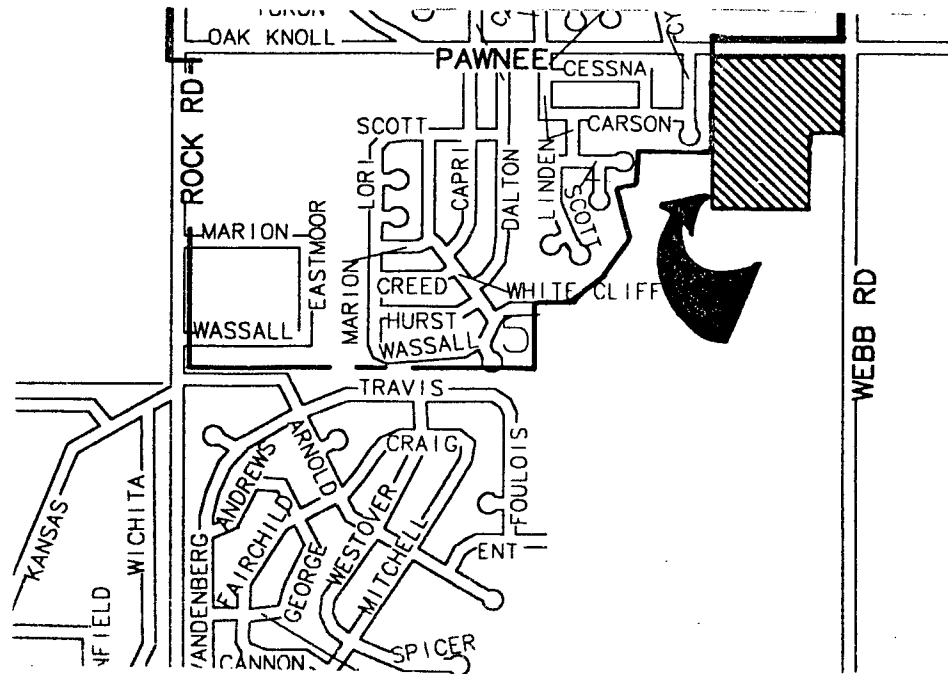


STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 90-64 - COTTAGE GARDENS ADDITION
OWNER/APPLICANT: Devoe Treadwell, 9525 E. Pawnee, Wichita, KS
SURVEYOR/ENGINEER: Poe & Associates of Kansas, Inc., 434 North Oliver, Suite 110, Wichita, KS 67208
LOCATION: Southwest corner of Pawnee and Webb Road
SITE SIZE: 35 Acres
NUMBER OF LOTS
Residential: 148
Office: 2
Commercial: 2
Industrial: 150
Total: 150
MINIMUM LOT AREA: 5,040 sq. ft. (Typical)
CURRENT ZONING: "R-1" Suburban Residential, "LC" Light Commercial
PROPOSED ZONING: "AA" One Family Dwelling, "LC" Light Commercial

VICINITY MAP:



STAFF COMMENTS:

NOTE: This site is presently in the County but is adjacent to the Wichita City limits. Annexation to Wichita will be required in order to plat the lot sites being proposed. This plat is being submitted as a cluster development under the regulations in both the zoning ordinance and subdivision regulations which govern such development. Under the cluster development regulations, reduced lot sizes are allowed, provided an equivalent area is created for open space which is for use of the residents in the development.

A zone change will also be required for a portion of the site. A portion of the area, at the northeast corner of the plat is zoned for light commercial development. However, some of this area is actually being platted for one-family lots. That area actually being planned for one-family development will consequently need to be rezoned to the appropriate use. This site is also being proposed as a zero lot line development.

- A. Prior to this plat being scheduled for City Council review both the annexation of this site to Wichita and the zone change to "AA" one-family zoning will need to be approved. This site will be subject to any conditions of the annexation and/or zone change.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. Since this site is anticipated to use the Four Mile Creek system, even though it will be within the City, County Engineering needs to comment on any requirements they may have concerning the use of this sewer system. Also, Engineering needs to indicate the acceptability of serving lots in Block 2 with a sewer lateral located in the center of the adjacent reserve.
- C. The applicant shall guarantee any ^{water}~~drainage~~ improvements required by the platting of this property.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. The applicant shall guarantee construction of the storm sewers required by this plat.
- F. The applicant shall guarantee the paving of the proposed interior streets. The paving petitions shall also, as required by the sidewalk ordinance, provide for sidewalks along one side of both Cooper and Carson streets. The applicant may if he desires propose an alternate sideway system which substantially provides the same well of service as the required sidewalk system.

