

November 21, 1996

**STAFF REPORT**

(Final Plat, Preliminary Plat approved 10/24/96, Final Plat deferred January 18, 1996)

**CASE NUMBER:** S/D 96-3 KENSINGTON GARDENS  
**OWNER/APPLICANT:** Kensington Gardens, LLC, 1147 S. Broadway, Wichita, KS 67211  
**AGENT:** George S. Bruce, Attorney, 220 W. Douglas, 300 Page Ct., Wichita, KS 67202-3194  
**SURVEYOR/ENGINEER:** Savoy, Ruggles, & Bohm, P. A., c/o Mark Savoy, 924 N. Main, Wichita, KS 67203

**LOCATION:** North of 21st Street North, and east of Greenwich Road

**SITE SIZE:** 74.9 Acres

**NUMBER OF LOTS**

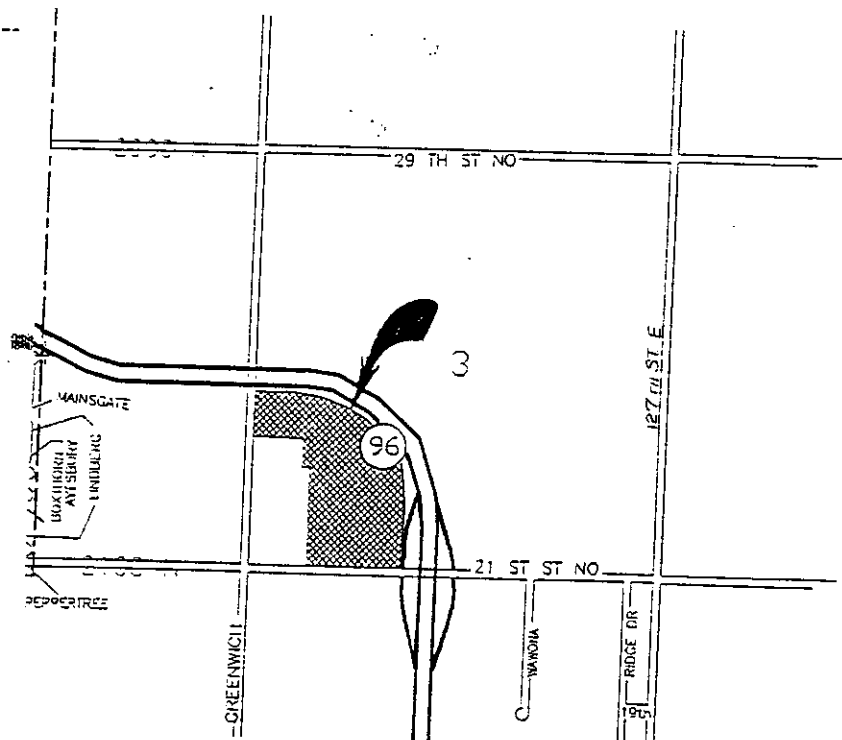
Residential/Commercial: 1  
Office:  
Commercial:  
Industrial:  
Total: 1

**MINIMUM LOT AREA:** 586,827 sq. ft. (13.47 Acres)

**CURRENT ZONING:** "R-1"

**PROPOSED ZONING:** "LC" (SCZ-702 and CU-386) and "R-1"

**VICINITY MAP:**



NOTE: A final form only plat was submitted in 1995 for a portion of what is shown as Lot 1 on this preliminary plat. That lot, in the original plat, was involved in a zone change to "LC" (SCZ-702) zoning. In addition, the area around that plat was included in a conditional use (CU-386). The purpose of both the zone change and conditional use was to allow for development of a Cemetery. The area involved in the zone change, and therefore to be platted into a lot, would be the area of the Cemetery in which the Cemetery's related buildings were to be constructed. The conditional use area being for purposes of burials.

During review of the final only form plat, the requirement was made that all of the area involved in the Cemetery should be platted. A lot or lots would be required for any areas where structures were proposed, with other areas for the cemetery platted as a Reserve. Consequently, this plat now resubmitted as a preliminary because of the site's size, is the revision requested. However, the area platted as a lot is both larger than the original lot and includes area not covered by the zone change and therefore zoning on this lot will be split between "LI" ("LC") and SF-20" (R-1).

