

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 5

December 12, 1991

STAFF REPORT

(Final Plat, Preliminary Plat Approved 5/16/91)

CASE NUMBER: S/D 91-25 - BRIARWOOD ESTATES 6TH ADDITION

OWNER/APPLICANT: Slawson Investment Corp., 104 S. Broadway,
Wichita, KS 67202

SURVEYOR/ENGINEER: Bill G. Yung Design, 4912 E. 29th St. N.,
Suite 1, Wichita, KS 67220

LOCATION: Southeast corner of 13th Street North and
119th Street West

SITE SIZE: 9.45 Acres

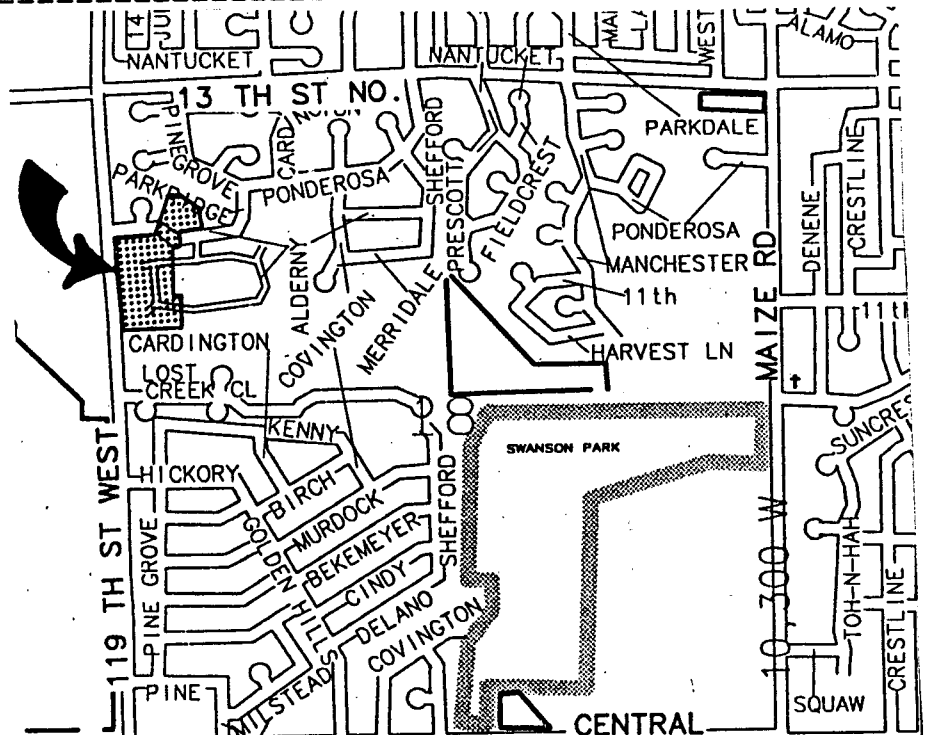
NUMBER OF LOTS

Residential:	26
Office:	
Commercial:	
Industrial:	
Total:	26

MINIMUM LOT AREA: Approx. 6,600 sq. ft.

CURRENT ZONING: "AA" One Family Dwelling; CUP, DP-136,
Amendment #2

VICINITY MAP:



NOTE: This final plat only represents a portion of the previous preliminary plat. Most of this final replat involves the western half of the Briarwood Estates 4th Addition, now being platted as Block 2 of this 6th Addition. The area indicated as Block 1 on this plat is within the previously platted Briarwood Estates 5th Addition. As was noted during review of the preliminary plat, this replat involves more conventional single family type lots in the area of the 4th addition, where smaller lots or clustered type development was originally planned. Although not as significant as was indicated on the preliminary plat, this plat still proposes the elimination of previously platted open space or reserve areas. This plat is within the Briarwood Estates Community Unit Plan DP-136, Amendment #2. All of Block 1 is within parcel 2 of the C.U.P., while the lots in Block 2, adjacent to Alderny are in parcel 12, and the remaining lots of Block 2 are within parcel 3 of the C.U.P.

STAFF COMMENTS:

- A. While the single family uses now being shown in Block 2 are among the uses allowed in parcel 3 of the C.U.P., the change in development plans or patterns, including the elimination of significant open space reserve areas will require the applicant to obtain an adjustment or amendment to the C.U.P., prior to this plat being scheduled for City Council review.
- Since this site has already experienced significant development and has active homeowner's associations, a letter should be provided to the Planning Department from the homeowner's association(s) indicating they have no objections to these changes. Further, the applicant shall submit appropriate legal documents for recording which provide for this property to share the responsibility for the maintenance of the reserves platted as a part of the original plat.
- B. Although the applicant may submit square footage figures for the lots or an agreement so that existing specials can be redistributed, it is recommended that new petitions be submitted. If projects are to be abandoned as a result of this replat, the applicant shall pay off any charges against the abandoned projects. If new petitions are provided, the following improvements shall be guaranteed: the extension of municipal water and sanitary sewer, drainage and/or storm sewer improvements, and the paving of the interior streets.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. 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.

