

**STAFF REPORT**

**CASE NUMBER:** VAC2020-00036 – City Vacation of plattor’s text to amend the uses allowed in a platted reserve

**APPLICANT/AGENT:** Sandcrest, LLC (applicant)/ Baughman Company

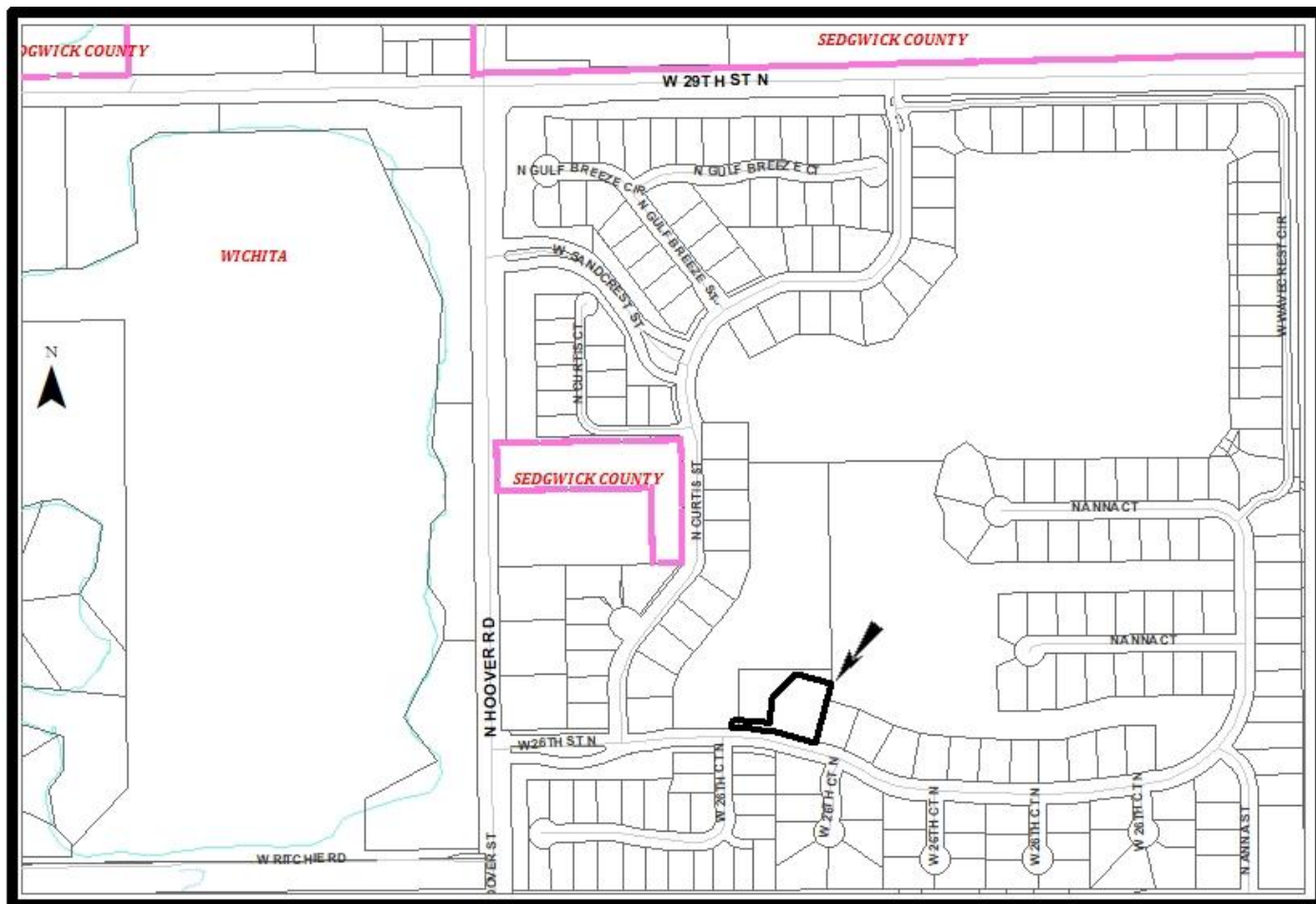
**LEGAL DESCRIPTION:** Generally described as vacating the plattor’s text to amend the uses allowed in a portion of platted Reserve F, Sandcrest 3<sup>rd</sup> Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located two block east of North Hoover Road and within one-half mile south of West 29<sup>th</sup> Street North.

**REASON FOR REQUEST:** Allow the development of a neighborhood pool.

**CURRENT ZONING:** SF-5 Single-Family Residential.

**VICINITY MAP:**



The applicant is requesting the vacation of the plattor’s text to amend the uses allowed in a portion of platted Reserve F, Sandcrest 3<sup>rd</sup> Addition. Reserve F is located on the north side of West 26<sup>th</sup> Street North and two block east of North Hoover Road. This is within one-half mile south of West 29<sup>th</sup> Street North. The plattor’s text states that Reserve F is to be used for open space, landscaping, berms, lakes, parking, recreational water activities and and related appurtenances, boat docks and ramps, playgrounds, drainage purposes sidewalks, hike and bike trails, recreational areas, gazebos and utilities as confined to easements. The applicant intends to construct a neighborhood pool in a portion of Reserve F. Therefore, they are requesting that “parking with a zero-foot building setback along street right-of-way, swimming pools and related appurtenances be added to the plattor’s text. The site had a conditional use approved in 2000 to permit soil extraction. An additional conditional use was approved in 2003 to extend the deadline by which excavation shall commence.

There are no public utilities within this portion of Reserve F. The City Traffic Engineer will permit parking within the right-of-way without any permit. Everygy has equipment in the area, but has no objection to the vacation. The applicant will need to work with Heide Bryan, Subdivision Representative, on this case. She can be contacted at 316-261-6354 with any questions. Cox has fiber lines in the easement along 26<sup>th</sup> Street. Any relocation of utilities shall be at the applicant’s expense. The Sandcrest 3<sup>rd</sup> Addition was recorded December 13, 2017.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the plattor’s text to amend the uses allowed in a platted 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, in the Wichita Eagle, of notice of this vacation proceeding one time October 1, 2020, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described plattor’s text and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the plattor’s text of the platted Reserve F, Sandcrest 3<sup>rd</sup> Addition, to permit “ parking with a zero-foot building setback along street right-of-way, swimming pools and related appurtenances” while retaining the existing language.
- (2) As needed provide easements for public and franchised utilities. As needed provide letters/conformation from franchised utility representatives stating that their utilities are protected by the appropriate easements. Easements for public utilities, with original signatures, must be provided to Planning prior to this case

proceeding to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.

- (3) All improvements shall be according to City Standards and at the applicants’ expense.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests 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**

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Site Plan

