



The applicant is requesting the vacation of the plattor’s text to amend the uses allowed in 100-foot wide by 30-foot deep portions of the Single-Family Residential (SF-5) zoned Reserve J, Sandcrest Addition, that abut the west sides of the SF-5 zoned Lots 23-30, all, Block B, and a 73.02-foot wide by 30-foot – 32.71-foot deep portion of Reserve J that abuts the west side of Lot 22, Block B, Sandcrest Addition. The Sandcrest Addition was recorded with the Register of Deeds June 22, 2016.

The plattor’s text states that Reserve J is reserved for open space, landscaping, berms, lakes, swimming pools and related facilities, parking, recreational water activities and related appurtenances, boat docks and ramps, playgrounds, drainage purposes, sidewalks, hike and bike trails, recreational areas, gazebos and utilities confined to easements. The proposed vacation of the plattor’s text for the described portion of Reserve J will eliminate these uses and replace them with uses permitted by right in the SF-5 zoning district.

There are no utility easements located the described portion of Reserve J. Public water and sewer are located in the east abutting West Wavecrest public street right-of-way or in platted easements located in the front yards of the described lots. Lots 24 and 25 share a 20-foot wide drainage easement that runs east to west from West Wavecrest Street to Reserve J. There are no storm water lines located in any of the described easements.

The site plan shows sea wall (retention) running the length of the western edge of the subject portion of Reserve J. Any development on the subject portion of Reserve J must maintain a 5-foot setback from the sea wall. Conditions #4, #5 and #6 cover all utilities.

The plattor’s text states that a Homeowner’s Association, HOA, shall owned and maintain Reserve J. The Sandcrest HOA has conveyed the described portions of Reserve J to the abutting property owners by Warranty Deed. The described portions of Reserve J will be bound and tied by restrictive covenants to the described abutting lots. Maintenance of the described portions of Reserve J, including the sea wall, will be the responsibility of the owners of the described abutting lots.

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, Storm Water, 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.

- 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 July 29, 2021, 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 100-foot wide by 30-foot deep portions of the SF-5 Single-Family Residential zoned Reserve J, that abut the west sides of the SF-5 zoned Lots 23-30, Block B and a 73.02-foot wide by 30-foot – 32.71-foot deep portion of Reserve J that abuts the west side of Lot 22, Block B, all in the Sandcrest Addition. The plattor’s text will be amended to state that those described portions of Reserve J’s uses will be those only permitted by right in the SF-5 zoning district.
- (2) Provide a restrictive covenant that binds and ties the 100-foot wide by 30-foot deep portions of the SF-5 Single-

Family Residential zoned Reserve J, that abut the west sides of the SF-5 zoned Lots 23-30, Block B and a 73.02-foot wide by 30-foot – 32.71-foot deep portion of Reserve J that abuts the west side of Lot 22, Block B, all in the Sandcrest Addition. The covenant will specify that no portion of the described portion of Reserve J may be sold, or other wised transferred or divided until a replat is recorded.

- (3) A minimum five-foot setback, as approved by Public Works, will maintain separation from the sea wall and any improvements on the subject portion of Reserve J and/or the subject lots.
- (4) Provide utilities with any development plans as needed for review and approval. These plans shall be reviewed and approved prior to the issuance of any building permits.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements, as required by utilities, dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants’ expense.
- (7) 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 subject to the following (but not limited to) conditions :

