



Wichita-Sedgwick County Metropolitan Area Planning Department

February 14, 2008

Corral Group, LP
Attn: Luis Ibarguengoytia
7750 N. MacArthur
Ste. 120-221
Irving, TX 75063

Re: **VAC2007-00041** - Request to vacate a portion of a platted reserve and its restriction of uses, generally located on the north side of Kellogg Drive and west of Greenwich Road.

Dear Mr. Ibarguengoytia:

At its regular meeting on Tuesday, February 5, 2008, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Brain Lindebak, Public Works Engineering, Mail Stop 1-82
Randy Sparkman, OCI Sign Permits, Mail Stop 1-27
Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211
Cobb Sign Company, Inc., Attn: Ken Speagle, 528 Elmira Street, Burlington, NC 27217-1328
Chelsea Brooke Greenberg Family Trust & Jeffrey S. Greenberg & Chelsea Brooke
Greenberg, 270 N. 159th Street East, Wichita, KS 67230
Raytheon Aircraft Company, P.O. Box 85, Wichita, KS 67201
First Bible Baptist Church, 1136 N. Oliver, Wichita, KS 67208
Kleankar LLC, P.O. Box 2920, Wichita, KS 67201
Universal Motor Fuels Inc., P.O. Box 2920, Wichita, KS 67201

Reserve A, the Golden Corral Addition is hereby reserved for open space, landscaping, lakes, drainage purposes, utilities as confined to easements and signs, as reviewed and approved for placement by public works/storm water and as permitted by the zoning district and the sign code.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle and The Derby Reporter on November 29, 2007, which was at least 20 days prior to the public hearing.

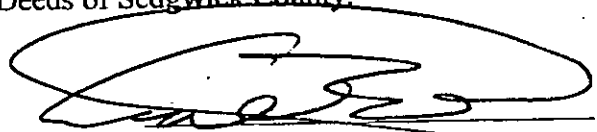
2. No private rights will be injured or endangered by the vacation of the above-described restriction of uses in the platlor's text in reference to approved portions of the described platted reserve, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

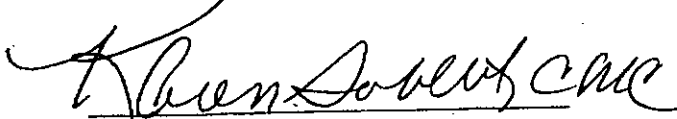
5. The vacation of the restriction of uses in the platlor's text in reference to approved portions of the platted reserve, described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of February 2008 ordered that the above-described restriction of uses in the platlor's text in reference to approved portions of the described platted reserve is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

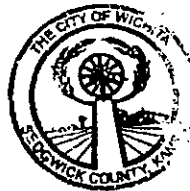


Carl Brewer, Mayor

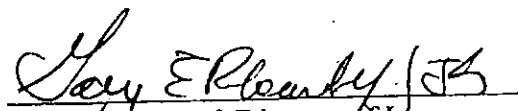
ATTEST:



Karen Sublett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2007-00041: Request to vacate a portion of a platted reserve and the restriction of uses to allow only signs in that portion of the vacated platted reserve.

OWNER/AGENT: Corral Group, LP, c/o Luis Ibarguengoytia
Baughman Company, PA, c/o Phil Meyers

