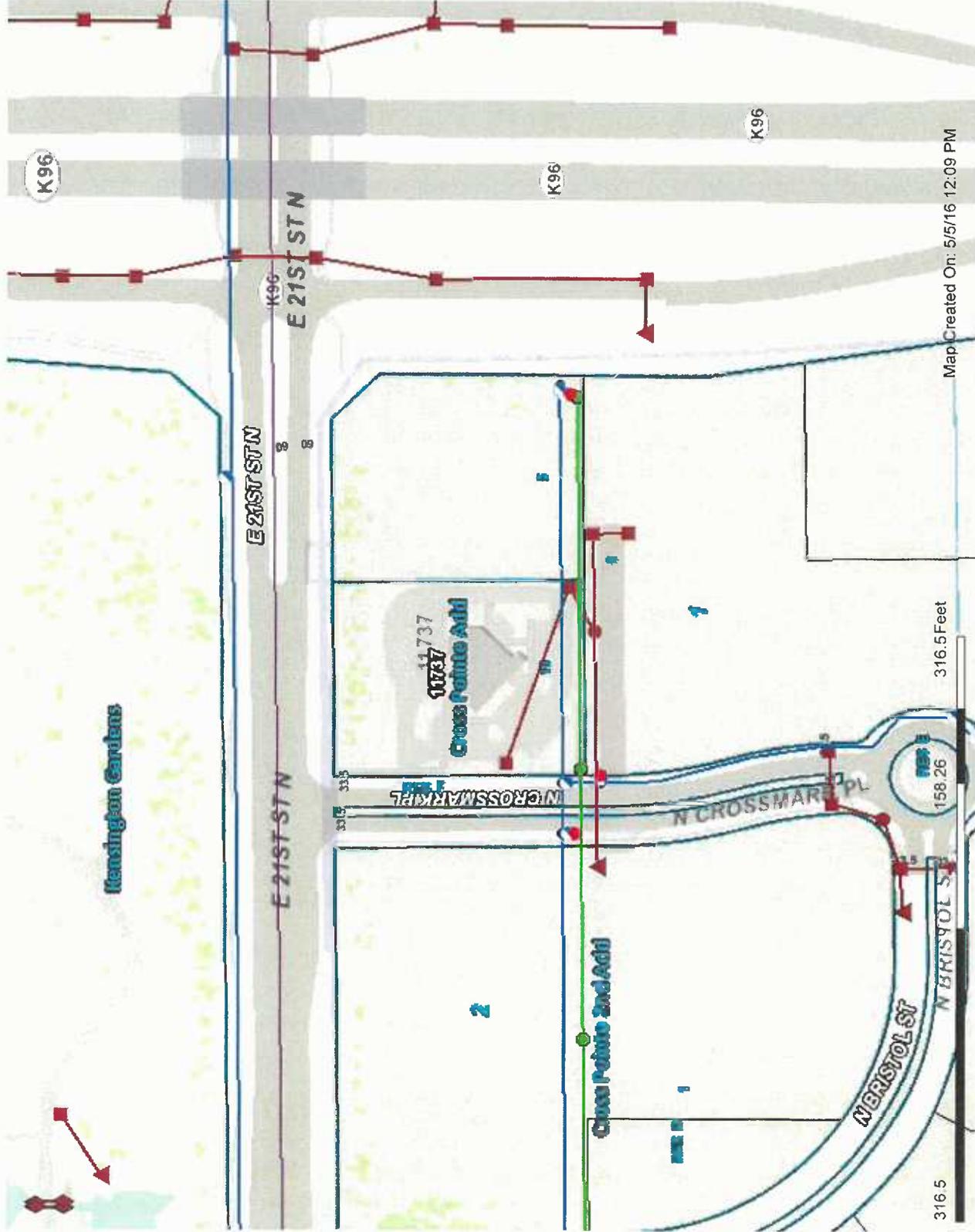
CROSS POINTE 2ND VAC 2016-17

AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS



Sined 04-11-2016 8:46:28 AM by CLM
 Plot Scale 1:97,081.9, 04-11-2016 8:48:31 AM by CLM
 U:\Wichita-Civil\2016\160339\000\Misc\Drawings\160339-000 Access Control Vacations

