

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

June 8, 1995

STAFF REPORT
(Final Plat)

CASE NUMBER: S/D 95-42 STERLING FARMS 6TH ADDITION

OWNER/APPLICANT: Kessler Enterprises, A Trust, c/o William J. Walsh, Jr., Trustee, 1440 Gatewood, Wichita, KS 67206

AGENT: Ritchie Development Corp., c/o Jack Ritchie, 8100 E. 22nd Street North - Building 1000, Wichita, KS 67226

SURVEYOR/ENGINEER: P.E.C., P.A., c/o Gary Wiley, 303 S. Topeka, Wichita, KS 67202

LOCATION: West of Tyler Road and north of 21st Street North

SITE SIZE: 17.6 Acres

NUMBER OF LOTS

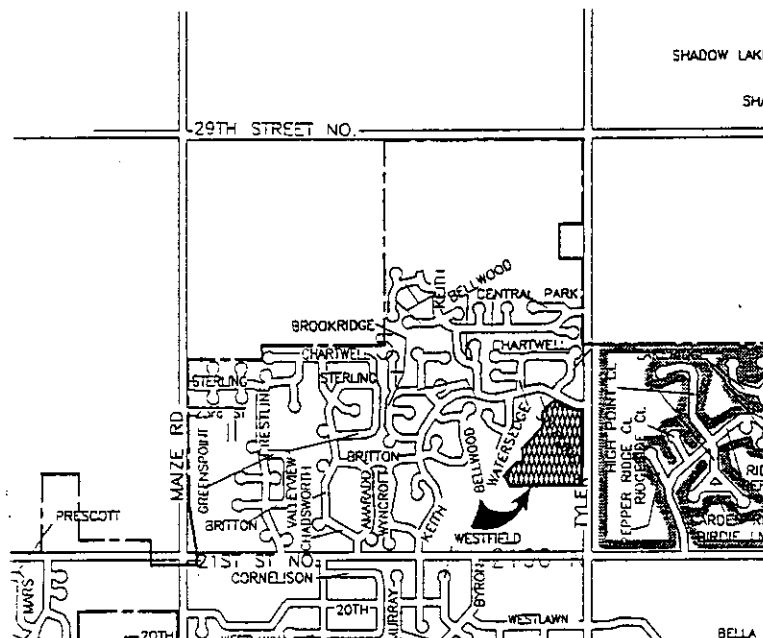
Residential:	54
Office:	
Commercial:	
Industrial:	
Total:	<u>54</u>

MINIMUM LOT AREA: 9,000 sq. ft.

CURRENT ZONING: "AA"

PROPOSED ZONING:

VICINITY MAP:



NOTE: This plat is a final portion of the overall Sterling Farms Addition. This 6th Addition will essentially complete the platting of the quarter section in which the Sterling Farms Addition(s) are located.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. The applicant shall guarantee the extension of City water to serve the lots being platted.
- C. The applicant shall guarantee any drainage improvements required by the platting of this property.
- D. The applicant shall guarantee construction of the storm sewers required by this plat.
- E. The applicant shall guarantee the paving of the proposed interior streets. Based on this development's sidewalk plan and previous plats, sidewalk is required adjacent to this plat's northern perimeter, along Sterling. If this sidewalk has not been installed or is not provided for by an existing guarantee, this plat shall guarantee such sidewalk.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" area between this plat's eastern line and the driving surface for Tyler Road.
- H. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- I. On the final plat tracing, a dashed line shall be used for the area where Baytree intersects Sterling. Solid lines are used if the involved street is being installed as a private rather than public facility.
- J. Prior to this plat being released for recording, as noted in the platting binder, proof that the second half of 1994 taxes having been paid will need to be provided.
- K. The City Fire Department and Central Inspection staff need to comment upon the acceptability of the indicated street names.

- L. On the final plat tracing, a 15-foot building setback shall be platted on Lot 1, Block 1, to Sterling.
- M. In order to provide residents in this Addition a better or more convenient means of access to the Reserve(s) west of and adjacent to this plat, it is recommended that the final plat tracing provide an easement or Reserve from Baytree to the plat's western line.
- N. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- P. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, David Hibbs, Kanopolis Project Office, Rt. 1, Box 30, Marquette, KS 67464 (913-546-2294) or Ron Little, Kansas Department of Wildlife and Parks, P. O. Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- R. Recording of the plat within 30 days after approval by the City Council.
- S. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- T. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.

