

**SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION**

AGENDA ITEM NO. 7

April 18, 1996

STAFF REPORT
(Final Plat)

CASE NUMBER: S/D 96-19 - THREE ANGELS ADDITION

OWNER/APPLICANT: Attn: Luminita Mackintosh, Kansas-Nebraska Association of Seventh Day Adventists, Inc., 4559 N. Hydraulic, Wichita, KS 67219

SURVEYOR/ENGINEER: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LOCATION: South of 45th Street North and east of Hydraulic

SITE SIZE: 9.92 Acres

NUMBER OF LOTS

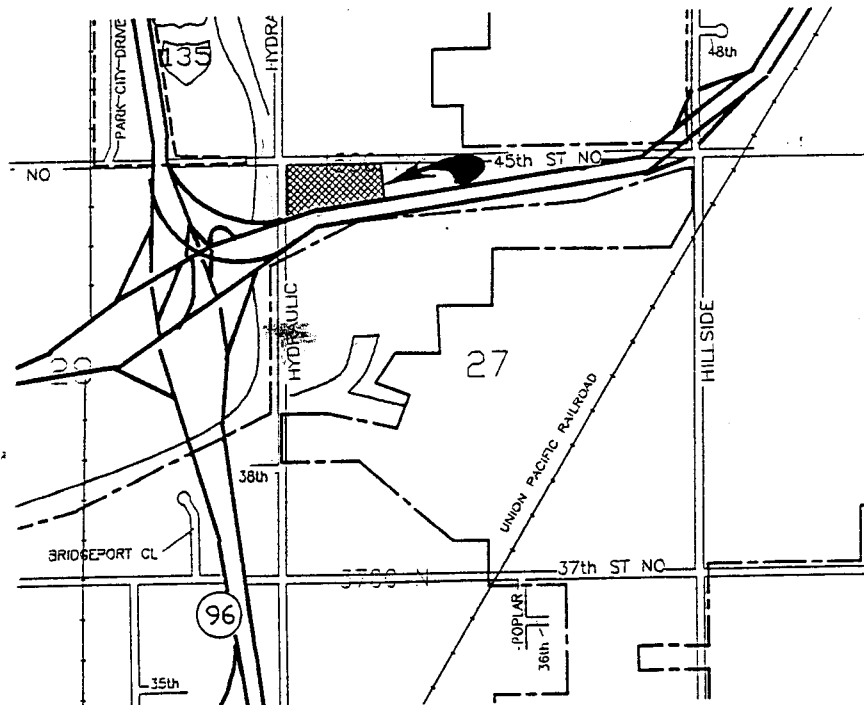
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	<u>1</u>

MINIMUM LOT AREA: 431,969.62 sq ft.

CURRENT ZONING: "LC" and "R-1" - (County)

PROPOSED ZONING: SF-20

VICINITY MAP:



NOTE: While this site is in the County, Wichita's City Limits are immediately south of K-254, which is adjacent to the plat's southern lot line. Wichita's City limits are also on the north side of 45th Street North, approximately 1/4 mile east of this site. This site also presently has split zoning. The western portion of the site generally being zoned for commercial use, with the eastern portion plus a small portion at the site's very southwest corner being zoned residential. The area of commercial zoning exceeds or is near 6-acres in size. Such acreage, if in the City, would require that a CUP be prepared. City sewer and water, however, are not presently readily available to this site. If developed as a commercial site, not only would City services be necessary, but major traffic and street improvements for Hydraulic and 45th Street North would also be required. The site, however, is being indicated for a planned church development.

An existing structure at this site (toward the northwest corner) appears to be encroaching an existing Williams pipeline easement. The actual pipeline is shown on the sketch plat as being shifted northward as it approaches this building from the west and then staying generally just south of the plat's northern lot line. That is, the building may be in the easement and/or pipeline setback, but is not directly over the pipeline itself.

STAFF COMMENTS:

- A. Although City sewer and water are not now available to this site, the applicant shall request annexation of this site to Wichita. As indicated above, this site is technically adjacent to Wichita's City Limits. It should also be noted that a recent plat on the north side of 45th Street North (Double L) was required to be annexed because of its proximity to the City, even though it also was not at this time able to extend City services. However, the applicant had indicated that construction plans have already been submitted to the County for issuance of permits and a substantial commitment financially and in terms of time have accordingly been made. Consequently, the applicant is requesting that any such annexation be delayed until such time as the site's development has been completed through the County's permit process.

Because of this situation, it is recommended that the applicant be allowed to submit, as approved by the City's Law Department, an agreement and/or application for annexation that will not subject this site to annexation until such time as its present intended development is completed or by some specific date even if such development has not occurred.

- B. In order to avoid requirements for a CUP, and improvements typically required for areas of significant commercial zoning, the applicant shall request either a zone change, or as now allowed by the Unified Zoning Code, establish a protective overlay such that only a church and/or church-related development will be allowed on this site. Another appropriate means of restricting this site's development to church-related uses, such as a covenant, may also be considered. The applicant needs to contact the Planning Department's zoning staff in order to initiate either of these actions before the plat can be forwarded to the appropriate governing body for approval.
- C. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Environmental Health Division of the Health Department to find out

what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. The Health Department representative also needs to indicate any special requirements for this site's approval for on-site facilities, e.g., restrictive covenant on type/volume of wastes, State approvals, etc.

- D. City Engineering needs to indicate if guarantees (petitions) for the future extension of municipal water and sanitary sewer should be obtained at this time.
- E. The applicant shall guarantee any drainage improvements required by the platting of this property.
- F. As required by the Subdivision Regulations, major intersection right-of-way shall be dedicated for the Hydraulic and 45th Street North intersection. Building setbacks shall also be adjusted accordingly.

In regard to the above dedication, it appears that the existing building will be very close to, if not within the area of dedication. Any such area may be shown as a contingent dedication, with the platting text indicating that the contingency is subject to the buildings removal.

The applicant's agent needs to indicate what the existing structure's use presently is and if it is intended to be maintained as part of this site's planned use. If the building is to be removed at this time, the above dedication shall be outright and a letter submitted indicating that the building has been removed prior to the plat being scheduled for City Council review.

- G. The final plat tracing shall indicate the platting of the platted building setback from 45th Street North through the existing building which encroaches into the setback area. Central Inspection has advised that the platting of this building setback does not preclude the property owner from maintaining or remodeling that portion of the building within the setback area. The building cannot, however, be enlarged within the setback and, if the building is removed, any new building construction must observe the platted building setback.
- H. For the pipeline easement on this property, the final plat shall include in the labeling of the easement the name of the company benefiting from the easement agreement.
- I. The applicant shall submit a copy of the instrument which establishes the Pipeline Easement on this property. The applicant's agent shall determine any setback requirements from the pipeline by researching the text of the pipeline agreement. If a setback from the pipeline easement is provided for in the pipeline easement agreement, it shall be indicated on the face of the plat.
- J. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- K. In regard to building setbacks, the final plat tracing shall clearly label the setbacks adjacent to 45th Street North as a pipeline setback and a platted setback. Any alteration of a "pipeline" setback and/or easement would or should not require a vacation action by the governing body and consequently it should be clearly indicated what are pipeline related features versus those

created by the plat.

- L. 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.)
- M. 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.
- N. 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.
- O. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- P. Recording of the plat within 30 days after approval by the City Council.
- Q. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- R. The representatives from City/County Engineering should be prepared to comment on the status of the applicant's drainage plan.

Note: This plat has been submitted in final form only.