

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. \_\_\_\_\_

January 17, 2002

**STAFF REPORT**  
(Preliminary Plat)

**CASE NUMBER:** SUB 2001-131 – FOSSIL RIM ESTATES

**OWNER/APPLICANT:** Fouts Geller Development Company, LLC, 940 N. Tyler, Suite 208,  
Wichita, KS 67212

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

**LOCATION:** Southeast corner of Tyler Road and 29th St. North

**SITE SIZE:** 64.6 Acres

**NUMBER OF LOTS**

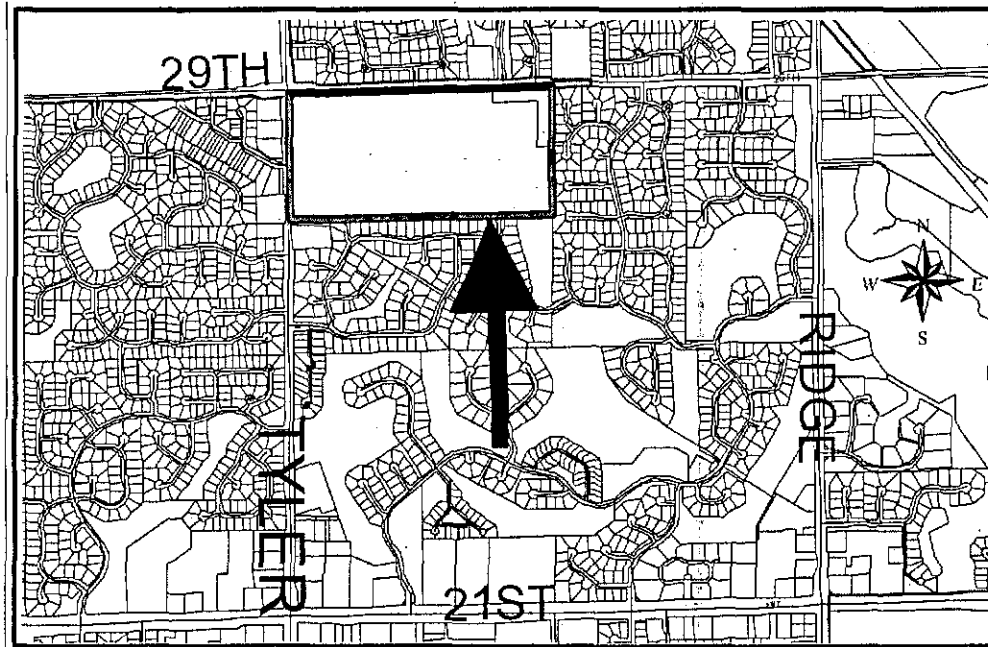
Residential:	71
Office:	
Commercial:	1
Industrial:	
Total:	<u>72</u>

**MINIMUM LOT AREA:** 11,050 Square Feet.

**CURRENT ZONING:** SF-20, Single-Family Residential

**PROPOSED ZONING:** SF-5, Single-Family Residential, GO, General Office

**VICINITY MAP**



SUB 2001-131 – Preliminary Plat of FOSSIL RIM ESTATES  
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Note: This unplatted site is located in the County adjoining Wichita's city limits and a request for annexation shall be submitted. The site is currently zoned SF-20, Single-Family residential and will be converted to SF-6, Single-Family Residential upon annexation. The Applicant proposes a zone change to GO, General Office for Lot 1, Block B along with a Protective Overlay.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's City limits, the Applicant shall submit a request for annexation. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. This plat will be subject to approval of the associated zone change and any related conditions of such a zone change.
- C. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. City Engineering needs to comment on the need for other guarantees or easements.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. City/County Engineering needs to comment on the status of the applicant's drainage concept.
- F. County/Traffic Engineering needs to comment on the need for any improvements to perimeter streets. County Engineering recommends the annexation of 29<sup>th</sup> Street.
- G. The numbering of lots in Block D needs to be corrected.
- H. The final plat shall include the dedication of access controls. Complete access control needs to be dedicated along the plat's frontage, with the exception of one opening for Lot 1, Block B. Distances should be shown for all segments of access control. The final plat shall reference the dedication of access controls in the plat's text.
- I. Traffic Engineering has requested that Pepper Ridge be relocated to the east in alignment with Pepper Ridge across 29th Street.
- J. The plat's text shall note the dedication of the streets to and for the use of the public.
- K. The applicant shall guarantee the paving of the proposed interior streets. For Reserve B being platted for a private streets, improvements shall be guaranteed for construction to a public street standard; however as private improvements, guarantees cannot be provided through the use of petitions. This guarantee shall also provide for sidewalks along one side of Pepper Ridge and Meadow Park.
- L. A covenant shall be submitted regarding Reserve B, platted for private street purposes, which sets forth ownership and maintenance of the private street, and future reversionary rights of the reserve to the lots benefiting from the reserve. The plat's text shall reference the platting of the reserve for private street purposes and shall state which specific lots are to be accessed by the reserve.

