

SUBDIVISION COMMITTEE
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 11

January 9, 1997

STAFF REPORT
(Preliminary Plat)

CASE NUMBER: S/D 96-73 - LARK 5TH ADDITION

OWNER/APPLICANT: Paul E. Kelsey, 716 North 119th Street West - Suite #112, Wichita, KS 67212

SURVEYOR/ENGINEER: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LOCATION: West of Lark Lane and south of Kellogg

SITE SIZE: 4.7 Acres

NUMBER OF LOTS

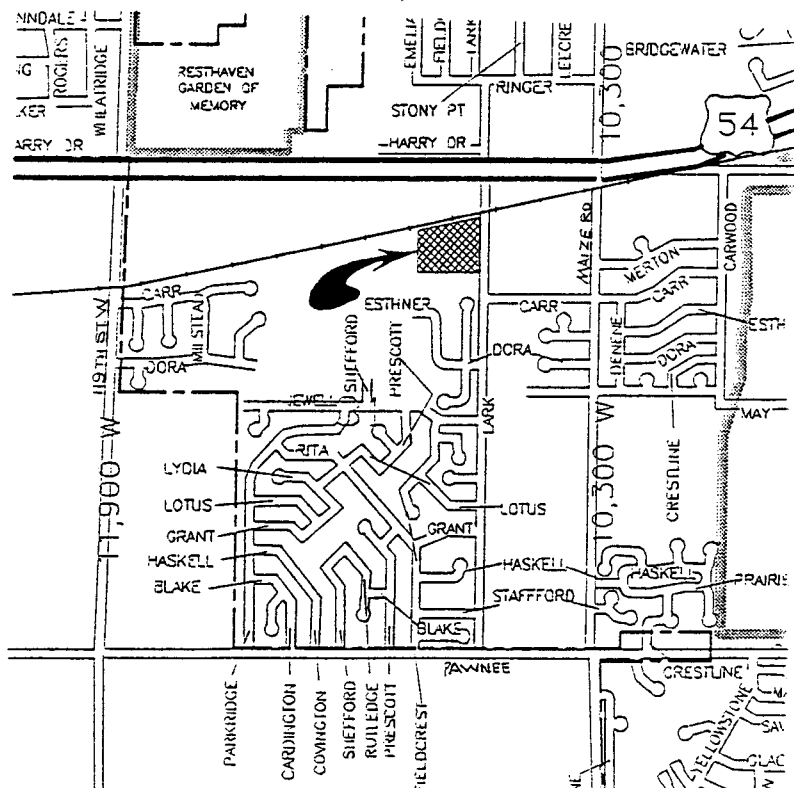
Residential:	39
Office:	
Commercial:	
Industrial:	
Total:	<u>39</u>

MINIMUM LOT AREA: 6600 sq. ft.

CURRENT ZONING: "SF-6"

PROPOSED ZONING:

VICINITY MAP:



NOTE: This plat represents another portion of the overall Lark subdivision being platted between Lark and 119th Street West, south of Kellogg. Previous sketch plats for this particular portion of the overall site indicated this area was being considered for a potential church. Consequently, the residential area around this site was not required to provide street stubs into the site so that the street systems could be integrated. The use of two cul-de-sacs for access to the now platted residential lots, further creates, two isolated areas of limited residential size, both directly accessing an increasingly busy, collector/minor arterial type street (Lark Lane).

