

May 23, 1996

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 96-29 WOODLAND HILLS 2ND ADDITION

OWNER/APPLICANT: Eugene A. Falkowski, 212 N. Market, Wichita, KS 67202

AGENT: Steve Stark, Fleeson, Goings, Coulson & Kitch, 125 N. Market, Wichita, KS 67202

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

LOCATION: West of 151st Street West and north of Central Avenue

SITE SIZE: 25.9 Acres

NUMBER OF LOTS

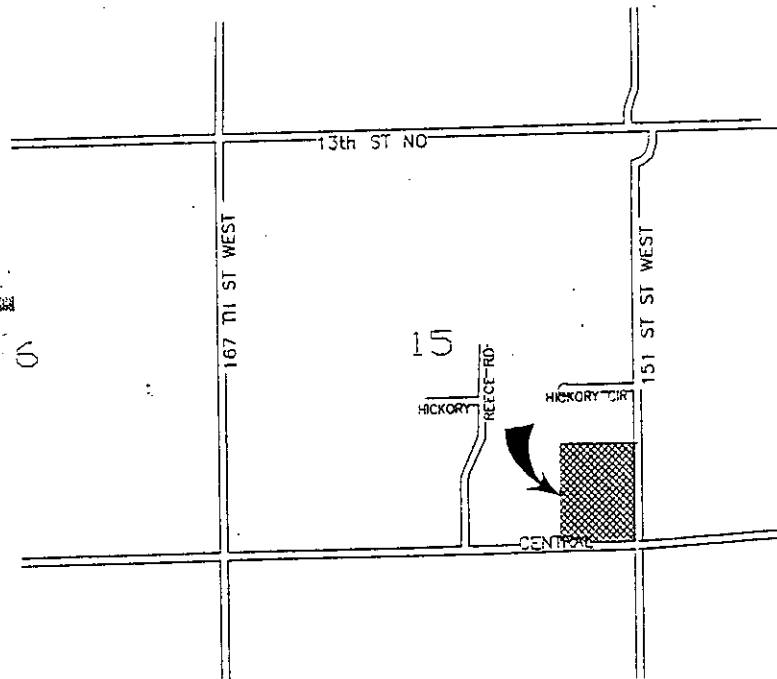
Residential:	5
Office:	
Commercial:	
Industrial:	
Total:	<u>5</u>

MINIMUM LOT AREA: 5.1 Acres

CURRENT ZONING: "SF-20"

PROPOSED ZONING:

VICINITY MAP:



NOTE: This addition is a replat of one large lot originally platted in the Woodland Hills (1st) Addition. When the 1st Addition was platted in 1994/95, the eastern portion of the site was noted as being located in the "urban reserve" area of the Comprehensive Plan. As such, the urban reserve was expected to be retained in nonresidential or other uses until typical, relatively dense urban-type development became possible. Because of the public investment in water, sewer and street improvements, it was the Comprehensive Plan's position that the urban reserve areas could and should develop to such an urban scale and consequently not be developed for moderate, large 5-acre type lots which could not be in most cases readily resubdivided. Consequently, the Woodland Hills Addition created a large lot in this area of the plat, which could be more easily resubdivided in the future to urban scale lots. A restrictive covenant was also recorded as to such a restriction.

In February of this year, the applicant approached the Planning Commission with a request to reconsider this restriction and to allow a replatting of the property into 5-acre lots as was done for the balance of the 1st Addition (one other large lot was platted to cover the existing residence at this site). The Planning Commission reaffirmed its original position again noting that it would not support the platting of this site into 5-acre type lots.

This plat is apparently being submitted to once again appeal the position take by the MAPC on prohibiting the site to be platted into 5-acre sized lots. The applicant was asked to provide a concept plan on how these 5-acre lots could be redeveloped at higher density once services are available. To date, the concept plan has not been submitted. If the Planning Commission denies approval of the plat, the applicant may request an opinion from the City or County Law Departments as to his rights to appeal such a decision to the governing bodies. This site is within thee (3) miles of Wichita and consequently both the City Council and County Commission must approve the plat.