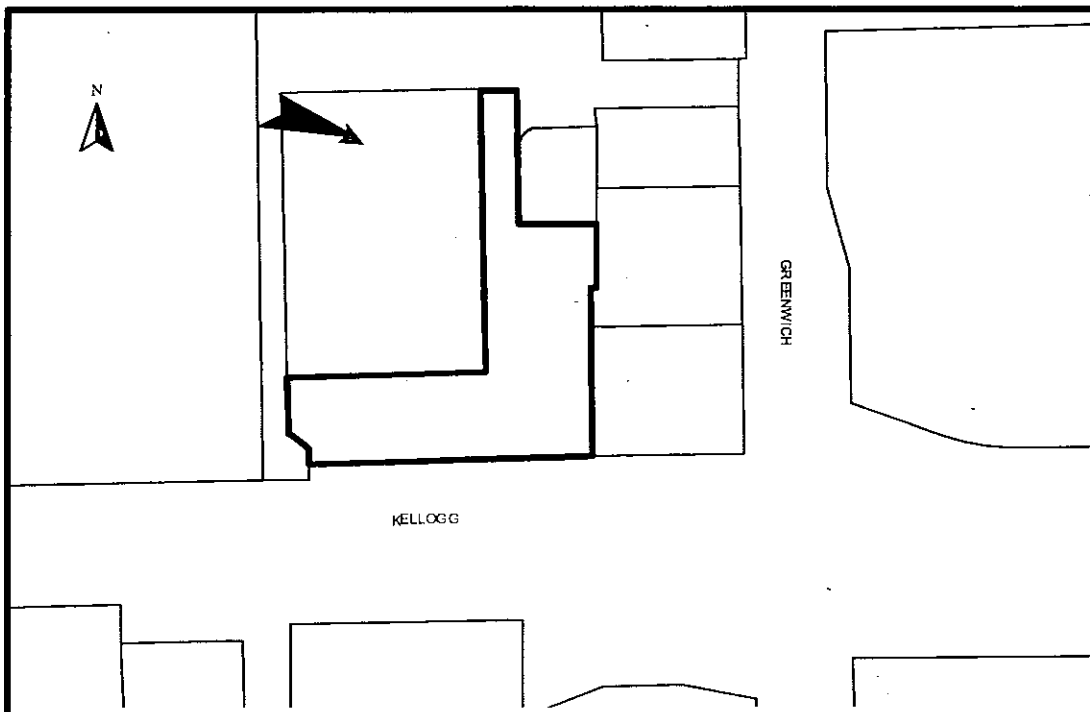
LEGAL DESCRIPTION: None given in regards to that portion of Reserve A, the Golden Corral Addition (Wichita, Sedgwick County, Kansas) that the applicant wants to place signs.

LOCATION: Generally located on the north side of Greenwich Road and west of Kellogg Street (WCC #II)

REASON FOR REQUEST: Signs

CURRENT ZONING: Subject property and adjacent (across Kellogg) southern properties are zoned "LI" Limited Industrial. Abutting northern and western properties are zoned "GI" General Industrial. Abutting eastern property is zoned "LC" Limited Commercial.

VICINITY MAP:



The applicants are requesting consideration for the vacation of an undescribed portion of the platted Reserve A that abuts the east and south sides of Lot 1, Block A, all in the Golden Corral Addition and the restriction of uses in the plat's text to allow signs. The uses that Reserve A has been set aside for include open space, landscaping, lakes, drainage purposes and utilities confined to easements. There are utility and drainage easements in the reserve. Water, sewer and manholes, appear to be confined to the easements located in the reserve. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the reserve. Per the plat's text Reserve A shall be owned and maintained by the owner of Lot 1, Block A, the Golden Corral Addition. The site is located within the "Spring Branch Master Drainage Plan" and will require review by Storm Water. The Golden Corral Addition was recorded with the Register of Deeds January 4, 2007.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, Storm Water, franchised utility representatives, and other interested parties, Planning Staff recommends approval to vacate the portion of the platted Reserve A and the uses of that portion of the platted Reserve A as described in the approved legal description to allow that portion of the platted reserve to allow signs in that portion of the vacated reserve.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in Wichita Eagle and the Derby Reporter of notice of this vacation proceeding one time November 29, 2007 which was at least 20 days prior to this public hearing
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted reserve and the proposed uses allowed in vacated portion of the platted reserve and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of a portion of the platted reserve and the uses allowed in the vacated portion of the platted reserve described in the petition should be approved subject to the following conditions:
- (1) Vacate the approved portion of the platted Reserve A, the Golden Corral Addition, subject to comments from Storm Water in regards to location of the Reserve in the "Spring Branch Master Drainage Plan" and possible retention of a portion for equipment or construction and maintenance of public drainage and lakes. Provide Staff with a copy of the approved legal of the vacated reserve, via e-mail on a Word document.
 - (2) Vacate the use restrictions as listed in the approved vacated portion of the platted Reserve A to also allow signs as allowed per the zoning district and the sign code.