STAFF COMMENTS:

- A. As was recommended during the review of a sketch plat for this site, it is again recommended that this plat be redesigned to provide a looped street by connecting the western ends of the two indicated Courts. As was noted during review of the sketch plat, this will at least provide a minimal degree of neighborhood integration without any real changes in traffic volumes or other conditions that would conceivably have negative impacts on this site.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- C. The applicant shall guarantee the extension of City water to serve the lots being platted.
- D. The applicant shall guarantee the paving of the proposed interior streets. If a looped street design is provided, it is recommended that sidewalk also be required along at least one side (outer portion of looped street) of the street.
- E. The applicant shall guarantee any drainage improvements required by the platting of this property. If any of this site's drainage is onto the A.T.& S.F. Railroad right-of-way, a letter shall be provided from this Railroad indicating their acceptance of such drainage.
- F. The applicant shall guarantee construction of the storm sewers required by this plat.
- G. City Engineering needs to indicate if any paving requirements still are needed for Lark Lane adjacent to this site. Previous guarantees are to be provided for such paving.
- H. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- I. If a looped street is provided, street names on the final plat shall be revised accordingly. If the two cul-de-saced streets are retained, the applicant shall verify with Central Inspection that no addressing problems will result.
- J. 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.
- K. A number of signs are shown at the northeast corner of Lot 1; if any of these signs are private in nature, such signs shall be removed from the area of dedicated right-of-way and a letter shall

be submitted noting the removal of these signs.

- L. **City Engineering** needs to verify that the dedication of right-of-way for Lark (6-feet) from this site is sufficient based on plans for this street's improvements.
- M. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- N. 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.
- O. 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.)
- P. 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.
- Q. 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.
- R. 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 30, Marquette, KS 67464 (913-546-2294) or 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.
- 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 concept.

February 20, 1997

STAFF REPORT
(Final Plat, Preliminary Plat Approved 1/9/97)

CASE NUMBER: S/D 96-73 - LARK 5TH ADDITION

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Wichita, KS 67212

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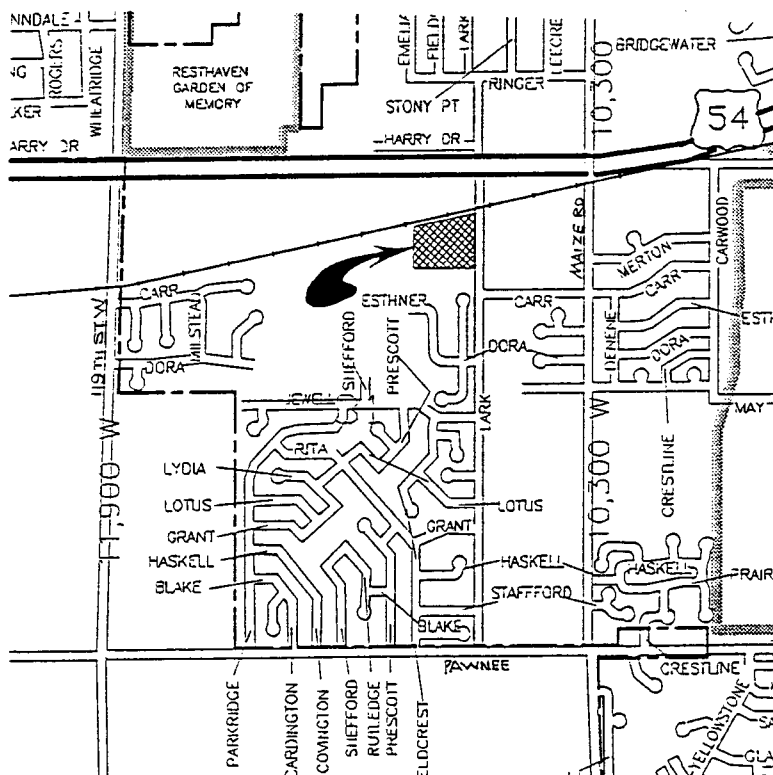
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STAFF COMMENTS:

