

March 6, 1997

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 97-15 - BELLE TERRE SOUTH

OWNER/APPLICANT: Downing Development Co., L.L.C., 3595 N. Webb Road,
Wichita, KS 67226; 631-3800

SURVEYOR/ENGINEER: Rob Hartman, c/o P.E.C., 303 S. Topeka,
Wichita, KS 67202; 262-2691

LOCATION: West of 159th Street East and North of US 54 Highway (Kellogg)

SITE SIZE: 160.7 +/- Acres

NUMBER OF LOTS

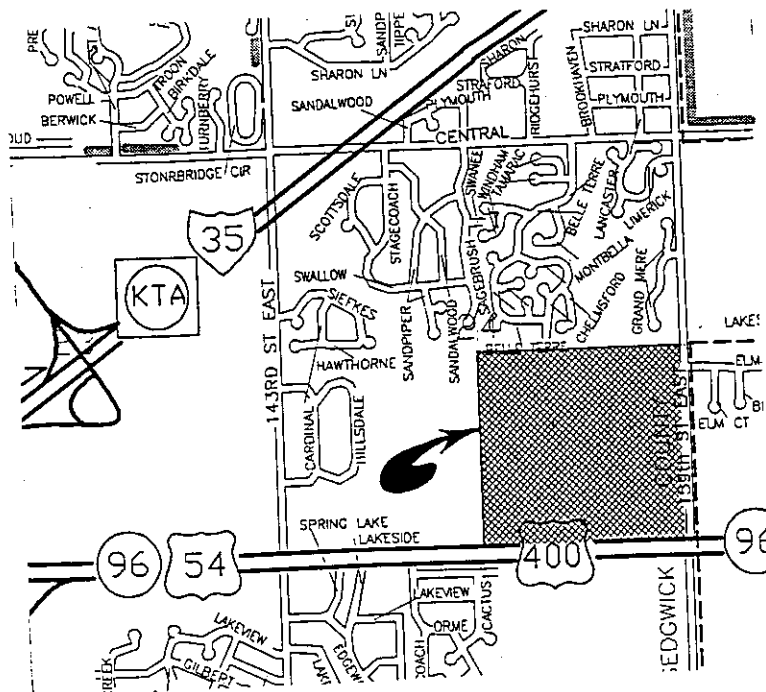
Residential:	193
Office:	
Commercial:	4
Industrial:	==
Total:	197

MINIMUM LOT AREA: 7000 square feet

CURRENT ZONING: "SF-20"

PROPOSED ZONING: "SF-6", "SF-10" & "LC" (SCZ-0731 & SCZ-0732) (DP-226)

VICINITY MAP:



NOTE: This site is involved in a number of County Zone changes (SCZ-0731 and SCZ-0732) and a Community Unit Plan, DP-226. The zone change SCZ-0731 will result in the present SF-20 zoning being changed to SF-6 in the residential areas generally involving Block 3 and southern portions of Blocks 4 and 1. The remaining residential areas are seeking SF-10 zoning. The large lots adjacent to Kellogg are involved in a zone change to "LC" zoning, and are each a parcel in the Belle Terre South CUP, DP-226. Water service to this site will be through Wichita's system, however, water line extensions along 159th Street East may involve consideration of Andover's plans in this area.

STAFF COMMENTS:

- A. Approval of this plat will be subject to approval of the associated zone change cases (SCZ-0731 and SCZ-0732) and the CUP, DP-226 and any relevant conditions of such approvals.
 - B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This guarantee will be with the County for use of the Four Mile Creek Sanitary Sewer system.
 - C. The applicant shall guarantee the extension of City water to serve the lots being platted. These improvements will be with the City of Wichita and consequently an outside-the-city water agreement shall be provided.
- City Engineering and the Water Department representative need to indicate any requirements for also extending water adjacent to this site and in particular along 159th Street East. Also, any such improvements along 159th Street East may involve Andover and any conditions or requirements in this respect need to be indicated.
- D. The applicant shall guarantee the paving of the proposed interior streets. In addition, these guarantees shall provide for sidewalks along both sides of Chelmsford/Willowbrook (a collector street) and Kellogg Drive (adjacent lots for commercial, office, multi-family type, etc. uses); and along one side of other non-cul-de-sac, looped or continuous streets including street stubs connecting this addition to areas north and west of this plat.
 - E. The applicant shall guarantee any drainage improvements required by the platting of this property.
 - F. The applicant shall guarantee construction of the storm sewers required by this plat.
 - G. As noted by CUP DP-226, the following improvements need to be determined if they are necessary by the County Engineer:
 - 1. The construction of a deceleration lane on US 54 Highway to serve Lot 1.
 - 2. The improvement of 159th Street East to Rural County Standards, from US Highway 54 to the proposed collector.
 - 3. The paving of Kellogg Drive (Frontage Road) with the development of the abutting lots.

