

S/D No.: 87-43 Name: SPENCER GARDENS 2ND ADDITION

Preliminary Approved:  
Scheduled S/D Meeting: 7/30/87

DESCRIPTION

General Location: Southwest corner of Oliver and Pawnee.  
Owner: Karl Solomon, 625 N. Carriage Parkway, Wichita, KS 67208  
Surveyor/Engineer: Poe & Associates of Kansas, Inc., 434 N. Oliver,  
Wichita, KS 67208

1. Gross Acreage of Plat: 9.6
2. Number of Lots:
  - Residential:
  - Office:
  - Commercial: 5
  - Industrial:
  - Total: 5
3. Minimum Lot Area: 37,500 Sq. Ft.
4. Existing Zoning: "LC" and "R-6" with DP-169
5. Proposed Zoning: "LC" (Z-2842) with DP-169

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STAFF COMMENTS:

- NOTE: The applicant's associated zone case (Z-2842) requesting "R-6" (general residence) to "LC" (light commercial) zoning has been approved subject to platting. This property is subject to the provisions of the Spencer Gardens Commercial Community Unit Plan (DP-169).
- A. The applicant shall guarantee any drainage improvements required by the platting of this property.
  - B. As required by the associated Community Unit Plan, the applicant shall guarantee the following improvements:
    1. "The applicant shall guarantee one-half the cost of construction of a left turn lane in Oliver, to be installed with the first phase of development to serve this major entrance off that street."
    2. "The applicant shall guarantee the construction of a decel lane - free right turn from eastbound Pawnee to southbound Oliver, to be installed at the time that the city is prepared to install left turn lanes on Oliver at the intersection with Pawnee, or at the time that there is preparation to develop Parcel 5 with land uses and floor area that would exceed 3,000 average daily trip ends on that parcel, based on standard ITE trip generation rates as determined by the city's traffic engineer." Those portions of the required major entrances to Oliver and Pawnee, that are located within dedicated right-of-way, shall be provided for in this guarantee.
    3. "The applicant shall guarantee the cost of reconstruction of the medial in Pawnee, to be installed with the first phase of development, providing for a minimum of 180 feet of storage in the eastbound left turn lane of Pawnee, and a raised medial providing protected left turn storage from westbound Pawnee into an entrance and left turns from the site into westbound Pawnee. The centerline of this entrance shall be approximately 45 feet east of the centerline of Dellrose."
    4. "A solid, or semi-solid, wall at least five (5) feet, but not more than eight (8) feet high constructed of brick, stone, masonry, architectural tile, or other similar material (excluding wood or woven wire) shall be installed along the west property line of Parcels 1, 4 and 5. The wall will be constructed when residential development begins to develop to the west adjacent to the proposed wall. A letter of credit shall be posted with the Metropolitan Area Planning Department at the time of platting guaranteeing the present cost of wall construction and including an escalator clause. Said guarantee shall be released should the property to

the west be approved for a nonresidential zoning classification. The Wichita City Council may order the construction of the wall prior to the development of the property adjacent to the C.U.P. on the west if, in their estimation, a litter problem is occurring as a result of commercial development on this C.U.P." The dollar amount of the letter of credit for the private wall shall be worked out with City Engineering prior to submitting this plat for scheduling before the City Council.

5. The applicant shall guarantee the closure of the existing drive approach to Pawnee from Lot 1.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. Access to proposed Lot 4 is planned to be by way of a 30-foot wide egress/ingress easement recorded of record on misc. book 579, page 696. A requirement of the C.U.P. was for this private access easement to be eliminated, at the location depicted on this preliminary plat, and granted elsewhere to the west. With this C.U.P. comment in mind, the applicant shall file with the Register of Deeds the document required to release the existing access easement and establish a substitute easement. A copy of the substitute access easement shall be submitted for the review when the final plat is filed. The instrument shall establish which party to the easement is responsible for initial construction of the paved driving surface, and further, which party is responsible for maintenance of the roadway. After the content of the easement document has been approved, it shall be recorded so the easement may be shown on the final plat tracing with appropriate recording information.
- E. Since easements are proposed for vacation by this replat, reference to K.S.A. 12-512(b) shall be made in the engineer's text.
- F. The applicant has filed an associated vacation case (V-1468) which requests the vacation of that portion of a drainage easement, to the west of this replat, which is not included within this plat's perimeter. It should be noted that a 2-foot wide unencumbered strip of land, along the plat's west line, is being established for construction of a masonry wall.
- G. On the final plat, the centerlines of the perimeter streets shall be labeled.
- H. Prior to, or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- I. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations.
- K. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- L. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.
- M. The representative from K.G.&E. should be prepared to state if a building setback needs to be platted from that company's 20-foot, east/west easement (misc. book 579, page 696). This issue was raised by the associated Community Unit Plan.
- N. The representative from City Engineering should be prepared to comment on the amount of street rights-of-way needed for Oliver and Pawnee, to construct the numerous arterial street improvements required in Item "B" of these comments.