- 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 the paving of the proposed interior streets.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property. If any of this site's drainage is onto the A.T.& S.F. Railroad right-of-way, a letter shall be provided from this Railroad indicating their acceptance of such drainage.
- E. The applicant shall guarantee construction of the storm sewers required by this plat.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. 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.
- H. A number of signs are shown at the northeast corner of Lot 1; if any of these signs are private in nature, such signs shall be removed from the area of dedicated right-of-way and a letter shall be submitted noting the removal of these signs.
- I. On the final plat tracing, the two courts serving this site shall be named Lark Lane Court.
- J. In the plat's text the reference to the platting of blocks, shall be made singular i.e. a block.
- K. The applicant is advised that easements designated for drainage may be prohibited from being fenced. The applicant is advised to contact Central Inspection for an interpretation on fencing drainage easements. If necessary, wording may need to be added to the plat's text indicating fences will be allowed.
- L. The applicant's agent needs to verify if this plat is in any way encumbered by water well easements. The plat binder references such easements. If on this site, the final plat tracing shall properly depict and label these easements.

S/D 96-73 - Final Plat of LARK 5TH ADDITION

February 20, 1997 - Page 3

- M. 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.)
- N. 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.
- O. 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.
- P. 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 30, Marquette, KS 67464 (913-546-2294) or 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 and/or County Commission.
- 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.



See Attached Sheet for Instructions

NOTICE OF INTENT (NOI)
For Stormwater Discharges Associated with Construction Activity
Authorized by a Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under a Kansas Water Pollution Control general permit issued for stormwater runoff from construction activities in the State of Kansas. Becoming a permittee obligates the discharger to comply with the terms and conditions of the general permit. Completion of this NOI does not provide automatic coverage under the general permit. You will be notified when the Kansas Department of Health and Environment (KDHE) accepts the NOI. INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT. Please Print or Type.

I. OWNER & RECORD LOCATION INFORMATION

Owners Name: Paul E. Kelsey, Pres. Will permit records be located on site? Y; N
Name of Company: KicK'N Development Corporation (if no, provide address where records will be kept:
Mailing Address: 716 N. 119th St. Suite #112 Business Name: _____
Street Address: _____
City: Wichita State: KS Zip Code: 67212 City: _____

II. SITE INFORMATION

A. LOCATION

Name of Project: Lark 5th Addition NW Quarter of the NE Quarter of Section 31
Address: _____ Township: 27 South, Range: 1 = E: W:
City: Wichita State: KS Zip Code: _____ County: Sedgwick
Contact Person: Paul E. Kelsey Phone: (316) 729-0900

B. EXISTING CONDITIONS/USES

Is any part of the project located on Indian Lands? Y; N
If site runoff goes into a Municipal Separate Storm Sewer System; Owner/Operator's Name: City of Wichita
Name of the first receiving water: stream or lake: tributary of the Cowskin Creek
Are there any known soil contamination areas which will be disturbed by the construction activity? Y; N
Are there any intakes for public drinking water supplies located within 1/2 mile of the site discharge points? Y; N
Are there any known historical or archeological sites present? Y; N
Are any threatened or endangered species known to be present near the site or in the receiving water body? Y; N
If yes, list species and describe habitat location in relation to project location: _____

Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters,
or Outstanding Natural Resource Waters located within one-half mile of the site boundary? Y; N

Describe the site soil types: Farnum loam, and Blanket silt loam
If you have other existing environmental permits at this site, list their permit numbers (e.g. (HJA44-1177): _____

C. FUTURE SITE ACTIVITY/USES

Description of Planned Project: Single family residential subdivision

C. FUTURE SITE ACTIVITIES/USES CONTINUED:

Anticipated Start Date: May 97 and Completion Date: May 99 Estimate of final runoff coefficient: 0.60
Estimated area to be disturbed: 9 Acres Total area of the site: 9 Acres Increase in Impervious Area: 4 Acres
Types of fill materials and sources: Similar soils from adjacent construction.

D. STORMWATER POLLUTION CONTROL MEASURES

Do you plan to disturb ten or more acres that are within a common drainage area? Y: N

If yes, will a sediment basin be installed in that drainage area? Y: N

If no, on a separate sheet, explain why and what other erosion and sediment control measures that will be implemented in lieu of a sediment basin.

