



AGENDA
PLANNING COMMISSION
 Tuesday, June 7, 2016 – 5:00 PM
City Council Chambers
 125 East Avenue B, Hutchinson, Kansas

1. ROLL CALL

- | | | |
|--|---|--|
| <input type="checkbox"/> Macklin | <input type="checkbox"/> Woleslagel | <input type="checkbox"/> Bisbee (Acting Chair) |
| <input type="checkbox"/> Hamilton (Vice Chair) | <input type="checkbox"/> Peirce (Chair) | <input type="checkbox"/> Obermite |
| <input type="checkbox"/> Carr | <input type="checkbox"/> Hornbeck | <input type="checkbox"/> Peterson |

2. APPROVAL OF MINUTES – Meeting of May 3, 2016.

3. CORRESPONDENCE & STAFF REPORTS – Motion to accept documents into the official record.

4. PUBLIC HEARINGS

- a. **16-ZA-06: Zoning Regulation Amendments for Residential Accessory Structures**
 Request for amendments to the *City of Hutchinson Zoning Regulations* pertaining to residential accessory structures.
(Staff Representative: Jana McCarron, Planning & Development Director)

5. NEW BUSINESS

- a. **16-SDP-05: Pine Hill 2nd Addition Preliminary Plat**
 Request for Preliminary Plat approval of the Pine Hill 2nd Addition subdivision, a replat of lots 2 and 3, Block A, Pine Hill Addition.
(Staff Representative: Jana McCarron, Planning & Development Director)
- b. **16-SDF-05: Pine Hill 2nd Addition Final Plat**
 Request to recommend Final Plat approval to the City Council for Pine Hill 2nd Addition subdivision, a replat of lots 2 and 3, Block A, Pine Hill Addition.
(Staff Representative: Jana McCarron, Planning & Development Director)

6. UPCOMING CASES

- a. 16-SDP-03: Meadowlake Reserve Area Preliminary Plat – June 21, 2016
 b. 16-SDF-03: Meadowlake Reserve Area Final Plat – June 21, 2016

7. OPEN COMMENTS FROM THE AUDIENCE (Please limit comments to five minutes.)

8. ADJOURNMENT

Staff Contacts:	Jana McCarron	620-694-2681	Casey Jones	620-694-2667
	Amy Denker	620-694-2638	Stephanie Stewart	620-694-2635
	Charlene Mosier	620-694-2639		

1. ROLL CALL

The Planning Commission meeting was called to order at 5 PM with the following members present: Terry Bisbee, Harley Macklin, Mark Woleslagel, Robert Obermite, Janet Hamilton, Tom Hornbeck, Darryl Peterson, Todd Carr, and Ken Peirce. Staff present were Jana McCarron, Director of Planning and Development; Casey Jones, Senior Planner; and Charlene Mosier, Planning Technician.

2. APPROVAL OF MINUTES

The minutes of the April 19, 2016, meeting were approved on a motion by Bisbee, seconded by Woleslagel, passed unanimously.

3. CORRESPONDENCE & STAFF REPORTS

The documents and staff reports were accepted into the official record on a motion by Peterson, seconded by Hornbeck, passed unanimously. (Carr arrived) at 5:03 PM.

4. NEW BUSINESS

4a. **Comprehensive Plan Stakeholder Committee nominations**

McCarron said a Steering Committee consisting of two City Council members, the City Manager, Director of Planning and Development, and two Planning Commission members, will work to organize and define the vision for the Comprehensive Plan. She asked for two volunteers from the Planning Commission to serve on this committee. Bisbee and Hornbeck volunteered to serve. Meetings for this committee will be prior to the Planning Commission meeting on an as-needed basis.

4b. **Updated Procedural Scripts**

Jones said the scripts have been updated with a few procedural changes and he gave a set to Peirce.

5. PUBLIC HEARINGS

5a. **16-ZA-05: Zoning Amendment request to rezone 0.468 acres of property located to the east of 1024 N Hendricks St from R-4 Residential Neighborhood Conservation District to P/I Public and Institutional District.**

Peirce asked if there were any outside contacts or conflicts of interest; there were none.

Jones presented the staff report for the case, including an analysis of the factors required for consideration of a zone change. Staff recommended approval of the request.

Kim Forbes, Fire Chief, was present to represent the City of Hutchinson, owner. The City operates the fire station at 1024 N. Hendricks St. and plans to demolish and rebuild a larger fire station at this location. The City acquired 0.468 acres of undeveloped land to the east of the existing fire

station to facilitate development of a new fire station. This parcel is zoned *R-4 Residential Neighborhood Conservation District*. A zone change to *P/I Public and Institutional District* is requested because a fire station is a permitted land use in the P/I District and would require a Conditional Use Permit in the existing zone.

Peirce asked the applicant for their presentation. Kim Forbes, Fire Chief, said the current fire station was built in 1977 or 1978 and is approximately 3,000 sq. ft. The proposed fire station will be 9,055 sq. ft. The proposed building will have larger setbacks than the current building and this will provide more space to maneuver the fire trucks. This facility will be slightly larger than the facility on East 30th Ave. The construction should be completed by February, 2017. The staff for this location will relocate to 20th Avenue and Main St. The response time to cover this territory will be four to six minutes, which meets the requirements.

Peirce asked if there were any comments from the audience. Hearing none, Peirce closed the hearing and asked for a motion on the zoning amendment.

Motion by Carr, seconded by Macklin to recommend to the City Council approval of this request for a zoning amendment to rezone the property described as the West 7.50 feet of Lot 3 and All of Lots 4, 5, 6, and 7, Block 6, Fairmount Addition, in the City of Hutchinson, from R-4 Residential Neighborhood Conservation District to P/I Public and Institutional District based upon due consideration of the following factors:

1. **Character of the neighborhood;**
2. **Zoning and uses of nearby property;**
3. **Suitability of the property for the proposed zoning classification and use;**
4. **Impacts on nearby properties;**
5. **Length of time the property has remained vacant;**
6. **Relative gain to the public health, safety, and welfare, as compared with the hardship to the land owner if the application were denied;**
7. **Availability of public utilities to serve the development;**
8. **Conformance to the Comprehensive Plan; and**
9. **Recommendations of the professional staff.**

The motion passed with the following vote: Yes – Macklin, Hamilton, Woleslagel, Hornbeck, Bisbee, Obermite, Peterson, Carr, Peirce.

The City Council will consider this case on June 7, 2016.

6. UPCOMING CASES

- 6a. 16-SD-03 Meadowlake Reserve Area Division - Preliminary Plat and Final Plat. This is on hold. The applicant has been contacted to continue with the request in the next month or the case will need to be resubmitted.
- 6b. 16-ZA-05 Pine Hill Second – Preliminary and Final Plat. Staff is waiting for a revised plat.

7. CITY COUNCIL UPDATE

7a. 16-SD-04 North Pointe Preliminary Plat and Final Plat – The City is still waiting on the water flow analysis and revised plats.

8. TRAINING SESSION

McCarron presented a training session. The training included an article on Ethics for Commissioners, the Role of the Planning Commission and an overview of Comprehensive Planning.

9. OPEN COMMENTS FROM THE AUDIENCE – None.

10. ADJOURNMENT – The meeting adjourned at 6:15 PM.

Respectfully Submitted,

Charlene Mosier, Planning Technician

Approved this _____ day of _____, 2016

Attest: _____



125 E Avenue B | Hutchinson KS
67501
620.694.2639

Staff Report
Planning Commission

PC Agenda Item #: **4a**

Planning & Development Department

Case: 16-ZA-06

May 24, 2016

Hearing Date: June 7, 2016

REQUEST:

Zoning Ordinance Amendments: Residential Accessory Buildings & Uses

Staff

Staff Representative:

Jana McCarron, AICP
Planning & Development Director



STORAGE SHED



Application Information

Applicant:

Staff

Application Materials:

[Link to Application Materials](#)

Concurrent Applications:

None

STAFF RECOMMENDATION: APPROVAL

MOTION:

Recommend (approval / modification and approval / denial) to City Council of Zoning Amendment request number 16-ZA-06 for amendments to §27-314, §27-408, §27-409, §27-410, §27-411, §27-412 and §27-415 of the Hutchinson Zoning Regulations pertaining to residential accessory structures.

PROJECT SUMMARY:

Request for amendments to the City of Hutchinson *Zoning Regulations* to modify the requirements for residential accessory dwelling units (**Exhibit A**).

Zoning

Zoning:

Residential Zones

Comprehensive Plan Designation:

N/A

Subdivision:

Various

ACCESSORY STRUCTURE EXAMPLE: GAZEBO



Notice & Review

Development Review:

4/26/2016

Public Hearing Notice Published:

05/04/2016 (*Hutchinson News*)

Previous Commission Action:

Study Session – 04/19/2016

Next Steps:

City Council – 06/21/2016

BACKGROUND:

In February 2011, the City of Hutchinson adopted new Zoning Regulations. Updates were made to the regulations in 2012, 2014 and 2015. Last year, Mr. Norman Grass, 619 N Grandview St, approached the Commission requesting consideration of amendments to the Zoning Regulations pertaining to the maximum allowable size for accessory buildings. The Planning Commission directed staff to research benchmark cities to determine if Hutchinson's regulations were similar. Due to staff turnover and workload issues, we were unable to perform this research until now.

Study Session

On April 19, 2016, the Planning Commission held a Study Session to consider potential revisions to the regulations based upon Mr. Grass's request, as well as the comments made by staff regarding frequent customer requests. The Commission requested Staff move forward with amendments with the following parameters:

- No maximize size on detached storage sheds (as long as all other parameters are met)
- 1200 square feet = maximum size for detached garage
- For larger lots, the 1200 square foot maximum can be increased to double the size of the principal structure, as long as the total lot coverage in the rear yard for accessory structures is less than 10%
- 600 square feet = maximum size for carports
- Maximum rear lot coverage for all accessory structures = 35%
- No limit on the number of storage buildings as long as lot coverage and separations are met
- Maximum side wall height = 12 feet for accessory buildings
- Storage sheds with access doors larger than 6 feet in width would be considered garages
- Paving to detached accessory structures would be required from the roadway to the rear of the principal structure. Alternative materials, such as gravel, could be allowed in the rear yard (behind the house) for the remainder of the driveway

A copy of the staff report to the Commission is attached as **Exhibit B**.

DRC MEETING:

On April 26, 2016, a Development Review Committee meeting was held to discuss the proposed amendments. Modifications to the general direction provided by the Planning Commission were made based upon discussions with the Committee members, as follows:

- Clarified that all accessory structures on a property, including those too small to require a Building Permit, would be used for the purpose of calculating lot coverage in the rear yard. [Planning Staff]
- Modified the language for duplexes to allow one detached garage, one shed and one carport per unit. [Building Official/Planning Staff]
- Clarified that from the rear of the house to the detached garage, crushed rock or gravel could be used as the surfacing material. [Engineering Department]
- Increased the minimum size of access doors for detached garages to 8 feet or wider [Building Official/Planning Staff].
- Clarified that the setbacks for accessory structures are measured from the eaves. [Planning Staff]
- Added a "rebuild" clause for accessory structures on permanent foundations. [Building Official/Planning Staff]

ANALYSIS:

Staff estimates the proposed changes to the regulations will meet the concerns of roughly 70 percent of customers who inquire about building accessory structures and are not able to do so under the City's current regulations. Staff encourages the Commission to review the suggestions made by the "public" in the section below. Incorporating these limitations may help to protect the rights of adjacent property owners and the public at large while allowing for greater development potential on residential lots.

ACCESSORY STRUCTURE EXAMPLES:

DETACHED GARAGE



PERGOLA



GREEN HOUSE



POOL HOUSE



PUBLIC COMMENTS:

One comment was received from Ms. Amy Denker, Housing Program Coordinator, who suggested the Commission consider the following options along with these amendments:

1. Limit the maximum size of a shed, either to the same as that for a detached garage or to the maximum size allowable under the building code (presently 3000 square feet). Her concern was that people would claim to be building a shed and later convert it to a garage by cutting in doors.
 2. Limit home occupations to the primary dwelling only, particularly if we are increasing the allowable size for accessory structures. Presently, home occupations may utilize up to 50 percent of an accessory structure.
-

EXHIBITS:

- A. Redlined Zoning Regulations
- B. Study Session Staff Report & Exhibits

16-ZA-06: Zoning Amendments

Proposed Changes: Accessory Buildings and Uses

Sec. 27-314 Accessory Buildings and Uses.

Intent and interpretation.

Unless expressly prohibited, accessory uses and structures shall be permitted in all zoning districts. Accessory uses and structures shall be clearly incidental to and customarily and commonly associated with the principal lawful use of the zoning lot on which they are located. The zoning administrator shall be granted the authority to interpret the provisions of this section and classify accessory uses and structures.

All accessory uses and accessory structures shall:

- A. Be subordinate in ~~size, extent and~~ purpose to the principal building or buildings served;
- B. Not be established on any zoning lot unless the principal structure has been more than one-half completed and is watertight;
- C. Not be erected in or encroach into any required yard, easement or sight triangle;
- D. Be located a minimum distance of five feet from all structures, unless permanently attached to such structures; and
- E. Detached accessory structures on interior lots shall not project nearer to the front lot line than the front exterior wall of the principal building and on corner lots shall not project nearer to the side street front lot line than the required setback.
- F. Lot Coverage and Height.
 - 1. The combined lot coverage of the principal building and all accessory buildings shall not exceed the lot coverage requirements found in these regulations.
 - 2. An accessory building shall not exceed the established height of the principal structure except as allowed in this section.
 - 3. In the MH and MP Districts, accessory buildings shall not exceed 16 feet in height.
 - 4. In the TA District, accessory buildings shall be allowed to exceed the height of the principal building provided that all other restrictions are met. In the TA District, accessory buildings and principal buildings may have combined lot coverage of 10 percent or 25,000 square feet, whichever is less.
- G. Residential Garages, Carports and Storage Buildings.

The following regulations shall apply to all garages, carports and storage buildings for ~~all~~ residential uses in all districts except as noted in section 27-314.F.