Staff Comments:

Planning Department Staff recommends that the Subdivision Committee, based upon its previous consideration of the conditions involving this site, deny approval of the plat. Should denial occur, the applicant must first formally request that the Subdivision Committee's decision be appealed to the Planning Commission, prior to any action being taken by the governing bodies.

Should the Subdivision Committee approve this plat, the following conditions shall apply.

STAFF COMMENTS:

- A. The applicant shall provide a legal opinion from an attorney, indicating that the covenant restricting redevelopment of this site until urban scale uses are possible, can be voided at this time.
- B. 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.
- C. The applicant shall guarantee the installation of the interior street to the suburban, gravel

standard.

- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. 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.)
- F. 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.
- G. 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.
- H. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- I. 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.
- J. 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.
- K. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- L. The representatives from County Engineering should be prepared to comment on the status of the applicant's drainage concept.

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

LOCATION: West of 151st Street West and north of Central Avenue

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NUMBER OF LOTS

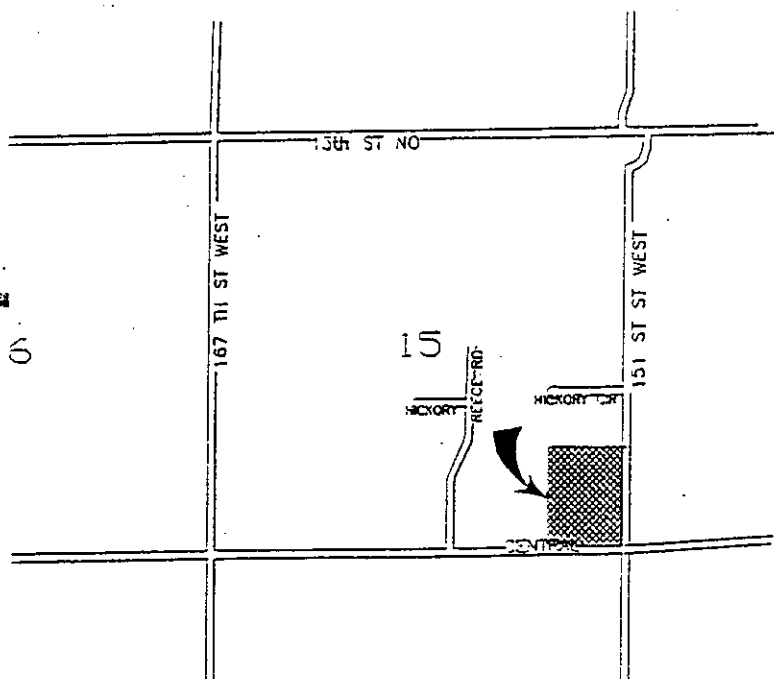
Residential:	5
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Total:	<u>5</u>

MINIMUM LOT AREA: 5.1 Acres

CURRENT ZONING: "SF-20"

PROPOSED ZONING:

VICINITY MAP:



NOTE: This addition is a replat of one large lot originally platted in the Woodland Hills (1st) Addition. When the 1st Addition was platted in 1994/95, the eastern portion of the site was noted as being located in the "urban reserve" area of the Comprehensive Plan. As such, the urban reserve was expected to be retained in nonresidential or other uses until typical, relatively dense urban-type development became possible. Because of the public investment in water, sewer and street improvements, it was the Comprehensive Plan's position that the urban reserve areas could and should develop to such an urban scale and consequently not be developed for moderate, large 5-acre type lots which could not be in most cases readily resubdivided. Consequently, the Woodland Hills Addition created a large lot in this area of the plat, which could be more easily resubdivided in the future to urban scale lots. A restrictive covenant was also recorded as to such a restriction.