Attach a description of the best management practices, planned to be utilized to control erosion and sedimentation and other pollutants in stormwater discharges during construction. Include a description of applicable local erosion and sediment control requirements.

Describe on a separate sheet of paper the best management practices that will be installed during the project construction which will be left in place after construction is complete in order to control pollutants which will be generated by the final land use. Include a description of applicable local stormwater pollution control requirements for permanent stormwater management features.

On a separate sheet describe the intended sequence of major activities which disturb soils for major portions of the site.

E. MAPS

Attach to this NOI the appropriate maps as described in the instructions. Include the required information on the maps.

III. ANNUAL FEE

Enclose a check for the first year of the annual fee specified in K.A.R. 28-16-1 et seq. as amended (Make check payable to "KDEH-Water Pollution Control Permit").

IV. APPLICANT CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan will be or has been developed for the construction site listed in Section II of this NOI. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I certify that I have read and understand the Part I requirements relating to criteria for coverage under the NPDES general permit for Stormwater Runoff from Construction Activity, including those requirements relating to the protection of Threatened or Endangered Species identified in K.A.R. 115-15-1 and sites listed or eligible for listing on the National Register of Historic Places; and

To the best of my knowledge, the discharges which will be covered under this NPDES general permit for Stormwater Runoff from Construction Activity and the construction of BMPs to control stormwater runoff are not likely to and will not likely adversely affect any species identified in K.A.R. 115-15-1; or the discharges and construction are eligible for coverage under the NPDES general permit due to a previous authorization from the Kansas Department of Wildlife and Parks; and

I further certify to the best of my knowledge such discharges and construction of BMPs to control stormwater runoff do not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act; or the discharges and construction are eligible for coverage under the NPDES general permit due to a previous agreement with the State Historic Preservation Officer.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activity is contingent upon maintaining eligibility as provided for in Part I of the general permit.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on the inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Paul E. Kelsey
Signature