1. Accessory buildings to residential uses shall be limited to buildings for domestic or household use or for the parking of motor vehicles and recreational vehicles. A hobby activity may be operated as an accessory use by a residential occupant of the premises solely for personal enjoyment, amusement or recreation; provided that any articles produced or constructed are not sold on the premises, except as may be permitted for an approved home occupation, and that no objectionable noise, odor, light or other adverse effects are created.
2. ~~The combined lot coverage of all accessory buildings and accessory structures shall not exceed the lot coverage of the principal dwelling.~~
2. Accessory structures shall comply with the following maximum size requirements:

<u>Accessory Structure Type</u>	<u>Maximum Square Footage</u>
<u>Detached Storage Building</u>	<u>None.</u>
<u>Detached Garage</u>	<u>1200 square feet. This may be exceeded to double the size of the primary structure, provided the total rear lot coverage is 10% or less.</u>
<u>Detached Carport</u>	<u>600 square feet.</u>

3. Accessory structures ~~on residential lots~~ shall not occupy more than ~~30-35~~ percent of the entire rear yard from the rear of the principal building to the rear lot line.
4. For each single family dwelling, there shall be permitted a maximum of one detached garage, ~~one detached storage building~~ and one carport, whether attached or detached.
5. For each duplex building, there shall be permitted a maximum of one detached garage, per unit, one detached storage building per unit, and two carports, whether such carports are attached or detached.
6. Carports shall not be attached to the front of a residential principal building. Carports shall be located only to the side or rear of the principal building and shall not project nearer to the front lot line than the principal building, whether attached or detached. On corner lots, carports shall not project nearer to the side street front lot line than the required setback. Carports shall not exceed the height of the principal building.
7. The sidewalls of garages and storage buildings shall not exceed ~~46-12~~ feet in height.
8. Garages, carports and storage buildings shall be constructed of materials customarily used in residential construction. The design and construction of such structures shall be similar to and compatible with the design and construction of the principal building. The exterior building materials and

colors shall be similar to the principal building and shall be commonly associated with residential construction. Smaller storage buildings less than 200 square feet in size shall not be restricted as to exterior materials, provided all materials shall be in good condition and shall be customarily used for residential storage purposes. Shipping containers shall not be permitted.

9. All garages and carports shall be provided and accessed by a driveway of an approved surface and design. Residential driveways accessing a detached garage or carport from a paved roadway shall be paved, as provided for in these regulations, from the roadway to the rear of the principal structure. From the rear line of the principal structure to the detached garage or detached carport, crushed rock or gravel may be used.
10. Storage sheds with access doors larger than 6 feet in width shall be considered detached garages for the purpose of these regulations.



Planning Commission Staff Report

Public Hearing: TBD

DATE: April 14, 2016
TO: Hutchinson Planning Commission
FROM: Jana McCarron, AICP Director of Planning & Development
SUBJECT: STUDY SESSION: 16-ZA-06 Zoning Ordinance Amendments / Residential Accessory Buildings and Uses



REQUEST: Request for Study Session review of proposed amendments to §27-314 of the Zoning Regulations of the City of Hutchinson Municipal Code pertaining to residential Accessory Buildings and Uses.

Staff Recommendation: Staff recommends moving forward with proposed amendments to the regulations pertaining to residential accessory buildings and uses.
Motion: Motion to direct staff to (proceed / modify and proceed / not proceed) with amendments to the Zoning Regulations pertaining to accessory buildings and uses.

BACKGROUND:

In February 2011, the City of Hutchinson adopted new Zoning Regulations. Updates were made to the regulations in 2012, 2014 and 2015. Last year, Mr. Norman Grass, 619 N Grandview St, approached the Commission requesting consideration of amendments to the Zoning Regulations pertaining to the maximum allowable size for accessory buildings. The Planning Commission directed staff to research benchmark cities to determine if Hutchinson’s regulations were similar. Due to staff turnover and workload issues, we were unable to perform this research until now.

ANALYSIS:

Section 27-314 of the City’s Zoning Regulations contains the residential accessory building requirements for the City. Presently, the following restrictions apply:

Table with 5 columns: Max Size, Max Height, Max Coverage, Number, Materials. It lists specific zoning restrictions for accessory buildings.

The intent and interpretation section of 27-314 is as follows:

“Unless expressly prohibited, accessory uses and structures shall be permitted in all zoning districts. Accessory uses and structures shall be clearly incidental to and customarily and commonly associated with the principal lawful use of the zoning lot on which they are located. The zoning administrator shall be granted the authority to interpret the provisions of this section and classify accessory uses and structures.”

A review of the ordinances for benchmark communities is attached to this report as **Exhibit A**. Of the communities surveyed, only Dodge City and Newton do not have restrictions on the maximum size of accessory dwelling units. Staff did not have the opportunity to survey the ordinances for Lawrence, Topeka, Lenexa and Olathe. These communities are typically included in our benchmark comparisons, however, it is likely that most of the cities do have maximum sizes established. Of the cities surveyed, only Hutchinson and Salina have compatibility requirements for accessory structures.

Staff’s experience at the counter is that we get an average of one customer per week hoping to place a larger structure than what would be permitted or one that is not compatible with the primary structure (i.e, metal). In some cases, the lot in question is definitely too small to accommodate the size of structure desired, but in others there is a large lot and the proposed structure would fall well within the lot coverage requirements. This is the case with Mr. Grass.

Staff recommends that the Commission consider changing the accessory building requirements as follows:

- Limited to 1 detached garage and 1 carport. No limit on the number of sheds as long as all other criteria are met.
- Maximum size for a detached shed is 400 SF. Any structure with a door 6 feet or wider is considered a garage and would have to meet the requirements for detached garages.
- Maximum size for a detached carport is 600 SF.
- Maximum size for a detached garage is 1200 SF.
- Metal would be allowed on sheds only and only if there are other metal sheds on the property already or on neighboring properties.
- Maximum lot coverage of all accessory structures is 35% of the rear yard.
- Maximum side wall height is 12’, regardless of the height of the structure.

Exhibit B contains the City’s regulations for Accessory Buildings and Uses.

ATTACHMENTS:

Exhibit A – Accessory Structure Requirements: Selected Cities

Exhibit B – Sec. 27-314, Accessory Buildings and Uses

Accessory Structure Requirements
Selected Cities

City	Storage Building				Detached Garage/Carport			Attached Garage/Carport			
	Max Area	Setback		Max Ht	Max Area	Max Ht	Compatibility	Requirement	Max Area	Compability	Setbacks
		Rear	Side								
Dodge City	None	3.5'	3.5'	District height	None	District height	Not required	Same as primary structure	No restriction	Not required	Same as primary structure
Hutchinson (1 garage, 1 carport, 1 shed)	Primary dwelling area	5'	5'	Primary dwelling height	Primary dwelling area	Primary dwelling height	Yes	Same as primary structure	No restriction	Yes	Same as primary structure
McPherson (1 garage, 1 carport)	900 sf	10', garage setback = 20' if accessed from alley	Primary structure setbacks	one story (20')**	Carport-600 sf Garage-960 sf	one story (20')*	No metal storage containers	Same as primary structure	No restriction	Not required	Same as primary structure
Newton	None	7'***, garage-20' if accessed from corner or alley	7'***	12' side wall height	None	12' side well height	No	Same as primary structure	No restriction	Not required	Same as primary structure
Salina	360 sf	5' - No alley 10' - Alley	3'	Residential dwelling height or 16', whichever is less	770 sf*	dwelling height or 20', whichever is less	Must be compatible	Must share common wall	Must be smaller than the dwelling	Must be compatible	Same as primary structure

*May be increased to 1200 sf in the A-1 or RS District

**Can obtain a conditional use permit to go taller if to be used for living space

***5', if platted prior to July 1, 1950; 3', if less than 100 sf

Sec. 27-314 Accessory Buildings and Uses.

Intent and interpretation.

Unless expressly prohibited, accessory uses and structures shall be permitted in all zoning districts. Accessory uses and structures shall be clearly incidental to and customarily and commonly associated with the principal lawful use of the zoning lot on which they are located. The zoning administrator shall be granted the authority to interpret the provisions of this section and classify accessory uses and structures.

All accessory uses and accessory structures shall:

- A. Be subordinate in size, extent and purpose to the principal building or buildings served;
- B. Not be established on any zoning lot unless the principal structure has been more than one-half completed and is watertight;
- C. Not be erected in or encroach into any required yard, easement or sight triangle;
- D. Be located a minimum distance of five feet from all structures, unless permanently attached to such structures; and
- E. Detached accessory structures on interior lots shall not project nearer to the front lot line than the front exterior wall of the principal building and on corner lots shall not project nearer to the side street front lot line than the required setback.
- F. Lot Coverage and Height.
 - 1. The combined lot coverage of the principal building and all accessory buildings shall not exceed the lot coverage requirements found in these regulations.
 - 2. An accessory building shall not exceed the established height of the principal structure.
 - 3. In the MH and MP Districts, accessory buildings shall not exceed 16 feet in height.
 - 4. In the TA District, accessory buildings shall be allowed to exceed the height of the principal building provided that all other restrictions are met. In the TA District, accessory buildings and principal buildings may have combined lot coverage of 10 percent or 25,000 square feet, whichever is less.
- G. Residential Garages, Carports and Storage Buildings.

The following regulations shall apply to all garages, carports and storage buildings for all residential uses in all districts.

1. Accessory buildings to residential uses shall be limited to buildings for domestic or household use or for the parking of motor vehicles and recreational vehicles. A hobby activity may be operated as an accessory use by a residential occupant of the premises solely for personal enjoyment, amusement or recreation; provided that any articles produced or constructed are not sold on the premises, except as may be permitted for an approved home occupation, and that no objectionable noise, odor, light or other adverse effects are created.
2. The combined lot coverage of all accessory buildings and accessory structures shall not exceed the lot coverage of the principal dwelling.
3. Accessory structures on residential lots shall not occupy more than 30 percent of the entire rear yard from the rear of the principal building to the rear lot line.
4. For each single family dwelling, there shall be permitted a maximum of one detached garage, one detached storage building and one carport, whether attached or detached.
5. For each duplex building, there shall be permitted a maximum of one detached garage, one detached storage building and two carports, whether such carports are attached or detached.
6. Carports shall not be attached to the front of a residential principal building. Carports shall be located only to the side or rear of the principal building and shall not project nearer to the front lot line than the principal building, whether attached or detached. On corner lots, carports shall not project nearer to the side street front lot line than the required setback. Carports shall not exceed the height of the principal building.
7. The sidewalls of garages and storage buildings shall not exceed 16 feet in height.
8. Garages, carports and storage buildings shall be constructed of materials customarily used in residential construction. The design and construction of such structures shall be similar to and compatible with the design and construction of the principal building. The exterior building materials and colors shall be similar to the principal building and shall be commonly associated with residential construction.
9. All garages and carports shall be provided and accessed by a driveway of an approved surface and design.



125 E Avenue B | Hutchinson KS 67501
620.694.2639

Staff Report

Planning Commission

PC Agenda Item #: 5a

Planning & Development Department

Case: 16-SDP-05

May 27, 2016

Meeting Date: June 7, 2016

REQUEST:
Preliminary Plat, Pine Hill Second Addition (Replat)

Staff Representative:
Jana McCarron, AICP
Planning & Development
Director

Subject Property: Lots 2 & 3, Block A, Pine Hill Addition



Applicant/Owner:
Kurt Mitchell (Mitch) Cogburn
DLH Enterprises, LLC
PO Box 657
Walsh CO 81090

Agent:
Dave Freund
Freund Investment, Inc.
1201 N Halstead St
Hutchinson KS 67501

Engineer/Surveyor/Architect:
Raymond Bretton
Alpha Land Surveys, Inc
216 W 2nd Ave
Hutchinson KS 67501

Application Materials:
[Link to Application Materials](#)

Concurrent Applications:
16-SDF-05, Pine Hill 2nd
Addition Final Plat

Application Information

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. Revised Plat showing the Telephone Easement for Lot 4 is provided
2. Amended Covenants and Restrictions are recorded allowing for splitting of lots in the subdivision prior to Final Plat recordation.

MOTION:

Approve/approve with conditions/deny Preliminary Plat number 16-SDP-05 for Pine Hill, 2nd Addition, a replat of Lots 2 and 3, Block A, of Pine Hill Addition, based upon a finding that the requirements for subdivision contained in the City of Hutchinson Subdivision Regulations are met/not met and including the staff-recommended conditions of approval.

PROJECT SUMMARY:

Request for Preliminary Plat approval for replat of Lots 2 and 3, Block A, of Pine Hill Addition to create 4 lots totaling 0.680 acres.

LOCATION MAP:



Zoning:
R-3, Moderate Density Residential

Comprehensive Plan Designation:
Low Density Residential

Subdivision:
Pine Hill 2nd Addition

Previous PC/BZA Actions:
None. Pine Hill Plat approved 9/6/2006.

Development Review:
4/26/2016 (Exhibit B)

Next Steps:
Final Plat, Tentative City Council Consideration: 6/21/2016

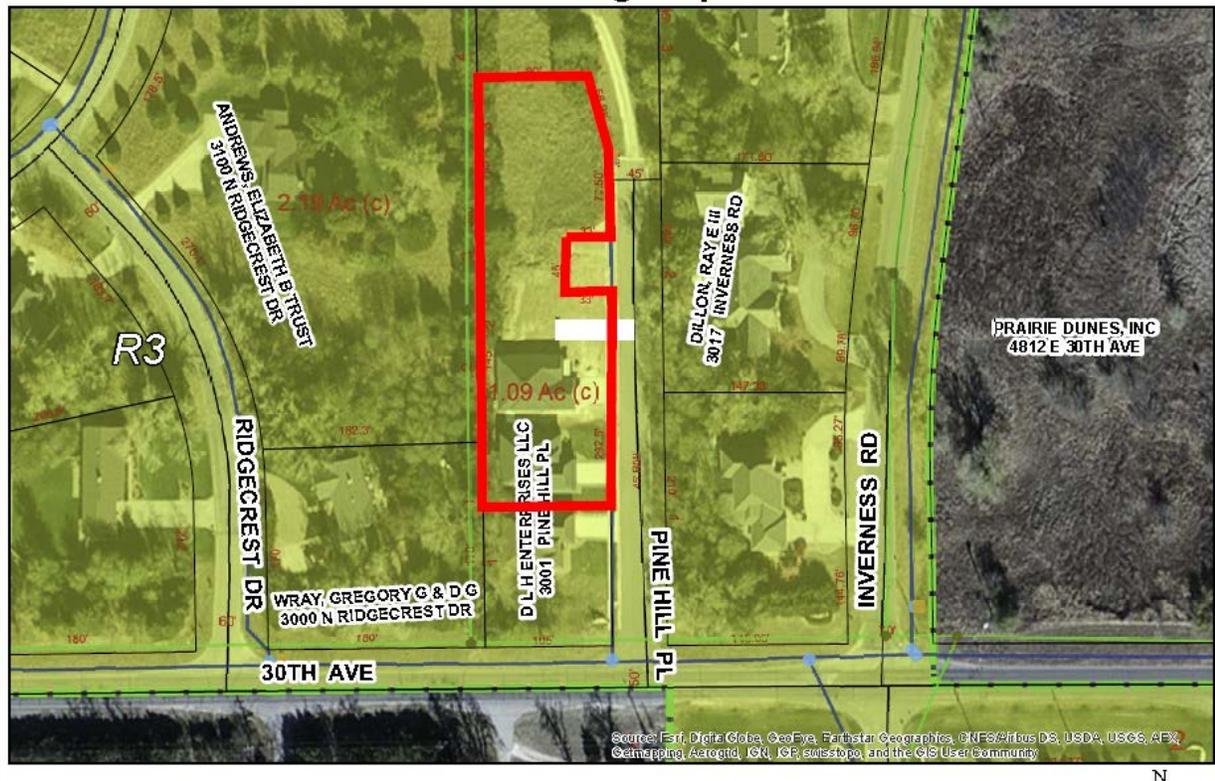
Notice & Review

SUBDIVISION DESIGN REQUIREMENTS ANALYSIS:

