

January 18, 1996

**STAFF REPORT**

(Final Plat, Preliminary Plat Approved 11/9/95)

**CASE NUMBER:** S/D 95-74 FOX POINTE SECOND ADDITION

**OWNER/APPLICANT:** Richard and Juanita Hattrup, 2810 Bent Tree, ~~2959 N. Webb Road,~~  
Wichita, KS 67226  
and  
Leewood Homes, 3500 N. Rock Road - #2200, Wichita, KS 67226

**SURVEYOR/ENGINEER:** Yung Design Group, 4912 E. 29th Street North, Wichita, KS 67220  
and  
Mid Kansas Engineering Consultants, 411 North Webb Road, Wichita, KS 67206

**LOCATION:** South of 29th Street North and west of Webb Road

**SITE SIZE:** 7.14 ± Acres

**NUMBER OF LOTS**

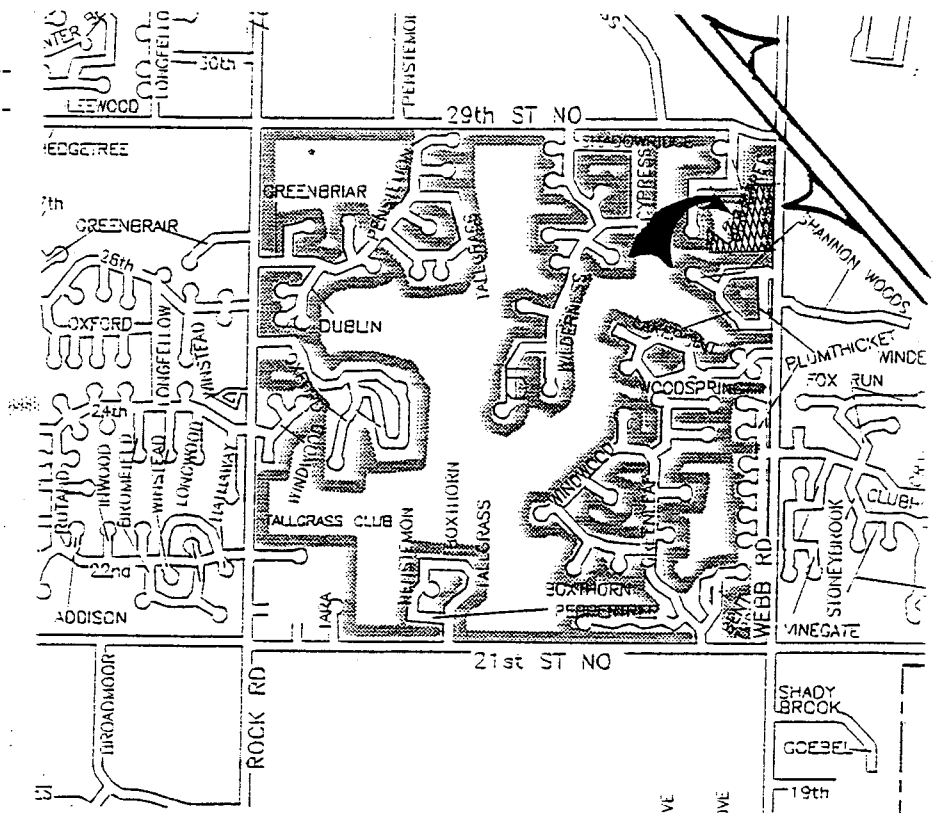
Residential:	24
Office:	
Commercial:	
Industrial:	
Total:	<u>24</u>

**MINIMUM LOT AREA:** 6,000 ± sq. ft.

**CURRENT ZONING:** "BB"

**PROPOSED ZONING:**

**VICINITY MAP:**



NOTE: This site was originally platted as a single, larger lot, intended for and zoned for office uses ("BB"). However, as now indicated by this preliminary plat, the site is apparently being replatted for conventional one-family type development. By way of this replat, the applicant is also intending to install streets privately, with gates restricting access from and to the development.

