

April 15, 1993

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 93-19 - KANSAS SURGERY AND RECOVERY CENTER ADDITION

OWNER/APPLICANT: Kansas Surgery and Recovery Center, L.P.
c/o Joseph B. Mackey

SURVEYOR/ENGINEER: P.E.C., P.A., c/o Gary Wiley

LOCATION: East side of Webb Road & south of 29th St. N.

SITE SIZE: 55.3 acres

NUMBER OF LOTS

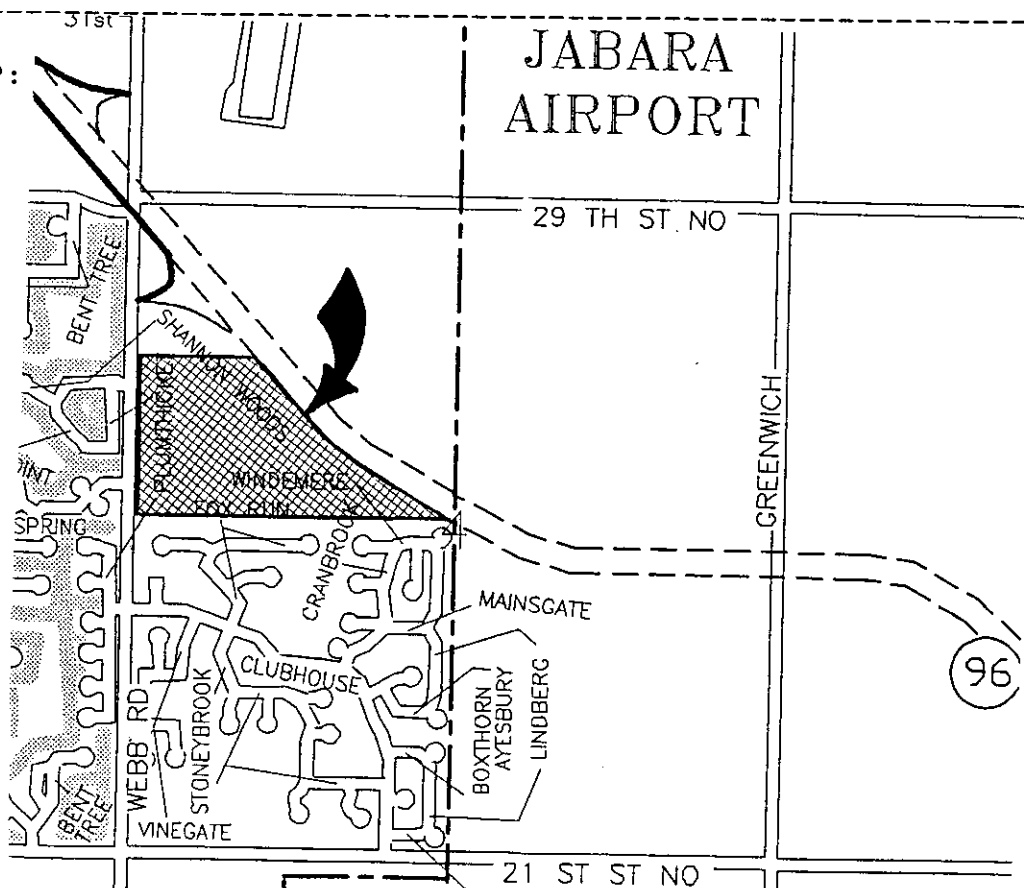
Residential:	2
Office/Commercial:	2
Industrial:	
Total:	4

MINIMUM LOT AREA: 8.9 acres

CURRENT ZONING: "AA" One-Family Dwelling District

PROPOSED ZONING: "AA" One-Family, "LC" Light Commercial & "C" Commercial (Z-2952, DP-163, DP-192)

VICINITY MAP:



NOTE: This plat represents the third preliminary plat proposal for this same site. A Northgate Business Park Addition was originally submitted which was subsequently superceded by the Tallgrass East 7th Addition. Under the Tallgrass plat, the majority of the site was being proposed for conventional single-family development. This plat is now proposing medical facilities for the northern two lots and nursing home uses for the southern lots.

Lots 1 and 2 correspond to the area covered by the Tallgrass East Business Park C.U.P., DP-192, and also the area included in a proposed zone change (Z-2952). While the zone change primarily includes a change to "C" Commercial zoning, two smaller areas were approved for "LC" Light Commercial zoning. While these areas of "LC" zoning were shown on the C.U.P. as separate parcels, no such lots are being shown on this plat. The areas of "LC" zoning would basically correspond to 200-foot by 200-foot areas at the northwest and southwest corners of Lot 1.