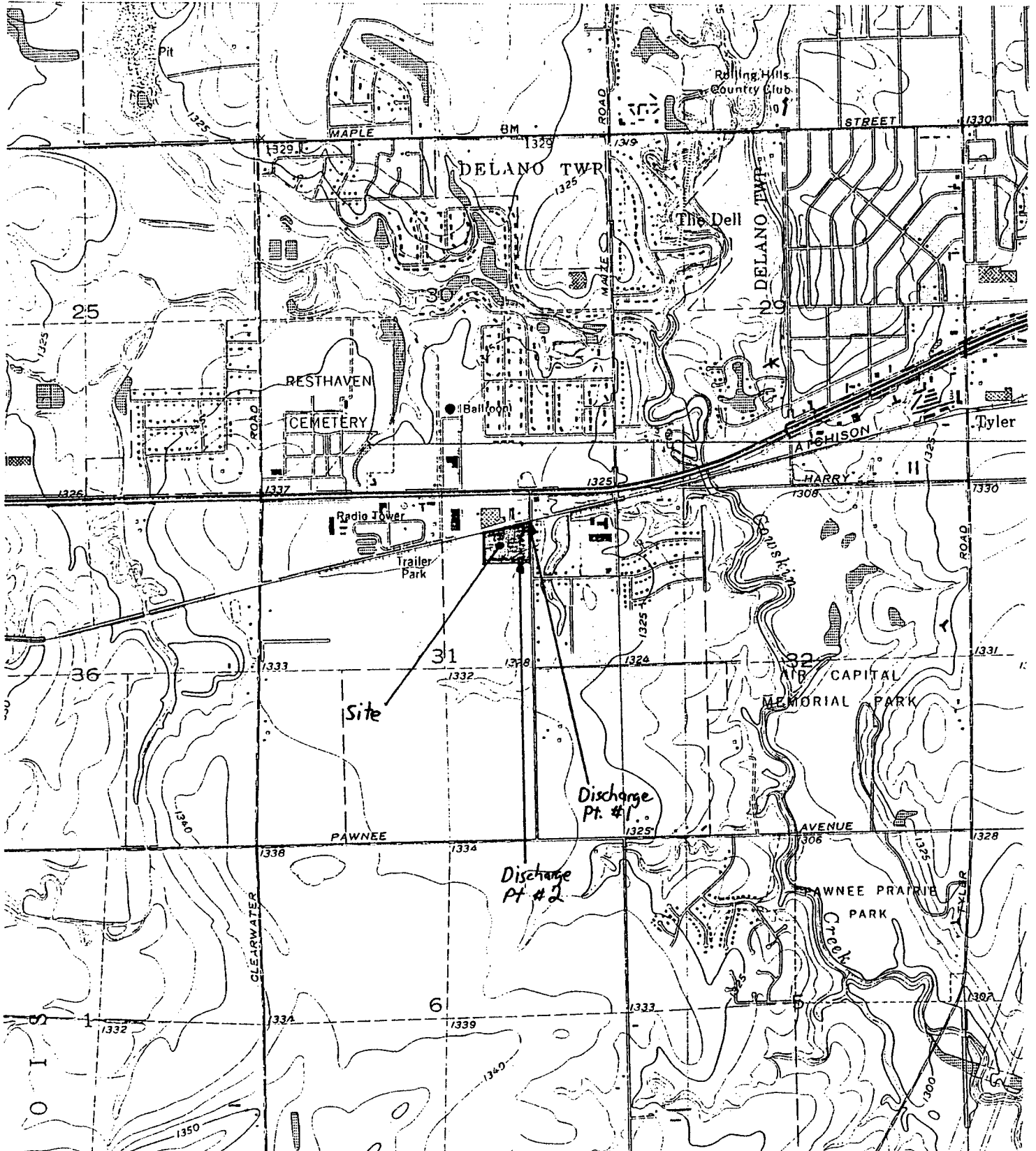
3-12-97
Date

Paul E. Kelsey, Pres.
Name and Official Title (Please Print)

LOCATION MAP:

Scale: 1" = 2000'

LARK 5TH ADDITION



**City of Wichita
City Council Meeting
October 7, 1997**

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: Agreement to Respread Special Assessments in Lark 5th Addition (south of Kellogg, east of Lark Lane) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent



Recommendation: Approve the Agreement.

Background: The developer, Kick'n Corporation, platted the Lark 5th Addition and has submitted an Agreement to respread Special Assessments within the addition.