**THE CITY OF WICHITA
OFFICE OF PUBLIC WORKS - ENGINEERING**

DATE: August 10, 1995

TO: Doug Moshier, Senior Attorney

FROM: Michael E. Lindebak, P.E., City Engineer



SUBJECT: Agreement to Respread Special
Assessments: Sterling Farms 6th
Addition

Please review the attached agreement as to legal form and return it to the City Engineer's Office.

BM:cls

*Please phone Ts:ll Morris
at 4548 for pickup*

AGREEMENT
BY AND BETWEEN
THE CITY OF WICHITA, KANSAS,
Party of the First Part
and
KESSLER ENTERPRISES, A TRUST
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of Sterling Farms, within the City Limits of the City of Wichita; and

WHEREAS, Party of the Second Part is the landowner of all or part of the improvement district; and

WHEREAS, portion of the improvement district of said improvements has been platted and/or replatted; and

WHEREAS, Party of the Second Part desires that a reassessment be made to reflect the changes in platting; and

WHEREAS, the Party of the First Part and Party of the Second Part are both desirous of accomplishing such a reassessment.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. An Unplatted Tract, D-753-1 UP

was part of the improvement district for the following City project(s):

Paving - Project No. 472-82337
Lateral 109 Westlink Sewer - Project No. 468-82321
SWD No. 100 - Project No. 468-82322
Water Distribution System - Project No. 448-88718

and was part of the improvement district for the following future City project:

Paving - Project No. 472-82338
Water Supply Line - Project No. 448-88715

Said property was replatted as Lot 1 thru 38, Block 1; and Lots 1 thru 16, Block 2, Sterling Farms 6th Addition

2. The Parties agree to make a reassessment for said projects in the following manner:

The proportionate share of the assessment for project numbers 472-82337, 468-82321, 468-82322, and 448-88718 and future project numbers 472-82338 and 448-88715 shall be pro-rated on an equal fraction basis (1/54 each) to the lots described in Section 1.

3. The Party of the Second Part is the owner of the property described in section one above and said Party of the Second Part hereby waives the notice and hearing requirements of K.S.A. 12-6a12(b) with respect to the reassessment herein described.

4. The Party of the Second Part further waives his right to appeal the special assessments for the above mentioned projects (including this described reassessment) and agrees that no suit to set aside said assessment shall be brought by him nor shall he in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in constructing this project and levying the special assessments therefore.

5. The Party of the Second Part further agrees that he will indemnify the Party of the First Part against any and all costs, expenses, claims and judgments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out of or as a result of the reassessment herein described.

6. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the _____
of _____, 1995.

THE CITY OF WICHITA, KANSAS

Approved as to form:

BY _____
Bob Knight, Mayor
Party of the First Part

Director of Law

Attest:

City Clerk

KESSLER ENTERPRISES, A TRUST

BY: Lucille Meyer
Lucille Meyer, Trustee

BY: William J. Walsh, Jr.
William J. Walsh, Jr. Trustee
Party of the Second Part

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, That on this 28th day of July
1995, before me, that undersigned, a Notary Public in and for the County and State aforesaid, came
Lucille Meyer and William Jr. Walsh, Jr., Co-Trustees of Kessler Enterprises, A Trust, personally
known to me to be the same person who executed the within instrument of writing and such person duly
acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and
year last above written.

Kim D. Legion
Notary Public

My Appointment Expires: 
My Appointment Expires 4/10/99

Please print or type in the unshaded areas only
(fill-in areas are spaced for elite type, i.e., 12 characters/inch).

Form Approved. OMB No. 2040-0086 Approval expires 7-31-88

FORM 1	EPA	U.S. ENVIRONMENTAL PROTECTION AGENCY	
GENERAL	GENERAL INFORMATION		I. EPA I.D. NUMBER
<i>Consolidated Permits Program</i> <i>(Read the "General Instructions" before starting.)</i>			F NOT REQUIRED

LABEL ITEMS	PLEASE PLACE LABEL IN THIS SPACE
J. EPA I.D. NUMBER	
III. FACILITY NAME	
V. MAILING ADDRESS	
VI. FACILITY LOCATION	

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column. If the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		X		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		X		F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1 SKIP RITCHIE ASSOCIATES, INC.

