

NOTE: This site was originally platted as one lot in the Timber Ridge 2nd Addition and was intended to be developed for a church. A zone change (Z-3181) to "BB" Office Zoning has been approved, however, for the four large lots along 21st Street North. In addition to replatting the site into these four lots, seven (7) conventional sized residential lots are being created along the site's south line, adjacent to 20th Street North. The adjacent residential streets, including sidewalks, along with water and sanitary sewer lines, appear to largely be in place as a result of the site's previous platting.

STAFF COMMENTS:

- A. City Engineering needs to indicate if any revised guarantees or agreements are needed in regard to existing improvements.

Based upon this replatting, it appears that the applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.

- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. As offered during review of the zoning case (Z-3181), the applicant shall submit for recording with this plat a restrictive covenant concerning various aspects of the site's development. This covenant shall first be submitted to the Planning Department's zoning staff for review.
- E. On the final plat, the plattor's text should note the granting, to the public for access, the 24 ft. joint access easement and that the easement is also to the benefit of each involved lot. However, it is recommended that the applicant record or submit for recording with this plat a separate document which provides a greater description as to the use of, maintenance of, obligations of existing and future owners of the lots to honor the access, etc. of the easements. That is, while the easement is intended to provide public access, it is in essence a private matter whose conditions as to use needs to be established outside of the plat's function.
- F. The platting of a landscape easement along the east line of Lot 1 is also of questionable purpose in regard to a public involvement. That is, the City is not expected to install and/or maintain landscaping within this private property. More appropriately, a 20-foot building setback should be platted, in which the 5-foot wall easement can be provided and either a private type landscape easement by separate instrument established or the restrictive covenant stemming from the zone change note the requirement to landscape and maintain this 15-foot strip of Lot 1. The private easement and/or covenant could more properly indicate what lot or lots will be responsible for this landscaping.
- G. The noting of a wall easement has become a common statement in the plattor's 's text and should be so noted in this plat. Also, it should be indicated that utilities may cross the wall easement(s). In regard to the wall itself, the covenant from the zoning case could also be used

to establish how the four, "BB" lots will participate in the installation and maintenance of the wall.

- H. The zone change case required complete access control to Valleyview from the area of "BB" zoning. It does not appear that the residential lot, Lot 1 was intended to restrict its access, and such a corner lot would not typically be required to plat access control to a residential street. The final plat may, therefore, remove the access control shown for this lot.
- I. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- J. 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.
- 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. (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.)
- 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. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage concept.

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 7

January 18, 1996

STAFF REPORT

(Final Plat, Preliminary Plat Approved 12/21/95)

CASE NUMBER: S/D 95-84 TIMBER RIDGE 3RD ADDITION

OWNER/APPLICANT: B. & E Investments, Attn: Matt Eck, 5512 W. Central, Wichita, KS 67212

AGENT: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

CONTRACT PURCHASER: D. & D. Development Co., Attn: Ken Dillehay, 1821 N. Rock Road, Wichita, KS 67206

AGENT: J. P. Weigand & Sons, Attn; Grant Tidemann, 150 N. Market, Wichita, KS 67202

