

**STAFF REPORT**  
(One-Step Final Plat)

**CASE NUMBER:** SUB 2004-148 – THE GATEWAY CENTER SECOND ADDITION

**OWNER/APPLICANT:** Gateway Center, LLC, Venture Seven Development, LLC, Gateway Center Addition Master Owner’s Association, 150 N. Market, Wichita, KS 67202; Gates Real Estate, LLC, 8100 E. 22nd St. N., Bldg 2100-3, Wichita, KS 67226; Wichita Lodging, LLC, 9342 E. Central, Wichita, KS 67206

**SURVEYOR/ENGINEER:** PEC, Attn: Rob Hartman, 303 S. Topeka, Wichita, KS 67202

**LOCATION:** Southeast corner of 13th St. North and Greenwich

**SITE SIZE:** 28.7 acres

**NUMBER OF LOTS**

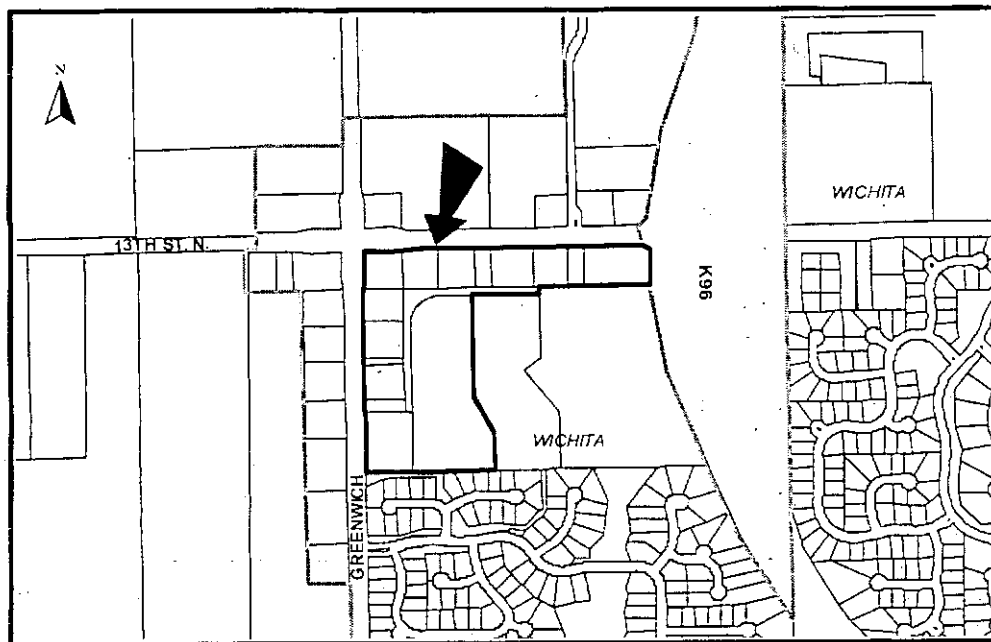
Residential:	
Office:	
Commercial:	12
Industrial:	
Total:	<u>12</u>

**MINIMUM LOT AREA:** 40,000 sq. ft.

**CURRENT ZONING:** LC, Limited Commercial

**PROPOSED ZONING:** Same

**VICINITY MAP**



**NOTE:** This is a replat of the Gateway Center Addition. The Gateway Center Addition CUP (DP-239) was also approved for this site. This replat reflects revised access controls and revised lot sizes.

**STAFF COMMENTS:**

- A. Municipal services appear to be available to serve the site. City Engineering needs to comment on the need for guarantees or easements.
- 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.
- D. Traffic Engineering needs to comment on the access controls. The plat proposes six openings to 13th St. North and 4 openings to Greenwich Road. The access controls are in accordance with the CUP approval with the exception of one additional opening to 13th St. North between lots 10 and 11. *Traffic Engineering has approved access controls in accordance with the CUP.*
- E. 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.
- F. For those reserves being platted for drainage purposes, the required covenant that 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 the governing body.
- G. A covenant shall be submitted regarding Reserves A and B, platted for private drive purposes, which sets forth ownership and maintenance of the private drive.
- H. The plattor's text shall replace reference to "private street" with "private drive".
- I. City Fire Department has requested verification that a turnaround will be available within Lot 12, Block 1.
- J. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- K. 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. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- L. 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.

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- M. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that 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. 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: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. 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.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- U. 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.
- V. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD ([cholloway@wichita.gov](mailto:cholloway@wichita.gov)). This will be used by the City and County GIS Department.

