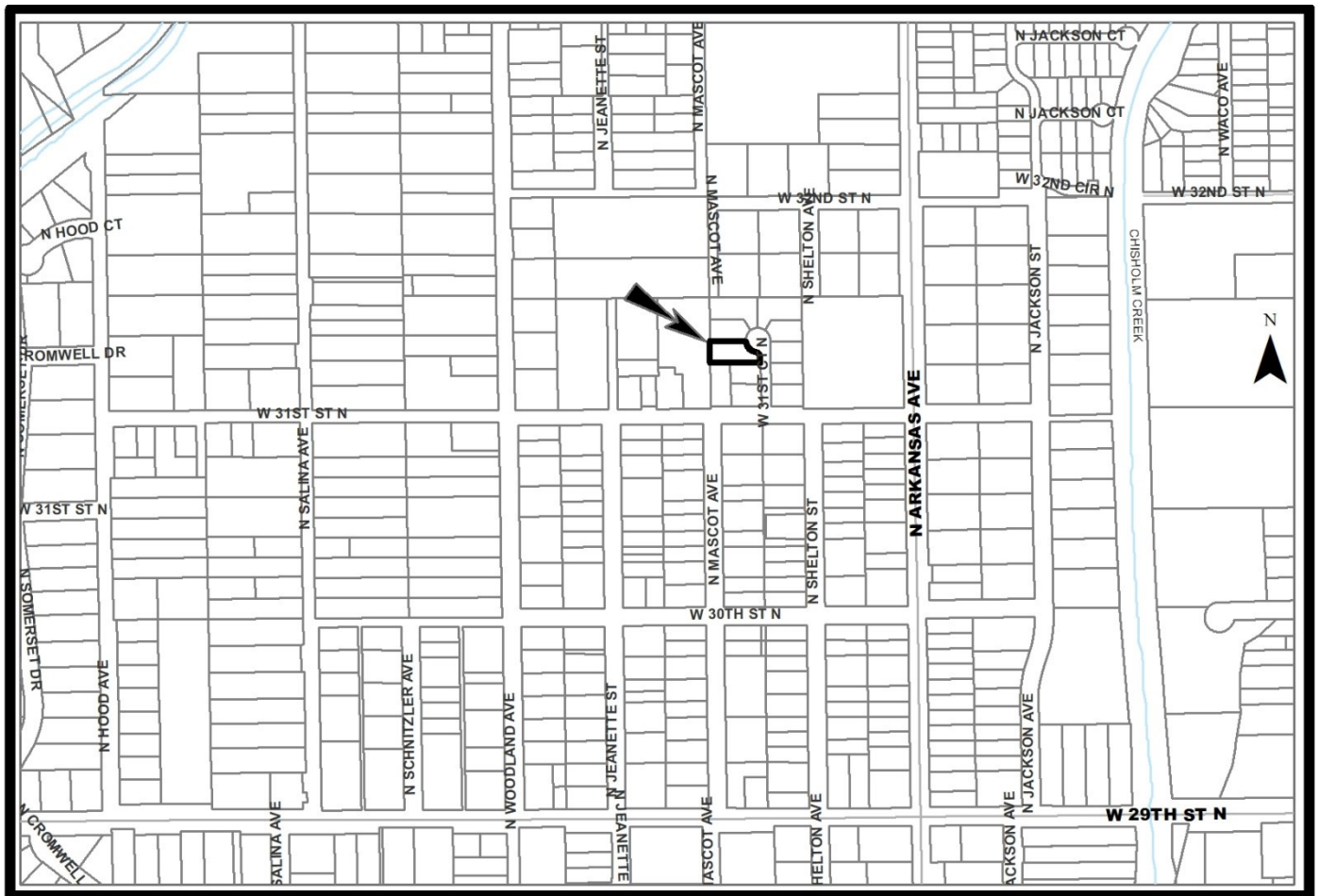


STAFF REPORT

- CASE NUMBER:** VAC2019-00028 - Request to vacate a portion of platted reserve
- APPLICANT/AGENT:** PBP Real Estate, LLC (applicant) Kaw Valley Engineering., c/o Levi Bond (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the north 70.03 feet of Reserve A, Block 1, Hogan Chism Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located ¼ mile north of West 29th Street North and approximately 500 feet west of North Arkansas Avenue. (WCC #VI)
- REASON FOR REQUEST:** To establish a new buildable lot.
- CURRENT ZONING:** The site and all properties in the addition are zoned TF-3 Two Family Residential. All surrounding lots are zoned SF-5 Single Family Residential.
- VICINITY MAP:**



The applicant proposes to vacate a portion of platted Reserve A located in Block 1, Hogan Chism Addition, generally located ¼ mile north of West 29th Street North and approximately 500 feet west of North Arkansas Avenue. As seen on the attached vacation exhibit, Reserve A is located behind Lots 8 and 9 on the west side of the Addition and abuts the proposed cul-de-sac, and it separates Lots 7 and 8. The request is to vacate the north 70.03 feet of the reserve establish a buildable lot on the portion of the reserve that abuts the cul-de-sac. The plattor's text states that Reserve A is "reserved for open space and playground, drainage purpose and for the construction and maintenance of all public utilities confined to the easements." It also states that the reserve shall remain at its established grade and shall not be modified or obstructed without approval from the City Engineer.