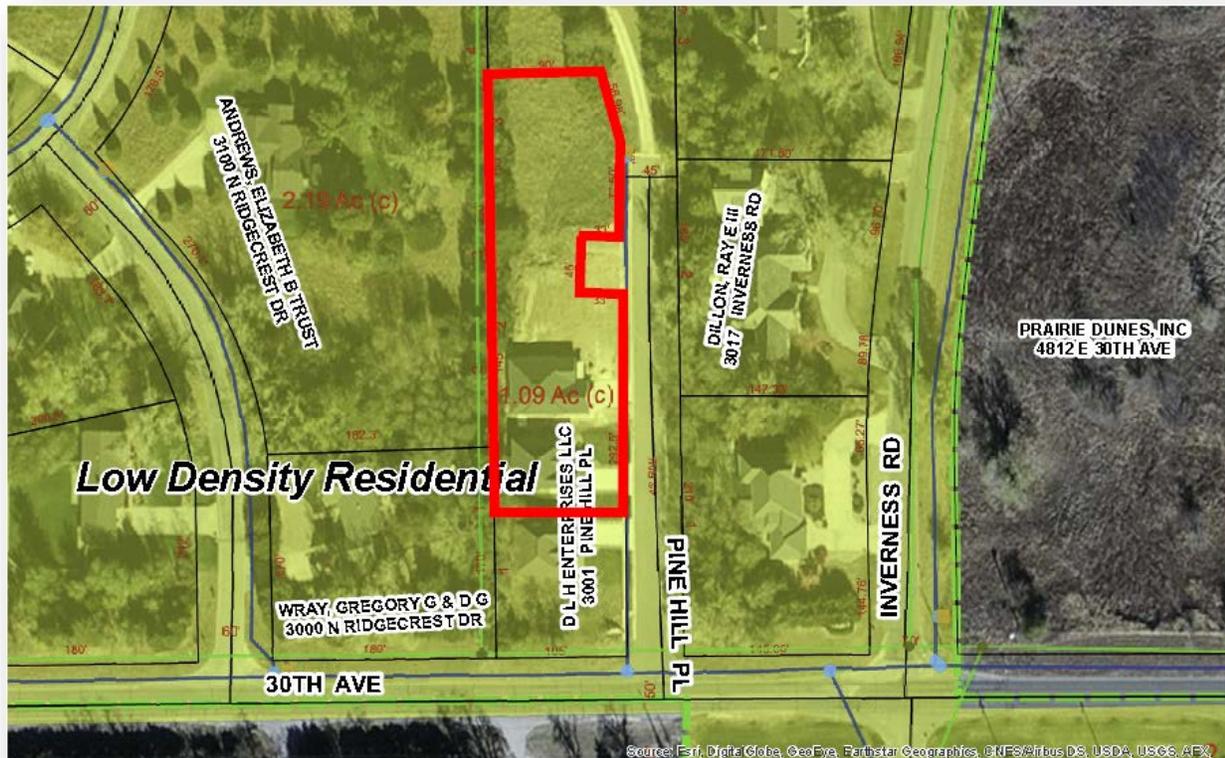
Item	Standard	Provided	Met Not Met
Reno County Platting Requirements			
Scale	1"=60'; 1"=100' or 1"=200'; all phases at the same scale	1"=20'	<input checked="" type="checkbox"/> Met
North arrow	Shown	Shown	<input checked="" type="checkbox"/> Met
Closure table	Shown	Shown	<input checked="" type="checkbox"/> Met
Lettering	Legible	Legible	<input checked="" type="checkbox"/> Met
Adjoining parcels	Shown & identified by owner of record	Shown	<input checked="" type="checkbox"/> Met
Surveyor Information	Name, address, phone number, date, signature information and seal information is shown	Shown	<input checked="" type="checkbox"/> Met
Legal description	Accurate legal description	Shown	<input checked="" type="checkbox"/> Met
Point of beginning	Shown	Shown	<input checked="" type="checkbox"/> Met
Title/subtitle	Includes "preliminary plat" / includes quarter, section, township, range, city, county & state	Shown	<input checked="" type="checkbox"/> Met
Lots	Numbered sequentially within blocks; include square footage/acreage	Shown	<input checked="" type="checkbox"/> Met
Buildings	Locations of existing buildings, including measurements perpendicular to boundaries; if no buildings, note stating: "No buildings within this platted area."	Shown	<input checked="" type="checkbox"/> Met
Vicinity map	Shown	Shown	<input checked="" type="checkbox"/> Met
Floodplain	Floodplain designation; FIRM number & effective date	Shown	<input checked="" type="checkbox"/> Met
City of Hutchinson Platting Requirements			
Applicant & owner information	Includes name, phone # and mailing address of applicant and owner of record	Shown	<input checked="" type="checkbox"/> Met
Water features	Location of lakes, rivers, ponds, stormwater channels & creeks	Shown	<input checked="" type="checkbox"/> Met
Streets & alleys	Existing & proposed streets, alleys and right-of-ways; width & approximate grade and connections to the existing road network; meet minimum requirements of 9-609	Shown	<input checked="" type="checkbox"/> Met
Street names	Meet requirements of 9-610	Shown	<input checked="" type="checkbox"/> Met
Common & reserve areas	Identified & numbered; Note: "It shall be the joint responsibility of all owners of property located within this plat to provide for the ongoing maintenance and upkeep of all common and reserve areas." Included on plat	Shown	<input checked="" type="checkbox"/> Met
Restrictions & covenants	Draft agreement provided and noted on plat	Provided. Needs to be revised.	<input checked="" type="checkbox"/> Not Met
Utility and pedestrian corridors	Required for blocks > 800 feet where feasible; 10' minimum width; must contain a paved walking path or sidewalk 5' wide (or more); must be landscaped around pat	Shown	<input checked="" type="checkbox"/> Met
Special flood hazard area	If within SFHA, boundaries for the 100-year & 500-year flood are shown; Base flood elevations are shown	Shown	<input checked="" type="checkbox"/> Met
Topography	Contour lines provided a 2' interval	Shown	<input checked="" type="checkbox"/> Met
Utilities	Water, sanitary sewer, electric, gas & stormwater facilities shown; connections shown new utilities located on private property are underground	Shown	<input checked="" type="checkbox"/> Met
Easements	Required for all utilities; located next to ROW; minimum of 20' wide (City); 10' wide (other); drainage easements not collocated with other utilities; recreational easements may be required	Not Shown. Telephone easement on Lot 4 is missing.	<input checked="" type="checkbox"/> Not Met
Existing trees	Annotated with species and size; noteworthy trees, as determined by the Director of Parks & Facilities, are included as part of a tree preservation area; utility easements located away from tree preservation areas; if removal of existing trees is deemed excessive, payment is made into Trees for Tomorrow Fund at a rate as specified in 9-615	Shown	<input checked="" type="checkbox"/> Met

Item	Standard	Provided	Met Not Met
Sidewalks	Location and width included; designed in accordance with 9-614; timing noted on plat; infill development may be exempted based upon proximity to schools, shopping, etc. and connections to the existing system	Not Shown. Exempt. Replat.	<input checked="" type="checkbox"/> Met
Street Trees	Spaced approximately 40 ft apart; 1 tree per lot (residential); minimum caliper is 2"; one year warranty; 2 trees on corner lots; located in the planter strip or in the ROW behind the curb or sidewalk (if no planter strip)	Not Shown. Exempt. Replat.	<input checked="" type="checkbox"/> Met
Parkland, trails, bikeways & open space dedications	Location & size; required where shown on the <i>Bicycle & Pedestrian Master Plan</i> ; meet other requirements of ordinance	Not applicable	<input checked="" type="checkbox"/> Met
Watercourse protection areas	Watercourse shown within an easement 2.5 times the average width of the watercourse; exceptions allowed for infill properties or via subdivision variance	Not applicable	<input checked="" type="checkbox"/> Met
Zoning	Current zoning designation for property & surrounding properties	Shown	<input checked="" type="checkbox"/> Met
Landscape & screening plan	Residential subdivision located adjacent to major streets include a landscaped buffer in accordance with §27-908.E.12	Exempt. Replat	<input checked="" type="checkbox"/> Met
Section & city limit lines	Section & city limit lines located within and adjacent to the subdivision are shown	Shown	<input checked="" type="checkbox"/> Met
Bridges & culverts	Existing & proposed shown	Not applicable	<input checked="" type="checkbox"/> Met
Public facilities	Schools and other public site locations shown	Not applicable	<input checked="" type="checkbox"/> Met
Benchmarks	Location, elevation and list of all established benchmarks	Shown	<input checked="" type="checkbox"/> Met
Blocks	Identified, lettered sequentially beginning with "A", do not exceed 1,300 feet; meet tier requirements of 9-606	Shown	<input checked="" type="checkbox"/> Met
Lots	Location, dimensions; numbered within each block beginning with "1"; meet requirements of Zoning Regulations; side lot lines are perpendicular to straight streets & radial to curved ones; have frontage on a public street (residential) and via a public or private street (non-residential); flag lots prohibited except in infill areas	Shown	<input checked="" type="checkbox"/> Met
Streetlights	Existing & proposed shown	Not applicable	<input checked="" type="checkbox"/> Met
Fire hydrants	Existing & proposed shown; located at each intersection and at an interval not to exceed 500 ft; no anticipated structure is >250 feet from a fire hydrant	Shown	<input checked="" type="checkbox"/> Met
Utility improvements	All existing and proposed manholes, lift stations & other utility improvements shown	Shown	<input checked="" type="checkbox"/> Met
Preservation of natural features & amenities	Existing features & irreplaceable assets shown, labeled & preserved wherever feasible	Not applicable	<input checked="" type="checkbox"/> Met
Drainage facility/holding pond landscaping	Plans required; required to retard erosion and be comprised of living vegetation together with other materials (stone, gravel, concrete) to preserve and enhance function/appearance	Not applicable	<input checked="" type="checkbox"/> Met
Driveways & access management	Each lot has access to a public roadway; location of proposed driveways shown (multi-family & non-residential)	Shown	<input checked="" type="checkbox"/> Met
Driveway alignment	Aligned with driveways on opposite side of street (multi-family & non-residential) or offset by 150 feet	Not applicable	<input checked="" type="checkbox"/> Met
Shared access	Encouraged for non-residential; access easement required	Not applicable	<input checked="" type="checkbox"/> Met
Private streets	Meet requirements of 9-609.F	Not applicable	<input checked="" type="checkbox"/> Met
Street connectivity	Allows for access to undeveloped properties. See 9-609.B	Shown	<input checked="" type="checkbox"/> Met
Intersections	Meet the requirements of 9-609D.	Not applicable	<input checked="" type="checkbox"/> Met
Median strips & entrance ways	Meet the requirements of 9-609.G.	Not applicable	<input checked="" type="checkbox"/> Met

ZONING MAP:



COMPREHENSIVE PLAN MAP:



VIEW LOOKING WEST



VIEW LOOKING SOUTH



VIEW LOOKING NORTHWEST WITH HAMMERHEAD SHOWN



VIEW LOOKING NORTHWEST
(EXISTING HOUSE ON NEW LOT 2)



PROPOSED INFRASTRUCTURE FINANCING:

This subdivision is subject to special assessments. All public infrastructure has been installed.

EXHIBITS:

- A. Development Review Committee Comments
- B. Covenants & Restrictions - Existing
- C. Preliminary Plat

Development Review Comments

16-SD-05: Pine Hill Second, Preliminary and Final Plats

The Development Review Committee met on April 26, 2016, to review the “Pine Hill Second” plats that were submitted to the City on 4/13/2016. The Committee’s comments are below:

The following required items were not submitted:

- 1) **Copy of the warranty deed;**
- 2) **Current title report (less than 90 days old) together with legible copies of exception documents;**
- 3) **Copies of existing and/or proposed covenants, if any;**
- 4) **Remainder of application fee (The application fee is \$120.00, and a payment of only \$100.00 was received.)**

Revised Plats Required. A revised preliminary plat and final plat are required. **Please provide 13 full-size, folded copies and a PDF of the revised Preliminary Plat and Final Plat no later than 12:00 p.m., Friday, 5/6/2016 in order for this item to be considered at the 5/17/2016 Planning Commission meeting.**

PRELIMINARY PLAT COMMENTS

Casey Jones, Senior Planner

1. Title and Subtitle. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
2. Description. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
3. Legend. Add “Benchmark” symbol to the legend.
4. Flood Note. The flood note is incorrect. Change it to state, “This property is located in Zone X (Other Areas): Areas determined to be outside the 0.2% annual chance floodplain as determined by the National Flood Insurance Program...”
5. 5’ Building Setback Line on Lots 2 and 3. Add a reference to the subdivision variance granted by the Hutchinson City Council on 8/3/2010, Case #10-SD-07.
6. Utility Easements. Utility easements are required for all public and private utilities and must be dedicated for their intended purpose. All existing easements need to be shown. The underground electric lines, telephone, and gas lines need to have dedicated easements.
7. Tree Drip Line. Label the tree drip line.
8. Notation of Covenants and Restrictions. Provide notation of any existing, filed covenants and restrictions.
9. Street Trees. Street trees are required in all residential subdivisions. However, since Pine Hill Second is a replat and there is inadequate space in the existing street right-of-way to plant trees, the street tree requirement will be waived.

Meryl Dye, Assistant City Manager

No streetlights are required in this subdivision.

Jeff Peterson, Interim Director of Engineering

A utility easement is needed on Lot 4.

Barry Becker, Asst. to Director of Public Works

No comments.

FINAL PLAT COMMENTS

Casey Jones, Senior Planner

1. Title and Subtitle.
 - a. Change the title to “Final Plat.”
 - b. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
2. Description. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
3. Review Surveyor’s Certificate. Correct typos in last line: “No other warranties are extended or implied.”
4. Owner’s Certificate and Dedication.
 - a. Delete the semicolon in the second line.
 - b. In the third line, delete “streets and other public ways.”
 - c. In the fourth line, insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
 - d. In the sixth line, delete “highways, streets, alleys, and public sites.” (Easements will be the only items dedicated in this subdivision.)
5. Floodplain Note. The flood note is incorrect. Change it to state, “This property is located in Zone X (Other Areas): Areas determined to be outside the 0.2% annual chance floodplain as determined by the National Flood Insurance Program...”
6. 5’ Building Setback Line on Lots 2 and 3. Add a reference to the subdivision variance granted by the Hutchinson City Council on 8/3/2010, Case #10-SD-07.
7. Easements Note.
 - a. In the second line, insert “the” before “purpose of installing...”
 - b. Where are the easements to which this note refers? None are shown.
8. Utility Easements. Utility easements are required for all public and private utilities and must be dedicated for their intended purpose. All existing easements need to be shown. The underground electric lines, telephone, and gas lines need to have dedicated easements.
9. Notation of Covenants and Restrictions. Provide notation of any existing, filed covenants and restrictions.