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water to serve the lots being platted. As noted by City Engineering, this guarantee will be for an extension off of a water main and is needed both to provide water service and fire protection for this site.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the site being platted. As noted by City Engineering, the applicant should contact Engineering to discuss such improvements including participation in a planned lift station.
- C. As requested by County Engineering, the applicant was to discuss with the County a potential left-turn improvement in 21st Street North to serve this site. If required, the applicant shall submit an appropriate guarantee. County Engineering needs to indicate if such guarantee is required.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. The final plat tracing shall state in the plattor's text the purposes of the proposed reserves as well as who is to own and maintain the reserves. It is expected that ownership of the Reserve will be tied to Lot 1 of this Addition. In indicating the purpose or uses of the Reserve, the applicant should be careful to fully describe those uses typically associated with a cemetery; including such features as monuments, fountains, vaults, crypts, etc.
- G. If structures of any type are included in the uses to be allowed in Reserve A, building setbacks, such as shown for Lot 1, shall also be platted in the Reserve from the adjacent streets.
- 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.)

- I. 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.
- 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. 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 and/or County Commission.
- M. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan. Engineering also needs to confirm if a minimum building pad elevation was required for this site.

October 24, 1996

**STAFF REPORT**

(Preliminary Plat, Final Plat deferred January 18, 1996)

**CASE NUMBER:** S/D 96-3 KENSINGTON GARDENS

**OWNER/APPLICANT:** Kensington Gardens, LLC, 1147 S. Broadway, Wichita, KS 67211

**AGENT:** George S. Bruce, Attorney, 220 W. Douglas, 300 Page Ct., Wichita, KS 67202-3194

**SURVEYOR/ENGINEER:** Savoy, Ruggles, & Bohm, P. A., c/o Mark Savoy, 924 N. Main, Wichita, KS 67203

**LOCATION:** North of 21st Street North, and east of Greenwich Road

**SITE SIZE:** 74.9 Acres

**NUMBER OF LOTS**

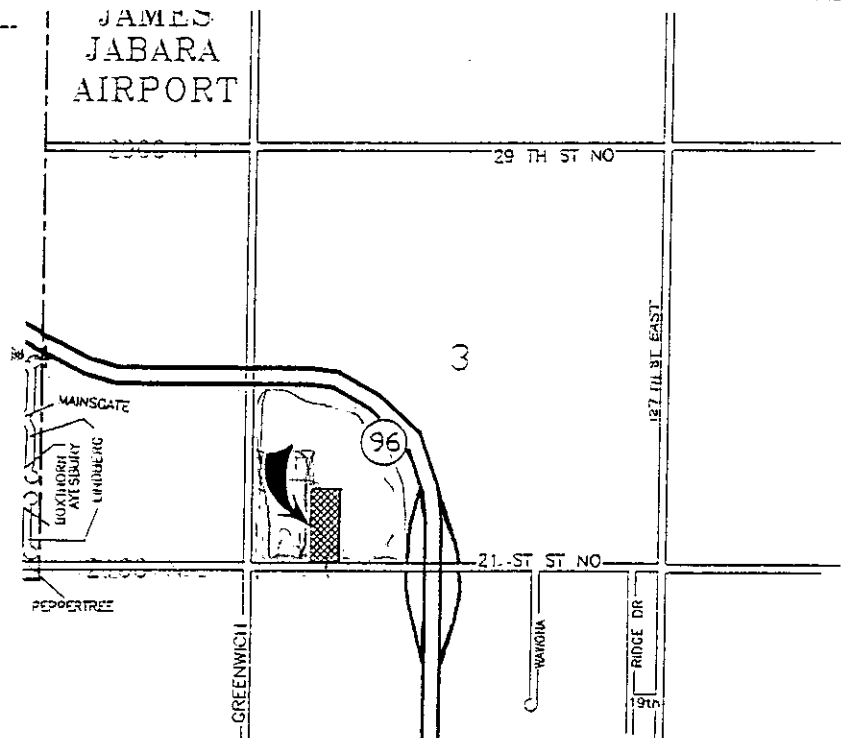
Residential/Commercial:	1
Office:	
Commercial:	
Industrial:	
Total:	<u>1</u>