- G. Both City and County Engineering should be prepared to comment on any traffic improvements that should be required for Pawnee or Webb to serve either the commercial or residential portions of the development.
- H. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- I. On the final plat, 100 feet of complete access central shall be indicated to both Pawnee and Webb Roads across the northeast corner of Lot 25, Block 3 of the commercial lot.
- J. For lots 24 and 25 of Block 3, rather than indicating Complable Access Central Except for Two Openings, the final plat should indicate "Access Central Except for One Opening Per Lot" to Pawnee. This is in addition to the 100-feet of complete access control indicated above.
- K. Similarly, to Webb Road it should be indicated that "Acess Central Except for Two Openings" is to be allowed for Lot 25. Again, 100 feet of complete access control is to be indicated from the intersection with Pawnee.
- L. The dedication of access controls shall also be indicated in the platters texts.
- M. With the submission of the sketch plat, the applicant indicated an intention to request a waiver of one of the four off-street parking spaces required for lots adjacent to narrow streets (58-foot rights-of-way). The applicant should be prepared to indicate any such request to the Subdivision Committee and to submit a letter to the Planning Department requesting such a waiver. This matter would subsequently be forwarded with the plat, to the City Council for its review.
- N. Since this addition is being proposed for zero lot line development, 5-foot maintenance easements and 10-foot sideyard set backs (10 foot rather than 12 foot set backs are allowed for cluster developments) need to be platted in adjoining lots. The final plat shall therefore plat the sideyard setbacks in addition to the maintenance easements already

The platting of the maintenance easements and sideyard setbacks shall also be referenced in the plattor's text. It should be noted that the maintenance easement is for the benefit of the adjoining property to maintain the structure located adjacent to the easement and that the sideyard setback is required for the proper separation of adjacent structures an abutting lots.

If, however, it is anticipated that more than one lot (lot and 1/2 a lot, two lots, etc.) could be combined for a single building site, to allow for such situations without going through

a vacation case, the following wording should also be provided in the plat's text.

Where there is a change in the boundary between adjoining lots, no part of a zero lot line structure, except for a roof overhang, shall encroach into a maintenance access easement and a sideyard setback unless the owners of the adjoining lots supersede the maintenance access easement and sideyard setback with a new private maintenance access easement and sideyard setback. The new private maintenance access easement and sideyard setback shall be recorded and be a minimum of 5-feet in width for the maintenance easement and 10-feet minimum for the sideyard setback and shall specifically state that it supersedes the maintenance access easement and sideyard setback shown on the plat.

O. As required for a cluster development, the applicant shall either submit for recording a covenant or deed restriction to be approved by the City's Law Department, ensures the following:

- 1). That the open space will not be further subdivided in the future;
- 2). That the use of the open space will continue in perpetuating for the purpose specified; and
- 3). That the common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

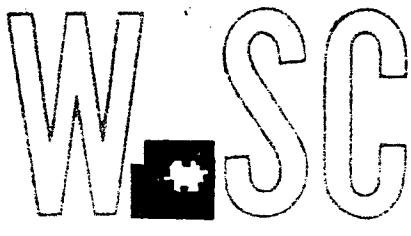
P. A covenant or covenants shall also be submitted which indicates when provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be 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.

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.

Q. Depending upon the action of the City Council concerning requirements for off-street parking, the applicant shall submit a covenant which provides for either three (3) or four (4) off-street parking spaces per dwelling unit on each lot which abuts a 29-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.

- R. As indicated in the subdivision regulations the applicant needs to submit (with the plat) a calculation sheet which inventories lots by size, showing the total amount of lot area less than the 6000 square foot standard verse the amount of area being set aside for open space.
- S. On the final plat, since the indicated reserves are not contiguous, each should be labeled separately, Reserve A, Reserve B, etc. Also, proof shall be submitted as to which partners comprising the partnership must execute documents on behalf of the partnership (e.g., copy of partnership agreement or certification from a title company).
- Also, where sanitar sewer lines close reserves, a 20-foot easement shall be indicated, rather than labeling a Reserve as having a blanket utility easement. However, for the Reserve in Block 2, if Engineering approves the use of a lateral in the center of the Reserve, a blanket utility easement may need to be established for this Reserve in order to allow for the extension of private service lines to this site. Consequently, this Reserve cannot also be described as to any structures or improvements that would be in conflict with an easement.
- T. The applicant shall provide proof, by letter from the Conoco or by copy of the pipeline easement agreement, that the dedication of street right-of-way over a portion of the pipeline easement and the use of part of this pipeline easement as a general utility easement are acceptable and that the building setback line as shown is sufficient. Any relocation, lowering or encasement of the pipeline, caused by development of this property, will not be at the expense of the City.
- U. The final plat shall indicate the recording information for the 50-foot gas line easement on this property.
- V. On the final plat all sanitary sewer easements shall be drawn with widths of 20-feet. Segments within Blocks 2, 3, 4, 5, and 6 are only indicating 10-foot sanitary sewer easements.
- W. On the final plat the street segment north of Lot 1, Block 7 should be labeled as Scott.
- X. On the final plat, the center lines of Webb and Pawnee shall be labeled.
- Y. Because of the use of 10-foot sideyard setbacks required for zero lot line development, centering corner Lots will be very limited in the buildable area available when a typical 15-foot sideyard setback is also required. It is recommended therefore that a 10-foot sideyard be allowed for a corner Lot in cases where the building area would be less than the typical 38' foot areas of the majority of the lots. For example, Lot 8, Block 8 and Lot 19, Block 2 would only have a 30-foot width for building.