Jeff Peterson, Interim Director of Engineering

A utility easement is needed on Lot 4.

Barry Becker, Asst. to Director of Public Works

No comments.

ADDITIONAL COMMENTS

Following Planning Commission approval of the Final Plat, the following items shall be submitted to the Planning and Development Department a minimum of 14 days prior to the desired City Council meeting.

1. Signed and Notarized Mylar. (Must be signed by the Land Surveyor, Review Surveyor, Owner, and Notary)
2. Proof of Paid Taxes and Special Assessments. (Receipts or statements from the Reno County Treasurer AND a signed certification of paid taxes from the Reno County Treasurer)
3. Check for Recording Fee. (Check in the amount of \$26.00 per Final Plat Mylar page made payable to "Reno County Register of Deeds")

Entered by:

Date:



April 27, 2016

Casey A. Jones, AICP, CFM
Senior Planner
CaseyJ@hutchgov.com
620-694-2667

427-355

Amendment to Reservations, Restrictions and Protective Covenants for Pine Hill, an addition to the City of Hutchinson, Reno County, Kansas

KNOW ALL MEN BY THESE PRESENTS: That the lots and parcels covered by these AMENDED Reservations, Restrictions and Protective Covenants are now owned by the undersigned, Faye D. Presti, and consist of land platted as Lots 1, 2 and 3, Block A, Pine Hill Addition to the City of Hutchinson, Kansas, a subdivision of the Southwest Quarter of Section 34, Township 22 South, Range 5 West of the 6 Principal Meridian, Reno County, Kansas and are made for the benefit of the present owners and those to become owners of said lots in said subdivision.

The undersigned declares that said land platted as Pine Hill is held and shall be conveyed subject to the reservations, restrictions and protective covenants hereinafter set forth:

1. All lots in said Addition shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than single-family private dwelling houses and/or twin-family homes. No outbuildings shall be allowed except those customarily appurtenant to such structures.
2. There shall not exist on any lot at any time more than one residence. No trailer, basements, tent, shack, garage, barn, temporary building, guest house or other outbuilding erected in the Addition shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence. No trailer, tent, shack, barn, temporary building, guest house or outbuilding shall be erected on any of the lots in the subdivision without approval in writing from the Architectural Control Committee hereinafter designated; and no building shall be moved into the Addition except such as shall be used temporarily in connection with the construction of a permanent residence, or structure on any lot in the Addition.
3. No residence shall be constructed with a fully enclosed living area of less than 1,600 square feet, exclusive of basement, carport, garage, and open porches. Roof material shall be of high quality composition with a minimum 30 year life. Any fence to be constructed shall be wood, wrought iron, or masonry.
4. No detached garage or other building detached from the residence may be constructed on a single lot. On two or more contiguous lots owned by one owner and having an aggregate area of at least 25,000 square feet, there may be construct one detached garage or one outbuilding; but such detached buildings shall not exceed 500 square feet in floor area. Such buildings may be located on said lots with the approval of the Architectural Control Committee hereinafter designated, so long as they are set back 60 feet from the street right-of-way and 50 feet from adjoining property lines.

**FILED AT
CUSTOMERS REQUEST**

*FM
7 10
notary*

STATE OF KANSAS }
 RENO COUNTY }
 This instrument was filed for record on the 28 day of Feb A.D. 2028 at 8:00 o'clock A. M. and duly recorded in Book 427 on Page 355 Fee \$ 24.00 (5)
Carol Stalder
 REGISTER OF DEEDS

5. No building or any part thereof including carport, garage and porches, shall be erected on any lot closer than 25 feet to the front lot line or closer than five feet to either side lot line (provided, however, that in the case of corner lots, the setback from the side street line shall not be less than 30 feet). Where two or more lots are acquired as a single building site; the side lot lines shall refer only to the lot line bordering the adjoining property owners.
6. No oil or gas wells, tanks, mineral excavations, shafts or tanks for the storage of oil, gas, other fluids or substances shall be permitted upon any lot in this Addition. However, none of the provisions herein shall prohibit the erection of a private swimming pool, or the erection of any other private recreation facility, if approved by the Architectural Control Committee.
7. No trash, ashes or other refuse may be thrown or dumped on any lot in the subdivision, and no building material of any kind or character shall be placed or stored upon any lot until the owner thereof is ready to commence improvements and then the material shall be placed within the property lines of the plot upon which the improvements are to be erected and shall not be placed in the street or between the curb and property line.
8. No excavated earth shall be removed from the Addition without the express permission of the Architectural Control Committee.
9. No trade, profession or commercial business of any kind shall be carried on in any structure, dwelling or building upon any lot or plot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
10. No signs or other advertising shall be displayed on any lot unless approved by the Architectural Control Committee. Areas used for garden tool sheds, storage of campers, boats and the like and areas used for dog kennels shall be concealed by hedges, lattice work or other screening acceptable to the Architectural Control Committee. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon the premises and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon.
11. None of the lots shall at any time be divided into more than one building site and no building site shall be less in area than the area of the smallest lot platted in the block of which the building site is a part. A single lot, together with contiguous portion or portions of one or more lots in the same block, may be used for one building site; and no building or structure or any part thereof shall be erected or maintained nearer the side boundary lines of such integral unit than eight feet.
12. Whether or not provision therefore is specifically stated in any conveyance of a lot made by the subdivider, the owner or occupant of each and every lot, by acceptance of title thereto or by taking possession thereof covenants and agrees that no building, wall, fence or other structure shall be placed, erected or altered

upon such lot unless and until the plans and specifications therefore and the plot plan have been approved in writing by the Architectural Control Committee hereinafter provided. Each such building, wall or structure shall be placed on the premises only in accordance with the plans and specifications and plot plan so approved. Refusal of approval of plans and specifications by such Architectural Control Committee may be based on any ground, including purely aesthetic grounds which in the sole and uncontrolled discretion of the Committee shall seem sufficient. No alteration in the exterior appearance of the buildings or structures shall be made without like approval. If no Committee exists or if the Committee shall fail to approve or disapprove the plans and specifications within thirty days after written requests therefore, then such approval shall not be required; provided that no buildings or other structure shall be erected which violates any of the covenants herein contained.

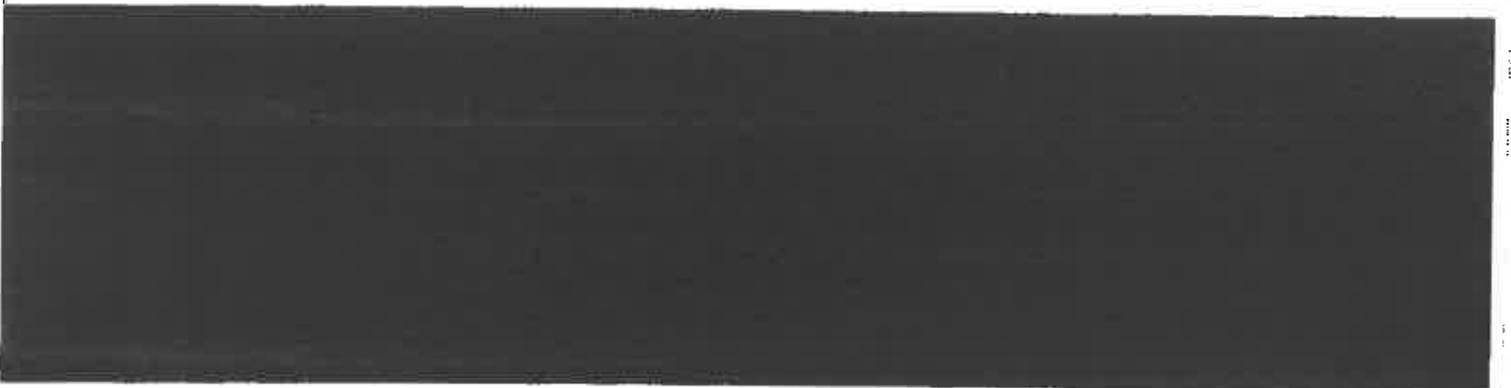
- 13. For the purpose of further insuring the development of the lands so platted as an area of high standards, the Architectural Control Committee shall have the power to control the buildings, structures and other improvements placed on each lot, as well as to make exceptions to these restrictions, reservations and protective covenants as the Architectural Control Committee shall deem necessary and proper.

B. ARCHITECTURAL CONTROL COMMITTEE

- 1. Membership: The Architectural Control Committee shall consist of Faye D. Presti. Likewise, successor members of the Architectural Control Committee shall be appointed by Faye D. Presti or her appointed successor until such time as all of the lots in the Addition have been sold. Thereafter, the members of the Architectural Control Committee shall be selected and appointed by a majority of the owners of the lots in the subdivision.
- 2. A majority of said Committee may designate a representative to act for it. Neither the members of the Committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.
- 3. The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative, fails to approve or disapprove within thirty days after plans and specifications have been submitted to it or in any event, if no suit to enjoin any construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been complied with.

C. EASEMENTS

- 1. No building or any other pen structure shall be erected or maintained on any part of any area indicated as "Easements" but the owners of lots may erect and maintain a fence, wall, or hedge along the property line within such easement but



subject at all times to the prior right to use such areas for public or quasi-public purposes.

- 2. The right is reserved to locate, construct, erect and maintain or cause to be located, constructed, erected and maintained within the area indicated on the plat as "Easement," a sewer and other pipelines, conduits, poles, and wires and any other method of conducting or performing any public or quasi-public utility or functions above or beneath the surface of the ground, with the right of access at any time to same for the purpose of repair and maintenance; provided, however, the Architectural Approval Committee provided for herein may change, extinguish or create any easement by filing with the Register or Deeds of Reno County, Kansas, a written statement so changing, extinguishing or creating said easement and provided further that such a change, extinguishments or certain does not disturb any other lot owner or owners' rights in the peaceful possession of his lot or lots.
- 3. All claims for damages, if any, arising out of the construction, maintenance and repair of utilities, or on account of temporary or other inconvenience caused thereby against the subdividers or their successors in title, or any utility company or municipality, or any of its agents or servants, are hereby waived by the owners.
- 4. The subdividers or their successors in title, further reserve the right to change, lay out a new or discontinue, any street, avenue or way shown on the plan of development not necessary for ingress or egress to and from an owner's premises, subject to the approval of the appropriate governmental authority, if required.
- 5. All utility lines shall be placed underground from primary and/or secondary service to the buildings on each lot.

D. DURATION AND ENFORCEMENT

- 1. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods often (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.
- 2. For a violation or breach of any of these restrictions, reservations and protective covenants by any person claiming by, through or under the subdividers or by virtue of any judicial proceedings, the subdividers, their successors in title and the lot owners or any of them severally, shall have the right to proceed at law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing rights, the subdividers or their successors in title, shall have the right, whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the

property where such violation of these restrictions, reservations and protective covenants exists and summarily abate or remove the same at the express of the owner and any such entry and abatement or removal shall not be deemed a trespass.

- 3. The failure to promptly enforce any of the restrictions, reservations and protective covenants shall not bar their enforcement.
- 4. The invalidation of any one or more of the restrictions, reservations and protective covenants by any Court of competent jurisdiction shall in no wise affect any of the other restrictions, reservations and protective covenants, which shall remain in full force and effect.

Faye D Presti

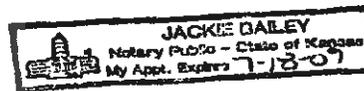
Faye D. Presti

State of Kansas
County of Reno

The foregoing instrument was acknowledge before me this 27th Day of February 2008 by Faye D. Presti.

Jackie Bailey

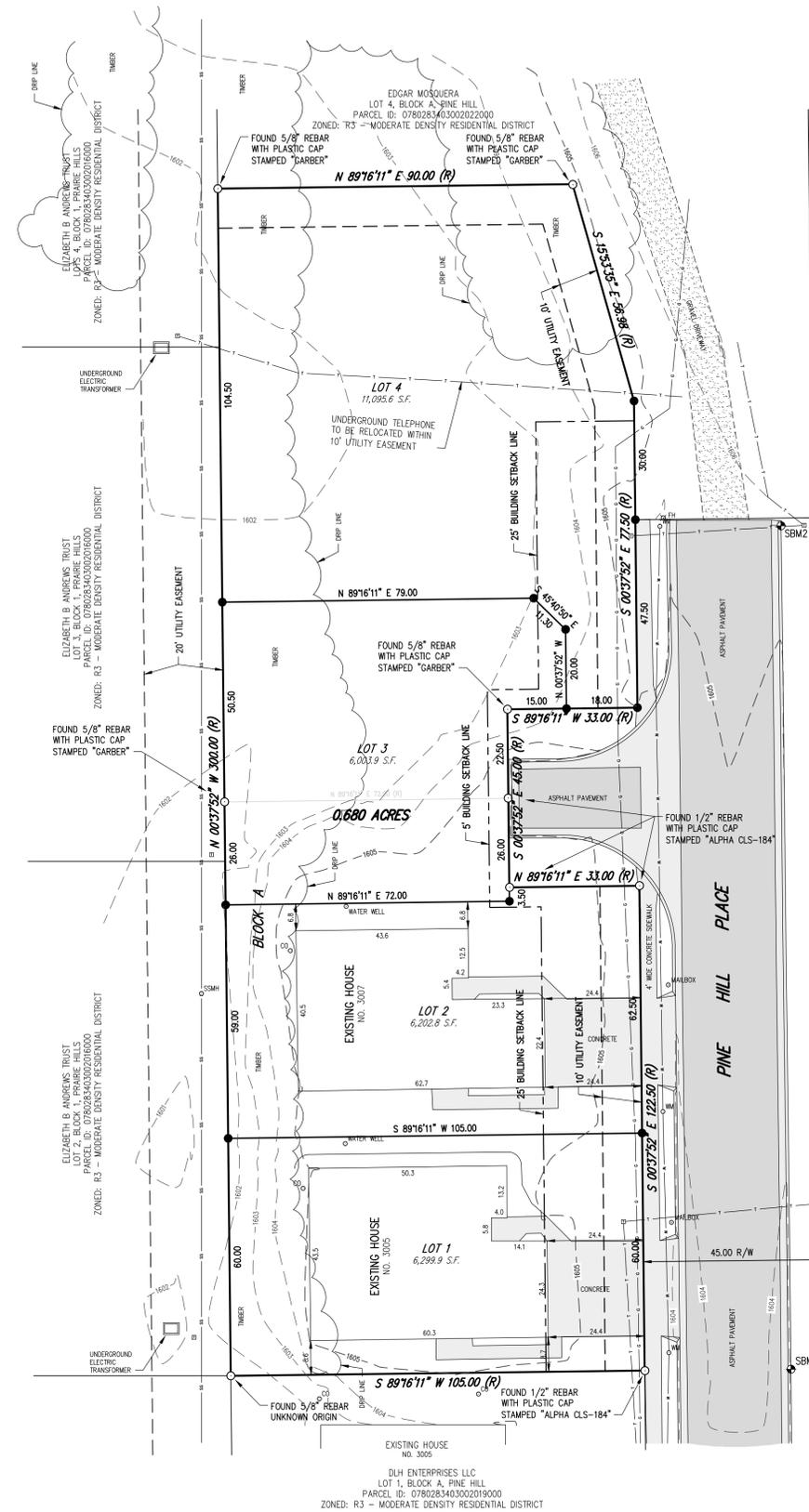
Notary Public



My commission expires: 7-18-09

PINE HILL SECOND

A REPLAT OF LOTS 2 AND 3, BLOCK A, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS.