As seen on the attached site plan, the applicant intends to construct duplexes on the proposed lot. According to the Unified Zoning Code, the minimum lot size for a duplex in the TF-3 Two Family zoning district is 6,000 square feet. If the vacation is approved, the newly established lot will be approximately 10,000 square feet (+/-), which exceeds the minimum lot size requirements.

There are no public utilities located within the area of the vacation. Westar and Cox have no equipment in the area. Westar's Richard Aitken is the area representative for this case and can be contacted at 261-6334. The Hogan Chism Addition was recorded with the Register of Deeds May 25, 2017.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, 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 described portion of the platted reserve.

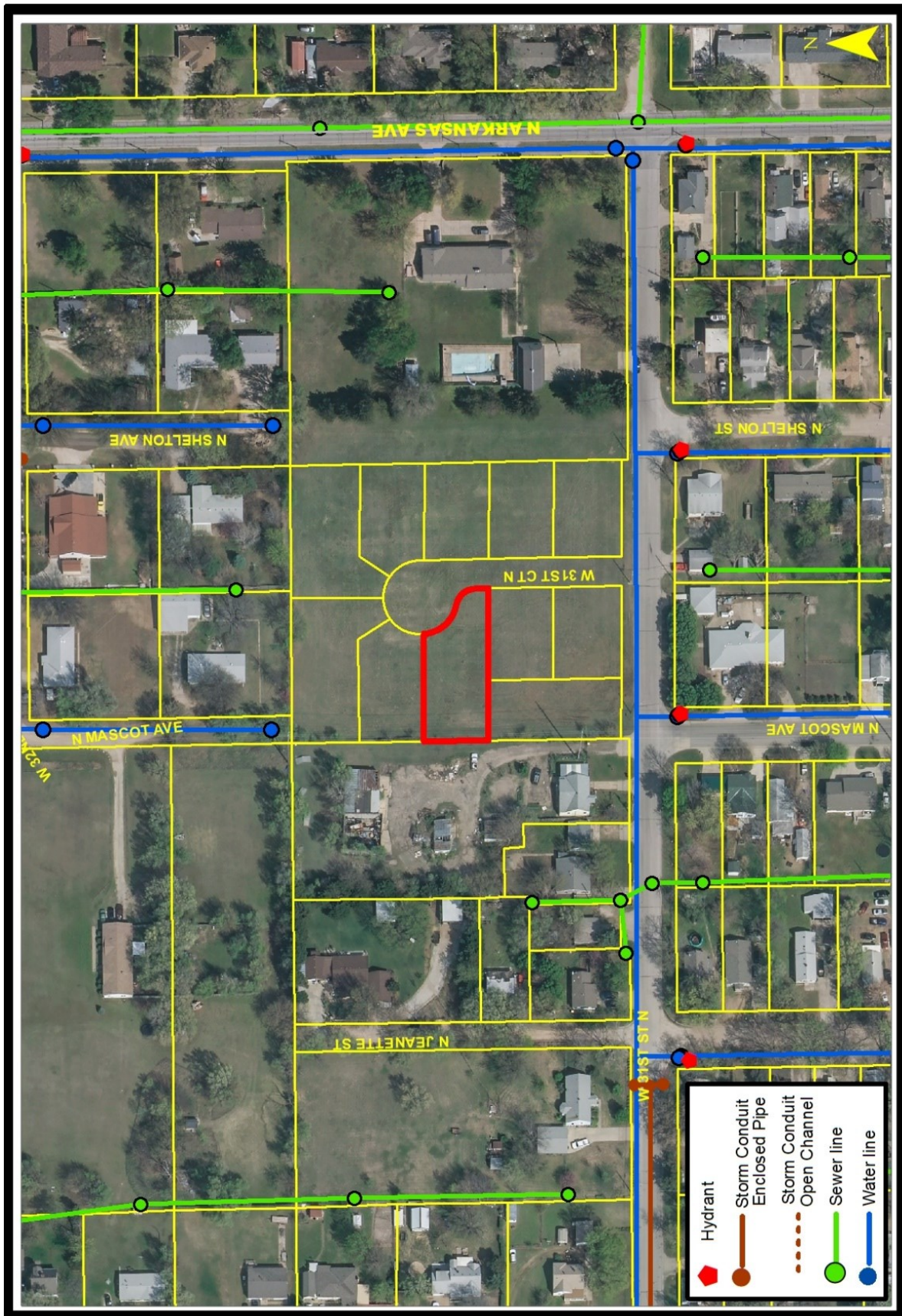
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time August 1, 2019, 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 portion of the platted reserve 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.