STAFF COMMENTS:

- A. Based upon the existing zoning for this site, improvements, particularly for streets would be based on standards for office uses (70-foot rights-of-way with 41-foot paving). However, based upon the now proposed platting, a zone change to an appropriate residential classification ("AA") shall be obtained. Prior to this plat being scheduled for City Council review, such a zone change shall have been applied for.
- B. The applicant shall guarantee the paving of the proposed private interior streets to the 29-foot public street standard.
- C. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- D. The applicant shall guarantee the extension of City water to serve the lots being platted.
- 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. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording. As requested by City Engineering, an agreement or square footages for the lots being platted shall be submitted to Engineering to redistribute existing specials.
- H. The applicant shall be responsible for the installation of an appropriate driving surface, gates, etc. as determined appropriate by the City's Fire Department, for the emergency access easement shown between Lots 17 and 18.
- I. Prior to submitting the final plat, the applicant was to meet with Traffic Engineering to determine how on the plat the location of any gate adjacent to Webb and this site's entrance should be designated, that is, its location determined. Traffic Engineering needs to indicate any requirements in regard to the location of such a gate.
- J. The applicant is advised that in order to allow for a swimming pool and associated uses in a Reserve, as specified in the Subdivision Regulations, a site plan shall be submitted to Planning for review and approval. Such a plan needs to be submitted with or before submittal of the final plat tracing.
- K. 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 homeowners' association to maintain the "parking strip" between this plat's east line and the driving surface for Webb Road.

- L. Regarding Reserve F (and others, if necessary), which are being platted for private drive purposes, discussion with the Law Department indicate a need for language in the covenant, which sets forth ownership and maintenance responsibilities of the reserves, to establish future reversionary rights of the reserves to the lots benefiting from the reserves.
- M. Since this plat proposes the platting of narrow street rights-of-way with adjacent "15-foot public drainage, utility and private street easement," 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 planting within this easement shall be reviewed by the City Forestry Division prior to installation.
- N. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a narrow (private) 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.
- O. Based upon the previous platting of this site, a pipeline and rural water line are or were located along this plat's eastern property line or in the areas platted as Reserves adjacent to Webb Road. If these facilities and associated easements still existed, the final plat was to properly indicate, label, and show the appropriate recording information for these facilities and easements. While the pipeline is now being shown, the rural water district (25-foot) easement is not shown and instead is being overlaid with a 20-foot public utility easement. The applicant needs to provide proof that either the 25-foot Rural Water District #1 easement has or can be deleted (released) or that the general public utility easement is acceptable for purposes of the Water District and KG&E who requested the easement along the eastern line of these lots.
- P. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.
- Q. As this property is establishing minimum building pad elevations, the face of the final plat tracing shall reference the location and elevation of permanent on-site and off-site benchmarks. Section 5-402(N).
- R. 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.
- S. While Greenbriar Circle is an existing street name, the alignment outside of this plat appears to be an east-west street while this plat is suggesting it as a north-south street. The applicant was to meet with OCI to determine if any addressing problems could be involved and/or if an alternate street name is needed. The applicant and/or OCI need to indicate if such a meeting occurred and if the street name was found to be acceptable.

- 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. (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.)
- U. On the final plat tracing, the surveyor's text shall be corrected to note that the drainage easement being vacated appears to have been recorded on Film 1131 not 131.
- V. For the Register of Deeds signature block, the final plat tracing should continue to indicate Ed Resa as Deputy.
- W. On the final plat tracing, the text in the plattor's text concerning the wall easement shall be corrected. The word "The" needs to be capitalized at the beginning of the sentence and the word "the" inserted toward the end of the sentence between...to cross the wall easement.
- X. 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.
- Y. 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.
- Z. 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.
- AA. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- BB. Recording of the plat within 30 days after approval by the City Council.
- CC. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.

**SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 7**

**November 9, 1995**

**STAFF REPORT  
(Preliminary Plat)**

**CASE NUMBER:** S/D 95-74 FOX POINTE SECOND ADDITION

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and Leewood Homes, 3500 N. Rock Road - #2200, Wichita, KS 67226

**SURVEYOR/ENGINEER:** Yung Design Group, 4912 E. 29th Street North, Wichita, KS 67220  
and Mid Kansas Engineering Consultants, 411 North Webb Road, Wichita, KS 67206

**LOCATION:** South of 29th Street North and west of Webb Road

**SITE SIZE:** 7.14 ± Acres

**NUMBER OF LOTS**

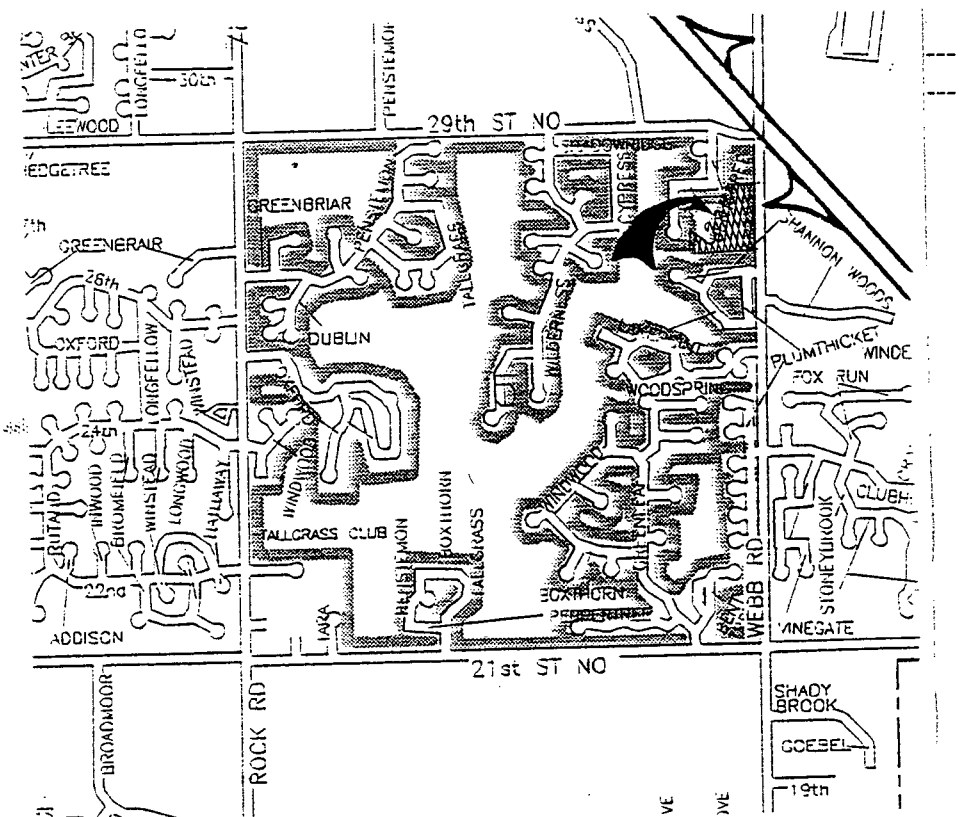
Residential:	24
Office:	
Commercial:	
Industrial:	
Total:	<u>24</u>

**MINIMUM LOT AREA:** 6,000 ± sq. ft.

**CURRENT ZONING:** "BB"

**PROPOSED ZONING:**

**VICINITY MAP:**



NOTE: This site was originally platted as a single, larger lot, intended for and zoned for office uses ("BB"). However, as now indicated by this preliminary plat, the site is apparently being replatted for conventional one-family type development. By way of this replat, the applicant is also intending to install streets privately, with gates restricting access from and to the development.