BENCHMARKS

BENCHMARK DATUM:
SBM1 - CHISELED SQUARE IN TOP OF CURB ON THE EAST SIDE OF PINE HILL PLACE 37.0 FEET EAST OF THE SOUTHEAST CORNER OF 3005 PINE HILL PLACE.
ELEV 1604.32 (NAVD88)
SBM2 - CHISELED SQUARE IN TOP OF CURB ON THE EAST SIDE OF PINE HILL PLACE AT THE NORTH END WHERE THE PAVEMENT ENDS.
ELEV 1605.90 (NAVD88)

UTILITY NOTES

UTILITIES SHOWN HEREON WERE LOCATED BY THE UTILITY COMPANIES OR THEIR AGENTS RELATING TO KANSAS ONE-CALL TICKET NUMBER 16159688, 16159698 AND 16159727 DATED APRIL 4, 2016.

CLOSURE REPORT

ERROR CLOSURE: 0.0037
ERROR NORTH: -0.0036
PERIMETER: 862.98
COURSE: S 16°12'46" E
ERROR EAST: 0.0010
PRECISION: 1 : 232056

Received this 26th Day of May 2016, City of Hutchinson Planning & Development Department

DESCRIPTION

DESCRIPTION:
LOTS 2 AND 3, BLOCK A, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS.

OWNER / SUBDIVIDER

DLH ENTERPRISES, LLC
KURT MITCHELL COGBURN, OWNER
P.O. BOX 657
WALSH, CO 81090
PHONE: 719-529-0505

SURVEYOR

LLOYD P. DORZWEILER, LS 885
ALPHA LAND SURVEYS, INC.
216 WEST SECOND AVENUE
HUTCHINSON, KS 67501
PHONE: 620-728-0012

PRELIMINARY PLAT NOTES

EXISTING BUILDINGS ON SUBJECT PROPERTY ARE TO REMAIN.

NO EXISTING STREET LIGHTS LIE ALONG PINE HILL PLACE NORTH OF 30TH AVENUE.

EXISTING FIRE HYDRANT LIES AT THE NORTH END OF PINE HILL PLACE.

THE TWO EXISTING LOTS ARE TO BE DIVIDED INTO FOUR LOTS.

A SUBDIVISION VARIANCE REQUESTING THAT THE FRONT YARD SETBACK ON LOTS 2 AND 3, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS BE REDUCED FROM A 25' SETBACK TO A 5' SETBACK ADJACENT TO THE HAMMERHEAD TURNAROUND. CASE NO. 10-SD-07, WAS GRANTED BY THE HUTCHINSON CITY COUNCIL ON AUGUST 3, 2010.

EXISTING COVENANTS AND RESTRICTIONS CONTAINED IN PINE HILL RESERVATIONS, RESTRICTIONS AND PROTECTIVE COVENANTS, RECORDED IN BOOK 415, PAGE 191, AND AMENDMENT TO RESERVATIONS, RESTRICTIONS AND PROTECTIVE COVENANTS, RECORDED IN BOOK 417, PAGE 355.

FLOOD NOTE

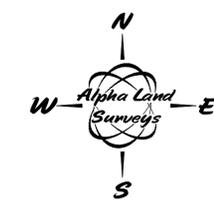
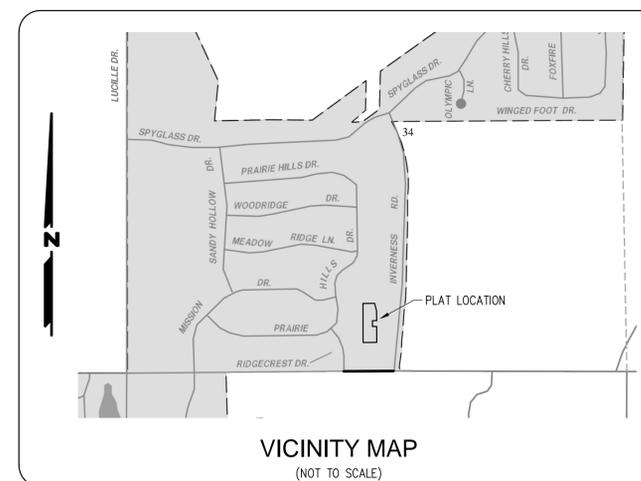
THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" (OTHER AREAS). AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR RENO COUNTY, KANSAS, COMMUNITY PANEL NUMBER 20155C0303. EFFECTIVE DATE JANUARY 6, 2010.

PROPERTY INFORMATION

PROPERTY WAS SURVEYED ON APRIL 8, 2016.
EXISTING ZONING:
R3 - MODERATE DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONING:
R3 - MODERATE DENSITY RESIDENTIAL DISTRICT
BASE FLOOD ELEVATION:
N/A

LEGEND OF SYMBOLS & ABBREVIATIONS

- | | |
|---|------------------------------------|
| △ SECTION SUBDIVISION CORNER FOUND | ○ STORM WATER SEWER MANHOLE |
| ○ SURVEY MONUMENT FOUND | □ WATER METER |
| ● SET 1/2" REBAR WITH PLASTIC CAP | □ WATER VALVE |
| ● STAMPED "ALPHA CLS-184" | □ FIRE HYDRANT |
| □ POWER POLE | □ MONITOR WELL |
| □ TELEGRAPH POLE | □ SPRINKLER HEAD |
| □ LIGHT POLE | □ GUARD POST |
| □ GUY ANCHOR | □ SITE BENCHMARK |
| □ UNDERGROUND ELECTRIC BOX | — O/E OVERHEAD ELECTRIC |
| □ UNDERGROUND TELEPHONE PEDESTAL | — U/E UNDERGROUND ELECTRIC |
| □ UNDERGROUND CABLE TELEVISION PEDESTAL | — T/E UNDERGROUND TELEPHONE |
| □ TREE / SHRUB | — G GAS LINE |
| □ GAS METER | — U/T UNDERGROUND TELEVISION CABLE |
| □ MANHOLE | — S/S SANITARY SEWER LINE |
| □ SANITARY SEWER MANHOLE | — W WATER LINE |
| □ CLEANOUT | — X FENCE |
-
- | | |
|----------------------|---------------------------------------|
| N. NORTH | R/W RIGHT OF WAY |
| S. SOUTH | C/L CENTERLINE |
| E. EAST | RCPC REINFORCED CONCRETE PIPE |
| W. WEST | CMPC CORRUGATED METAL PIPE |
| ° DEGREES | CMHP CORRUGATED METAL PIPE HORIZONTAL |
| ' FEET OR MINUTES | □ SQUARE |
| " INCHES OR SECONDS | FT. FEET |
| □ SQUARE | TC TOP OF CURB |
| FL. FEET | FL FLOWLINE |
| VOL. VOLUME | TOP TOP OF PAVEMENT |
| PG. PAGE | EL ELEVATION |
| O.R. OFFICIAL RECORD | TOW TOP OF WALL |
| C. CALCULATED | HC HANDICAP |
| R. RECORD | |
| M. MEASURED | |



Alpha Land Surveys, Inc.
216 WEST SECOND AVENUE
HUTCHINSON, KANSAS 67501
PH. (620) 728-0012 FAX. (620) 728-0413

SURVEY DATE: 04/08/2016	PLOT DATE: 05/25/2016
DRAWN BY: RDB	PROJ. NO.: 160072P
CHECKED BY: LPD	SHEET 1 OF 1



125 E Avenue B | Hutchinson KS 67501
620.694.2639

Staff Report

Planning Commission

PC Agenda Item #: **5b**

Planning & Development Department

Case: 16-SDF-05

May 27, 2016

Meeting Date: June 7, 2016

REQUEST:
Final Plat, Pine Hill Second Addition (Replat)

Staff

Staff Representative:

Jana McCarron, AICP
Planning & Development
Director

Subject Property: Lots 2 & 3, Block A, Pine Hill Addition



Applicant/Owner:

Kurt Mitchell (Mitch) Cogburn
DLH Enterprises, LLC
PO Box 657
Walsh CO 81090

Agent:

Dave Freund
Freund Investment, Inc.
1201 N Halstead St
Hutchinson KS 67501

Engineer/Surveyor/Architect:

Raymond Bretton
Alpha Land Surveys, Inc
216 W 2nd Ave
Hutchinson KS 67501

Application Materials:

[Link to Application Materials](#)

Concurrent Applications:

16-SDP-05, Pine Hill 2nd
Addition Preliminary Plat

Application Information

STAFF RECOMMENDATION: APPROVAL-WITH CONDITIONS

Staff-Recommended Conditions of Approval (Exhibit A)

MOTION:

Recommend (approval/approval with conditions/denial) of Final Plat number 16-SDF-05 for Pine Hill Second Addition, a replat of Lots 2 and 3, Block A, Pine Hill Addition, to City Council pursuant to a finding that the requirements of the Subdivision Regulations are met/not met and with the staff-recommended conditions.

PROJECT SUMMARY:

Request for Final Plat approval for replat of Lots 2 and 3, Block A, of Pine Hill Addition to create 4 lots totaling 0.680 acres.

Zoning:

R-3, Moderate Density Residential

Comprehensive Plan Designation:

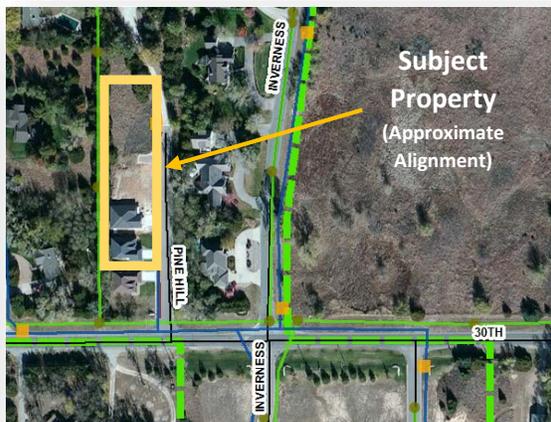
Low Density Residential

Subdivision:

Pine Hill 2nd Addition

Zoning

LOCATION MAP:



Notice & Review

Previous PC/BZA Actions:

None. Pine Hill Plat approved
9/6/2006.

Development Review:

4/26/2016 (Exhibit B)

Next Steps:

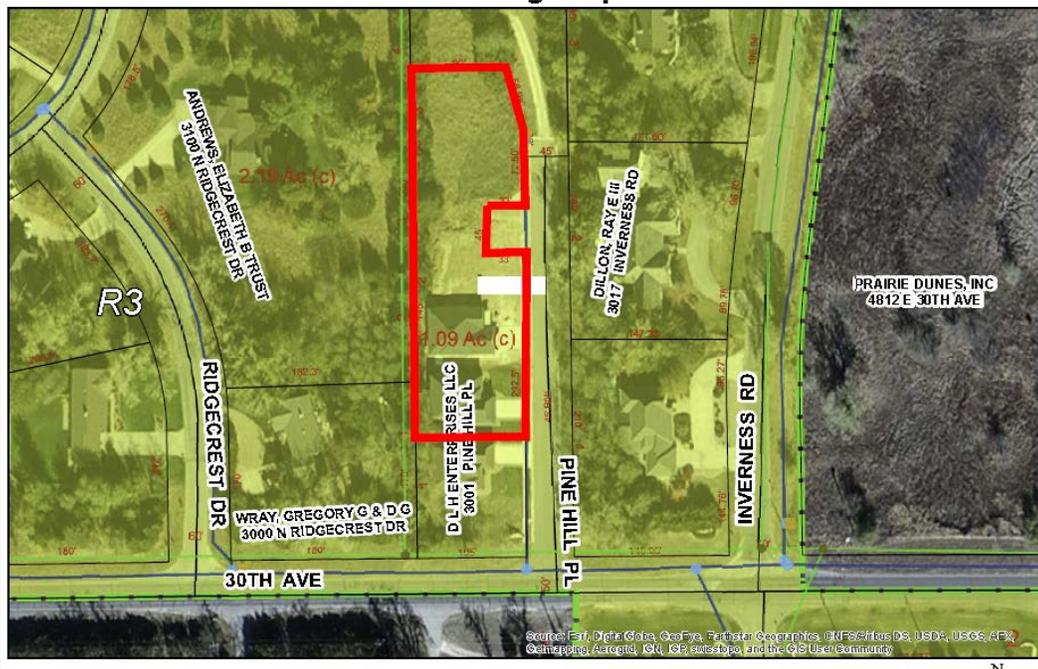
City Council Consideration:
6/21/2016 (pending all
requirements are met).