VAC2017-17 utilities



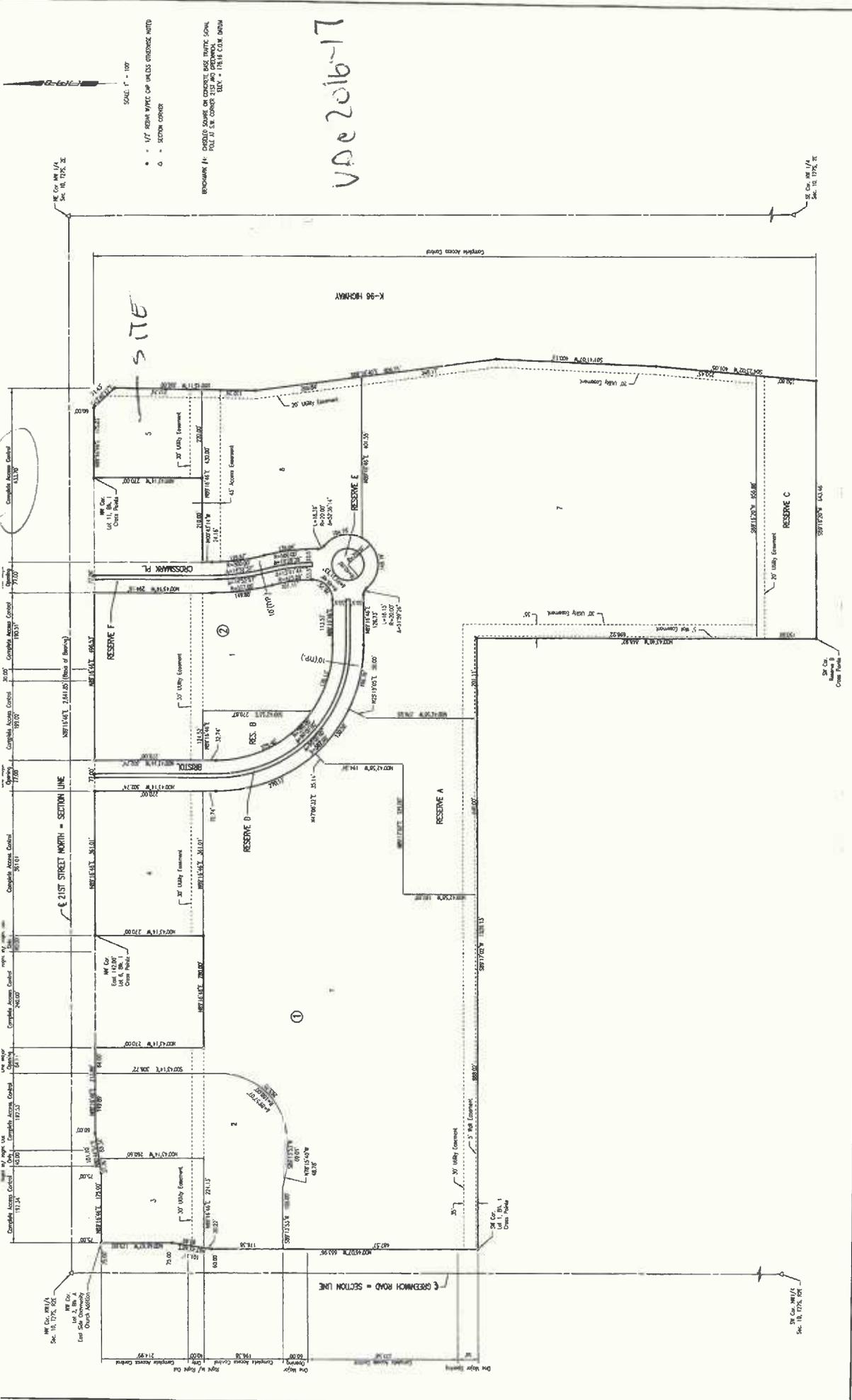
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1: 1,899

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SCALE: 1" = 100'