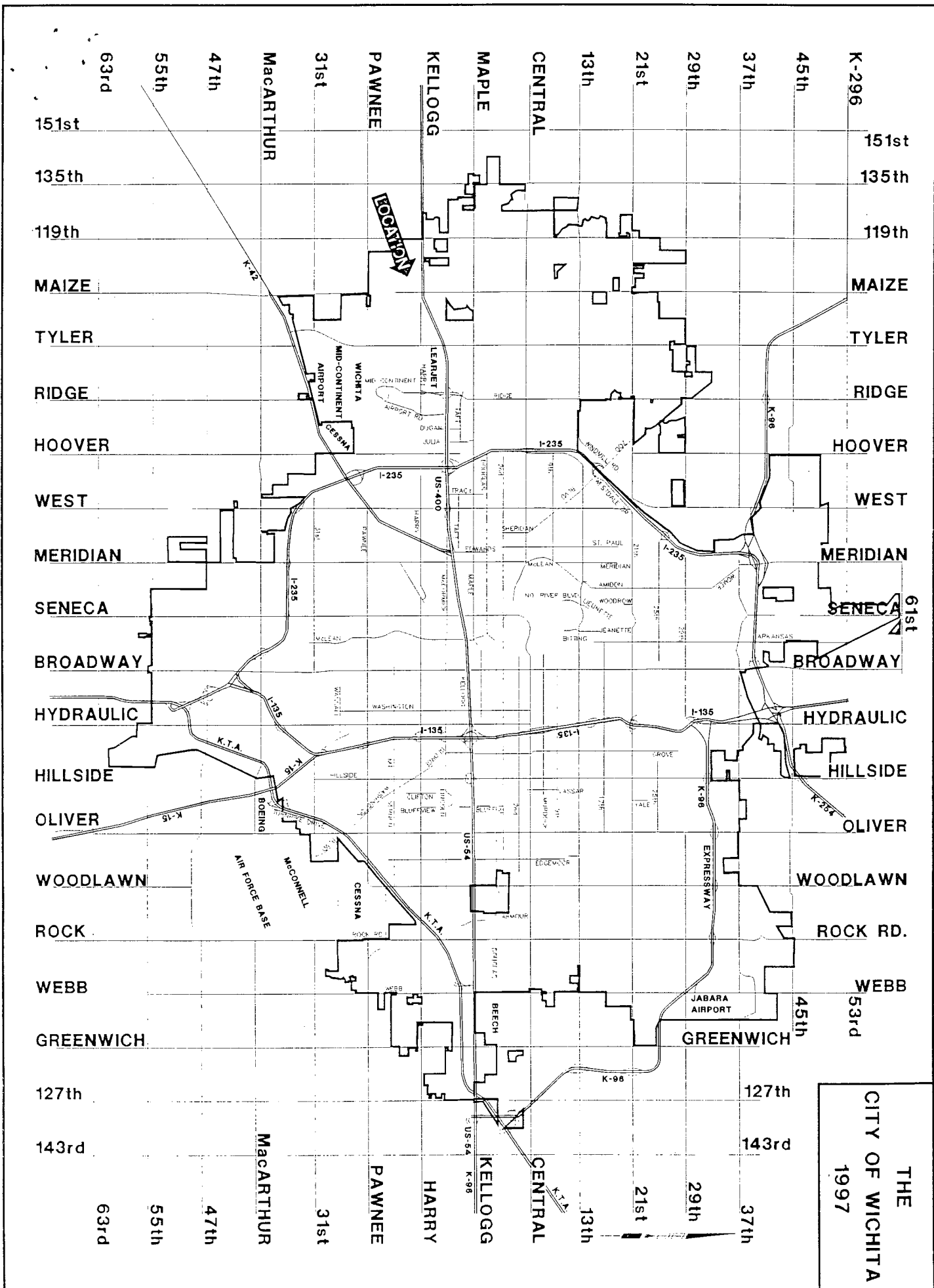
Analysis: The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread Special Assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will save the City time in recalculating Special Assessments for each newly platted lot and will equalize the assessments for each lot, making it easier for the developer to market the lots.

Financial Considerations: There is no cost to the City.