SUBDIVISION DESIGN REQUIREMENTS ANALYSIS:

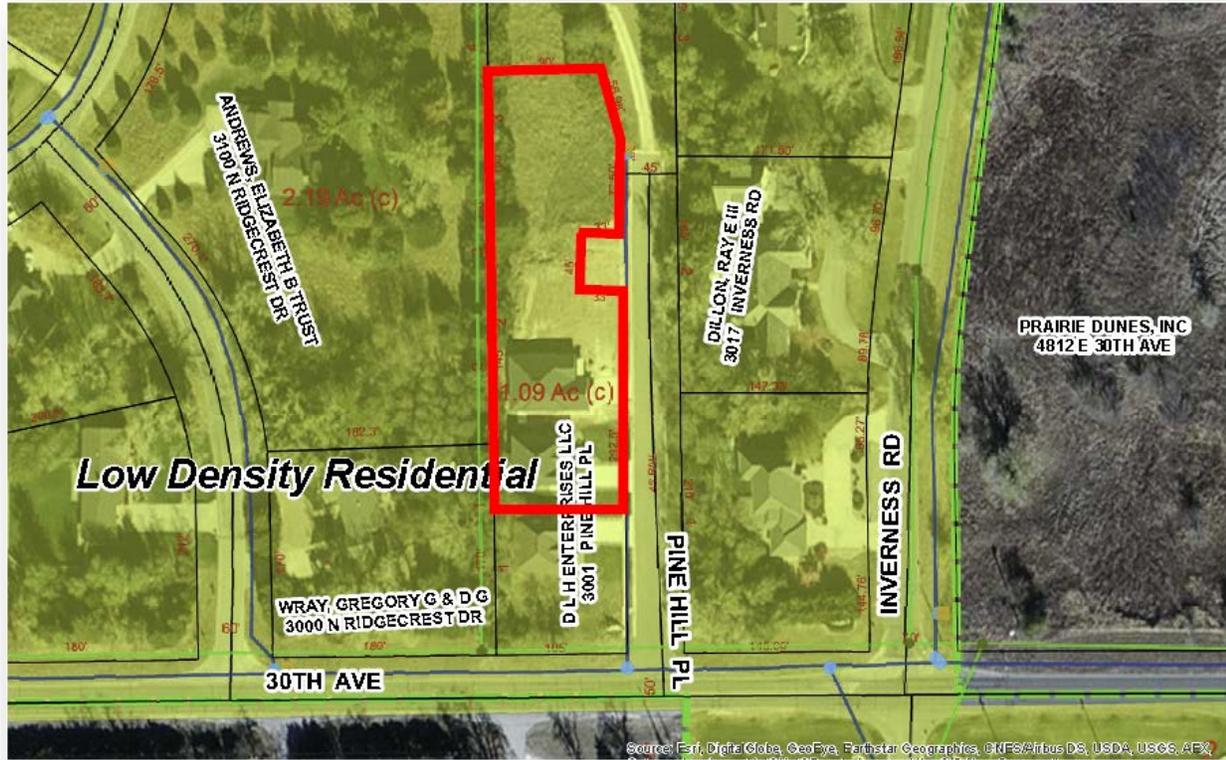
Item	Standard	Provided	Met Not Met
Reno County Platting Requirements			
Scale	1"=60'; 1"=100' or 1"=200'; all phases at the same scale	1"= 20'	<input checked="" type="checkbox"/> Met
North arrow	Shown	Shown	<input checked="" type="checkbox"/> Met
Closure table	Shown	Shown	<input checked="" type="checkbox"/> Met
Lettering	Legible	Legible	<input checked="" type="checkbox"/> Met
Adjoining parcels	Shown & identified.	Shown	<input checked="" type="checkbox"/> Met
Surveyor certificate	Name, address, phone number, date, signature information and seal information is shown and certified	Shown	<input checked="" type="checkbox"/> Met
Legal description	Accurate legal description	Shown	<input checked="" type="checkbox"/> Met
Point of beginning	Shown	Shown	<input checked="" type="checkbox"/> Met
Title/subtitle	Includes "preliminary plat" / includes quarter, section, township, range, city, county & state	Shown	<input checked="" type="checkbox"/> Met
Lots	Numbered sequentially within blocks; include square footage/acreage	Shown	<input checked="" type="checkbox"/> Met
Basis of bearings	Shown	Shown	<input checked="" type="checkbox"/> Met
Vicinity map	Shown	Shown	<input checked="" type="checkbox"/> Met
Floodplain	Floodplain designation; FIRM number & effective date	Shown	<input checked="" type="checkbox"/> Met
Monuments	Found, set, references, offsets	Shown	<input checked="" type="checkbox"/> Met
Continuities & gaps	Noted (deed, record survey, physical evidence)	Shown	<input checked="" type="checkbox"/> Met
Dimensions	Subdivision boundaries, rights-of-way, easements, other	Shown	<input checked="" type="checkbox"/> Met
Legend	Shown	Shown	<input checked="" type="checkbox"/> Met
Review Surveyor certificate	Signature block for the review surveyor	Shown	<input checked="" type="checkbox"/> Met
City of Hutchinson Platting Requirements			
Conformance	Conforms with the Preliminary Plat	Conforms	<input checked="" type="checkbox"/> Met
Applicant & owner information	Includes name, phone # and mailing address of applicant and owner of record	Shown	<input checked="" type="checkbox"/> Met
Streets & alleys	Existing & proposed streets, alleys and right-of-ways; width & approximate grade and connections to the existing road network; meet minimum requirements of 9-609	Shown	<input checked="" type="checkbox"/> Met
Street names	Meet requirements of 9-610	Shown	<input checked="" type="checkbox"/> Met
Common & reserve areas	Identified & numbered; Note: "It shall be the joint responsibility of all owners of property located within this plat to provide for the ongoing maintenance and upkeep of all common and reserve areas." Included on plat	Not applicable	<input checked="" type="checkbox"/> Met
Restrictions & covenants	Final agreement provided and noted on plat	Provided and Shown. Needs to be amended.	<input checked="" type="checkbox"/> Not Met
Utility and pedestrian corridors	Easements shown where required	Shown	<input checked="" type="checkbox"/> Met
Special flood hazard area	If within SFHA, boundaries for the 100-year & 500-year flood are shown; Base flood elevations are shown	Shown	<input checked="" type="checkbox"/> Met
Easements	Required for all utilities	Not Shown. Missing Telephone easement on Lot 4.	<input checked="" type="checkbox"/> Met
Existing trees	Tree preservation easement shown, if required	Not required	<input checked="" type="checkbox"/> Met
Owner certificate & dedication	Signed certification by owner(s) and dedicating all parcels of land and easements intended for public use	Shown	<input checked="" type="checkbox"/> Met
Planning Commission certificate	Certification that the final plat has been approved, including date of the public meeting and signatures of the PC Chairperson & Secretary	Shown	<input checked="" type="checkbox"/> Met

Item	Standard	Provided	Met Not Met
City Council certificate	Certification by City Council that the final plat has been approved, including date of the public meeting, and signatures of the Mayor & City Clerk	Shown	☑ Met
Reno County Register of Deeds certificate		Shown	☑ Met
Reno County Clerk statement		Shown	☑ Met
Parkland, trails, bikeways & open space dedications	Location & size; required where shown on the Bicycle & Pedestrian Master Plan; meet other requirements of ordinance	Not applicable	☑ Met
Watercourse protection areas	Watercourse shown within an easement 2.5 times the average width of the watercourse	Not applicable	☑ Met
Section & city limit lines	Section & city limit lines located within and adjacent to the subdivision are shown	Shown	☑ Met
Public facilities	Schools and other public site locations shown	Not applicable	☑ Met
Blocks	Identified, lettered sequentially beginning with "A", do not exceed 1,300 feet; meet tier requirements of 9-606	Shown	☑ Met
Lots	Location, dimensions; numbered within each block beginning with "1"	Shown	☑ Me
Preservation of natural features & amenities	Existing features & irreplaceable assets shown, labeled & preserved wherever feasible	Not applicable	☑ Met
Driveways & access management	Each lot has access to a public roadway; location of proposed driveways shown (multi-family & non-residential)	Not applicable	☑ Met
Driveway alignment	Aligned with driveways on opposite side of street (multi-family & non-residential) or offset by 150 feet	Not applicable	☑ Met
Shared access	Encouraged for non-residential; access easement required	Not applicable	☑ Met
Private streets	Meet requirements of 9-609.F	Not applicable	☑ Met
Subdivision variances	Final plat contains a list of all subdivision variances granted by the Planning Commission, including case number, nature and date granted	None requested	☑ Met

ZONING MAP:



COMPREHENSIVE PLAN MAP:



VIEW LOOKING WEST



VIEW LOOKING SOUTH



VIEW LOOKING NORTHWEST WITH HAMMERHEAD SHOWN



**VIEW LOOKING NORTHWEST
(EXISTING HOUSE ON NEW LOT 2)**



EXHIBITS:

- A. Staff-Recommended Conditions of Approval**
- B. Development Review Committee Comments**
- C. Covenants & Restrictions**
- D. Final Plat**
- E. Preliminary Plat**

STAFF RECOMMENDED CONDITIONS OF APPROVAL

16-SDF-05: Pine Hill Second, Final Plat

1. Revised Final Plat Drawing. A revised Final Plat drawing showing the missing telephone easement for Lot 4 is provided. Said revised plat drawing shall be due to the City a minimum of 12 days prior to the desired City Council meeting for consideration of the Final Plat.
2. Reservations, Restrictions and Protective Covenants. The applicant shall record amended Reservations, Restrictions and Protective Covenants removing the prohibition from splitting lots in this subdivision. Said recordation shall occur prior to recording of the Final Plat for this subdivision.
3. Signed and Notarized Mylar. A signed and notarized mylar shall be provided to the City a minimum of 12 days prior to the desired City Council meeting for consideration of the Final Plat.
3. Proof of Paid Taxes and Special Assessments. A signed certification of paid taxes from the Reno County Treasurer shall be provided a minimum of 7 days prior to the desired City Council meeting for consideration of the Final Plat.
3. Check for Recording Fee. A check in the amount of \$26.00 made payable to the "Reno County Register of Deeds" shall be provided within 7 days prior to the desired City Council meeting for consideration of the Final Plat.

Development Review Comments

16-SD-05: Pine Hill Second, Preliminary and Final Plats

The Development Review Committee met on April 26, 2016, to review the “Pine Hill Second” plats that were submitted to the City on 4/13/2016. The Committee’s comments are below:

The following required items were not submitted:

- 1) **Copy of the warranty deed;**
- 2) **Current title report (less than 90 days old) together with legible copies of exception documents;**
- 3) **Copies of existing and/or proposed covenants, if any;**
- 4) **Remainder of application fee (The application fee is \$120.00, and a payment of only \$100.00 was received.)**

Revised Plats Required. A revised preliminary plat and final plat are required. **Please provide 13 full-size, folded copies and a PDF of the revised Preliminary Plat and Final Plat no later than 12:00 p.m., Friday, 5/6/2016 in order for this item to be considered at the 5/17/2016 Planning Commission meeting.**

PRELIMINARY PLAT COMMENTS

Casey Jones, Senior Planner

1. Title and Subtitle. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
2. Description. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
3. Legend. Add “Benchmark” symbol to the legend.
4. Flood Note. The flood note is incorrect. Change it to state, “This property is located in Zone X (Other Areas): Areas determined to be outside the 0.2% annual chance floodplain as determined by the National Flood Insurance Program...”
5. 5’ Building Setback Line on Lots 2 and 3. Add a reference to the subdivision variance granted by the Hutchinson City Council on 8/3/2010, Case #10-SD-07.
6. Utility Easements. Utility easements are required for all public and private utilities and must be dedicated for their intended purpose. All existing easements need to be shown. The underground electric lines, telephone, and gas lines need to have dedicated easements.
7. Tree Drip Line. Label the tree drip line.
8. Notation of Covenants and Restrictions. Provide notation of any existing, filed covenants and restrictions.
9. Street Trees. Street trees are required in all residential subdivisions. However, since Pine Hill Second is a replat and there is inadequate space in the existing street right-of-way to plant trees, the street tree requirement will be waived.

Meryl Dye, Assistant City Manager

No streetlights are required in this subdivision.

Jeff Peterson, Interim Director of Engineering

A utility easement is needed on Lot 4.

Barry Becker, Asst. to Director of Public Works

No comments.

FINAL PLAT COMMENTS

Casey Jones, Senior Planner

1. Title and Subtitle.
 - a. Change the title to “Final Plat.”
 - b. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
2. Description. Insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
3. Review Surveyor’s Certificate. Correct typos in last line: “No other warranties are extended or implied.”
4. Owner’s Certificate and Dedication.
 - a. Delete the semicolon in the second line.
 - b. In the third line, delete “streets and other public ways.”
 - c. In the fourth line, insert a comma after the words, “A Replat of Lots 2 and 3, Block A, Pine Hill.”
 - d. In the sixth line, delete “highways, streets, alleys, and public sites.” (Easements will be the only items dedicated in this subdivision.)
5. Floodplain Note. The flood note is incorrect. Change it to state, “This property is located in Zone X (Other Areas): Areas determined to be outside the 0.2% annual chance floodplain as determined by the National Flood Insurance Program...”
6. 5’ Building Setback Line on Lots 2 and 3. Add a reference to the subdivision variance granted by the Hutchinson City Council on 8/3/2010, Case #10-SD-07.
7. Easements Note.
 - a. In the second line, insert “the” before “purpose of installing...”
 - b. Where are the easements to which this note refers? None are shown.
8. Utility Easements. Utility easements are required for all public and private utilities and must be dedicated for their intended purpose. All existing easements need to be shown. The underground electric lines, telephone, and gas lines need to have dedicated easements.
9. Notation of Covenants and Restrictions. Provide notation of any existing, filed covenants and restrictions.

Jeff Peterson, Interim Director of Engineering

A utility easement is needed on Lot 4.

Barry Becker, Asst. to Director of Public Works

No comments.

ADDITIONAL COMMENTS

Following Planning Commission approval of the Final Plat, the following items shall be submitted to the Planning and Development Department a minimum of 14 days prior to the desired City Council meeting.

1. Signed and Notarized Mylar. (Must be signed by the Land Surveyor, Review Surveyor, Owner, and Notary)
2. Proof of Paid Taxes and Special Assessments. (Receipts or statements from the Reno County Treasurer AND a signed certification of paid taxes from the Reno County Treasurer)
3. Check for Recording Fee. (Check in the amount of \$26.00 per Final Plat Mylar page made payable to "Reno County Register of Deeds")

Entered by:

Date:



April 27, 2016

Casey A. Jones, AICP, CFM
Senior Planner
CaseyJ@hutchgov.com
620-694-2667

427-355

Amendment to Reservations, Restrictions and Protective Covenants for Pine Hill, an addition to the City of Hutchinson, Reno County, Kansas

KNOW ALL MEN BY THESE PRESENTS: That the lots and parcels covered by these AMENDED Reservations, Restrictions and Protective Covenants are now owned by the undersigned, Faye D. Presti, and consist of land platted as Lots 1, 2 and 3, Block A, Pine Hill Addition to the City of Hutchinson, Kansas, a subdivision of the Southwest Quarter of Section 34, Township 22 South, Range 5 West of the 6 Principal Meridian, Reno County, Kansas and are made for the benefit of the present owners and those to become owners of said lots in said subdivision.

The undersigned declares that said land platted as Pine Hill is held and shall be conveyed subject to the reservations, restrictions and protective covenants hereinafter set forth:

1. All lots in said Addition shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than single-family private dwelling houses and/or twin-family homes. No outbuildings shall be allowed except those customarily appurtenant to such structures.
2. There shall not exist on any lot at any time more than one residence. No trailer, basements, tent, shack, garage, barn, temporary building, guest house or other outbuilding erected in the Addition shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence. No trailer, tent, shack, barn, temporary building, guest house or outbuilding shall be erected on any of the lots in the subdivision without approval in writing from the Architectural Control Committee hereinafter designated; and no building shall be moved into the Addition except such as shall be used temporarily in connection with the construction of a permanent residence, or structure on any lot in the Addition.
3. No residence shall be constructed with a fully enclosed living area of less than 1,600 square feet, exclusive of basement, carport, garage, and open porches. Roof material shall be of high quality composition with a minimum 30 year life. Any fence to be constructed shall be wood, wrought iron, or masonry.
4. No detached garage or other building detached from the residence may be constructed on a single lot. On two or more contiguous lots owned by one owner and having an aggregate area of at least 25,000 square feet, there may be construct one detached garage or one outbuilding; but such detached buildings shall not exceed 500 square feet in floor area. Such buildings may be located on said lots with the approval of the Architectural Control Committee hereinafter designated, so long as they are set back 60 feet from the street right-of-way and 50 feet from adjoining property lines.