- E. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, 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 a method similar to special assessments.

Further, this covenant shall provide that the homeowner's association will be responsible for maintaining the area or parking strip adjacent to 119th St. West and the plat's west line.

- F. 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. Any plantings within the easement shall be reviewed by the City Forestry Division prior to installation.

As indicated on the final plat, a portion of this easement along the east line of Alderny Court is off-site and will be dedicated by separate instrument. This document shall be submitted with the final plat tracing to the Planning Department.

- G. 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 and 32-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.
- H. The preliminary plat indicated an ARKLA gas line along what would be the west line of Lot 1, Block 2. The final plat and platting binder, however, do not now indicate any such line or easement. The applicant and ARKLA representative need to indicate if this easement or line affects this lot and plat.
- I. Prior to this plat being released for recording, the applicant shall submit proof that all outstanding taxes, as indicated in the platting binder, have been paid.

- J. On the final plat tracing the east and west lines of Alderny shall be shown as dashed lines. Solid lines are used to indicate private streets but also in this case it needs to be clearly indicated that this section of the site is public street right-of-way.
- K. 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.
- L. 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.
- M. 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 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- O. Recording of the plat within 30 days after approval by the City Council.
- P. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- Q. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to indicate the acceptability of the platted minimum building pad elevation.
- R. The applicant or his agent should be prepared to indicate if any other portions of the preliminary plat are expected to be finalized in the future or if this plat is now expected to be the only replat of the Briarwood Estates 4th and 5th Additions. At the time that the preliminary plat was reviewed, the area to the north of Alderny was a major concern to existing property owners. This final plat, however, has proposed only minor changes for three lots within that area.

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 11

May 16, 1991

**STAFF REPORT
(Preliminary Plat)**

CASE NUMBER: S/D 91-25 - BRIARWOOD ESTATES 6TH ADDITION

OWNER/APPLICANT: Slawson Investment Corp., 104 S. Broadway,
Wichita, KS 67202

SURVEYOR/ENGINEER: Bill G. Yung Design, 4912 E. 29th St. N.,
Suite 1, Wichita, KS 67220

LOCATION: Southeast corner of 13th Street North and
119th Street West

SITE SIZE: 15.5 Acres

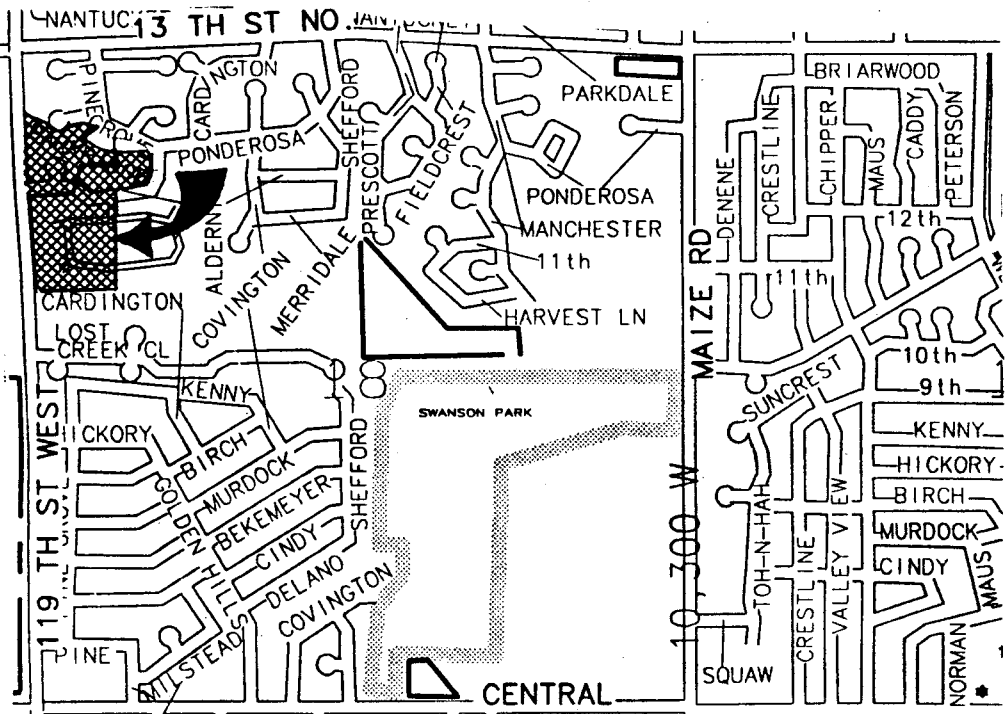
NUMBER OF LOTS

Residential:	37
Office:	
Commercial:	
Industrial:	
Total:	37

MINIMUM LOT AREA: Approx. 5,800 sq. ft.