- Z. The applicant is advised that the buildability of Lot 10, Block 3 is questionable. A 10-foot easement and a 10-foot sideyard setback will leave a buildable width of 25-feet for this lot.
- AA. Unless a main terrace easement our sideyard setback are platted on Lot 5, Block 7, this Lot could only be developed for a conventional or non-zero lot line home.
- BB. The setback along the north line of the residential Lots adjacent to Pawnee shall be clearly labled with the dimension of the setback (35-feet).
- CC. On the final plat the termination of the streets at the south and west lines of the plat shall be indicated with dashed lines. A solid line is used to indicate a private street.
- DD. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- EE. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- FF. 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.
- GG. 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.
- HH. 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.
- II. 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.
- JJ. The representative from Traffic Engineering should be prepared to comment upon any traffic improvements that should be required of this site.
- KK. The representatives from City a nd/or County Engineering should be prepared to comment upon the drainage concept for this sit enad sewer service to this additin including the sewer line proposed for the Reserve located in Block 2.



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

February 21, 1991

Kenny Hill
Poe & Associates of Kansas, Inc.
434 North Oliver, Suite 110
Wichita, KS 67208

Re: S/D 90-64 (Preliminary Plat) Cottage Gardens Addition

Dear Kenny:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, February 21, 1991, the above captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. Prior to this plat being scheduled for City Council review, both the annexation of this site to Wichita and the zone change to "AA" one-family zoning will need to be approved. This site will be subject to any conditions of the annexation and/or zone change.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. The applicant shall also meet with City Engineering to determine if an alternate sanitary sewer layout should be provided so as to make all easements 20-feet wide and to avoid the sewer line in the middle of the Reserve within Block 2.
- C. The applicant shall guarantee the extension of City Water to serve the lots being platted.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. The applicant shall guarantee construction of the storm sewers required by this plat.

- F. The applicant shall guarantee the paving of the proposed interior streets. The paving petitions shall also, as required by the sidewalk ordinance, provide for sidewalks along one side of both Cooper and Carson streets. The applicant may if he desires propose an alternate sidewalk system which substantially provides the same well of service as the required sidewalk system.
- G. Prior to submitting the final plat, the applicant shall meet with Traffic Engineering to determine if decel lane improvements will be required along Pawnee and Webb to serve the "LC" zoned lots.
- H. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- I. On the final plat, 100 feet of complete access control shall be indicated to both Pawnee and Webb Roads across the north-east corner of Lot 25, Block 3 of the commercial lot.
- J. For Lots 24 and 25 of Block 3, rather than indicating "Complete Access Control Except for Two Openings," the final plat should indicate "Access Control Except for Two Opening" to Lot 25 and "Access Control Except for One Opening" to Lot 24 to Pawnee. This excludes the 100-feet of complete access control indicated above.
- K. Similarly, to Webb Road it should be indicated that "Access Control Except for Two Openings" is to be allowed for Lot 25. Again, 100 feet of complete access control is to be indicated from the intersection with Pawnee.
- L. The dedication of access controls shall also be indicated in the plat's text.
- M. With the submission of the sketch plat, the applicant indicated an intention to request a waiver of the one, off-street parking space requirement for lots adjacent to narrow streets (58-foot rights-of-way). The applicant should be prepared to indicate any such request to the Subdivision Committee and to submit a letter to the Planning Department requesting such a waiver. This matter would subsequently be forwarded with the plat, to the City Council for its review.
- N. Since this addition is being proposed for zero lot line development, 5-foot maintenance easements and 10-foot side-yard setbacks (10 foot rather than 12 foot setbacks are allowed for cluster developments) need to be platted in adjoining lots. The final plat shall therefore plat the sideyard setbacks in addition to the maintenance easements already shown.

The platting of the maintenance easements and sideyard setbacks shall also be referenced in the platter's text. It should be noted that the maintenance easement is for the benefit of the adjoining property to maintain the structure located adjacent to the easement and that the sideyard setback is required for the proper separation of adjacent structures on abutting lots.