The centerline of the Frontage Road shall connect with the access opening to Lot 1 at a point no closer than 200 feet from the center line of US Highway 54.

4. The dedication of a 58-foot right-of-way for the extension of the Frontage Road across the floodway separating Lots 2 and 3 and connecting with the proposed collector street. Construction of the bridge across the floodway will be by others.
- H. County Engineering needs to also indicate if a temporary turnaround and paving guarantee needs to be provided for the street stub at this plat's N.W. corner.
- I. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording. As appropriate, both a City and County Certificate of Petitions shall be provided.
- J. In order to justify a street as a collector, with only a 58-foot right-of-way (29 feet paved), lots should not front and/or directly access such a street. No parking or minimal parking would therefore also be expected. For Chelmsford/Willowbrook, complete access control will need to be established from "all possible" lots adjacent to or along this street. Although Reserve strips separate most lots from this street, complete access control shall still be dedicated so as to assure that these lots cannot cross these Reserves and access this street. Lot 3, Block 2 as a "LC" zoned lot shall also show complete access control to this street. Only Lots 2 through 5, Block 1 and Lot 2, Block 1 will require direct access to this street.
- K. On the final plat, the platter's text shall, in regards to the contingent street dedications, note these dedications and insert the wording from the CUP, DP-226 describing how or when the contingencies would go into effect.
- L. The applicant is advised that based upon the number of lots (23) fronting Montbella/Morningside and their size, that a 58-foot street right-of-way would be acceptable for this street.
- M. The final plat shall state in the platter's text the purposes of the proposed reserves as well as who is to own and maintain the reserves.
- N. 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. This covenant shall also provide for the lot/homeowners association to maintain the "parking strip" located between the plat's north property line and the driving surfaces of the adjacent arterials.
- O. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the County, 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.

- P. 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 or 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.
- Q. In regards to the parking areas shown in Reserve K, such areas shall be indicated as "parking easements" and not indicated as part of street right-of-way.

On the final plat, the platting of the parking easements within the reserves shall be referenced in the plat's text.

Policy Statement No. 13 (Back Out Parking in Residential Areas) was adopted by the M.A.P.C. on November 13, 1986. This policy statement sets the guidelines and rules for providing back out parking onto public and private streets. The policy statement requires parking easements to a minimum of 20 feet deep and have no more than 45 to 50 feet of street frontage. With these required dimensions in mind, the perimeters of the parking easements shall be redrawn to comply with the requirements of Policy Statement No. 13.

- R. On the final plat, the area of Reserve A, between Lots 29 and 30, Block 3 needs to be more clearly indicated. In particular, the sold line at the rear, east line of the area, should be eliminated so as to show Reserve A as a continuous portion, extending out to the adjacent street.
- S. For the lots at the northeast corner of this site, a means of access to Reserve A should also be considered. Either as an access easement or a portion of Reserve, access at this location (near lots 5 of 6) would align with the above noted extension of Reserve A. Although a crossing of the flooding in Reserve A would be involved, it does not appear that a major improvement would be involved.
- T. Before submitting the final plat, the applicant shall meet with Planning Department Land Use staff (Ray Ontiveros) to discuss possible public open space uses for this site. Specifically, this area is shown on the Comprehensive Plan as being crossed by a Recreational Corridor in the southwest quarter of the plat.

With the platting of the property to the west of this site still to be accomplished, and already platted, Reserves and open space areas westward toward 143rd Street East, a fairly significant and continuous recreational corridor is possible across this mile section.

- U. 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.

- V. If this property is establishing minimum building pad elevations, the face of the plat shall reference the location and elevation of permanent on-site and off-site benchmarks. Section 5-402(N).
- W. Since this plat involves the platting of a floodway, the platter's text on the final plat shall reference the standard floodway language.
- X. On the final plat, the platter's text shall note the platting of wall easements and that utilities may cross these easements.
- Y. The platter's text shall also note the platting of emergency access easements and that no obstructions will be allowed in this easement except for any gates as is approved by the County Fire Department. The applicant shall also be responsible for this installation of an acceptable driving surface or other improvements as is determined necessary by the County Fire Department.
- Z. The County Fire Department also needs to comment on the acceptability of this plat's street names. It appears that the applicant's agent has been able to use existing street names throughout the Addition.
- AA. On the final plat, a note shall be inserted indicating that this Addition (or portion) is subject to conditions of CUP, DP-226.
- BB. On the final plat, a lot in Block 4 needs to be property labelled as Lot 27 instead of 17, i.e. the lot immediately east of Lot 28, Block 4.
- CC. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- DD. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to County Engineering for review and approval.
- EE. 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.)
- FF. 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.
- GG. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- HH. 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 30, Marquette, KS 67464 (913-546-2294) or Kansas Department of Wildlife and Parks, P. O. 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.

- II. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.