SUB 2001-131 – Preliminary Plat of FOSSIL RIM ESTATES  
January 17, 2002 - Page 3

- M. Reserve B being platted as a private street shall be labeled as a private street and shown an appropriate street name.
- N. Regarding Reserve B being platted for private street purposes, the plat's text on the final plat tracing shall reference, by lot and block numbers, which lots are to be provided access by the reserve.
- O. Because of the landlocked nature of Reserves D and F, a means of access shall be provided to such a Reserve.
- P. The final plat shall state in the plat's text the purposes of the proposed reserves as well as the ownership and maintenance responsibilities.
- Q. 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" located between this site's north property line and driving surface for 29th St. North.
- R. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves 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 the governing body.
- S. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot 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.
- T. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- U. The City Fire Department/GIS needs to comment on the plat's street names.
- V. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- W. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- X. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

SUB 2001-131 – Preliminary Plat of FOSSIL RIM ESTATES

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- Y. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Z. 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.)
- 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 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- CC. 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 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.
- DD. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- EE. Perimeter closure computations shall be submitted with the final plat tracing.
- FF. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- GG. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- HH. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**STAFF REPORT**  
(FINAL PLAT, PRELIMINARY PLAT APPROVED 1/17/02)

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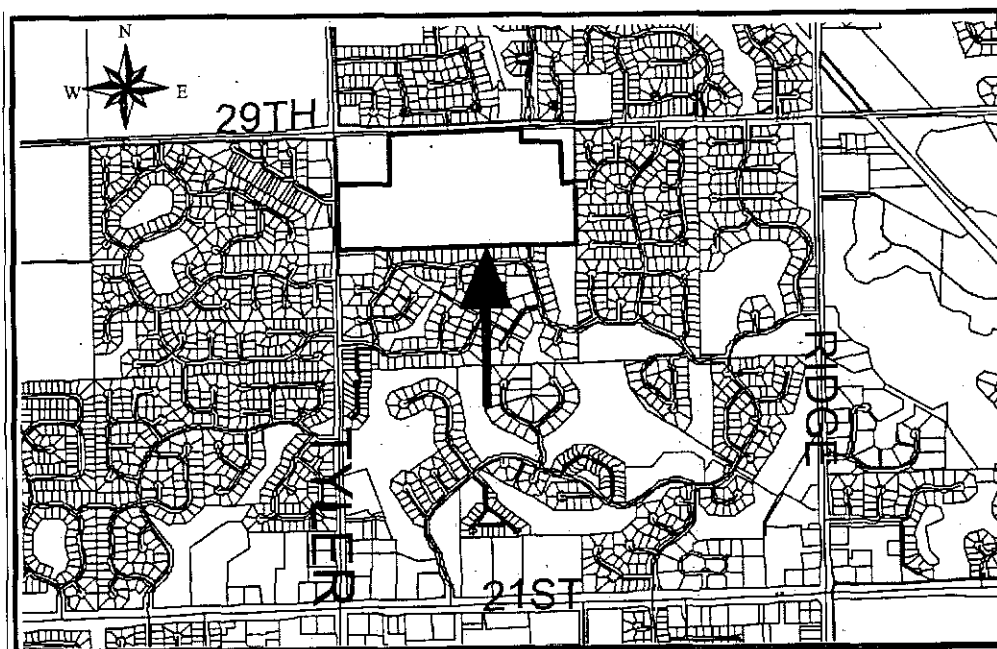
Residential:	71
Office:	
Commercial:	
Industrial:	
Total:	72