STAFF COMMENTS:

- A. Based upon the existing zoning for this site, improvements, particularly for streets would be based on standards for office uses (70-foot rights-of-way with 41-foot paving). However, based upon the now proposed platting, a zone change to an appropriate residential classification ("AA") shall be obtained. The applicant needs to contact the Planning Department's zoning staff to discuss such a zone change and therefore allow for the reduced street right-of-way and reduced paving.
- B. Although a note on this plat indicates that the site is within CUP, DP-159, this does not appear to be the case and no reference to a CUP is needed on the final plat.
- C. The applicant shall guarantee the paving of the proposed private interior streets to the 29-foot public street standard.
- D. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- E. The applicant shall guarantee the extension of City water to serve the lots being platted.
- F. The applicant shall guarantee any drainage improvements required by the platting of this property.
- G. The applicant shall guarantee construction of the storm sewers required by this plat.
- H. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- I. Access to Lots 6 and 7 through the use of private driveways, located in awkwardly configured sections of these lots is not desirable or appropriate. The equivalent of a public road needs to be provided. With a combined width of 53' and a length of approximately 150-feet, the Subdivision Regulations would allow for a street with a 50-foot right-of-way and 20 foot wide paving. A reserve for such a street should therefore be platted to serve these two lots. In regard to ownership and maintenance of this reserve, it could either be included as part of the site's overall responsibilities or specifically tied to these two lots.
- J. As required by the Subdivision Regulations, for cul-de-saced streets of over 600 feet, emergency access shall be provided when possible. For this plat, such an easement shall be provided from Webb Road to the end of the cul-de-sac adjacent to Lots 18 and 17. Both the face of the plat and plattor's text need to indicate such an easement. The applicant shall be responsible for the installation of an appropriate driving surface, gates, etc. as determined appropriate by the City's Fire Department.

- K. Except for the area of Emergency Access and the private street, complete access control shall be provided to Webb Road from the east line of this plat. Both the face of the plat and plattor's text shall indicate such a dedication.
- L. **Traffic Engineering** needs to indicate any concerns and/or requirements for the location of a gate for this site's entrance at Webb Road.
- M. The applicant is advised that in order to allow for a swimming pool and associated uses in a Reserve, as specified in the Subdivision Regulations, a site plan shall be submitted to Planning for review and approval.
- N. 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.
- O. 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 homeowners' association to maintain the "parking strip" between this plat's east line and the driving surface for Webb Road.
- P. Regarding Reserve F (and others, if necessary), which are being platted for private drive purposes, discussion with the Law Department indicate a need for language in the covenant, which sets forth ownership and maintenance responsibilities of the reserves, to establish future reversionary rights of the reserves to the lots benefiting from the reserves.
- Q. Since this plat proposes the platting of narrow street rights-of-way with adjacent "15-foot public drainage, utility and private street easement," 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 planting within this easement shall be reviewed by the City Forestry Division prior to installation.
- R. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a narrow (private) 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.
- S. Based upon the previous platting of this site, a pipeline and rural water line are or were located along this plat's eastern property line or in the areas platted as Reserves adjacent to Webb Road. If these facilities and associated easements still exist, the final plat shall properly indicate, label, and show the appropriate recording information for these facilities and easements.
- T. Any relocation, lowering or encasement of the pipeline, made necessary by this development, will not be at the expense of the City.

- U. As indicated by the previous plat, minimum building pad elevations need to be established for this Addition Both the face of the plat and the plat's text shall reference such elevations.
- V. As 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. 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.
- X. City Fire Department and/or OCI staff need to indicate if the street name, Greenbriar Circle is appropriate. This is an existing street name, in the same alignment on this plat, but appears to be an east-west street while this plat is suggesting it as a north-south street.
- Y. 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.)
- Z. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- AA. 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.
- BB. 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.
- CC. 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.
- DD. 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.
- EE. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage concept.