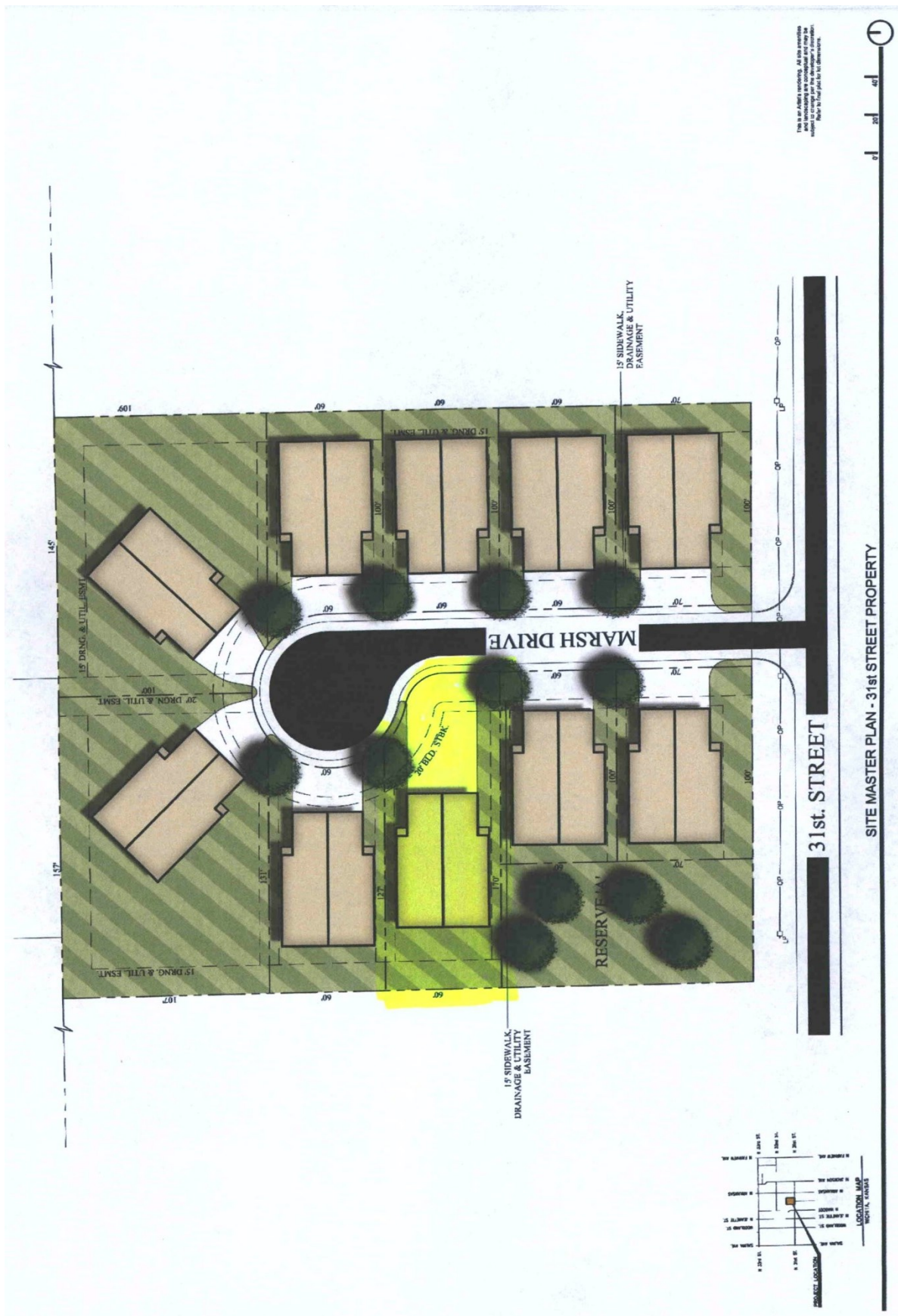
Conditions (but not limited to) associated with the request:

- (1) Vacate that portion platted reserve, as approved by City Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the City Council or final action.
- (2) All improvements shall be according to City Standards and at the applicant's expense. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) 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.





This is an exhibit recording. All other recordings
subject to change per the developer's instructions.
After 30 days per the ordinance.

31st. STREET

SITE MASTER PLAN - 31st STREET PROPERTY