In February of this year, the applicant approached the Planning Commission with a request to reconsider this restriction and to allow a replatting of the property into 5-acre lots as was done for the balance of the 1st Addition (one other large lot was platted to cover the existing residence at this site). The Planning Commission reaffirmed its original position again noting that it would not support the platting of this site into 5-acre type lots.

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Staff Comments:

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standard.

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RE: AGENDA ITEM NO. 4

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

May 23, 1996

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NUMBER OF LOTS

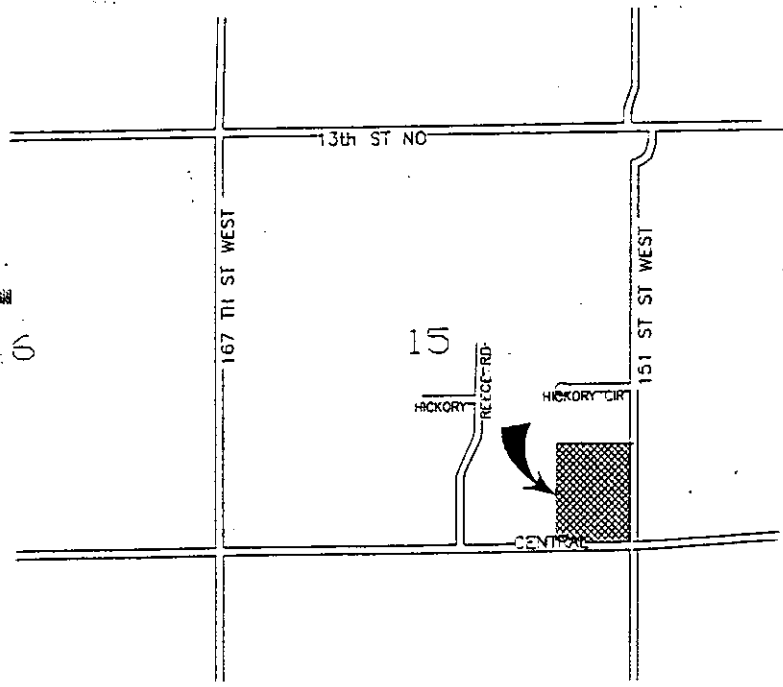
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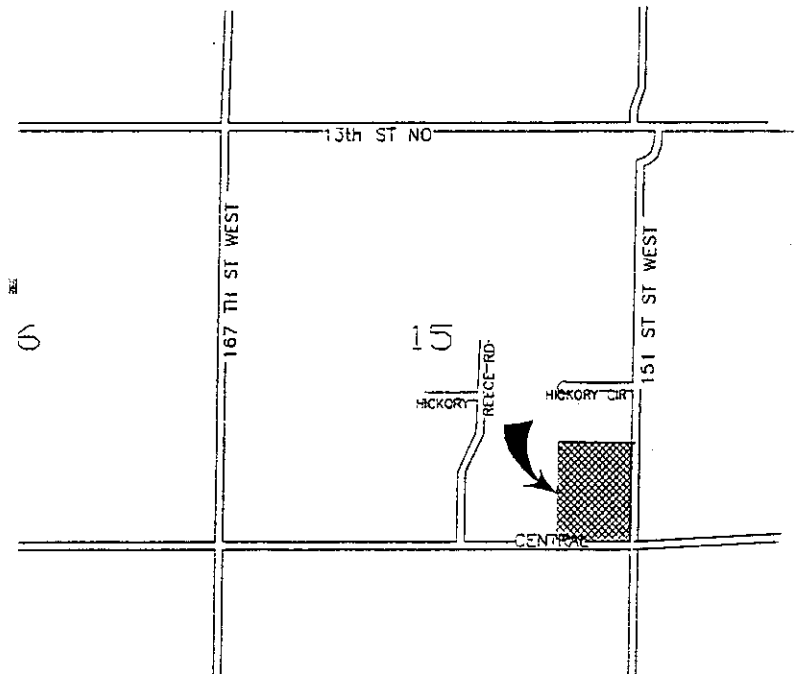
August 8, 1996
Deferred: 5/23/96