**MINIMUM LOT AREA:** 11,050 Sq. Ft.

**CURRENT ZONING:** SF-20, Single-Family Residential

**PROPOSED ZONING:** SF-5, Single-Family Residential, GO, General Office

**VICINITY MAP**



**NOTE:** This unplatted site is located in the County adjoining Wichita's city limits and a request for annexation shall be submitted. The site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation. The Applicant proposes a zone change (ZON 2001-56) to GO, General Office for Lot 1, Block B.

**Planning Staff recommends approval of the plat.**

**STAFF COMMENTS:**

- A. As this site is adjacent to Wichita's City limits, the Applicant shall submit a request for annexation. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. This plat will be subject to approval of the associated zone change and any related conditions of such a zone change.
- C. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **City Engineering** needs to comment on the status of the applicant's drainage plan.
- F. **County/Traffic Engineering** needs to comment on the need for any improvements to perimeter streets. **County Engineering recommends the annexation of 29<sup>th</sup> Street.**
- G. The final plat shall include the dedication of access controls. Complete access control needs to be dedicated along the plat's frontage, with the exception of one opening for Lot 1, Block B.  
  
Access controls have been dedicated as requested.
- H. A restrictive covenant shall be submitted that permits future cross-lot access between Lot 1, Block B and the abutting property owner to the south if that property develops as a non-residential use.
- I. The applicant shall guarantee the paving of the proposed interior streets. For Reserve B being platted for a private streets, improvements shall be guaranteed for construction to a public street standard; however as private improvements, guarantees cannot be provided through the use of petitions. This guarantee shall also provide for sidewalks along one side of Pepper Ridge and Meadow Park.
- J. A covenant shall be submitted regarding Reserve B, platted for private street purposes, which sets forth ownership and maintenance of the private street, and future reversionary rights of the reserve to the lots benefiting from the reserve. The plat's text shall reference the platting of the reserve for private street purposes and shall state which specific lots are to be accessed by the reserve.

**SUB 2001-131 -- Final Plat of FOSSIL RIM ESTATES**  
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- K. Regarding Reserve B being platted for private street purposes, the platting text on the final plat tracing shall reference, by lot and block numbers, which lots are to be provided access by the reserve.
- L. 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" located between this site's north property line and driving surface for 29th St. North.
- M. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves 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 the governing body.
- 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 58-foot 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. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- P. The City Fire Department/GIS needs to comment on the name of the private street. *GIS has requested that the west portion of this street extending from Pepper Ridge to Lot 7, Block A, be renamed Meadow Park.*
- Q. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- R. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- S. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- T. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- U. 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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CLOSURE: FOSSIL RIM ESTATES

PT. 1	North: 3397.1979	East : 7539.1682
Line Course:	S 00-07-28 W	Length: 46.08
PT. 2	North: 3351.1180	East : 7539.0681
Line Course:	S 89-01-59 W	Length: 425.11
PT. 3	North: 3343.9441	East : 7114.0187
Line Course:	N 00-00-00 E	Length: 1343.27
PT. 4	North: 4687.2141	East : 7114.0187
Line Course:	N 89-02-44 E	Length: 2636.08
PT. 5	North: 4731.1244	East : 9749.7329
Line Course:	S 00-14-22 W	Length: 600.06
PT. 6	North: 4131.0696	East : 9747.2252
Line Course:	S 00-13-36 W	Length: 700.60
PT. 7	North: 3430.4751	East : 9744.4536
Line Course:	S 89-08-07 W	Length: 2205.53
PT. 1	North: 3397.1900	East : 7539.1748