If, however, it is anticipated that more than one lot (lot and two lots, etc.) could be combined for a single building site, to allow for such situations without going through a vacation case, the following should also be provided in the platter's text:

Where there is a change in the boundary between adjoining lots, no part of a zero line structure, except for a roof overhang, shall encroach into a maintenance access easement and a sideyard setback unless the owners of the adjoining lots supersede the maintenance access easement and sideyard setback with a new private maintenance access easement or sideyard setback. The new private maintenance access easement and sideyard setback shall be recorded and be a minimum of 5-feet in width for the maintenance easement and 10-foot minimum for the sideyard setback and shall specifically state that it supersedes the maintenance access easement and sideyard setback shown on the plat.

- O. As required for a cluster development, the applicant shall either submit for recording a covenant or deed restriction to be approved by the City's Law Department, ensuring the following:
- 1). That the open space will not be further subdivided in the future
 - 2). That the use of the open space will continue in perpetuation for the purpose specified; and
 - 3). That the common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee
- P. A covenant or covenants shall also be submitted which indicates what 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.

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.

- Q. Depending upon the action of the City Council concerning requirements for off-street parking. The applicant shall submit a covenant which provides for either three (3) or four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- R. As indicated in the Subdivision Regulations, the applicant needs to submit (with the final plat) a calculation sheet which inventories lots by size, showing the total amount of lot area less than the 6000 square foot standard verse the amount of area being set aside for open space.
- S. On the final plat, since the indicated reserves are not contiguous, each should be labeled separately, Reserve A, Reserve B, etc. Also, the final plat shall state in the plat's text the purposes of the proposed reserves as well as who is to own and maintain the reserves.

Also, where sanitary, sewer lines cross reserves, a 20-foot easement shall be indicated, rather than labeling a Reserve as having a blanket utility easement. However, for the Reserve in Block 2, if Engineering approves the use of a lateral in the center of the Reserve a blanket utility easement may need to be established for this Reserve in order to allow for the extension of private service lines to this site. Consequently, this Reserve cannot also be described as allowing for any structures or improvements that would be in conflict with an easement.

- T. The applicant shall provide proof, by letter from the Conoco Pipeline Company or by a copy of the pipeline easement agreement, that the dedication of street right-of-way over a portion of the pipeline easement and the use of part of this pipeline easement as a general utility easement are acceptable and that the building setback line as shown is sufficient. Any relocation, lowering or encasement of the pipeline, caused by development of this property, will not be at the expense of the City.

- U. The final plat shall indicate the recording information for the Conoco pipeline easement on this property.
- V. On the final plat all sanitary sewer easements should be drawn with widths of 20-feet. Segments within Blocks 2, 3, 4, 5, and 6 are only indicating 10-foot sanitary sewer easements. Prior to submitting the final plat, the applicant shall meet with City Engineering to resolve this situation.
- W. On the final plat the street segment north of Lot 1, Block 7 should be labeled as Scott.
- X. On the final plat, the center lines of Webb and Pawnee shall be labeled.
- Y. Because of the use of 10-foot sideyard setbacks required for zero lot line development, certain corner lots will be very limited in the buildable area available when a typical 15-foot sideyard setback is also required. It is recommended therefore that a 10-foot sideyard be allowed for a corner lot in cases where the building area would be less than the typical 38' foot areas of the majority of the lots. For example, Lot 8, Block 8 and Lot 19, Block 2 would only have a 30-foot width for building.
- Z. The applicant is advised that the buildability of Lot 10, Block 3 is questionable. A 10-foot easement and a 10-foot sideyard setback will leave a buildable width of 25-feet for this lot.
- AA. Unless a maintenance easement and sideyard setback are platted on Lot 5, Block 7, this Lot could only be developed for a conventional or non-zero lot line home.
- BB. The setback along the north line of the residential lots adjacent to Pawnee shall be clearly labeled with the dimension of the setback (35-feet).
- CC. On the final plat the termination of the streets at the south and west lines of the plat shall be indicated with dashed lines. A solid line is used to indicate a private street.
- DD. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property. Since the noise impact boundary for McConnell AFB is just at the western edge of this site, the applicant may request that Planning make a more detailed review of the site to determine how much of the site is involved.

- EE. The final plat shall indicate the utility easements requested by K.G. & E. which are indicated on the enclosed "marked" copy of the plat.
- FF. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- GG. Prior to, or at the time of submitting the final plat, the applicant shall submit a drainage plan to both County and City Engineering for review and approval.
- HH. 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.
- II. 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.
- JJ. 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.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be placed on the agenda for final plat consideration before the Subdivision Committee:

Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the plattor; if the title report or attorney's opinion has not already been submitted.

The enclosed "marked" copy of the plat is for your information and files. If you should have any questions, please call.

Sincerely,



Don Losew
Senior Planner

DL:sm
Enclosure

cc: Devoe Treadwell, 9525 E. Pawnee, Wichita, KS
Mike Lindebak, City Engineer