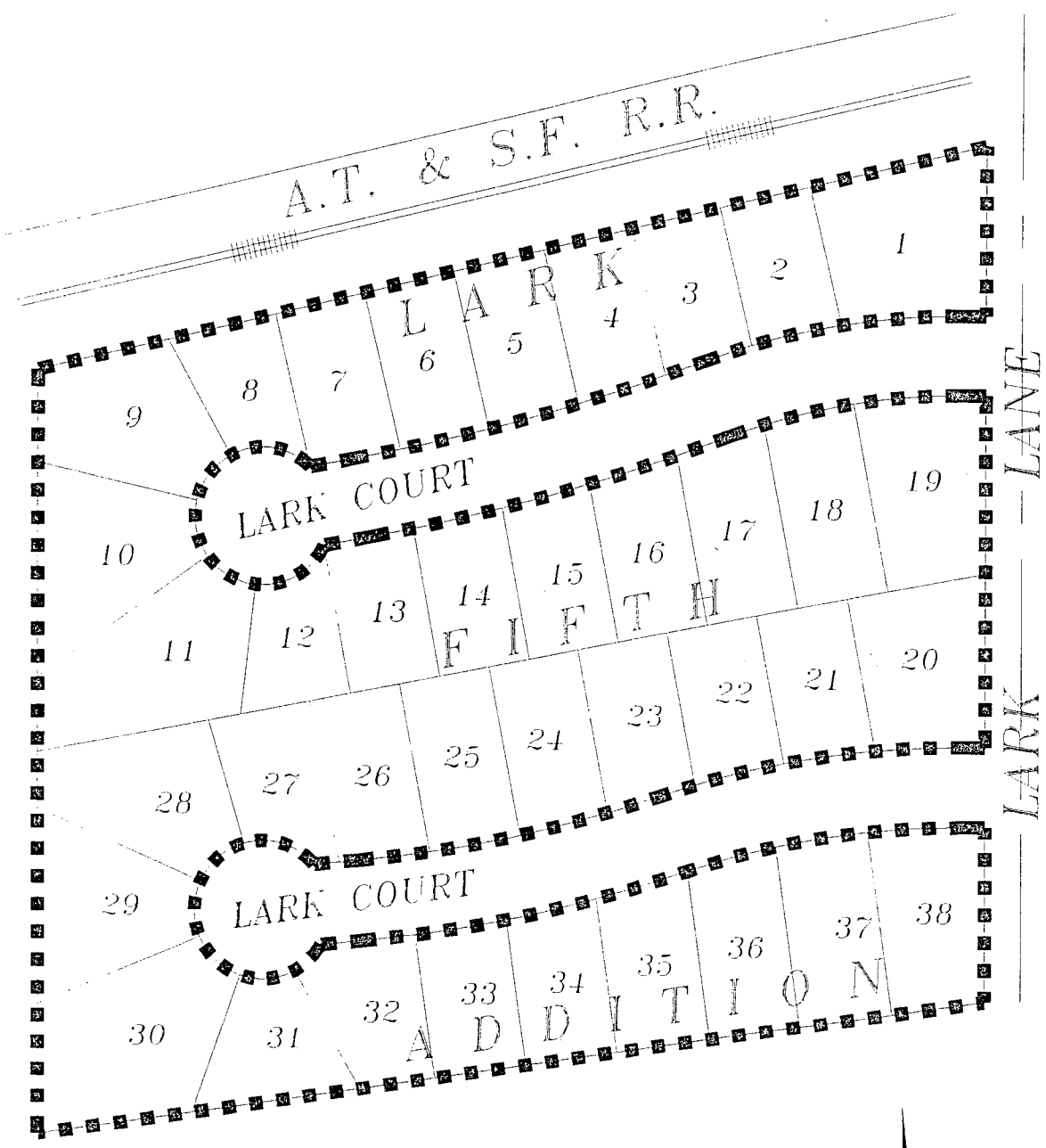
Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council 1) Approve the Agreement, and 2) Authorize the Mayor to execute.





THE
CITY OF WICHITA
1997



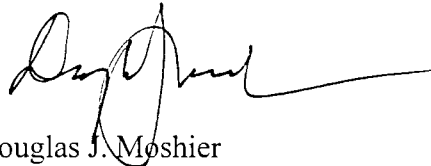
AREA OF REASSESSMENT

**THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT**

DATE: September 9, 1997

TO: Michael E. Lindebak, P.E., City Engineer
FROM: Douglas J. Moshier, Senior Assistant City Attorney
SUBJECT: Agreement for Respread Assessments

The attached Agreement for respreading assessments in Lark 5th Addition is approved as to form.