S/D No.: 87-43 Name: SPENCER GARDENS 2ND ADDITION

Preliminary Approved: 7/30/87  
Scheduled S/D Meeting: 8/27/87

DESCRIPTION

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STAFF COMMENTS:

NOTE: The applicant's associated zone case (Z-2842) requesting "R-6" (general residence) to "LC" (light commercial) zoning has been approved subject to platting. This property is subject to the provisions of the Spencer Gardens Commercial Community Unit Plan (DP-169).

- A. The applicant shall guarantee any drainage improvements required by the platting of this property.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- C. As required by the associated Community Unit Plan, the applicant shall guarantee the following improvements:
  1. "The applicant shall guarantee one-half the cost of construction of a left turn lane in Oliver, to be installed with the first phase of development to serve this major entrance off that street."
  2. "The applicant shall guarantee the construction of a decel lane - free right turn from eastbound Pawnee to southbound Oliver, to be installed at the time that the City is prepared to install left turn lanes on Oliver at the intersection with Pawnee, or at the time that there is preparation to develop Parcel 5 with land uses and floor area that would exceed 3,000 average daily trip ends on that parcel, based on standard ITE trip generation rates as determined by the city's traffic engineer." Those portions of the required major entrances to Oliver and Pawnee, that are located within dedicated right-of-way, shall be provided for in this guarantee.
  3. "The applicant shall guarantee the cost of reconstruction of the medial in Pawnee, to be installed with the first phase of development, providing for a minimum of 180 feet of storage in the eastbound left turn lane of Pawnee, and a raised medial providing protected left turn storage from westbound Pawnee into an entrance and left turns from the site into westbound Pawnee. The centerline of this entrance shall be approximately 45 feet east of the centerline of Dellrose."
  4. A solid, or semi-solid, wall at least five (5) feet, but not more than eight (8) feet high constructed of brick, stone, masonry, architectural tile, or other similar material (excluding wood or woven wire) shall be installed along the west property line of Parcels 1, 4 and 5. The wall will be constructed when residential development begins to develop to the west adjacent to the proposed wall. A letter of credit shall be posted with the Metropolitan Area Planning Department at the time of platting guaranteeing the present cost of wall construction and including an escalator clause. Said guarantee shall be released should the property to the west be approved for a nonresidential zoning classification. The Wichita City Council may order the construction of the wall prior to the development of the property adjacent to the C.U.P. on the west if, in their estimation, a litter problem is occurring as a result of commercial development on this C.U.P." The dollar amount of the letter of credit for the private wall shall be worked out with City Engineering prior to submitting this plat for scheduling before the City Council.

SUBDIVISION REPORT

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- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. Access to proposed Lot 4 is proposed to be by way of a 30-foot wide egress/ingress easement recorded of record on misc. book 579, page 696. A copy of this easement shall be submitted for the plat file. Unless the location of this access easement is changed, Lot 1 has no other access.
- F. Since easements are proposed for vacation by this replat, reference to K.S.A. 12-512(b) shall be made in the engineer's text.
- G. The applicant has filed an associated vacation case (V-1468) which requests the vacation of that portion of a drainage easement, to the west of this replat, which is not included within this plat's perimeter. It should be noted that a 2-foot wide unencumbered strip of land, along the plat's west line, is being established for construction of a masonry wall.
- H. The applicant shall submit for recording with the plat, the cross lot drainage agreement required by the drainage plan for this property. This drainage agreement shall specify which lots will drain across other lots and shall state that the agreement runs with the land and is binding on future owners and assigns.
- I. The applicant shall make satisfactory arrangements with K.G.&E. for relocation of these company's facilities that are required by this replat. Once arrangements have been made, a letter so stating shall be obtained from K.G.&E. for the plat file.
- J. On the final plat tracing, the access controls being dedicated to Pawnee and Oliver shall be divided up according to how many openings each lot will receive. For Pawnee, the following wording is suggested, "access control except for 1 opening per lot", accompanied by a 30-foot wide break in access control centered on the lot line common to Lots 2 and 3. For Oliver, the following wording is suggested, "access control except for 1 opening per lot" instead of "access control except for 2 openings" from Lots 2 and 3.
- K. 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.
- L. 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.
- M. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(C).
- N. Recording of the plat within 30 days after approval by the City Council.
- O. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan.
- P. The representative from K.G.&E. should be prepared to state if the K.G.&E. easement on this property is correctly depicted. Is the platting of a building setback required?
- Q. The representative from City Engineering should be prepared to comment on the amount of street rights-of-way needed for Oliver and Pawnee, to construct the numerous arterial street improvements required in Item "C" of these comments.
- R. The representative from the City Engineer's office should be prepared to comment on the status of the applicant's drainage plan. Specifically, are any drainage guarantees required?