STAFF REPORT

(Revised Preliminary 8/8/96, Preliminary Plat Deferred 5/23/96)

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- AGENT:** Steve Stark, Fleeson, Gooing, Coulson & Kitch, 125 N. Market, Wichita, KS 67202
- SURVEYOR/ENGINEER:** Baughman Company, P.A., 315 Ellis, Wichita, KS 67211
- LOCATION:** West of 151st Street West and north of Central Avenue
- SITE SIZE:** 21.42 Acres
- NUMBER OF LOTS**
- | | |
|--------------|----------|
| Residential: | 4 |
| Office: | |
| Commercial: | |
| Industrial: | |
| Total: | <u>4</u> |
- MINIMUM LOT AREA:** 5.1 Acres
- CURRENT ZONING:** "SF-20"
- PROPOSED ZONING:**

VICINITY MAP:



NOTE: The applicant is requesting that a revised preliminary plat and associated future development plan be considered for a plat submitted to the Subdivision Committee on May 23, 1996, but subsequently deferred indefinitely. Action on the plat was deferred to allow the applicant to develop for consideration a plan that could or would allow the possibility of the large 5-acre type lots now being platted to be replatted in the future into denser, more typical urban-type lots. At issue for this location was that this site involved the area shown on the Comprehensive Plan as "urban reserve." Platting of 5-acre lots in such locations is generally considered detrimental to redevelopment into smaller, urban-sized lots. Consequently, this site was originally platted into one large lot of over 25 acres.

Attached are the comments provided originally for the preliminary plat submitted to the Subdivision Committee for its May 23, 1996 meeting. This revised preliminary, although somewhat altered, would still be subject to the same conditions. Listed below, however, are additional comments concerning the revised plat and also the "possible" redevelopment plan.

The plat as now proposed would replat the site into four lots instead of five. Each of the new lots will still be just over 5-acres in size. The area not being included in this revised plat will apparently be deeded over to the property (large lot) immediately west of the plat. Four basically regular, rectangular-type lots are proposed. As indicated by the "redevelopment" or sketch plat, these lots could be replatted into conventional lots by basically extending north-south culs-de-sac from the east-west street platted for this revised addition.

Staff Comments

If this plat is approved by the Subdivision Committee, it shall be subject to the conditions noted for the May 23, 1996 Subdivision Committee meeting (as attached) and the following additional conditions.

- A. The final plat tracing shall show a contingent dedication for the extension of Pine Circle to the west line of this site. Permanent 35-foot building setbacks shall also be platted from the contingent right-of-way. Either the face of the plat, or a separate document for recording shall be provided, which clearly indicates the conditions for this contingency. That is, if either Lot 2 or 3 desires to replat in the manner shown on the redevelopment/sketch plan, the associated street on the adjacent lot shall become a dedicated street.
- B. Because the location of a home on the lots being platted could possibly effect the potential of the redevelopment plans as shown, the applicant shall submit a means by which the location of a home and any related structures can or will be restricted so as not to interfere with the possible installation of future streets and the typical 25-foot building setback from such streets. That is, by way of a covenant or other acceptable means, the applicant needs to establish controls on how the four lots now being platted can be used in order to assure that the indicated redevelopment plan can actually be implemented.
- C. In regard to the potential development plan, County Engineering needs to indicate if any additional guarantees for drainage, street improvements, etc. should be required at this time.