**MINIMUM LOT AREA:** 13.74 Acres

**CURRENT ZONING:** "R-1"

**PROPOSED ZONING:** "LC" (SCZ-702 and CU-386) and "R-1"

VICINITY MAP:



NOTE: A final form only plat was submitted in 1995 for a portion of what is shown as Lot 1 on this preliminary plat. That lot, in the original plat, was involved in a zone change to "LC" (SCZ-702) zoning. In addition, the area around that plat was included in a conditional use (CU-386). The purpose of both the zone change and conditional use was to allow for development of a Cemetery. The area involved in the zone change, and therefore to be platted into a lot, would be the area of the Cemetery in which the Cemetery's related buildings were to be constructed. The conditional use area being for purposes of burials.

During review of the final only form plat, the requirement was made that all of the area involved in the Cemetery should be platted. A lot or lots would be required for any areas where structures were proposed, with other areas for the cemetery platted as a Reserve. Consequently, this plat now submitted as a preliminary because of the site's size, is the revision requested. However, the area platted as a lot is both larger than the original lot and includes area not covered by the zone change and therefore zoning on this lot will be split between "LI" ("LC") and SF-20" (R-1).

STAFF COMMENTS:

- A. 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. In regard to this specific use, Health needs to indicate if there are or should be any additional requirements such as a restrictive covenant on the volume or type of materials that can be disposed of through use of an on-site sewer system.
- B. City and/or County Engineering need to indicate any requirements for guarantees for the future extension of municipal water and sanitary sewer to this site. It should be noted that major commercial and residential developments are being platted immediately to the west of this site and that these developments are expected to guarantee both water and sewer to and adjacent to this site.
- C. The applicant shall guarantee any drainage improvements required by the platting of this property.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. Not only is 21st Street North adjacent to this site an FAS (rural collector) route, but County Engineering has been requesting additional right-of-way in support of needed improvements to 21st Street North. Consequently, the final plat shall dedicate sufficient right-of-way to provide 60-feet of half street right-of-way adjacent to this plat.
- 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. It is expected that ownership of the Reserve will be tied to Lot 1 of this Addition.

- G. 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.)
- H. 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.
- 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 County Engineering for review and approval.
- K. 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.
- 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. In particular, are any areas needing to be designated for drainage and are there any minimum pad elevation requirements.