Douglas J. Moshier
Senior Assistant City Attorney

DJM:cdh

Attachment

RECEIVED
SEP 10 1997
CITY - ENGINEERING

AGREEMENT
BY AND BETWEEN

THE CITY OF WICHITA, KANSAS

Party of the First Part

And

KICK'N DEVELOPMENT CORPORATION

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal Sanitary Sewer Improvements on Lateral 14, Main 13, Southwest Interceptor in the area generally north of Carr and west of Lark Lane 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 desires that a reassessment be made; and

WHEREAS, 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. The following unplatted tract was part of the improvement district for the following City Projects:

A tract of land in the W 1/2 of the NE 1/4 of said Sec. 31, described as follows: Beginning at the NE corner of Lot 46, Block 1, Lark 3rd Addition, Wichita, Sedgwick County, Kansas; thence S82°06'23"W along the north line of said Lot 46 and as extended southwesterly, 706.04 feet to the NW corner of Lot 37 in said Block 1; thence N00°23'37"W along the east line of Lot 34 in said Block 1 and as extended north, 555.84 feet to the NE corner of Lot 28 in said Block 1; thence N76°55'47"E along the southeasterly right-of-way line of the Atchison, Topeka, and Santa Fe Railroad, 102.50 feet to a point 100 feet normally distant from the east line of said Lot 28; thence S00°23'37"E parallel with and 100 feet normally distant from the east line of said Lot 28, 464.30 feet to a point 100 feet normally distant from the north line of said Lot 37; thence N82°06'23"E parallel with and 100 feet normally distant from the north line of said Lot 37, 605.18 feet to a point on the east line of the W 1/2 of said NE 1/4; thence S00°23'37"E along the east line of said W 1/2, 100.86 feet to the intersection of the north line of said Lot 46 as extended northeasterly; thence S82°06'23"W along said extended north line, 6.05 feet to the point of beginning.

Lateral 14, Main 13, Southwest Interceptor Sewer
Project No. 468-82612

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

Lots 1 through 38, Block 1, Lark 5th Addition
shall each pay 1/38 of the total cost apportioned to the property described above.

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 their right to appeal the special assessments for the above mentioned projects (including the described reassessment) and agree that no suit to set aside said assessment shall be brought by them nor shall they in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in levying the special assessments therefore.

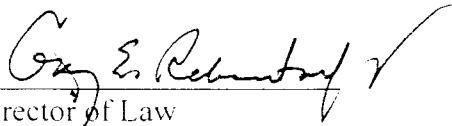
5. The Party of the Second Part further agree that they will indemnify the Party of the First Part against any and all costs, expenses, claims and adjustments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out as a result of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

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the _____ day of _____, 1997.

The City of Wichita, Kansas

By: _____
Mayor
Party of the First Part

Approved as to form:



Director of Law

Attest:

City Clerk

Kick'n Development Corporation

Paul E. Kelsey
Paul E. Kelsey, President

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 12th day of MAY, 1997, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Paul E. Kelsey, President, Kick'n Development Corporation personally known to me to be the same person whom executed the instrument and that such person is duly authorized by the corporation to sign on its behalf.

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

Philip J. Meyer
Notary Public

My Appointment Expires:

5/5/01

PHILIP J. MEYER
NOTARY PUBLIC
STATE OF KANSAS

92-20-1 92-20-1

CLOSURE - LARK 5TH ADD.

L001

1		N	5000.000	E	5000.000	S	0+00
S	00-23'37.0"E		621.980				
2		N	4378.035	E	5004.273	S	6+21.980
S	82-06'23.0"W		6.050				
3		N	4377.204	E	4998.280	S	6+28.030
S	82-06'23.0"W		699.990				
4		N	4281.071	E	4304.923	S	13+28.020
N	00-23'37.0"W		555.840				
5		N	4836.898	E	4301.104	S	18+83.860
N	76-55'47.0"E		370.730				
6		N	4920.737	E	4662.230	S	22+54.590
N	76-47'37.2"E		346.946				
1		N	5000.000	E	5000.000	S	26+01.536
LENGTH=	2601.536	AREA=	412084.119 SF			9.460 ACRES	