The southern two lots (3 and 4) are within the Tallgrass II C.U.P., DP-163 (amendment No. 1). This C.U.P. involves residential development, with the area of this plat corresponding to Parcel 1 of the C.U.P. While the uses for Parcel 1 range from conventional single-family to apartment-type development, nursing homes is not an indicated use. Further, the City's zoning ordinance indicates that nursing homes are first allowed under "A" Two-Family zoning, but with a limitation to not more than five patients to a nursing home.

STAFF COMMENTS:

- A. Prior to submitting the final plat, the applicant is advised to meet with the Planning Department's zoning and C.U.P. staff to discuss any needed zone changes and adjustments or amendments to the C.U.P.s. In particular, it should be determined if any change in the request for "LC" zoning is needed; what zoning is needed to allow nursing homes; and if or how C.U.P. DP-143 needs to be amended or adjusted to also allow for nursing home facilities.

If determined necessary, this plat will not be forwarded to the City Council for review until any needed C.U.P. adjustments or amendments are obtained and until any needed actions are taken in regard to needed zoning.

- B. The applicant shall submit a letter to Planning requesting that both the Northgate Business Park and Tallgrass East 7th plat files be closed.
- C. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- D. The applicant shall guarantee the extension of City water to serve the lots being platted.

- E. The applicant shall guarantee any drainage improvements required by the platting of this property.
- F. The applicant shall guarantee construction of the storm sewers required by this plat.
- G. Traffic Engineering needs to comment upon traffic improvements needing to be guaranteed by this development. This plat is indicating no major entrance to Lot 1, as was indicated on C.U.P. DP-192, and the site's internal street is being indicated as private rather than public.

Specifically, Traffic Engineering needs to indicate any required improvements such as accel lanes, decel lanes, left-turn lanes, signalization, etc. needed on Webb Road to serve the entrances to this site.

- H. The applicant shall guarantee the improvements within public right-of-way for the indicated major entrance south of Lot 1.
- I. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- J. As originally indicated by the C.U.P.s for this site, a public street was intended to provide access to the interior lots from Webb Road. This plat, however, is indicating an ingress-egress easement. Based upon the intended uses at this site and the potential intensity of these uses, a street-type facility rather than just an access easement should be assured.

Since the access will, however, involve only properties within the perimeter of this addition, with no need to consider extension of a street system to any other abutting property, a private street could be allowed in this case. The final plat shall therefore indicate the platting of a reserve for a private street and other associated uses (utilities, drainage, etc.). The applicant shall also guarantee that this private street will be constructed to the public street standard. Based upon the zoning and intended uses, the paving standard shall be to the 41-foot roadway standard.

The platting of this reserve shall be noted in the plattor's text. The text shall indicate the proposed uses of this reserve and who is to own and maintain the reserve.

- K. Regarding reserves which are being platted for private drive purposes, discussion with the Law Department indicate a need for language in the covenant which sets forth ownership and maintenance responsibilities of the reserves to establish future reversionary rights of the reserves to the lots benefitting from the reserves.

- L. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association, and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- M. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant to the City the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.
- N. The final plat shall state in the plattor's text the purposes of the proposed reserves, as well as who is to own and maintain the reserves.
- O. As can be noted from the overall preliminary plat, the applicant is proposing to relocate the KANEB pipeline easement existing on this property. This will require the releasing of the existing pipeline easement and the granting of a new easement adjacent to a portion of this subdivision. All costs associated with relocation, lowering or encasement of the pipeline will not be at the expense of the City.
- P. Since the relocation of the existing KANEB easement effects this plat, the final plat shall indicate the recording information for the relocated pipeline easement. A copy of the easement agreements shall be submitted for the plat file. Typically, the new easement agreement is the mechanism that will not only establish the location of the new pipeline easement, but also is the means by which the old easement may be relinquished.
- Q. The final plat tracing shall not be submitted for scheduling before the City Council until the applicant can provide a copy of the new easement agreement. Since the old pipeline easement will cease to exist, it shall not be depicted on the final plat, unless a portion still exists in the plat.

If the applicant desires to use this plat as part of the means to establish the new pipeline easement and also to continue to show the old pipeline easement on the final plat tracing, clearance from the City's Law Department is required.

