

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5.

July 9, 1998

**STAFF REPORT**  
(Final Plat, Preliminary Plat Approved 5/21/98)

**CASE NUMBER:** S/D-98-55 - THE LEGACY ADDITION (formerly SOUTH PARK 3RD ADDITION)

**OWNER/APPLICANT:** Builders, Inc., 1081 S. Glendale, Wichita, KS 67218

**SURVEYOR/ENGINEER:** Mid Kansas Engineering Consultants, Inc., 411 North Webb Road, Wichita, KS 67206

**LOCATION:** West side of Meridian, North of 47th St. South

**SITE SIZE:** 79.7 acres

**NUMBER OF LOTS**

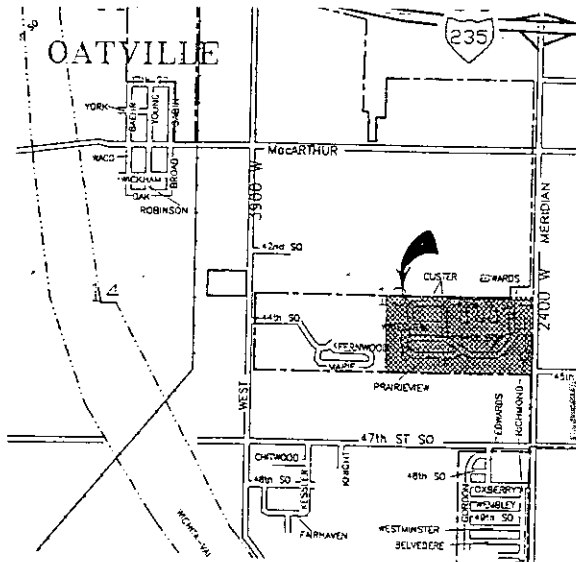
Residential:	195
Office:	
Commercial:	
Industrial:	
Total:	<u>195</u>

**MINIMUM LOT AREA:** 8,400 sq. ft.

**CURRENT ZONING:** SF-6, Single-Family Residential

**PROPOSED ZONING:** Same

**VICINITY MAP**



918 SW 1

Note: This site is a replat of the undeveloped South Park 2nd Addition approved in 1985. Subsequent to preliminary plat approval, the Applicant revised the name of the plat from South Park 3rd Addition to The Legacy Addition.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water and sanitary sewer to serve the lots being platted. **City Engineering** needs to indicate if any additional guarantees are required.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage concept is currently under review. The lots adjacent to the pond and drainage ditch need minimum building pad elevations.**
- D. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall include the paving of 44th St. South to a collector status. As a collector street, sidewalks will be required along both sides of 44th St. South. Sidewalks will be required along one side of all 64-ft streets (Mt. Carmel, Chase, St. Paul and 43rd St. South).
- E. The final plat tracing shall contain the appropriate name for the County Clerk, James Alford.
- F. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- G. The tie point at the southeast corner of the plat should be revised to reference the "SE 1/4".
- H. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements.

\*\*

\*

\*Lot The Legacy Addition - Final Plat

\*

AREA BEARINGS 1 \*Boundary

AREA = 3465326.2052 (ACRES = 79.5529)

POINT	BEARING	DISTANCE	NORTH COORDINATE	EAST COORDINATE
536			11322.1795	9946.0050
	S 00 10 23.194 E	1322.3366		
550			9999.8489	9950.0002
	S 89 59 41.336 W	2616.4802		
5			9999.6122	7333.5200
	N 00 30 41.000 W	1322.6200		
1			11322.1795	7321.7152
	S 90 00 00.000 E	2624.2898		
536			11322.1795	9946.0050

\*Street Coordinates

DESCRIBE FIGURE BEARINGS 2\*43rd Street South/St. Paul/Chase

POINT	BEARING	DISTANCE	NORTH COORDINATE	EAST COORDINATE
553			11110.1777	9996.6458
	N 90 00 00.000 W	229.6408		
505			11110.1777	9767.0050
	N 90 00 00.000 W	199.0546		
452			11110.1777	9567.9504
	S 00 00 00.000 W	334.7327(RADIAL)		
455		CURVE CENTER	10775.4450	9567.9504
	N 27 30 42.348 W	334.7327(RADIAL)		
422			11072.3248	9413.3271
	S 62 29 17.652 W	170.6056		
405			10993.5168	9262.0143
	N 27 30 42.348 W	515.8761(RADIAL)		
365		CURVE CENTER	11451.0556	9023.7152
	S 00 00 00.000 W	515.8761(RADIAL)		
361			10935.1795	9023.7152
	N 90 00 00.000 W	159.0000		

pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.

- J. Lot 1 through 8 of Block 9 exceed the lot depth-to-width standard of 2 ½ to 1. A waiver from this provision will be needed for approval of the plat.
- K. 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.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.
- M. A guarantee shall be provided for the installation of a temporary cul-de-sac for the termination of Mt. Carmel. The right-of-way dedication shall be provided by the plat or by separate instrument, with the vacation of the temporary cul-de-sac being effective upon the extension of Mt. Carmel northward.
- N. Traffic Engineering needs to comment on the need for improvements to Meridian.
- O. Fire Department needs to comment on Mt. Carmel which is 800 feet in length, exceeding the 600-ft standard imposed by the Subdivision Regulations.
- P. 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.
- Q. Fire Department needs to comment on the plat's street names. It would appear that St. Paul Circle should be renamed St. Paul Court.
- R. 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.)

- S. 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.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites located within the City, best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat. This will be used by the City and County GIS Department.