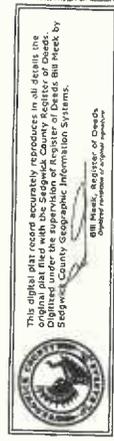
- - 1/4" BENCH MARK OR UNLESS OTHERWISE NOTED
- - SECTION CORNER

BENCHMARK IS 4000000 NORTH ON HORIZONTAL AXIS AND 10000000 EAST ON VERTICAL AXIS. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. UTM = UTM 18N CONVERSION

VAE 2016-17

PC202-3B

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REGISTRAR OF DEEDS
DEPARTMENT OF TRANSPORTATION

https://www.ncdot.gov/

STAFF REPORT
(Revised One-Step Final Plat, Deferred 12/24/15)

CASE NUMBER: SUB2015-00047 -- SHOCKER ADDITION

OWNER/APPLICANT: Chris Lee, 2102 East 21st Street, Wichita, KS 67214

AGENT: Kaw Valley Engineering, Attn: Tim Austin, 200 North Emporia, Suite 100, Wichita, KS 67202

LOCATION: North of West 29th Street North, West of North Arkansas Avenue (District VI)

SITE SIZE: 2.48 acres

NUMBER OF LOTS

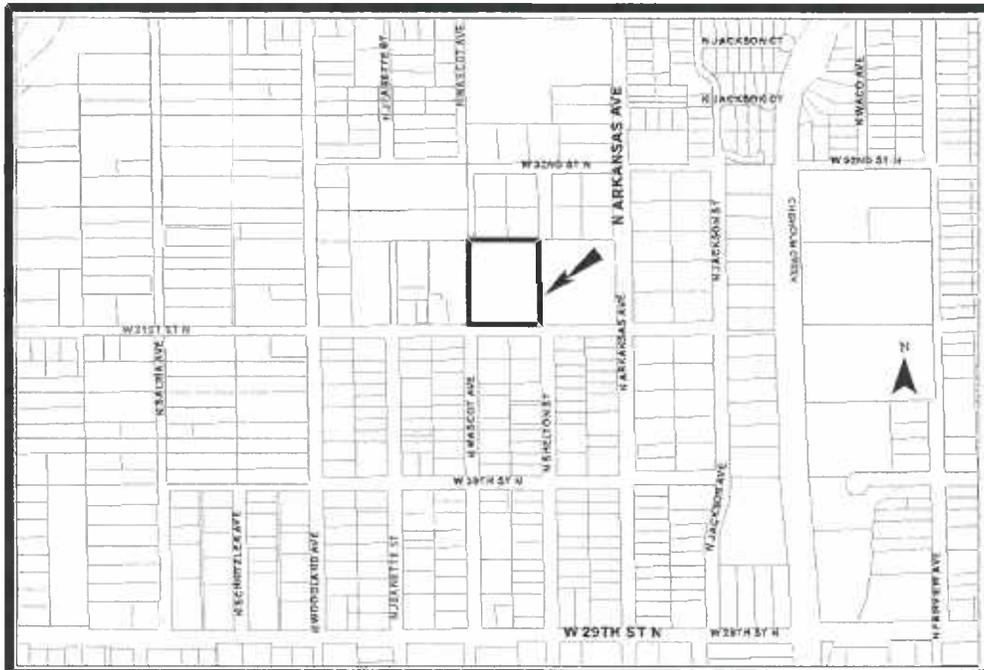
Residential:	9
Office:	
Commercial:	
Industrial:	
Total:	<u>9</u>

MINIMUM LOT AREA: 7,000 square feet

CURRENT ZONING: Single-Family Residential (SF-5)

PROPOSED ZONING: Two-Family Residential (TF-3)

VICINITY MAP



SUB2015-00047 -- One-Step Final Plat of Shocker Addition
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NOTE: This is an unplatted site located within the City of Wichita. The site has been approved for a zone change (ZON2015-00009) from Single-Family Residential (SF-5) to Two-Family Residential (TF-3). A conditional use (CON2015-00008) was approved to allow multi-family residential density.