- JJ. The representatives from County Engineering should be prepared to comment on the status of the applicant's drainage concept. Engineering also needs to comment on the acceptability of the indicated floodway and minimum building pad elevation requirements.

NOTE: This site is involved in a number of County Zone changes (SCZ-0731 and SCZ-0732) and a Community Unit Plan, DP-226. The zone change SCZ-0731 will result in the present SF-20 zoning being changed to SF-6 in the residential areas generally involving Block 3 and southern portions of Blocks 4 and 1. The remaining residential areas are seeking SF-10 zoning. The large lots adjacent to Kellogg are involved in a zone change to "LC" zoning, and are each a parcel in the Belle Terre South CUP, DP-226. Water service to this site will be through Wichita's system, however, water line extensions along 159th Street East may involve consideration of Andover's plans in this area.

STAFF COMMENTS:

- A. Approval of this plat will be subject to approval of the associated zone change cases (SCZ-0731 and SCZ-0732) and the CUP, DP-226 and any relevant conditions of such approvals (all three (3) cases have been approved).
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. This guarantee will be with the County for use of the Four Mile Creek Sanitary Sewer system.
- C. The applicant shall guarantee the extension of City water to serve the lots being platted. These improvements will be with the City of Wichita and consequently an outside-the-city water agreement shall be provided. This guarantee shall also provide for the extension of water in 159th Street East adjacent to this plat.
- D. The applicant shall guarantee the paving of the proposed interior streets. In addition, these guarantees shall provide for sidewalks along both sides of Chelmsford/Willowbrook (a collector street) and Kellogg Drive (adjacent lots for commercial, office, multi-family type, etc. uses); and along one side of other non-cul-de-sac, looped or continuous streets including street stubs connecting this addition to areas north and west of this plat. The applicant may, however, submit with the final plat for review an alternative sidewalk plan (no such plan has been submitted, consequently, the preceding requirements shall apply).
- E. The applicant shall guarantee any drainage improvements required by the platting of this property.
- F. The applicant shall guarantee construction of the storm sewers required by this plat.
- G. As noted by CUP DP-226, the following improvements need to be determined if they are necessary by the County Engineer; prior to submitting the final plat, the applicant shall meet with **County Engineering** to determine if these or other improvements will be required.
 - 1. The construction of a deceleration lane on US 54 Highway to serve Lot 1.
 - 2. The improvement of 159th Street East to Rural County Standards, from US Highway 54 to the proposed collector.

- M. 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.
- N. In regard to the emergency access easements no obstructions will be allowed in these easements except for any gates as is approved by the **County Fire Department**. The applicant shall also be responsible for the installation of an acceptable driving surface or other improvements as is determined necessary by the County Fire Department.
- O. 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.)
- P. 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.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. 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 30, Marquette, KS 67464 (913-546-2294) or Kansas Department of Wildlife and Parks, P. O. 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.
- S. On the final plat tracing for Lot 5, Block 1, a solid line shall be shown for this northeast property line of this lot.
- T. For Lots 2 through 5, Block 1, the face of the plat shall more clearly show the access controls affecting these Lots.
- U. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property. In particular, KG&E needs to indicate if the previously requested easement along the west line of Lot 1, Block 7 is still needed.

Final

3. The paving of Kellogg Drive (Frontage Road) with the development of the abutting lots. The centerline of the Frontage Road shall connect with the access opening to Lot 1 at a point no closer than 200 feet from the center line of US Highway 54.
 4. The dedication of a 58-foot right-of-way for the extension of the Frontage Road across the floodway separating Lots 2 and 3 and connecting with the proposed collector street. Construction of the bridge across the floodway will be by others.
- H. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording. As appropriate, both a City and County Certificate of Petitions shall be provided.
- I. 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. This covenant shall also provide for the lot/homeowners association to maintain the "parking strip" located between the plat's north property line and the driving surfaces of the adjacent arterials.
- 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 County, 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.
- 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 or 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.
- L. As requested by Planning Commissioner Larry Ross, before submitting the final, a meeting was to be held to discuss a recreational corridor for this site, as is shown on the Comprehensive Plan. If the applicant wished, the Planning Department staff would arrange and participate in such a meeting. With the platting of the property to the west of this site still to be accomplished, and already platted, Reserves and open space areas westward toward 143rd Street East, a fairly significant and continuous recreational corridor is possible across this mile section. The applicant's agent needs to indicate if such a meeting has occurred and what if any action will be taken in regard to this matter. Of particular interest is the narrow width of Reserve B behind Lots 13 and 14, Block 1. To be effective as a pathway, that width needs to be increased. Also, there was not any indication as to public access to the recreational pathways.

Final

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- X. The representative from the County Engineer's office should be prepared to comment on the status of the applicant's drainage plan. Specifically, is the minimum building pad correct, are the boundaries of the floodway adequate and are any drainage guarantees required with the platting of this property?