August 22, 1996
Preliminary Deferred: 5/23/96
Revised Preliminary Deferred: 8/8/96

STAFF REPORT
(Revised Preliminary, Preliminary Plat Deferred 5/23/96)

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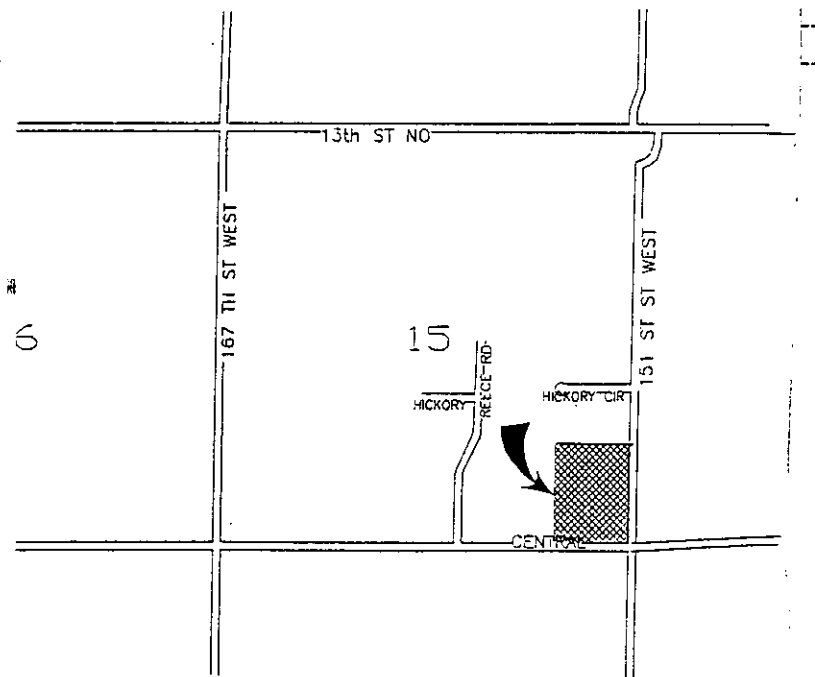
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- B. Because the location of a home on the lots being platted could possibly effect the potential of the redevelopment plans as shown, the applicant shall submit a means by which the location of a home and any related structures can or will be restricted so as not to interfere with the possible installation of future streets and the typical 25-foot building setback from such streets. That is, by way of a covenant or other acceptable means, the applicant needs to establish controls on how the four lots now being platted can be used in order to assure that the indicated redevelopment plan can actually be implemented.
- C. In regard to the potential development plan, County Engineering needs to indicate if any additional guarantees for drainage, street improvements, etc. should be required at this time.

September 10, 1996
Preliminary Deferred: 5/23/96
Revised Preliminary Deferred: 8/8/96

STAFF REPORT

(Final Plat, Revised Preliminary Approved 8/22/96, Preliminary Plat Deferred 5/23/96)

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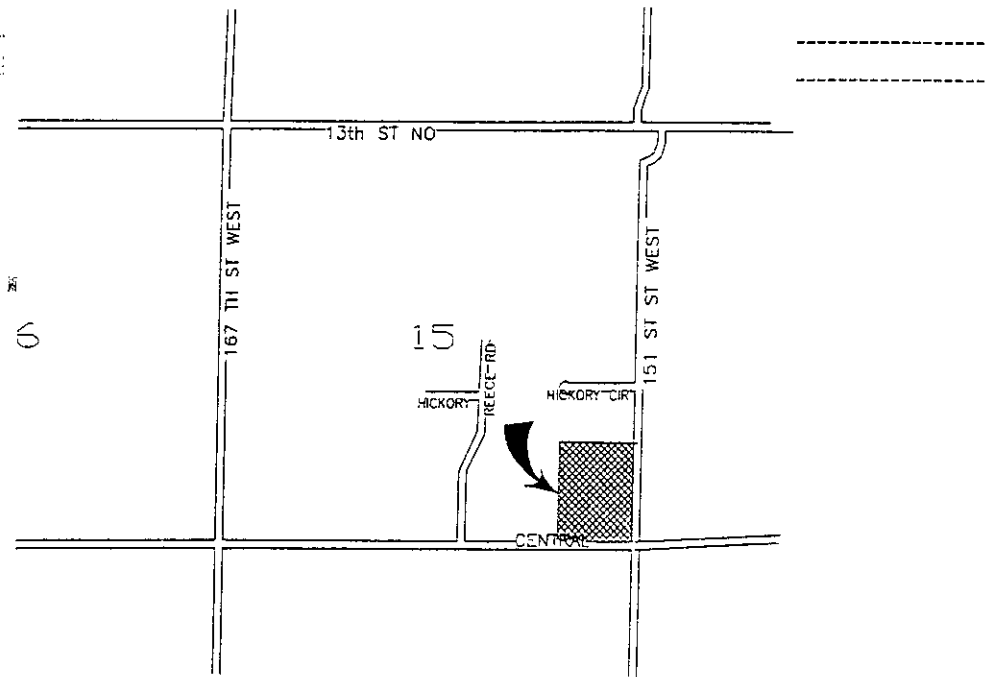
Residential:	4
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Industrial:	
Total:	<u>4</u>