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)	B. PHONE (area code & no.)
2 RITCHIE, JACK, CEO	316 684 7300

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX	B. CITY OR TOWN	C. STATE	D. ZIP CODE
3 8200 E. 22ND #1000	4 WICHITA	5 KS	6 67226

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER	C. CITY OR TOWN	D. STATE	E. ZIP CODE	F. COUNTY CODE (if known)
5 STERLING FARMS 6TH ADDITION	6 WICHITA	7 KS	8 67205	9
B. COUNTY NAME				
10 SEDGWICK				

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST		B. SECOND	
7 1521 (specify)	SINGLE-FAMILY RESIDENTIAL CONST.	7 1611 (specify)	STREET CONSTRUCTION
C. THIRD		D. FOURTH	
7 1623 (specify)	UTILITY CONSTRUCTION	7	(specify)

VIII. OPERATOR INFORMATION

A. NAME		B. Is the name listed in Item VIII-A also the owner?
		<input type="checkbox"/> YES <input type="checkbox"/> NO

C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)	D. PHONE (area code & no.)
F - FEDERAL S - STATE P - PRIVATE M - PUBLIC (other than federal or state) O - OTHER (specify)	

E. STREET OR P.O. BOX

F. CITY OR TOWN	G. STATE	H. ZIP CODE	IX. INDIAN LAND Is the facility located on Indian lands? <input type="checkbox"/> YES <input type="checkbox"/> NO
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X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)	D. PSD (Air Emissions from Proposed Sources)
N NONE	9 P NONE
B. UIC (Underground Injection of Fluids)	E. OTHER (specify)
U NONE	NONE (specify)
C. RCRA (Hazardous Wastes)	F. OTHER (specify)
R NONE	NONE (specify)

XI. MAP
 Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

DEVELOPER OF A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN THE SOUTHEAST QUARTER, SECTION 5, TOWNSHIP. 27 SOUTH, RANGE 1 WEST, SEDGWICK COUNTY, KANSAS.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
JACK D. RITCHIE, C.E.O. RITCHIE ASSOCIATES, INC.		10-11-95

COMMENTS FOR OFFICIAL USE ONLY

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**STERLING FARMS 6TH
NPDES PERMIT APPLICATION FOR CONSTRUCTION ACTIVITY
SUPPLEMENTAL INFORMATION**

A. Sterling Farms 6th is an urban single family residential development in northwest Wichita, Ks. It will consist of 54 housing units on approximately 18 acres.

Construction activities on the site include the following:

- Infrastructure improvements to be built by the City of Wichita, including sanitary sewers, water distribution systems, storm water sewers, paving, and sidewalks.
- Utility construction by the utility companies
- Housing construction by individual lot owners/Builders.

B. The site comprises 18 acres. During the life of the project, it is estimated that 100% of the land will be disturbed.

C. BMP's during construction of the project include the following:

- Seeding and mulching of the site after each City infrastructure project
- Seeding of building lots after utility installation
- Installation of sediment control barriers at strategic site locations, including all city drainage inlets.

No state or local regulations regarding stormwater runoff quality apply during construction.

D. At the completion of construction, the following BMP's will be in place:

- Each building lot will be turfed.
- All common areas and open space will be turfed.

Local requirements dictate that the post-developed peak runoff discharge rate be reduced to that existing prior to development.

E. The existing site is in cultivation with an estimated runoff coefficient $C=0.3$. The estimated proposed conditions runoff coefficient $C=0.5$.

F. The site discharges into a detention pond, and ultimately to the Westlink Tributary of Cowskin Creek.

CITY ENGINEER
JUL 12 1002
BROOKLAND

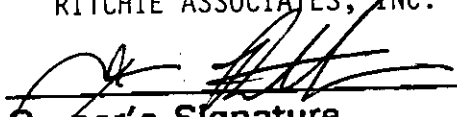
STORMWATER POLLUTION PREVENTION PLAN CERTIFICATION

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWPPP) will be or has been developed for the indicated construction project. I also certify that the SWPPP will be implemented at the time construction begins.

STERLING FARMS 6TH ADDITION

Name of Construction Project

RITCHIE ASSOCIATES, INC.


Owner's Signature
BY: JACK RITCHIE, C.E.O.

October 11, 1995
Date



Kansas Department of Health and Environment
Bureau of Water - Industrial Programs Section
Forbes Field - Bldg. 283
Topeka, KS 66620-0001
(913)296-5524

SWPPP.CRT

011 - ENGINEERING
OCT 17 1995
RECEIVED

Return to SHS