STATE OF KANSAS }
RENO COUNTY }

**FILED AT
CUSTOMERS REQUEST**

FM
7 10
notary

This instrument was filed for record on the 28 day of Feb A.D. 2028 at 8:00 o'clock A. M. and duly recorded in Book 427 on Page 355 Fee \$ 24.00 (5)

Carol Stalder
REGISTER OF DEEDS

5. No building or any part thereof including carport, garage and porches, shall be erected on any lot closer than 25 feet to the front lot line or closer than five feet to either side lot line (provided, however, that in the case of corner lots, the setback from the side street line shall not be less than 30 feet). Where two or more lots are acquired as a single building site; the side lot lines shall refer only to the lot line bordering the adjoining property owners.
6. No oil or gas wells, tanks, mineral excavations, shafts or tanks for the storage of oil, gas, other fluids or substances shall be permitted upon any lot in this Addition. However, none of the provisions herein shall prohibit the erection of a private swimming pool, or the erection of any other private recreation facility, if approved by the Architectural Control Committee.
7. No trash, ashes or other refuse may be thrown or dumped on any lot in the subdivision, and no building material of any kind or character shall be placed or stored upon any lot until the owner thereof is ready to commence improvements and then the material shall be placed within the property lines of the plot upon which the improvements are to be erected and shall not be placed in the street or between the curb and property line.
8. No excavated earth shall be removed from the Addition without the express permission of the Architectural Control Committee.
9. No trade, profession or commercial business of any kind shall be carried on in any structure, dwelling or building upon any lot or plot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
10. No signs or other advertising shall be displayed on any lot unless approved by the Architectural Control Committee. Areas used for garden tool sheds, storage of campers, boats and the like and areas used for dog kennels shall be concealed by hedges, lattice work or other screening acceptable to the Architectural Control Committee. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon the premises and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon.
11. None of the lots shall at any time be divided into more than one building site and no building site shall be less in area than the area of the smallest lot platted in the block of which the building site is a part. A single lot, together with contiguous portion or portions of one or more lots in the same block, may be used for one building site; and no building or structure or any part thereof shall be erected or maintained nearer the side boundary lines of such integral unit than eight feet.
12. Whether or not provision therefore is specifically stated in any conveyance of a lot made by the subdivider, the owner or occupant of each and every lot, by acceptance of title thereto or by taking possession thereof covenants and agrees that no building, wall, fence or other structure shall be placed, erected or altered

upon such lot unless and until the plans and specifications therefore and the plot plan have been approved in writing by the Architectural Control Committee hereinafter provided. Each such building, wall or structure shall be placed on the premises only in accordance with the plans and specifications and plot plan so approved. Refusal of approval of plans and specifications by such Architectural Control Committee may be based on any ground, including purely aesthetic grounds which in the sole and uncontrolled discretion of the Committee shall seem sufficient. No alteration in the exterior appearance of the buildings or structures shall be made without like approval. If no Committee exists or if the Committee shall fail to approve or disapprove the plans and specifications within thirty days after written requests therefore, then such approval shall not be required; provided that no buildings or other structure shall be erected which violates any of the covenants herein contained.

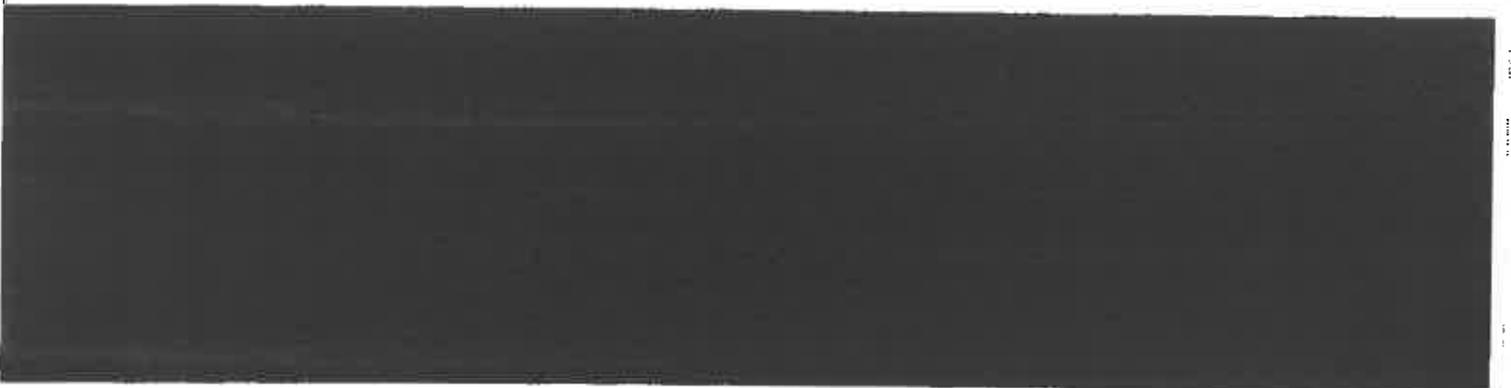
- 13. For the purpose of further insuring the development of the lands so platted as an area of high standards, the Architectural Control Committee shall have the power to control the buildings, structures and other improvements placed on each lot, as well as to make exceptions to these restrictions, reservations and protective covenants as the Architectural Control Committee shall deem necessary and proper.

B. ARCHITECTURAL CONTROL COMMITTEE

- 1. Membership: The Architectural Control Committee shall consist of Faye D. Presti. Likewise, successor members of the Architectural Control Committee shall be appointed by Faye D. Presti or her appointed successor until such time as all of the lots in the Addition have been sold. Thereafter, the members of the Architectural Control Committee shall be selected and appointed by a majority of the owners of the lots in the subdivision.
- 2. A majority of said Committee may designate a representative to act for it. Neither the members of the Committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.
- 3. The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative, fails to approve or disapprove within thirty days after plans and specifications have been submitted to it or in any event, if no suit to enjoin any construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been complied with.

C. EASEMENTS

- 1. No building or any other pen structure shall be erected or maintained on any part of any area indicated as "Easements" but the owners of lots may erect and maintain a fence, wall, or hedge along the property line within such easement but



subject at all times to the prior right to use such areas for public or quasi-public purposes.

- 2. The right is reserved to locate, construct, erect and maintain or cause to be located, constructed, erected and maintained within the area indicated on the plat as "Easement," a sewer and other pipelines, conduits, poles, and wires and any other method of conducting or performing any public or quasi-public utility or functions above or beneath the surface of the ground, with the right of access at any time to same for the purpose of repair and maintenance; provided, however, the Architectural Approval Committee provided for herein may change, extinguish or create any easement by filing with the Register or Deeds of Reno County, Kansas, a written statement so changing, extinguishing or creating said easement and provided further that such a change, extinguishments or certain does not disturb any other lot owner or owners' rights in the peaceful possession of his lot or lots.
- 3. All claims for damages, if any, arising out of the construction, maintenance and repair of utilities, or on account of temporary or other inconvenience caused thereby against the subdividers or their successors in title, or any utility company or municipality, or any of its agents or servants, are hereby waived by the owners.
- 4. The subdividers or their successors in title, further reserve the right to change, lay out a new or discontinue, any street, avenue or way shown on the plan of development not necessary for ingress or egress to and from an owner's premises, subject to the approval of the appropriate governmental authority, if required.
- 5. All utility lines shall be placed underground from primary and/or secondary service to the buildings on each lot.

D. DURATION AND ENFORCEMENT

- 1. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods often (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.
- 2. For a violation or breach of any of these restrictions, reservations and protective covenants by any person claiming by, though or under the subdividers or by virtue of any judicial proceedings, the subdividers, their successors in title and the lot owners or any of them severally, shall have the right to proceed at law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing rights, the subdividers or their successors in title, shall have the right, whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the

property where such violation of these restrictions, reservations and protective covenants exists and summarily abate or remove the same at the express of the owner and any such entry and abatement or removal shall not be deemed a trespass.

- 3. The failure to promptly enforce any of the restrictions, reservations and protective covenants shall not bar their enforcement.
- 4. The invalidation of any one or more of the restrictions, reservations and protective covenants by any Court of competent jurisdiction shall in no wise affect any of the other restrictions, reservations and protective covenants, which shall remain in full force and effect.

Faye D Presti

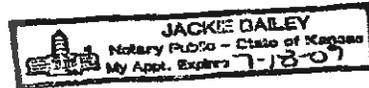
Faye D. Presti

State of Kansas
County of Reno

The foregoing instrument was acknowledge before me this 27th Day of February 2008 by Faye D. Presti.

Jackie Bailey

Notary Public

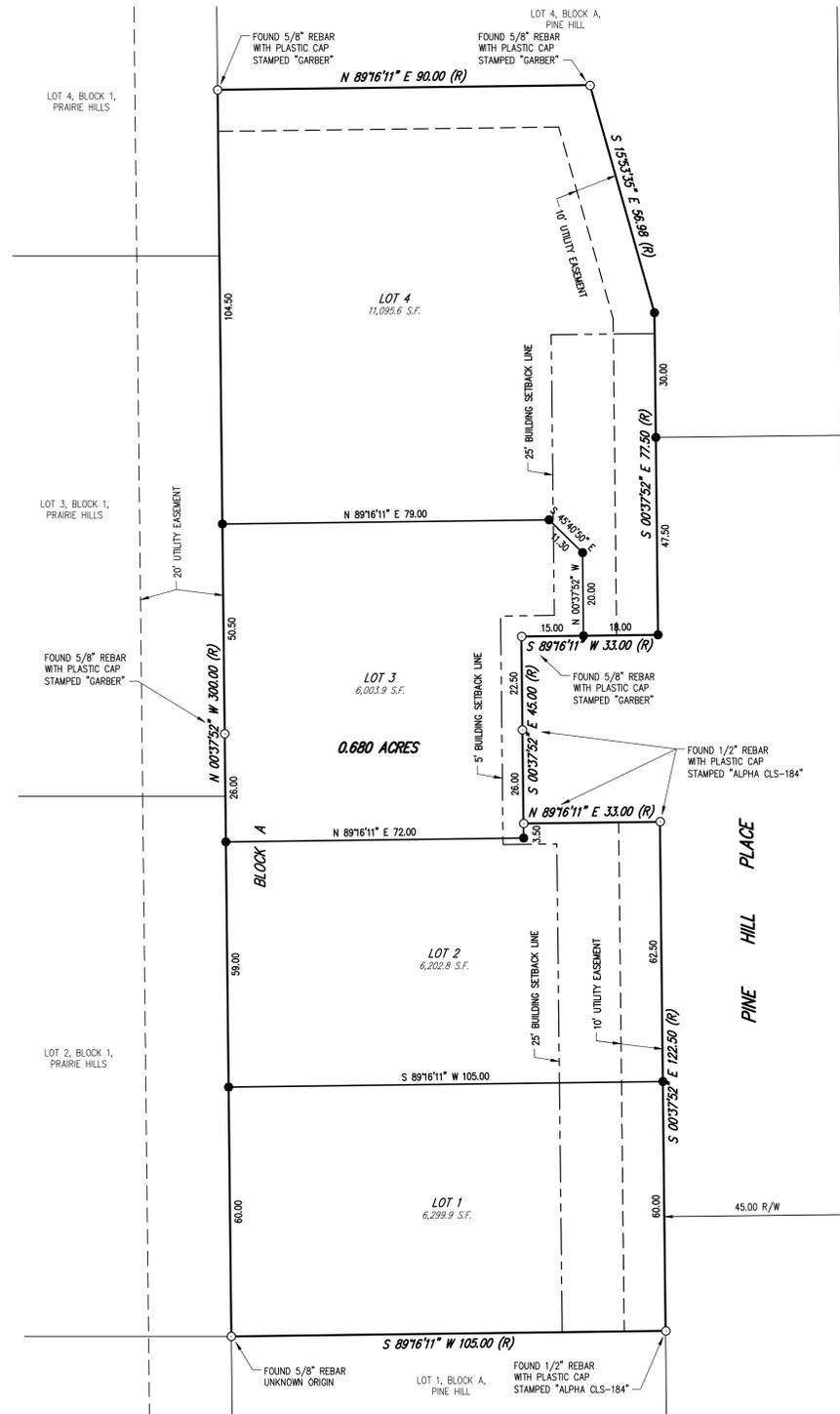


My commission expires: 7-18-09

FINAL PLAT

PINE HILL SECOND

A REPLAT OF LOTS 2 AND 3, BLOCK A, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS.



Received this 26th Day of May, 2016. City of Hutchinson Planning & Development Department.

DESCRIPTION

LOTS 2 AND 3, BLOCK A, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS.

SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
)SS
COUNTY OF RENO)

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS, WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING; THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION; THAT ALL OF THE SUBDIVISION REGULATIONS OF THE CITY OF HUTCHINSON, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THE PLAT; AND THAT ALL OF THE MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GIVEN UNDER MY HAND AND SEAL AT _____, KANSAS, THIS ____ DAY OF _____, 20____.

LLOYD P. DORZWEILER, L.S. #885

REVIEW SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
)SS
COUNTY OF RENO)

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT ON THIS ____ DAY OF _____, 20____. THIS PLAT HAS BEEN REVIEWED FOR FILING, PURSUANT TO K.S.A. 58-2005 AND K.S.A. 58-2001 FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

DANIEL E. GARBER, L.S. #683

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS)
)SS
COUNTY OF RENO)

THIS IS TO CERTIFY THAT THE UNDERSIGNED OWNER(S) OF THE LAND DESCRIBED IN THE LAND SURVEYOR'S CERTIFICATE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED UNDER THE ACCOMPANYING PLAT INTO LOTS, BLOCKS UNDER THE NAME OF "PINE HILL SECOND, A REPLAT OF LOTS 2 AND 3, BLOCK A, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS.", THAT ALL EASEMENTS AS DENOTED ON THE PLAT ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING PUBLIC IMPROVEMENTS, AND FURTHER THAT THE LAND CONTAINED HEREIN IS HELD AND SHALL BE CONVEYED SUBJECT TO ANY APPLICABLE RESTRICTIONS, RESERVATIONS AND COVENANTS NOW ON FILE OR HEREAFTER FILED IN THE OFFICE OF THE REGISTER OF DEEDS, RENO COUNTY, KANSAS.

DLH ENTERPRISES, LLC

DATE SIGNED: _____

KURT MITCHELL COGBURN, OWNER

NOTARY CERTIFICATES

STATE OF KANSAS)
)SS
COUNTY OF RENO)

THAT ON THIS ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, CAME KURT MITCHELL COGBURN, OWNER, WHO IS KNOWN TO ME TO BE THE SAME PERSON AND EXECUTED THE FOREGOING PLAT AND THE WITHIN INSTRUMENT OF WRITING.

IN TESTIMONY WHEREOF:

IN HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR MENTIONED ABOVE. MY COMMISSION EXPIRES: _____

_____, NOTARY PUBLIC

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
)SS
COUNTY OF RENO)

THIS PLAT WAS APPROVED BY THE CITY OF HUTCHINSON PLANNING COMMISSION ON THIS ____ DAY OF _____, 20____, AND WAS RECOMMENDED FOR APPROVAL BY THE CITY COUNCIL OF HUTCHINSON, KANSAS.