The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations only if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) to serve all lots and extend sewer (laterals) to serve all lots. A utility plan is requested for water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management advises that the consultant is addressing drainage plan deficiencies.
- D. The drainage and utility easement needs revised to a "street, sidewalk, drainage and utility easement" which is required adjoining a narrow 32-foot street right-of-way.
- E. The plat's text shall include language that the street, sidewalk, drainage and utility easement is hereby granted as indicated for street, sidewalk and drainage purposes and for the construction and maintenance of all public utilities.
- F. The plat's text references sewer easements not shown on the face of the plat.
- G. The applicant shall guarantee the paving of the proposed street. For the narrow public 32-foot street, this guarantee shall be for the 29-foot paving standard.
- H. The streets adjoining the plat (Mascot and Shelton) to the north shall be labelled.
- I. As the plat adjoins Mascot to the north, the east half of a turnaround needs to be dedicated within the northwest corner of this plat.
- J. As the plat adjoins Shelton to the north, the west portion of a turnaround needs to be dedicated within the northeast corner of this plat.
- K. County Surveying requests a distance added on the north lines of Lots 5 and 6, Block 1.
- L. County Surveying requests a bearing added along the north line of Reserve A.
- M. County Surveying requests the addition of the delta for the curve with the 20-foot radius.
- N. County Surveying requests that in the legal description "except the south 30 feet for street right-of-way" needs removed and the 30-foot street dedication labelled.
- O. The owner's signature needs corrected to Christopher J. Lee.

SUB2015-00047 -- One-Step Final Plat of Shocker Addition
May 12, 2016 - Page 3

- P. The notary under the owner's certificate needs corrected to "on behalf of the Company".
- Q. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street, drainage and utility easements, a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- R. 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 restrictive 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.
- S. For those reserves being platted for drainage purposes, the required covenant that 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.
- T. GIS has approved the street name.
- U. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- V. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly installed, permitted and inspected.
- W. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- X. 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.
- Y. 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.)
- Z. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- AA. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

SUB2015-00047 -- One-Step Final Plat of Shocker Addition
May 12, 2016 - Page 4

- BB. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- CC. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater 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.
- DD. Perimeter closure computations shall be submitted with the final plat tracing.
- EE. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- FF. Westar Energy has advised that no additional easements will be needed if the front lot 15-foot drainage and utility easement is platted as that easement is needed to provide service. Heide Bryan, Subdivision Representative will be the contact for this plat. She can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense.
- GG. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: SUB2016-00016 – NORTHGATE 2ND ADDITION

OWNER/APPLICANT: R & R Realty, LLC, Attn: Jay W. Russell, P. O. Box 75337,
Wichita, KS 67275-0037

SURVEYOR/AGENT: Baughman Company, Attn: Kris Rose, 315 Ellis, Wichita, KS
67211

LOCATION: North of West 53rd Street North, on the West Side of North
Meridian Avenue (District VI)

SITE SIZE: 11.38 acres

NUMBER OF LOTS

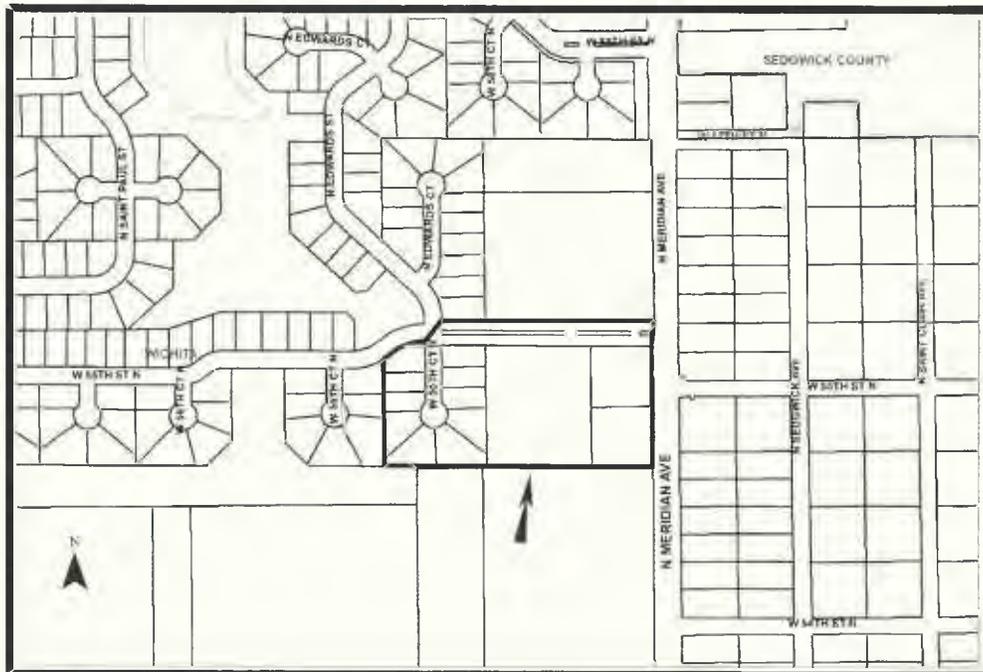
Residential:	31
Office:	
Commercial:	
Industrial:	
Total:	<u>31</u>