LOCATION: South of 21st Street North and east of Maize Road

SITE SIZE: 5.6 Acres

NUMBER OF LOTS

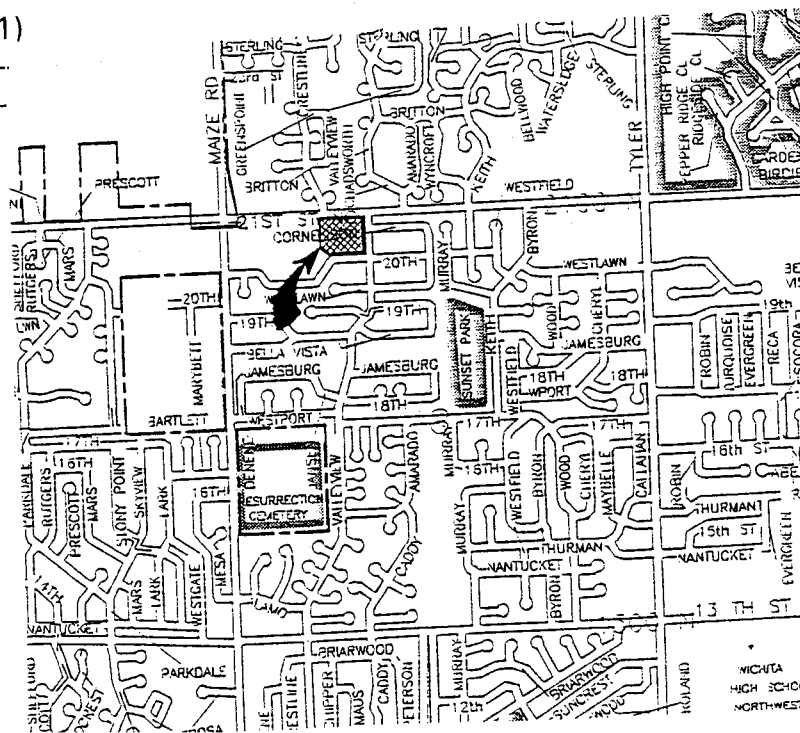
Residential:	7
Office:	4
Commercial:	
Industrial:	
Total:	<u>11</u>

MINIMUM LOT AREA: 8,400 sq. ft.

CURRENT ZONING: "AA"

PROPOSED ZONING: "AA" and "B" (Z-3181)

VICINITY MAP:



NOTE: This site was originally platted as one lot in the Timber Ridge 2nd Addition and was intended to be developed for a church. A zone change (Z-3181) to "BB" Office Zoning has been approved, however, for the four large lots along 21st Street North. In addition to replatting the site into these four lots, seven (7) conventional sized residential lots are being created along the site's south line, adjacent to 20th Street North. The adjacent residential streets, including sidewalks, along with water and sanitary sewer lines, appear to largely be in place as a result of the site's previous platting.

STAFF COMMENTS:

- A. Based upon this replatting, the applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.

In regard to water improvements along 21st Street North, it was to be determined if this site had already been included in the benefit district and if not, the property was to be appropriately included. City Engineering needs to indicate what, if any requirements there are in regard to these water improvements.

- B. The applicant shall guarantee any drainage improvements required by the platting of this property.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. As offered during review of the zoning case (Z-3181), the applicant shall submit for recording with this plat a restrictive covenant concerning various aspects of the site's development. This covenant shall first be submitted to the Planning Department's zoning staff for review.
- E. The applicant shall record the document creating the joint access easement serving Lots 1 through 4 and show the recording information on the final plat tracing. A copy of the recorded document shall be submitted to Planning for the plat file. The applicant is advised that this document should address not only issues of access but also maintenance, preventions to encumbering the easement, right of the benefitting parties and so forth.
- F. As was noted during review of the preliminary plat, the platting of a landscape easement along the east line of Lot 1 is of questionable purpose in regard to a public involvement. That is, the City is not expected to install and/or maintain landscaping within this private property. Either a private type landscape easement by separate instrument should be established or the restrictive covenant stemming from the zone change note the requirement to landscape and maintain this 15-foot strip of Lot 1. The private easement and/or covenant could more properly indicate what lot or lots will be responsible for this landscaping.
- G. As indicated in the platting binder, substantial property taxes (\$7,686) were outstanding on this site. Before this plat is released for recording, proof shall be provided that all applicable property taxes have been paid.

- H. Also as indicated in the platting binder, First National Bank of Anthony is indicated as holding an interest in this site. This party should either be shown as a signatory on the plat or proof provided that no such interest presently exists (revised plat binder, release of mortgage, etc.).
- I. 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.)
- J. 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.
- K. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- L. Recording of the plat within 30 days after approval by the City Council.
- M. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.