DATE SIGNED: _____

BY _____
KEN PEIRCE, CHAIRMAN

ATTEST:

JANA MCCARRON, SECRETARY

CITY COUNCIL CERTIFICATE

STATE OF KANSAS)
)SS
COUNTY OF RENO)

THIS PLAT IS APPROVED AND ALL DEDICATIONS SHOWN HEREON ARE HEREBY ACCEPTED BY THE CITY COUNCIL OF THE CITY OF HUTCHINSON, KANSAS THIS ____ DAY OF _____, 20____.

DATE SIGNED: _____

BY _____
JADE PIROS DE CARVALHO, MAYOR

ATTEST

KAREN WELTMER, CITY CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS)
)SS
COUNTY OF RENO)

RECORDED THIS ____ DAY OF _____, 20____ A.D. ____ (A.M.) (P.M.)

FEE PAID: _____, FILED IN PLAT FILE: _____, SLEEVE: _____.

BONNIE RUEBKE, REGISTER OF DEEDS

ENTERED IN THE TRANSFER RECORD THIS ____ DAY OF _____, 20____.

DONNA PATTON, COUNTY CLERK

EASEMENTS

EASEMENTS AS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC, AND SAID EASEMENTS MAY BE EMPLOYED IN PERPETUITY AS A COVENANT RUNNING WITH THE LAND FOR THE PURPOSE OF INSTALLING, REPAIRING, REINSTALLING, REPLACING AND MAINTAINING SEWER, WATER LINES, GAS LINES, ELECTRIC LINES AND POLES, TELEPHONE LINES AND POLES AND OTHER FORMS AND TYPES OF PUBLIC UTILITIES NOW OR HEREAFTER GENERALLY UTILIZED BY THE PUBLIC.

FLOODPLAIN NOTE

THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" (OTHER AREAS). AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR RENO COUNTY, KANSAS, COMMUNITY PANEL NUMBER 20155C0303F. EFFECTIVE DATE JANUARY 6, 2010.

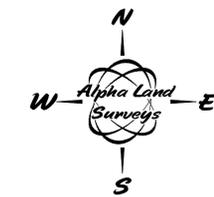
NOTES

A SUBDIVISION VARIANCE REQUESTING THAT THE FRONT YARD SETBACK ON LOTS 2 AND 3, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS BE REDUCED FROM A 25' SETBACK TO A 5' SETBACK ADJACENT TO THE HAMMERHEAD TURNAROUND. CASE NO. 10-SD-07, WAS GRANTED BY THE HUTCHINSON CITY COUNCIL ON AUGUST 3, 2010.

EXISTING COVENANTS AND RESTRICTIONS CONTAINED IN PINE HILL RESERVATIONS, RESTRICTIONS AND PROTECTIVE COVENANTS, RECORDED IN BOOK 415, PAGE 191, AND AMENDMENT TO RESERVATIONS, RESTRICTIONS AND PROTECTIVE COVENANTS, RECORDED IN BOOK 417, PAGE 355.

LEGEND OF SYMBOLS & ABBREVIATIONS

- | | | | |
|----|---|--------|--------------------|
| △ | SECTION SUBDIVISION CORNER FOUND | ° | DEGREES |
| ○ | SURVEY MONUMENT FOUND | ' | FEET OR MINUTES |
| □ | SURVEY MONUMENT FOUND | " | INCHES OR SECONDS |
| ■ | POURED CONCRETE AROUND MONUMENT | SQ | SQUARE |
| ● | SET 1/2"x24" REBAR WITH PLASTIC CAP STAMPED "ALPHA CLS-184" | FT. | FEET |
| ● | SET 1/2"x24" REBAR WITH PLASTIC CAP STAMPED "ALPHA CLS-184" IN CONCRETE | VOL. | VOLUME |
| N. | NORTH | PG. | PAGE |
| S. | SOUTH | O.R. | OFFICIAL RECORD |
| E. | EAST | C. | CALCULATED |
| W. | WEST | R. | RECORD |
| | | M. | MEASURED |
| | | R/W | RIGHT OF WAY |
| | | P.O.B. | POINT OF BEGINNING |



Alpha Land Surveys, Inc.

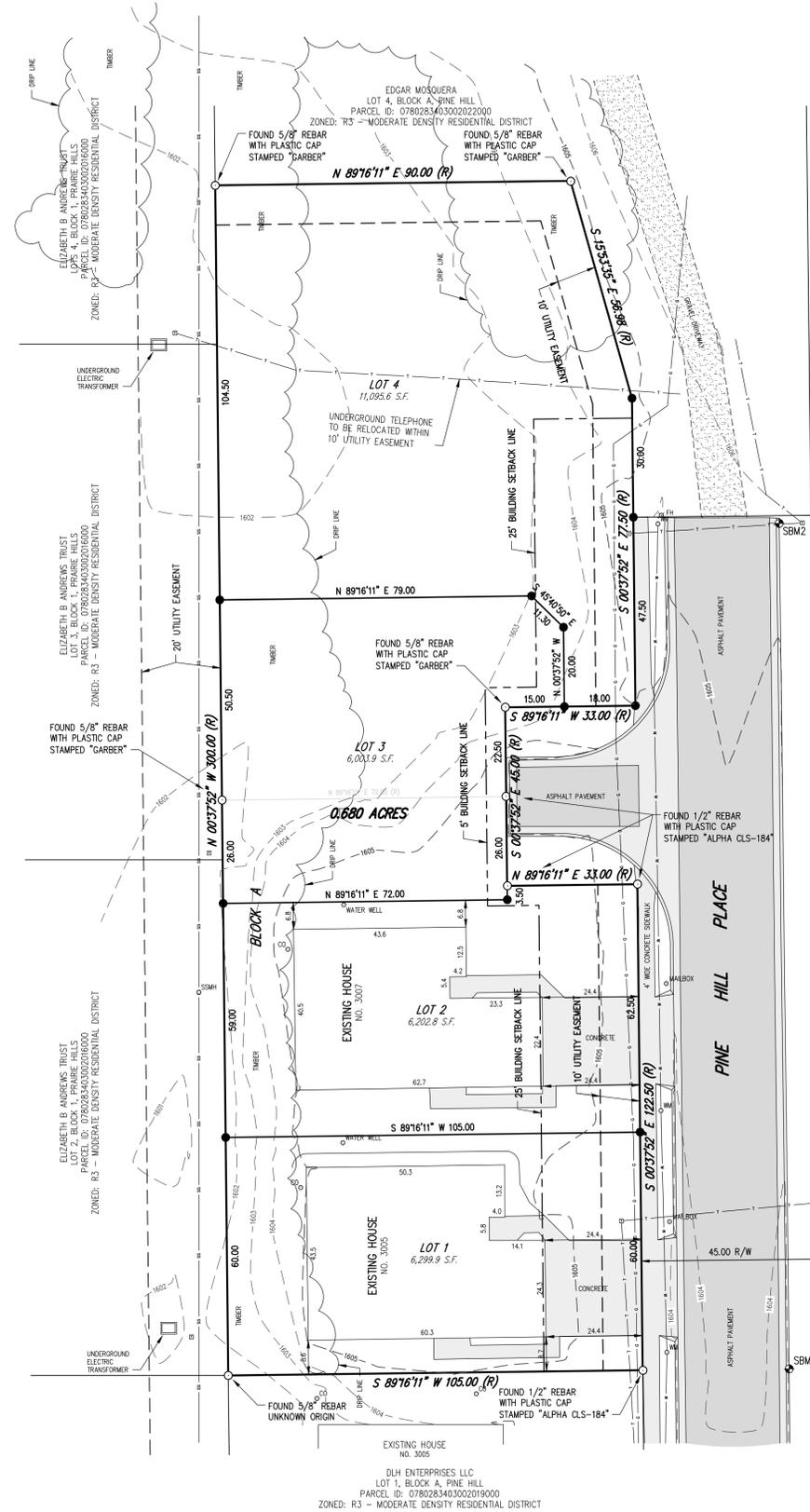
216 WEST SECOND AVENUE
HUTCHINSON, KANSAS 67501
PH. (620) 728-0012 FAX: (620) 728-0413

SURVEY DATE: 04/08/2016	PLOT DATE: 05/25/2016
DRAWN BY: RDB	PROJ. NO.: 160072P
CHECKED BY: LPD	SHEET 1 OF 1

PRELIMINARY PLAT

PINE HILL SECOND

A REPLAT OF LOTS 2 AND 3, BLOCK A, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS.



BENCHMARKS

BENCHMARK DATUM:
 SBM1 - CHISELED SQUARE IN TOP OF CURB ON THE EAST SIDE OF PINE HILL PLACE 37.0 FEET EAST OF THE SOUTHEAST CORNER OF 3005 PINE HILL PLACE.
 ELEV 1604.32 (NAVD88)
 SBM2 - CHISELED SQUARE IN TOP OF CURB ON THE EAST SIDE OF PINE HILL PLACE AT THE NORTH END WHERE THE PAVEMENT ENDS.
 ELEV 1605.90 (NAVD88)

UTILITY NOTES

UTILITIES SHOWN HEREON WERE LOCATED BY THE UTILITY COMPANIES OR THEIR AGENTS RELATING TO KANSAS ONE-CALL TICKET NUMBER 16159688, 16159698 AND 16159727 DATED APRIL 4, 2016.

CLOSURE REPORT

ERROR CLOSURE: 0.0037
 ERROR NORTH: -0.0036
 PERIMETER: 862.98
 COURSE: S 16°12'46" E
 ERROR EAST: 0.0010
 PRECISION: 1 : 232056

DESCRIPTION

DESCRIPTION:
 LOTS 2 AND 3, BLOCK A, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS.

OWNER / SUBDIVIDER

DLH ENTERPRISES, LLC
 KURT MITCHELL COGBURN, OWNER
 P.O. BOX 657
 WALSH, CO 81090
 PHONE: 719-529-0505

SURVEYOR

LLOYD P. DORZWEILER, LS 885
 ALPHA LAND SURVEYS, INC.
 216 WEST SECOND AVENUE
 HUTCHINSON, KS 67501
 PHONE: 620-728-0012

PRELIMINARY PLAT NOTES

EXISTING BUILDINGS ON SUBJECT PROPERTY ARE TO REMAIN.

NO EXISTING STREET LIGHTS LIE ALONG PINE HILL PLACE NORTH OF 50TH AVENUE.

EXISTING FIRE HYDRANT LIES AT THE NORTH END OF PINE HILL PLACE.

THE TWO EXISTING LOTS ARE TO BE DIVIDED INTO FOUR LOTS.

A SUBDIVISION VARIANCE REQUESTING THAT THE FRONT YARD SETBACK ON LOTS 2 AND 3, PINE HILL, A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 5 WEST OF THE 6TH PRINCIPAL MERIDIAN IN HUTCHINSON, RENO COUNTY, KANSAS BE REDUCED FROM A 25' SETBACK TO A 5' SETBACK ADJACENT TO THE HAMMERHEAD TURNAROUND. CASE NO. 10-SD-07, WAS GRANTED BY THE HUTCHINSON CITY COUNCIL ON AUGUST 3, 2010.

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FLOOD NOTE

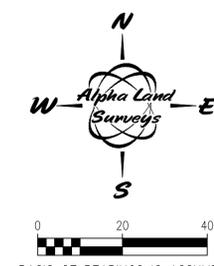
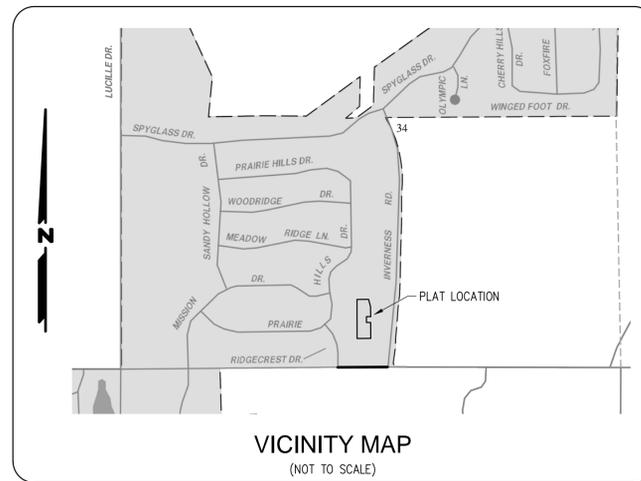
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PROPERTY INFORMATION

PROPERTY WAS SURVEYED ON APRIL 8, 2016.
 EXISTING ZONING:
 R3 - MODERATE DENSITY RESIDENTIAL DISTRICT
 PROPOSED ZONING:
 R3 - MODERATE DENSITY RESIDENTIAL DISTRICT
 BASE FLOOD ELEVATION:
 N/A

LEGEND OF SYMBOLS & ABBREVIATIONS

- | | |
|---|--------------------------------|
| △ SECTION SUBDIVISION CORNER FOUND | ○ STORM WATER SEWER MANHOLE |
| ○ SURVEY MONUMENT FOUND | □ WATER METER |
| ● SET 1/2" REBAR WITH PLASTIC CAP | □ WATER VALVE |
| ● STAMPED "ALPHA CLS-184" | □ FIRE HYDRANT |
| □ POWER POLE | □ MONITOR WELL |
| □ TELEGRAPH POLE | □ SPRINKLER HEAD |
| □ LIGHT POLE | □ GUARD POST |
| □ GUY ANCHOR | □ SITE BENCHMARK |
| □ UNDERGROUND ELECTRIC BOX | ○ OVERHEAD ELECTRIC |
| □ UNDERGROUND TELEPHONE PEDESTAL | ○ UNDERGROUND ELECTRIC |
| □ UNDERGROUND CABLE TELEVISION PEDESTAL | ○ UNDERGROUND TELEPHONE |
| □ TREE / SHRUB | ○ GAS LINE |
| □ GAS METER | ○ UNDERGROUND TELEVISION CABLE |
| □ MANHOLE | ○ SANITARY SEWER LINE |
| □ SANITARY SEWER MANHOLE | ○ WATER LINE |
| ○ CLEANOUT | ○ FENCE |
-
- | | |
|---------------------|--|
| N. NORTH | R/W RIGHT OF WAY |
| S. SOUTH | C/L CENTERLINE |
| E. EAST | RCPC REINFORCED CONCRETE PIPE |
| W. WEST | CMPP CORRUGATED METAL PIPE |
| ° DEGREES | CMPPH CORRUGATED METAL PIPE HORIZONTAL |
| ' FEET OR MINUTES | □ SQUARE |
| " INCHES OR SECONDS | FT. FEET |
| □ SQUARE | TC TOP OF CURB |
| FL. FLOWLINE | FL FLOWLINE |
| TOP TOP OF PAVEMENT | TOP TOP OF PAVEMENT |
| EL ELEVATION | EL ELEVATION |
| TOW TOP OF WALL | TOW TOP OF WALL |
| RECORD RECORD | HC HANDICAP |
| M. MEASURED | |



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