MINIMUM LOT AREA: 5.1 Acres

CURRENT ZONING: "SF-20"

PROPOSED ZONING:

VICINITY MAP:



NOTE: As a condition of approval of the preliminary plat, the applicant was required to show how this area could be redeveloped into more typical urban densities as specified for this area by the Comprehensive Plan. At the August 22, 1996 meeting, it was agreed that a N-S street if extended from the end of the indicated cul-de-sac for Pine Circle would allow each lot to be further subdivided, in the future, by another short E-W cul-de-sac street being extended off of the "potential" N-S street(s). To allow for such a possible resubdivision of each of the four lots in this plat, it was required that contingent dedications be shown for such N-S streets and also the extension of Pine Circle to the western line of the plat. In addition, building setbacks from these contingent streets were also required so as to prevent structures from being located within areas that could interfere with these potential streets and thus a lot's resubdivision. This final appears to have satisfied those requirements.

Staff Comments

- A. The applicant shall provide a legal opinion from an attorney, indicating that the covenant restricting redevelopment of this site until urban scale uses are possible, can be voided at this time.
- B. 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.
- C. The applicant shall guarantee the installation of the interior street to the suburban, gravel standard.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. In regard to the potential development plan, **County Engineering** needs to indicate if any additional guarantees for drainage, street improvements, etc. should be required at this time. That is, since the resubdivision of any one lot could/would involve improvements impacting other lots in this Addition, can/should guarantees (i.e., petitions) be required at this time which would obligate other properties to participate in such improvements.
- E. On the final plat tracing, the MAPC signature block shall indicate John C. Frye as chairman.
- G. The applicant needs to resolve an apparent error in the spelling of the name shown on the plat and in the platting binder as to the site's ownership (Falkawski vs. Falkowski).
- H. 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.)
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- L. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- M. The representatives from County Engineering should be prepared to comment on the status of the applicant's drainage plan.
- N. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- O. Recording of the plat within 30 days after approval by the City Council and/or County Commission.

CLOSURE- WOODLAND HILLS 2ND ADD.

L001

1		N	5000.000	E	5000.000	S	0+00
	S 89-06'03.0"E		748.050				
2		N	4988.261	E	5747.958	S	7+48.050
	SOUTH		964.250				
3		N	4024.011	E	5747.958	S	17+12.300
	S 14-02'10.0"W		103.080				
4		N	3924.009	E	5722.958	S	18+15.380
	SOUTH		175.000				
5		N	3749.009	E	5722.958	S	19+90.380
	N 88-52'41.0"W		175.000				
6		N	3752.435	E	5547.991	S	21+65.380
	S 77-05'09.0"W		103.080				
7		N	3729.398	E	5447.518	S	22+68.460
	N 88-52'41.0"W		447.600				
8		N	3738.162	E	5000.004	S	27+16.060
	N 00-00'00.7"W		1261.838				
1		N	5000.000	E	5000.000	S	39+77.898
LENGTH=	3977.898	AREA=	932999.361 SF				21.419 ACRES