City of Wichita  
City Council Meeting  
November 21, 2006

Agenda Report No. 06-1174

TO: Mayor and City Council Members

SUBJECT: Drainage Agreement: Cheddar's Casual Café, Inc.  
(south of 13<sup>th</sup>, east of Greenwich) (District II)

INITIATED BY: Department of Public Works *Chad M. [Signature]*

AGENDA: Consent

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Recommendation: Approve the Drainage Agreement.

Background: An acceleration/deceleration lane is being built on the south side of 13<sup>th</sup> Street, east of Greenwich. The storm water runoff from the new pavement will drain across adjacent private property.

Analysis: An agreement has been prepared with the owner of the adjacent property, Cheddar's Casual Café, Inc., to accept the storm water runoff from public right-of-way.

Financial Considerations: There is no cost for the City of Wichita.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving drainage and access to a new commercial development.

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

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Attachment: Agreement.

POD  
✓ Copy to Bill Morris



Sedgwick County  
Register of Deeds - Bill Meek  
DOC.#/FLM-PG: 28849368

Receipt #: 1644B73  
Pages Recorded: 2  
Cashier Initials: DH

Recording Fee: \$12.00  
Authorized By:

Date Recorded: 1/16/2007 8:57:42 AM



**CITY CLERK'S ORIGINAL  
RETURN TO CITY CLERK**

**DRAINAGE AGREEMENT**

Approved / Accepted By City Council

This 11-21-06

THIS DRAINAGE AGREEMENT ("Agreement") is made and entered into as of the 23 day of October, 2006, by and between Cheddar's Casual Café, Inc., of the first part and the City of Wichita of the second part.

WHEREAS, the said first party is the owner of Lots 10 and 11, Block 1, The Gateway Center 2<sup>nd</sup> Addition.

WHEREAS, the said first party is constructing a decel lane into said Lots 10 and 11, from 13<sup>th</sup> Street North.

WHEREAS, the decel lane is in public right of way and the storm water runoff from the decel lane will be draining onto said Lots 10 and 11.

NOW THEREFORE, for good and valuable consideration exchanged, the parties agree as follows:

1. The above named first party does hereby agree to accept the storm water runoff from said decel lane in public right of way.

This agreement shall be perpetual in duration, unless terminated by the parties here to and shall run with the land described above and shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first written above.

CHEDDAR'S CASUAL CAFÉ, INC.

By:   
Doug Rogers, President

CITY OF WICHITA

By:   
Carlos Mayans, Mayor

D 17996

APPROVED AS TO FORM:



FINAL BOUNDARY CLOSURE FOR THE GATEWAY CENTER 2<sup>ND</sup> ADDITION

PNT.#

1	North: 1693030.8409	East : 1686380.1222
	Line Course: N01°03'27" W Length: 1099.96'	
13	North: 1694130.6160	East : 1686359.8194
	Line Course: N07°28'23" E Length: 101.12'	
16	North: 1694230.8771	East : 1686372.9710
	Line Course: N01°03'27" W Length: 150.00'	
128	North: 1694380.8516	East : 1686370.2023
	Line Course: N44°01'17" E Length: 35.31'	
129	North: 1694406.2398	East : 1686394.74'
	Line Course: N89°06'02" E Length: 150.00'	
18	North: 1694408.5943	East : 1686544.7193
	Line Course: N80°34'12" E Length: 101.12'	
20	North: 1694425.1618	East : 1686644.4703
	Line Course: N89°06'02" E Length: 1434.09'	
103	North: 1694447.6729	East : 1688078.3840
	Line Course: S54°31'04" E Length: 56.95'	
104	North: 1694414.6145	East : 1688124.7605
	Line Course: S00°15'27" W Length: 216.26'	
105	North: 1694198.3549	East : 1688123.7886
	Line Course: S89°06'02" W Length: 688.29'	
132	North: 1694187.5508	East : 1687435.5880
	Line Course: S01°03'27" E Length: 40.00'	
39	North: 1694147.5574	East : 1687436.3263
	Line Course: S89°06'02" W Length: 411.64'	
40	North: 1694141.0958	East : 1687024.7370
	Line Course: S01°03'27" E Length: 643.35'	
41	North: 1693497.8554	East : 1687036.6118
	Line Course: S28°50'20" E Length: 253.61'	
42	North: 1693275.6952	East : 1687158.9424
	Line Course: S01°03'27" E Length: 232.60'	
43	North: 1693043.1348	East : 1687163.2357
	Line Course: S89°06'02" W Length: 783.21'	
1	North: 1693030.8406	East : 1686380.1223

Perimeter: 6,397.51' Area: 1,249,178 sq. ft. 28.67 acres

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