CURRENT ZONING: "AA" One Family Dwelling; CUP, DP-136,
Amendment #2

VICINITY MAP:



NOTE: This plat involves the replatting of portions of the Briarwood Estates 4th and 5th Additions. The most significant changes indicated by the replat involve: the western half of the 4th Addition being platted into conventional single-family lots versus the existing smaller lot, clustered type development, and the elimination of previously platted open space, reserve areas by the enlargement of lot sizes and the above indicated conversion in the 4th Addition's western half to single-family lots. This plat is within the Briarwood Estates Community Unit Plan DP-136, Amendment #2. All of Block 1 is within parcel 2 of the C.U.P., while the lots in Block 2, adjacent to Alderny are in parcel 12, and the remaining lots of Block 2 are within parcel 3 of the C.U.P.

STAFF COMMENTS:

- A. While the single family uses now being shown in Block 2 are among the uses allowed in parcel 3 of the C.U.P., the change in development plans or patterns, including the elimination of significant open space reserve areas will require the applicant to obtain an adjustment or amendment to the C.U.P., prior to this plat being scheduled for City Council review.

Since this site has already experienced significant development and has active homeowner's associations, a letter shall be provided to the Planning Department from the homeowner's association(s) indicating they have no objections to these changes. Further, the applicant shall submit appropriate legal documents for recording which provide for this property to share the responsibility for the maintenance of the reserves platted as a part of the original plat.

- B. City Engineering needs to indicate the status of existing petitions on file for this site and whether they can be amended or should be abandoned and new petitions refiled. If projects are to be abandoned as a result of this replat, the applicant shall pay off any charges against the abandoned projects. If new petitions are required, the following improvements shall be guaranteed: the extension of municipal water and sanitary sewer, drainage and/or storm sewer improvements, and the paving of the interior streets.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. On the final plat, complete access control shall be indicated for the lots adjacent to 119th Street West.
- E. According to the C.U.P., for lots 16 thru 23 of Block 2, adjacent to a 32-foot street, a 20-foot building setback can be allowed. Since this is the smallest front yard setback typically allowed

and there are no conditions in the C.U.P. that would allow any other setback, this 20-foot setback shall be platted on the final plat.

- F. 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.
- G. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, 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 a method similar to special assessments.
- H. The final plat shall state in the plattor's text the purposes of the proposed reserves as well as who is to own and maintain the reserves.
- I. 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. Any plantings within the easement shall be reviewed by the City Forestry Division prior to installation.
- J. 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 and 32-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.
- K. The preliminary plat indicates a 6-inch ARKLA gas line along the western edge of this plat. If this line is within an easement established by separate instrument it shall be shown in the final plat with the appropriate recording information. A copy of this document should also be provided to Planning for the plat file. It is the applicant's responsibility to determine any setback requirements that may be required from the pipeline. Further, any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- L. On the final plat, easements shall either be indicated within Reserves A & B, or the reference to utilities within easements

- shall be amended in the text to indicate that Reserves A & B are platted for utilities, i.e. as blanket easements and not just confined to easements.
- M. On Lot 14, Block 1 and Lots 1 & 14, Block 2 the final plat shall clearly indicate if 15 or 20-foot sideyard setbacks are being platted.
 - O. If required for this site, minimum building pad elevations shall be indicated both on the face of the plat and referenced in the plat's text. Both on-site and off-site bench marks shall be shown. It shall also be indicated if the minimum elevation involves the lowest floor or opening elevation.
 - P. The 15-foot street-drainage-utility easement within Reserve B shall be clearly labeled.
 - Q. On the final plat, the centerline of 119th Street West shall be labeled.
 - R. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
 - S. Requirements for a final plat (see pages 24-29, Part 4, Article 5 of the MAPC Subdivision Regulations).
 - T. 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.
 - U. 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.
 - V. 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 316-946-4527) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
 - W. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
 - X. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept. Also, Engineering needs to indicate if minimum building pad elevations are required for this site and the status of existing petitions.