- R. The applicant shall provide proof, by letter from KANEB or by copy of the pipeline easement agreements, that the relocated pipeline easement is sufficient and that, if applicable, utilities may be located adjacent to and within the easement. Any relocation, lowering or encasement of the pipeline required by this development will not be at the expense of the City. It is the applicant's responsibility to determine any setback requirements from the pipeline by researching the text of the pipeline easement agreement.
- S. On the final plat, the easements along the north and northeast lines of this plat shall also be indicated as being platted for public access. Specifically, it should be noted in the plat's text that a public bicycle/pedestrian path may be installed within those easements.
- T. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- U. The applicant is advised that this site, being immediately south of Jabara Airport, is within an area controlled by the Airport Hazard Zoning Ordinance which regulates development, both in terms of height restrictions and other hazards that may be deemed dangerous to an airport's operations.
- V. 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.
- W. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).
- X. 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.
- Y. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public who acknowledges any signatures on this plat to be printed beneath the notary's signature.
- Z. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- AA. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

June 24, 1993

STAFF REPORT
(Final Plat, Preliminary Plat Approved 4/15/93)

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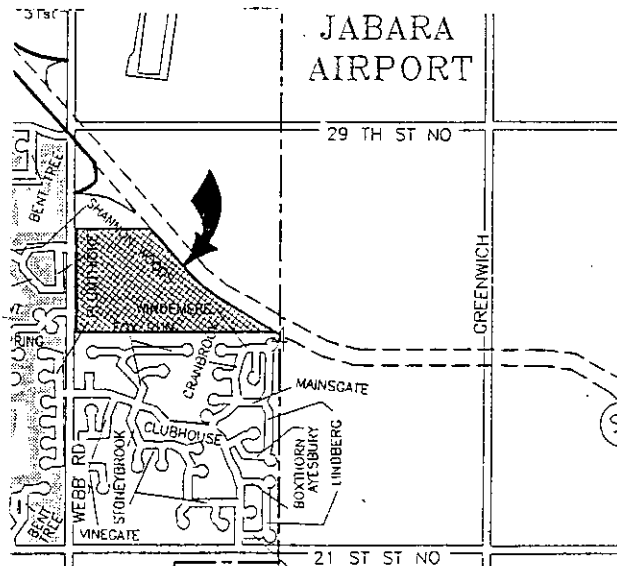
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STAFF COMMENTS:

- A. Prior to submitting the final plat, the applicant was advised to meet with the Planning Department's zoning and C.U.P. staff to discuss any needed zone changes and adjustments or amendments to the C.U.P.s. In particular, it was to be determined if any change in the request for "LC" zoning is needed; what zoning is needed to allow nursing homes; and if or how C.U.P. DP-143 needs to be amended or adjusted to also allow for nursing home facilities.

Further, due to the change in public access now being shown by this final plat and the access controls being requested to Webb Road, additional adjustments or amendments will need to be obtained for the two CUP's involved in this plat. In terms of public access (public vs. private street) a subsequent comment notes the situation involved.

In terms of access controls, the 50-foot wide access opening at the northwest corner of Lot 1 exceeds the 30-foot opening

provided for by the CUP. Consequently, the CUP will need to be amended or adjusted to allow for this change.

As for the zone change, it has apparently been determined to continue with the zone change as originally requested. The applicant shall therefore submit with the final plat tracing appropriate legal descriptions for the areas involved in the zone change(s).

This plat will not be forwarded to the City Council for review until any needed C.U.P. adjustments or amendments are obtained.

- B. The applicant shall submit a letter to Planning requesting that both the Northgate Business Park and Tallgrass East 7th plat files be closed.
- C. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- D. The applicant shall guarantee the extension of City water to serve the lots being platted.
- E. The applicant shall guarantee any drainage improvements required by the platting of this property.
- F. The applicant shall guarantee construction of the storm sewers required by this plat.
- G. Prior to submitting the final plat, the applicant was to meet with Traffic engineering in order to determine improvements, to be guaranteed, in Webb Road due to this plat. Traffic Engineering should be prepared to indicate what improvements are to be required. The applicant shall also pay any costs that might result in changes to design plans for Webb Road resulting from this plat and associated street/traffic improvement requirements.
- H. The applicant shall guarantee the improvements within public right-of-way for the indicated major entrance at the south line of Lot 1.
- I. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- J. As originally indicated by the C.U.P.s for this site, a public street was intended to provide access to the interior lots from Webb Road. The preliminary, however, was indicating an ingress-egress easement. Based upon the intended uses at this site and the potential intensity of these uses, a street-type facility rather than just an

access easement should be assured.

Since the access would, however, involve only properties within the perimeter of this addition, with no need to consider extension of a street system to any other abutting property, a private street could be allowed in this case. The final plat was therefore allowed to indicate the platting of a reserve for a private street and other associated uses (utilities, drainage, etc.). The applicant was also to guarantee that this private street would be constructed to the public street standard. Based upon the zoning and intended uses, the paving standard should be to the 41-foot roadway standard.

However, the applicant desires that a paving standard of less than 41-feet be considered. The applicant prior to submitting the final plat, has discussed this matter with staff from City Engineering, Planning and the Fire Department. Although staff has indicated that a reduced paving standard could be considered for this site, such an action will first require that the appropriate adjustments or amendments to the CUP(s) be obtained. Specifically, the use of a Reserve rather than a public street needs to be established in the CUP(s). And it further needs to be established in the CUP(s) that a right-of-way (reserve) width of less than 70 feet and paving width of less than 41-feet will be allowed.