MINIMUM LOT AREA: 10,400 square feet

CURRENT ZONING: Limited Commercial (LC), Single-Family Residential (SF-5)

PROPOSED ZONING: Two-Family Residential (TF-3)

VICINITY MAP



SUB2016-00016 – Preliminary Plat of NORTHGATE 2ND ADDITION
May 12, 2016 - Page 2

NOTE: This is a replat of a portion of the Northgate Addition and the Northgate Commercial 2nd Addition. The applicant requests a zone change from Single-Family Residential (SF-5) and Limited Commercial (LC) to Two-Family Residential (TF-3).

The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations only if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) to serve all lots and the extension of sewer (laterals) to serve all lots. A 15-foot sewer easement needs shown between lots 28 and 29. Transmission in-lieu-of-assessments are due.
- B. On the final plat, the platlor's text shall include language that "No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements."
- C. The platlor's text shall include language that the utility easements are hereby granted as indicated for the construction and maintenance of all public utilities.
- D. The platlor's text shall include language that the drainage and utility easement is hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities.
- E. The easement running east-west at the rear of Lots 1 to 9 shall be labelled.
- F. County Surveying advises that in the legal description, Hydraulic needs changed to Meridian and in Block D needs changed to Block B in three places.
- G. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) along with the corresponding dollar amounts shall be submitted to the Planning Department for recording.
- H. City Stormwater Management advises the drainage concept plan is approved for the preliminary plat.
- I. The plat denotes one street opening along Meridian and one temporary/emergency access. The temporary access will be vacated upon the paving of 55th Street North to 55th Court North, and will be retained as an emergency access. The final plat shall reference the dedication of access controls in the platlor's text.
- J. The platlor's text shall note the dedication of the street to and for the use of the public.
- K. On the final plat, the standard language is needed regarding vacation statutes.
- L. The final plat tracing shall state in the platlor's text the purposes of the proposed reserves as well as the ownership and maintenance responsibilities.

SUB2016-00016 – Preliminary Plat of NORTHGATE 2ND ADDITION
May 12, 2016 - Page 3

- M. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- N. For those reserves being platted for drainage purposes, the required covenant that 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.
- O. The applicant shall guarantee the paving of the proposed street. In accordance with the Subdivision Regulations, the cul-de-sac must meet the minimum 35-foot paved radius requirement.
- P. The paving guarantee shall include the construction of a paved roadway surface for the emergency access easement. The 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 Fire Department standards.
- Q. Reserve C shall include the use of "pedestrian access". The paving guarantee shall include the construction of sidewalks within Reserve C and along the plat's frontage along Meridian.
- R. The applicant has platted a 20-foot front setback for Lots 18 and 19 which represents an adjustment of the Zoning Code standard of 25 feet for the Two-Family Residential (TF-3) District. The applicant has platted a 15-foot rear setback for all of the lots which represents an adjustment of the Zoning Code standard of 20 feet for the Two-Family Residential (TF-3) District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- S. GIS needs to comment on the plat's street names.
- T. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted, installed and inspected.
- U. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- V. 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.
- W. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.