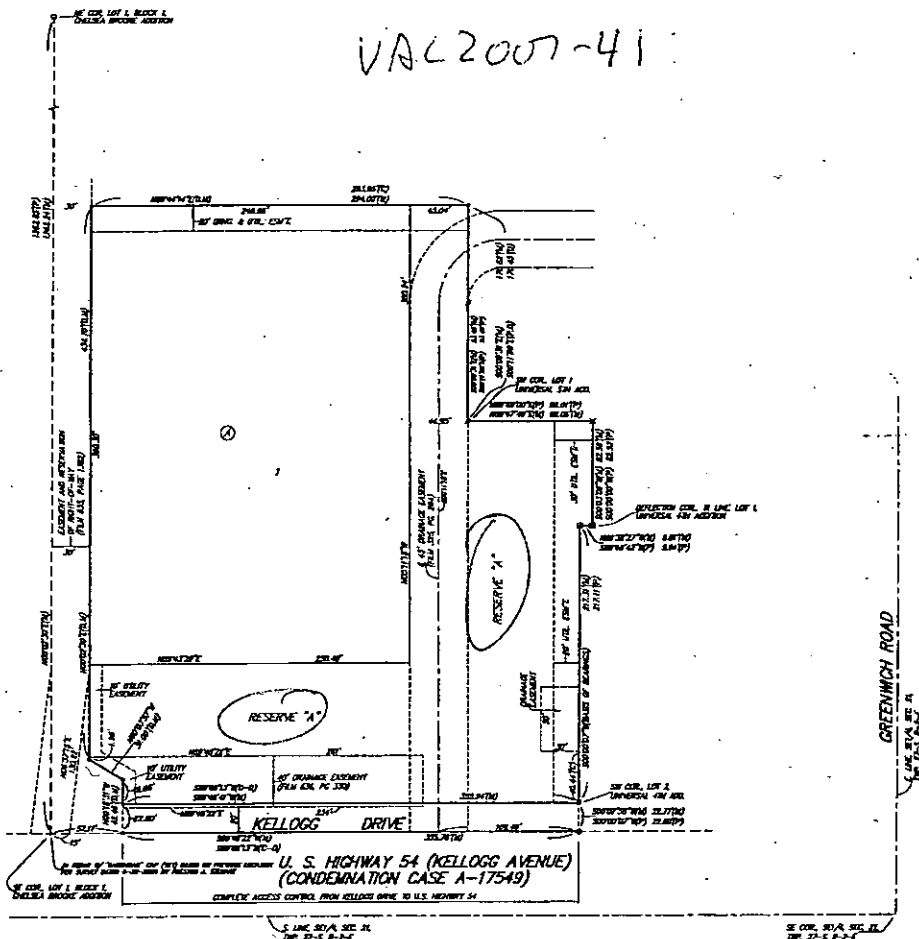
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

- (1) Vacate the approved portion of the platted Reserve A, the Golden Corral Addition, subject to comments from Storm Water in regards to location of the Reserve in the "Spring Branch Master Drainage Plan" and possible retention of a portion for equipment or construction and maintenance of public drainage and lakes. Provide Staff with a copy of the approved legal of the vacated reserve, via e-mail on a Word document.
- (2) Vacate the use restrictions as listed in the plat's text and in the approved vacated portion of the platted Reserve A to also allow signs as allowed per the zoning district and the sign code.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

GOLDEN CORRAL ADDITION
WICHITA, SEDGWICK COUNTY, KANSAS

VAC 2007-41



- * - IN REBAR W/ "BUSHMAN" CAP (20)
- * - IN REBAR W/ "BUSHMAN" CAP (20)
- * - 1/2" IRON (20)
- * - IN REBAR W/ "TEE" CAP (20)
- * - CROSS CLIP (20)

25000 - MEASURED
- DESCRIBED
- PLATTED
- CALCULATED
25000 - CALCULATED FOR
DESCRIBED AFTER

A drainage plan has been developed for this neighborhood and is on file with the City of Wichita, Kansas. Drainage toward said creek is depicted as it is modified with the approval of the City Engineer of the City of Wichita, Kansas. The construction which begins the flow of this drainage plan shall be shown.

INDIAN BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES		
LOT	BLOCK	ELEVATION
		NOTES
1	A	1200.0

BENCHMARK:
CITY OF INCHEN BENCHMARK - SE CORNER OF
INTERSECTION OF CREECHMAN AND KELLOGG
AND CORNER OF WATTS FILL BASE.
ABOUT 1/2 MI. S. OF C. OF SS MARSHALL
ABOUT 1/2 MI. S. OF E. OF TRAFFIC SIGNAL MARSHALL
ON KELLOGG MEDIAN
ABOUT 1/2 MI. S. OF C. OF C. ON E. SIDE OF
MEDIAN IN CREECHMAN ROAD
ELEV. = 894.29 CITY DATUM (LISTED AS 894.0)

Insights

This digital plot record accurately
original plot filed with the Sedg
Digitized under the supervision
Sedgwick County Geographic I

Bill Mack, Jr.