

February 8, 1996

STAFF REPORT
(Final Plat, Preliminary Plat Approved 1/4/96)

CASE NUMBER: S/D 95-85 CIRCUIT CITY ADDITION

OWNER/APPLICANT: Executives, Inc., 6215 E. Kellogg, Wichita, KS 67218

CONTRACT PURCHASER: Circuit City, Attn: Chris Moore, 9950 Mayland Drive, Richmond, VA 23233

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

LOCATION: South of Kellogg and west of Webb

SITE SIZE: 5.4 Acres

NUMBER OF LOTS

Residential:
Office:
Commercial: 2 Lots
Industrial:
Total: 2 Lots

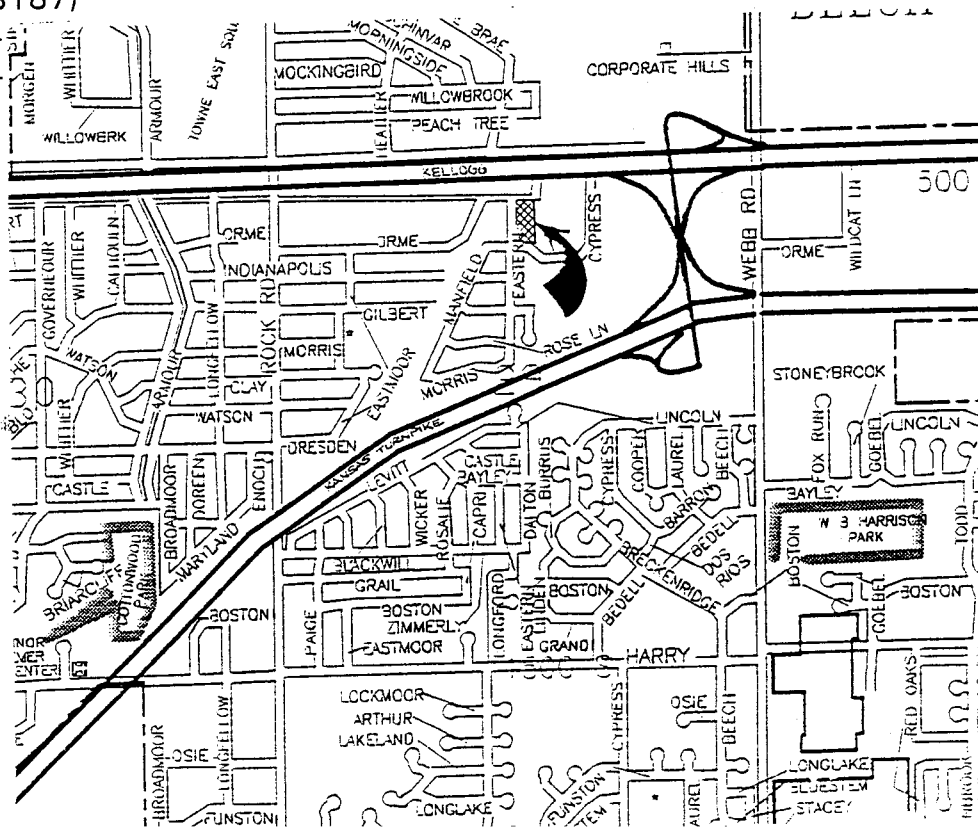
MINIMUM LOT AREA: 26,000 ± sq. ft.

CURRENT ZONING: "LC" and "BB"

PROPOSED ZONING: "LC" (Z-3187)

VICINITY MAP:

WLS



NOTE: A zone change (Z-3187) has been approved for the southern 80-feet of this site. With this zone change, the entirety of the site will be under "LC" zoning. Although all of the site was covered by previous plats, a replatting is being carried out to realign the existing lots but more practically to vacate and replat numerous easements effecting the site and its planned development.