SUB2016-00016 – Preliminary Plat of NORTHGATE 2ND ADDITION
May 12, 2016 - Page 4

- X. 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.)
- Y. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- Z. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- AA. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 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.
- BB. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater 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.
- CC. Perimeter closure computations shall be submitted with the final plat tracing.
- DD. The applicant should check City or County GIS mapping to determine whether the location of any taxing district boundaries (e.g. school districts) crosses their property and plan accordingly to avoid unnecessary splitting of lots between taxing districts.
- EE. Westar Energy requests additional easements and Heide Bryan, Subdivision Representative, is working with the agent for the applicant on these easements. Westar may need to either wait for the final plat before it is approved and see if the easements are still needed after the applicant works with Heide or if the easements will need to be obtained by separate instrument. Heide can be reached at 316-261-6554. Any and all relocation and removal of any existing equipment made necessary by this plat will be at the applicant's expense
- FF. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

AGENDA ITEM NO. 6

DATE: May 12, 2016
TO: Subdivision Committee
FROM: Neil Strahl, Senior Planner
SUBJECT: Amendment to Subdivision Regulations – Plats with Non-Contiguous Blocks

At the Planning Commission Meeting of April 21, 2016, MAPD was directed by the Planning Commission to draft an amendment regarding subdivisions containing blocks which are not contiguous.

Law Review

County Law has reviewed the issue and Kansas Statutes regarding subdivisions does not include any provisions a) requiring blocks in a plat to be contiguous or b) imposing a maximum distance between blocks.

Subdivision Regulations from other Cities/Counties

Staff conducted a sampling of subdivision regulations in other localities and could not locate any subdivision codes which addressed plats with disconnected blocks.

Frequency of Plats with Non-Contiguous Blocks

At the 4/21/16 MAPC Meeting, MAPD Staff discussed four plats containing fragmented blocks:

C & M Winter Addition – 375-foot separation
Hedge Acres – 215 feet
Cummings Estates – 1000 feet
Hole-in-One Holstein – 1700 feet

Staff involvement with such plats is not common and one local surveyor estimates these types of subdivisions are less than .1% (letter attached). The surveyor also states that these type of subdivisions has not caused any confusion and believes an amendment to the Subdivision Regulations would be unnecessary.

City/County Staff

No members of City or County staff expressed any issues that have developed with these types of disjointed plats. The County Clerk's Office also explained they have no issues with these plats.

MAPD Recommendation

There would appear to be several situations whereby a plat containing non-contiguous blocks may be justified (e.g. phased development, developable lots along perimeter of a non-developable land, replat containing disparate sites, etc). If it is determined that an amendment is necessary, the following may be considered:

“7-203. Blocks. (F) The property being developed shall include blocks that are encouraged to be contiguous and should not be separated unless they were originally part of the same parent tract, in which case the blocks shall not be separated by a distance greater than 5,280 feet.”



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Land Surveyors
www.savoyco.com

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433 S. Hydraulic
Wichita, KS 67211-1911
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Fax. (316) 452-5682

22 April 2016

Metropolitan Area Planning Department
Current Plans Division
Attn: Neil Evan Strahl
City Hall, 10th Floor
455 N. Main
Wichita, KS 67202-1688

Subject: Guidelines for Subdivisions with Lots which are not contiguous.

Reference: The MAPC Subdivision Committee.

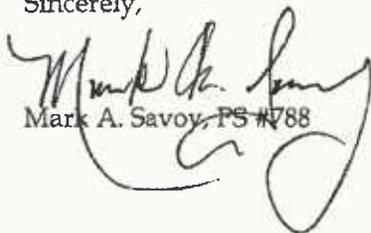
Dear Neil Strahl,

The percentage of these types of subdivisions is probably much less than 1 plat out of a 1,000 plats, which would be 0.1%. These types of plats normally consist of parcels that are out of the same original contiguous ownership or are re-plats out of the same subdivision.

My experience for researching property descriptions extends over a period of 50 years in numerous Cities, Towns and Rural areas in approximately 45 Counties in Kansas. I can't tell you how many legal descriptions that I have researched over the years (easily 1,000 per year), but I can tell you that on the fairly rare occasion that the ownerships of either platted or unplatted parcels consisting of properties that are not contiguous has never caused any confusion. When we do research for a specific property, we also check the descriptions of the adjacent properties to verify that the adjoining properties are contiguous with the parcel that we are researching.

In conclusion, I can't imagine the necessity of creating a specific rule for this type of situation. In my opinion applying common sense and good judgement on a case by case basis by MAPD Staff would be the best guideline for this situation.

Sincerely,


Mark A. Savoy, PS #788