January 18, 1996

**STAFF REPORT**  
(Final Plat)

**CASE NUMBER:** S/D 96-3 KENSINGTON GARDENS

**OWNER/APPLICANT:** Kensington Gardens, LLC, 1147 S. Broadway, Wichita, KS 67211

**AGENT:** George S. Bruce, Attorney, 220 W. Douglas, 300 Page Ct., Wichita, KS 67202-3194

**SURVEYOR/ENGINEER:** Savoy, Ruggles, & Bohm, P. A., c/o Mark Savoy, 924 N. Main, Wichita, KS 67203

**LOCATION:** North of 21st Street North, and east of Greenwich Road

**SITE SIZE:** 7.337 Acres

**NUMBER OF LOTS**

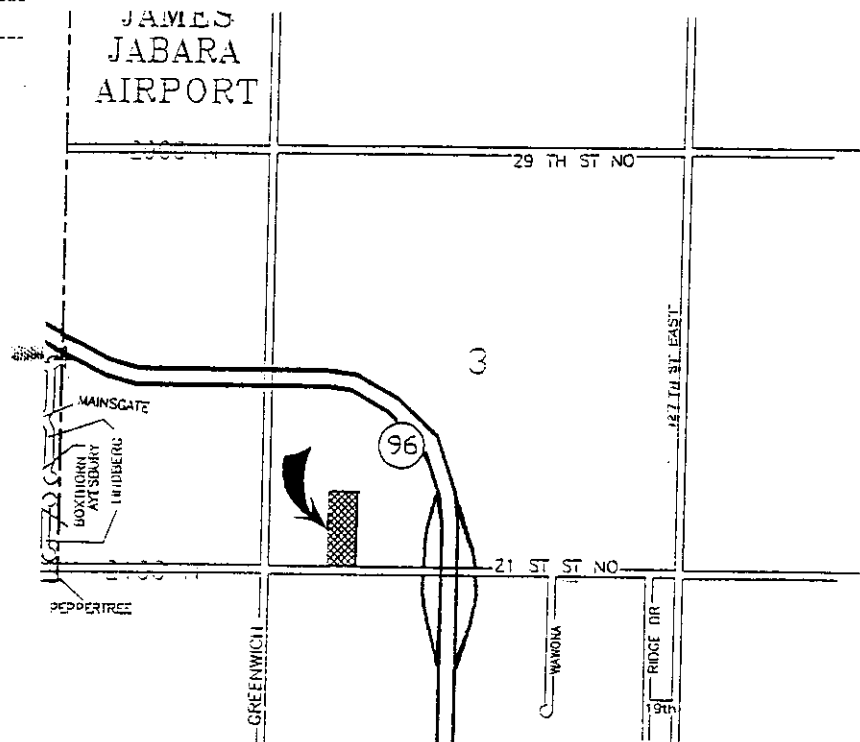
Residential:  
Office:  
Commercial: 1  
Industrial:  
Total: 1

**MINIMUM LOT AREA:** 302,600.03 sq. ft. (6.947 Acres)

**CURRENT ZONING:** "R-1"

**PROPOSED ZONING:** "LC" (SCZ-702 and CU-386)

**VICINITY MAP:**



NOTE: Since at least the 1960's and through the 1970's and even into the early 1980's, various forms of development including golf course/residential (Crestview), residential/lake areas (Moorings), cemeteries (Resthaven), and so forth, while often incorporating significant open space type areas within their proposed developments, such open space areas were typically not included as part of the plat.

However, over the past ten (10) years or more, all such open space areas are now included within the boundary of the plat as at least a Reserve area. Whether considered necessary for future annexation purposes, the securing of easements or dedications, controls on access, clearly establishing the boundaries of a proposed use or development, and so forth, platting has been required even if the issuance of building permits is not necessarily involved.

The plat as now submitted, is a one (1) lot plat covering only the area involved in a zone change and intended to be the site of various structures planned for a Cemetery's operation. The zone change (SCZ-0702) to "LC" zoning is being scheduled for County Commission review on 1/24/96. Associated with the zone change is a conditional use (CU-386) for a 68-acre site that surrounds the area of "LC" zoning and will be or is intended to be the area used for burials. This conditional use is also being scheduled for County Commission consideration on 1/24/96.

STAFF COMMENTS:

- A. The applicant shall submit a revised plat which incorporates all of the area intended for development as a cemetery, that is, the areas included in both the zone change (SCZ-0702) and the conditional use (CU-386). As noted by the applicant during the zoning and conditional use hearings before the MAPC, "Today new cemeteries are very competitive commercial enterprises, not publicly supported services as in the past." Consequently, all of this site shall be platted; within the area or areas involving functional type structures being platted as a lot or lots and the remainder shown as a Reserve or Reserves.

The following comments are in regard to the plat as submitted and will be subject to change based upon submittal of a revised plat as indicated above.

- B. Approval of this plat is subject to approval of the associated zone change (SCZ-0702) and conditional use (CU-386) and any relevant conditions of such approvals.
- 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. In regard to this specific use, Health needs to indicate if there are or should be any additional acquirements such as a restrictive covenant on the volume or type of materials that can be disposed of through use of an on-site sewer system.

- D. City and/or County Engineering need to indicate any requirements for guarantees for the future extension of municipal water and sanitary sewer to this site. It should be noted that a major commercial development is being platted immediately to the west of this site and that that development is expected to guarantee both water and sewer to and adjacent to that site.
- E. The applicant shall guarantee any drainage improvements required by the platting of this property.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. 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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- I. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- J. Recording of the plat within 30 days after approval by the City Council.
- K. 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.
- 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.

Note: This plat has been submitted in final form only. However, it should be noted that this plat exceeds the 5-acre limit for a final form only plat.