STAFF COMMENTS:

- A. The applicant shall guarantee the relocation of sanitary sewer lines made necessary by this replat. Temporary easements shall also be provided as needed for such relocations. As noted on the final plat, a 20' sanitary sewer easement across the center of the site needs to be granted by separate instrument.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property. As noted on the preliminary plat, a major "drainage easement" is crossing the northern portion of this site. A vacation of these easements is apparently being proposed, and consequently significant drainage improvements are likely needed. City Engineering needs to confirm any such guarantees.
- C. The applicant shall submit a Sidewalk Certificate assuring the installation of sidewalk along the east side of Eastern, from Kellogg (Drive) to Orme, as a condition of this site's development (issuance of building permits).
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. As offered by the applicant during the zone change case, the applicant shall submit for recording, with the final plat tracing, a restrictive covenant concerning certain site development conditions.
- F. Prior to this plat being scheduled for City Council review, the applicant shall submit a letter indicating that all buildings or structures shown as being located within proposed or existing easements, have been removed.
- G. In regard to the 30' KPL Gas Service Co. Easement shown on the preliminary plat, if this easement is to be vacated, as an apparently private easement, it cannot be vacated by the plat but rather must be released by the party benefitting. Such a release shall be submitted with the final plat tracing; otherwise, this easement shall need to be shown on the final plat tracing and this plat will be subject to the standard requirements concerning pipeline easements.

The applicant shall submit a letter from KG&E-Gas indicating that satisfactory arrangements have been made for the relocation of natural gas lines and as necessary, easements for such a relocation shall be granted.
- H. 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.

- I. Prior to releasing this plat for recording, the applicant shall provide proof that all applicable property taxes have been paid on this site. The platting binder presently indicates over \$18,000 in taxes are or were outstanding.
- 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. (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.)
- 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 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.
- 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 representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.

NOTE: A zone change (Z-3187) has been approved for the southern 80-feet of this site. With this zone change, the entirety of the site will be under "LC" zoning. Although all of the site was covered by previous plats, a replatting is being carried out to realign the existing lots but more practically to vacate and replat numerous easements effecting the site and its planned development.

STAFF COMMENTS:

- A. City Engineering needs to confirm what improvements, if any, need to be guaranteed for this site. As noted on the plat, a number of easements and sanitary sewer line relocations appear to be planned. Also, access to this site will apparently be along Eastern and across a bridge not intended for excessive traffic levels. Engineering needs to indicate if this plat should be required to participate in any needed repair or replacement of this bridge.
- B. The applicant shall guarantee any drainage improvements required by the platting of this property. As noted on the preliminary plat, a major "drainage easement" is crossing the northern portion of this site. A vacation of these easements is apparently being proposed, and consequently significant drainage improvements are likely needed.
- C. If any guarantees for improvements along Eastern are required, the installation of sidewalk, if possible shall be included. Otherwise, the applicant shall submit a Sidewalk Certificate assuring the installation of sidewalk along the east side of Eastern, from Kellogg (Drive) to Orme, as a condition of this site's development (issuance of building permits).
- D. City Engineering and Traffic Engineering need to indicate any requirements in regard to right-of-way and access controls for or to Kellogg and Kellogg Drive.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. As offered by the applicant during the zone change case, the applicant shall submit for recording, with the final plat tracing, a restrictive covenant concerning certain site development conditions.

In regard to landscaping, the platting of easements as shown on this plat is questionable. Such easements are not public and cannot therefore be established by the plat nor is the City of Wichita intending to be responsible for maintenance of such landscaping. Consequently, it is recommended that the landscaping situation be fully addressed by this restrictive covenant. If the intention is to establish a distinct area on the face of the plat for landscaping, a private easement may be a consideration. Similarly, a reserve may also be appropriate.

- G. Prior to this plat being scheduled for City Council review, the applicant shall submit a letter indicating that all buildings or structures shown as being located within proposed or existing easements, have been removed.
- H. The final plat tracing shall indicate the platting of the 35-foot building setback from Kellogg Drive. This 35-foot building setback shall be continued across Lot 2's frontage in any area not

encumbered by some form of easement.

- I. In regard to the 30' KPL Gas Service Co. Easement, if this easement is to be vacated, as an apparently private easement, it cannot be vacated by the plat but rather must be released by the party benefitting. Such a release shall be submitted with the final plat; otherwise, this easement shall need to be shown on the final plat and this plat will be subject to the standard requirements concerning pipeline easements.
- J. 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.
- K. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- 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. (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.)
- M. 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.
- 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 representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.
- 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. The representatives from **City Engineering** should be prepared to comment on the status of the applicant's drainage concept. In addition, Engineering need to comment upon the apparent utility relocations and in particular as to the indicated vacation of the drainage easement (ditch) across the northern portion of the site. Also, Engineering needs to indicate if minimum pad elevations are required for this site.