If the CUP(s) are amended as indicated above, the applicant shall provide a guarantee for the paving of the private street to the equivalent public standard.

If, however, an adjustment or amendment is not obtained, the final plat tracing shall indicate the required public street and the guarantee for paving shall be to the appropriate public street standard (i.e., 41-foot).

- K. Regarding reserves which are being platted for private drive purposes, discussion with the Law Department indicate a need for language in the covenant which sets forth ownership and maintenance responsibilities of the reserves to establish future reversionary rights of the reserves to the lots benefitting from the reserves.
- L. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association, and who is to own and maintain the reserves prior to the association taking over those responsibilities.

- M. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant to the City the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by a method similar to special assessments.
- N. As can be noted from the preliminary plat, the applicant is proposing to relocate the KANEB pipeline easement existing on this property. This will require the releasing of the existing pipeline easement and the granting of a new easement adjacent to a portion of this subdivision. All costs associated with relocation, lowering or encasement of the pipeline will not be at the expense of the City.
- O. Since the relocation of the existing KANEB easement effects this plat, the final plat shall indicate the recording information for the relocated pipeline easement. A copy of the easement agreements shall be submitted for the plat file. Typically, the new easement agreement is the mechanism that will not only establish the location of the new pipeline easement, but also is the means by which the old easement may be relinquished.
- P. The final plat tracing shall not be submitted for scheduling before the City Council until the applicant can provide a copy of the new easement agreement. Since the old pipeline easement will cease to exist, it shall not be depicted on the final plat, unless a portion still exists in the plat.
- If the applicant desires to use this plat as part of the means to establish the new pipeline easement and also to continue to show the old pipeline easement on the final plat tracing, clearance from the City's Law Department is required.
- Q. The applicant shall provide proof, by letter from KANEB or by copy of the pipeline easement agreements, that the relocated pipeline easement is sufficient and that, if applicable, utilities may be located adjacent to and within the easement. Any relocation, lowering or encasement of the pipeline required by this development will not be at the expense of the City. It is the applicant's responsibility to determine any setback requirements from the pipeline by researching the text of the pipeline easement agreement.
- R. On the final plat, easements along the north and northeast lines of this plat were to be indicated as being platted for public access. Specifically, it was to be noted in the plat's text that a public bicycle/pedestrian path may be installed within those easements. This final plat has not,

however, indicated such easements. The applicant needs to indicate what discussions have been held concerning the granting of these easements. At the time of preliminary plat review, it was indicated that the applicant(s) were willing to provide such easements.

If such easements are not being directly established by the plat, but rather through separate instrument, the final plat tracing should still indicate the presence of such an easement by noting that it is being granted separate instrument. Also, such separate instrument should be submitted with the final plat tracing for acceptance by the City Council and subsequently for recording.

- S. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- T. The applicant is advised that this site, being immediately south of Jabara Airport, is within an area controlled by the Airport Hazard Zoning Ordinance which regulates development, both in terms of height restrictions and other hazards that may be deemed dangerous to an airport's operations.
- U. On the face of the final plat tracing, the existence of complete access control from this site to the K-96 freeway shall be noted.
- V. 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.
- W. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public who acknowledges any signatures on this plat to be printed beneath the notary's signature.
- X. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- Y. Recording of the plat within 30 days after approval by the City Council.
- Z. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage plan.



KANSAS
SURGERY & RECOVERY
CENTER

A SURGICAL SPECIALTY HOSPITAL

June 14, 2002

City of Wichita
City Engineer's Office
455 North Main, 7th Floor
Wichita, KS 67202

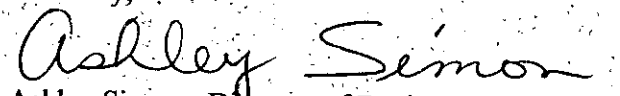
Re: Triangle LLC Dialysis
Medical Office Building One
Wichita, KS

To Whom It May Concern:

The owner of Reserve 'A' of Kansas Surgery and Recovery Center Addition to Wichita, Sedgwick County, Kansas is the Kansas Surgery and Recovery Center. We understand that site drainage improvements for the Triangle LLC Dialysis building require the installation of a subsurface storm sewer pipe across Reserve 'A' of this addition. We also understand that Harlan Foraker, P.E. of Certified Engineering Design, P.A. is on behalf of Triangle LLC Dialysis in process of obtaining approval for a City of Wichita Private Project plan for installation of the proposed storm sewer. We agree to allow the installation of the proposed storm sewer pipe across Reserve 'A' of Kansas Surgery and Recovery Center.

If you have questions or require additional information please call me at 634-0090.

Sincerely,


Ashley Simon, Director of Business Operations
Kansas Surgery and Recovery Center