Note: This site is a replat of the undeveloped South Park 2nd Addition approved in 1985.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water and sanitary sewer to serve the lots being platted. City Engineering needs to indicate if any additional guarantees are required.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage concept.
- D. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall include the paving of 44th St. South to a collector status. As a collector street, sidewalks will be required along both sides of 44th St. South. Sidewalks will be required along one side of all 64-ft streets (Mt. Carmel, Chase, St. Paul and 43rd St. South).
- E. On the final plat, the plattor's text shall note that the access controls are being dedicated to the "City of Wichita".
- F. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- G. The tie point at the southeast corner of the plat should be revised to reference the "SE 1/4".
- H. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements.
- I. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the

SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 11.

May 21, 1998

STAFF REPORT  
(Preliminary Plat)

CASE NUMBER: S/D 98-55 - SOUTH PARK 3RD ADDITION

OWNER/APPLICANT: Builders, Inc., 1081 S. Glendale, Wichita, KS 67218

SURVEYOR/ENGINEER: Mid Kansas Engineering Consultants, Inc.,  
411 North Webb Road, Wichita, KS 67206

LOCATION: West side of Meridian, North of 47th St. South

SITE SIZE: 79.7 acres

NUMBER OF LOTS

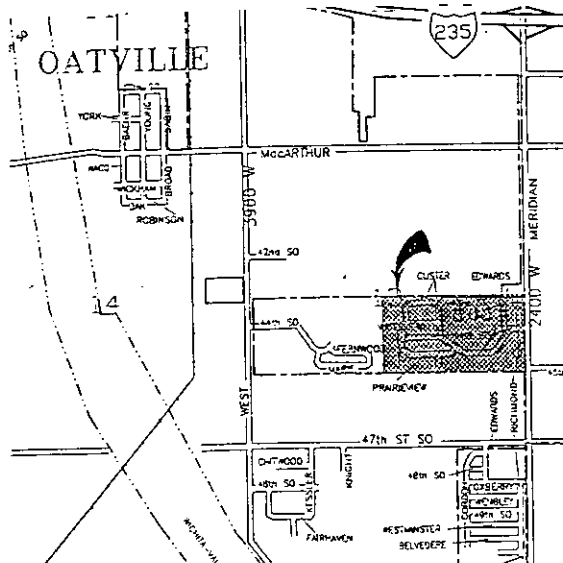
Residential:	195
Office:	
Commercial:	
Industrial:	
Total:	<u>195</u>

MINIMUM LOT AREA: 8,400 sq. ft.

CURRENT ZONING: SF-6, Single-Family Residential

PROPOSED ZONING: Same

VICINITY MAP



- I. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- J. Lot 1 through 8 of Block 9 exceed the lot depth-to-width standard of 2½ to 1. A waiver from this provision will be needed for approval of the plat.
- K. 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.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.
- M. A guarantee shall be provided for the installation of a temporary cul-de-sac for the termination of Mt. Carmel. The right-of-way dedication shall be provided by the plat or by separate instrument, with the vacation of the temporary cul-de-sac being effective upon the extension of Mt. Carmel northward.
- N. **Traffic Engineering** needs to comment on the need for improvements to Meridian. **Traffic Engineering requests two temporary decel lanes for southbound traffic.**
- O. **Fire Department** needs to comment on Mt. Carmel which is 800 feet in length, exceeding the 600-ft standard imposed by the Subdivision Regulations. **The length of Mt. Carmel is acceptable since it is a stub street. A temporary turnaround is required.**
- P. 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.

- Q. **Fire Department** needs to comment on the plat's street names. It would appear that St. Paul Circle should be renamed St. Paul Court. **Fire Department has contacted the Applicant regarding revised street names.**
- R. 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.)
- S. 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.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites located within the City, best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **KG&E and Southwestern Bell has requested additional**

*easements.*

- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat. This will be used by the City and County GIS Department.

Agenda Item No. \_\_\_\_\_

**City of Wichita  
City Council Meeting  
April 6, 1999**

**Agenda Report No.** \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** Agreement to Respread Special Assessments: The Legacy Addition  
(west of Meridian, south of MacArthur) (District IV)

**INITIATED BY:** Department of Public Works 

**AGENDA:** Consent

-----

**Recommendation:** Approve the Agreement.

**Background:** The developer of The Legacy Addition has submitted an Agreement to respread special assessments within the Addition.

**Analysis:** The land was originally included in an improvement district for a water supply line. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

**Financial Considerations:** There is no Agreement fee.

**Legal Considerations:** The Agreement has been approved as to form by the Law Department.

**Recommendation/Action:** It is recommended that the City Council approve the Agreement, and authorize the Mayor to sign.

AGREEMENT

BY AND BETWEEN

THE CITY OF WICHITA, KANSAS,  
Party of the First Part

and

Builders Development, Inc.  
Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal improvements in the area of the NE 1/2, Section 13, Township 28 South, Range 1 West (South Park 2<sup>nd</sup> Addition), 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 covenant and promises herein contained, the parties agree as follows:

1. South Park 2<sup>nd</sup> Addition

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

Water Supply Line to serve South Park 2<sup>nd</sup> Addition, Cotton Grove

Addition and two unplatted tracts. City Project No. 448-88026

Said property was replatted as The Legacy Addition

2, The Parties agree to make a reassessment for said project in the following manner:

That part of the special assessment that were spread to South Park 2<sup>nd</sup> should be reassessed to the lots in The Legacy Addition. Each lot in The Legacy Addition should be assessed an equal amount.

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 therefor.

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 judgements 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.