- (1) Vacate the plattor’s text of the 100-foot wide by 30-foot deep portions of the SF-5 Single-Family Residential zoned Reserve J, that abut the west sides of the SF-5 zoned Lots 23-30, Block B and a 73.02-foot wide by 30-foot – 32.71-foot deep portion of Reserve J that abuts the west side of Lot 22, Block B, all in the Sandcrest Addition. The plattor’s text will be amended to state that those described portions of Reserve J’s uses will be those only permitted by right in the SF-5 zoning district.
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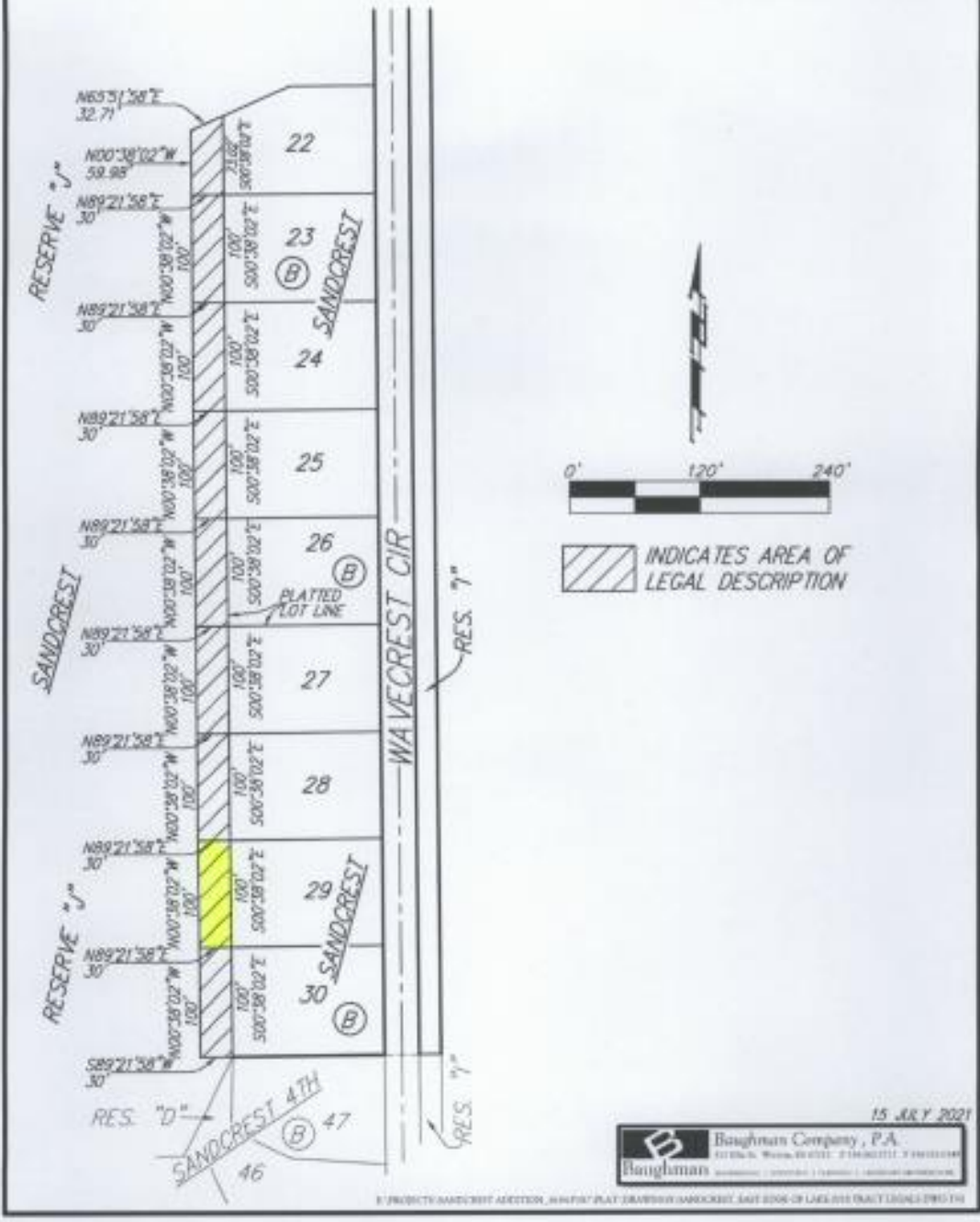
- (6) All improvements shall be according to City Standards and at the applicants’ expense.
  
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete 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. .

Attachments:

- Aerial showing Public Utilities & area of vacation
- Vacation Exhibits
- Legal Description



### TRACTS IN RESERVE "J", SANDCREST, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS





**EXHIBIT A**

**That part of Reserve "J", Sandcrest, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the northwest corner of Lot 29, Block B, in said Sandcrest, said northwest corner also being a point on the east line of said Reserve "J"; thence S00°38'02"E along the west line of said Lot 29, (and along the east line of said Reserve "J"), 100.00 feet to the southwest corner of said Lot 29; thence S89°21'58"W along the westerly prolongation of the south line of said Lot 29, 30.00 feet; thence N00°38'02"W parallel with the west line of said Lot 29, 100.00 feet to the intersection with the westerly prolongation of the north line of said Lot 29; thence N89°21'58"E along the westerly prolongation of the north line of said Lot 29, 30.00 feet to the point of beginning.**