

S/D No.: 85-20      Name: PINE BAY ESTATES

Preliminary Approved: 5/23/85  
Scheduled S/D Meeting: 8/29/85

DESCRIPTION

General Location: Southeast corner of 63rd Street South and Hydraulic.  
Owner: Gerald E. Blood, 6346 S. Broadway, Wichita, KS 67216  
Surveyor/Engineer: Professional Engineering Consultants, P.A., c/o Gary Wiley

1. Gross Acreage of Plat: 153 Acres ±
  2. Number of Lots:
    - Residential: 64
    - Office:
    - Commercial:
    - Industrial:
    - Total: 64
  3. Minimum Lot Area: 40,000 Sq. Ft.
  4. Existing Zoning: "R"
  5. Proposed Zoning: "R-1", "LC" and "C" (SCZ-0547)
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STAFF COMMENTS:

- NOTE: The applicant's associated zone case (SCZ-0547) requesting "R" to "R-1", "LC" and "C" has been approved subject to platting. All property within this plat is proposed to be zoned "R-1" except Lot 8, Block 2 for which "C" zoning is requested and Lot 26, Block 2 which is requested for "LC" zoning.
- A. The applicant shall guarantee the construction of the proposed interior streets to the suburban street standard.
  - B. Regarding the proposed platted rear yard building setback on many of the lots, the applicant is advised that the general public has no interest in the platting of a rear yard setback which exceeds the setback provided for by the County Zoning Text. Should a future owner make application for vacation of the proposed rear yard platted setback, in favor of maintaining only the setback required by the zoning text, staff will not oppose the vacation application. The establishment of the greater setback is a private matter for purposes of providing for private golf course uses on private property sold by the applicant. The setbacks may be platted if clearly labeled and dimensioned, but, since their purpose is private in nature, the applicant should file appropriate deed restrictions to back up their enforcement.
  - C. The final plat shall indicate the recording information for the 50-foot gas line easement on this property.
  - D. The applicant shall provide proof, by letter from the pipeline company or by providing a copy of the Pipeline Easement Agreement, that utilities and buildings may be located adjacent to the easement without restriction of an established setback from the easement.
  - E. Any relocation or lowering of the pipeline made necessary by this development will be at the applicant's expense.
  - F. The final plat tracing shall omit referencing that Reserves A, B and D are platted for pipeline purposes since the pipeline on this property does not affect these reserves. The only reserves encumbered by the pipeline are Reserves C and F.
  - G. The final plat tracing shall label the 25-foot building setback from Grove Street on Lots 27 and 33, Block 2.
  - H. 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 required and what standards are to be met for approval of on-site water wells and sewerage facilities.

- I. The platlor's text states that Reserves C and E will be owned and maintained by the Pine Bay Estates Homeowners' Association. The platlor of this property shall either form the Homeowners' Association prior to recording the plat or shall submit a covenant stating when the association will be formed, when Reserves C and E will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. Since Reserve E is being platted adjacent to a major street intersection and Reserve C will be used for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain Reserves C and E 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.
- J. The platlor's text states that Reserves A, B, D and F will be owned by Gerald E. Blood rather than assigned to the Pine Bay Estates Homeowners' Association. Typically, this is not permitted as the ownership and maintenance of reserves are required to be vested with a Homeowners' Association which benefits from their purpose and not with an individual or company. In order to assure proper maintenance of Reserves A, B, D and F, the platlor's text shall be amended to reference that these reserves will be owned and maintained by the owner of Lot 26, Block 2. This lot will be the site of the golf course clubhouse and related facilities.
- K. On the final plat tracing, the wording in the platlor's text shall be amended to correctly reference the access controls being platted. The following wording is suggested: "All abutter's rights of access to and from 63rd Street South, across the north line of 63rd Street South Drive, and all abutter's rights of access to and from Hydraulic, across the west line of Hydraulic Drive, are hereby dedicated to the appropriate governing body.
- L. On the final plat tracing, the County Clerk's name shall be changed to read DON WRIGHT.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Recording of the plat within 30 days after approval by the Board of City Commissioners.
- O. The representative from the County Engineer's office should be prepared to comment on the status of the applicant's drainage plan. Specifically, are any guarantees required, is a covenant needed, and is the proposed minimum building pad correct?

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STAFF COMMENTS:

NOTE: The applicant's associated zone case (SCZ-0547) requesting "R" to "R-1", "LC" and "C" will be considered by the Board of County Commissioners at their May 15, 1985 meeting. All property within this plat is proposed to be zoned "R-1" except Lot 8, Block 2 for which "C" zoning is requested and Lot 26, Block 2 which is requested for "LC" zoning.

- A. The applicant shall guarantee the construction of the proposed interior streets to the suburban street standard.
- B. The final plat shall name the proposed frontage roads "Hydraulic Drive" and "63rd Street South Drive."
- C. The final plat shall indicate the following street name changes:
  1. Pebble Beach to Madison.
  2. Pebble Beach Court to Madison Court.
- D. Regarding the proposed platted rear yard building setback on many of the lots, the applicant is advised that the general public has no interest in the platting of a rear yard setback which exceeds the setback provided for by the County Zoning Text. Should a future owner make application for vacation of the proposed rear yard platted setback, in favor of maintaining only the setback required by the zoning text, staff will not oppose the vacation application. The establishment of the greater setback is a private matter for purposes of providing for private golf course uses on private property sold by the applicant. The setbacks may be platted if clearly labeled and dimensioned, but, since their purpose is private in nature, the applicant should file appropriate deed restrictions to back up their enforcement.
- E. 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 required and what standards are to be met for approval of on-site water wells and sewerage facilities.
- F. 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.

- G. Provision 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 which are elements of the drainage plat for this property, the restrictive covenant, providing for the perpetual ownership and maintenance of the reserves, shall grant to the appropriate governmental agency the authority to maintain the reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such public maintenance to be charged back to the owner(s) similar to special assessments.
- H. The final plat shall indicate the recording information for the 50-foot gas line easement on this property.
- I. The applicant shall provide proof, by letter from the pipeline company or by providing a copy of the pipeline easement agreement, that utilities and buildings may be located adjacent to the easement without restriction of an established setback from the easement.
- J. Any relocation or lowering of the pipeline made necessary by this development will be at the applicant's expense.
- 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.
- L. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- M. The representative from the County Engineer's office should be prepared to comment on the status of the applicant's drainage concept plan. Specifically, are any covenants required, are any guarantees needed and is a minimum building pad elevation necessary on any of the lots?
- N. The applicant should be prepared to comment on the purpose of Reserve E.
- O. The representative from the County Public Works Department should be prepared to comment on the acceptability of the amount of right-of-way being dedicated for Grove adjacent to Reserve B.