

STAFF REPORT

CASE NUMBER: VAC2019-00046 – City Vacation of a 20-foot setback and plattor’s text.

APPLICANT/AGENT: 37th & Greenwich, LLC, Brookfield Master Owners’ Association
(applicant/owner)/ Baughman Company c/o Phil Meyer.

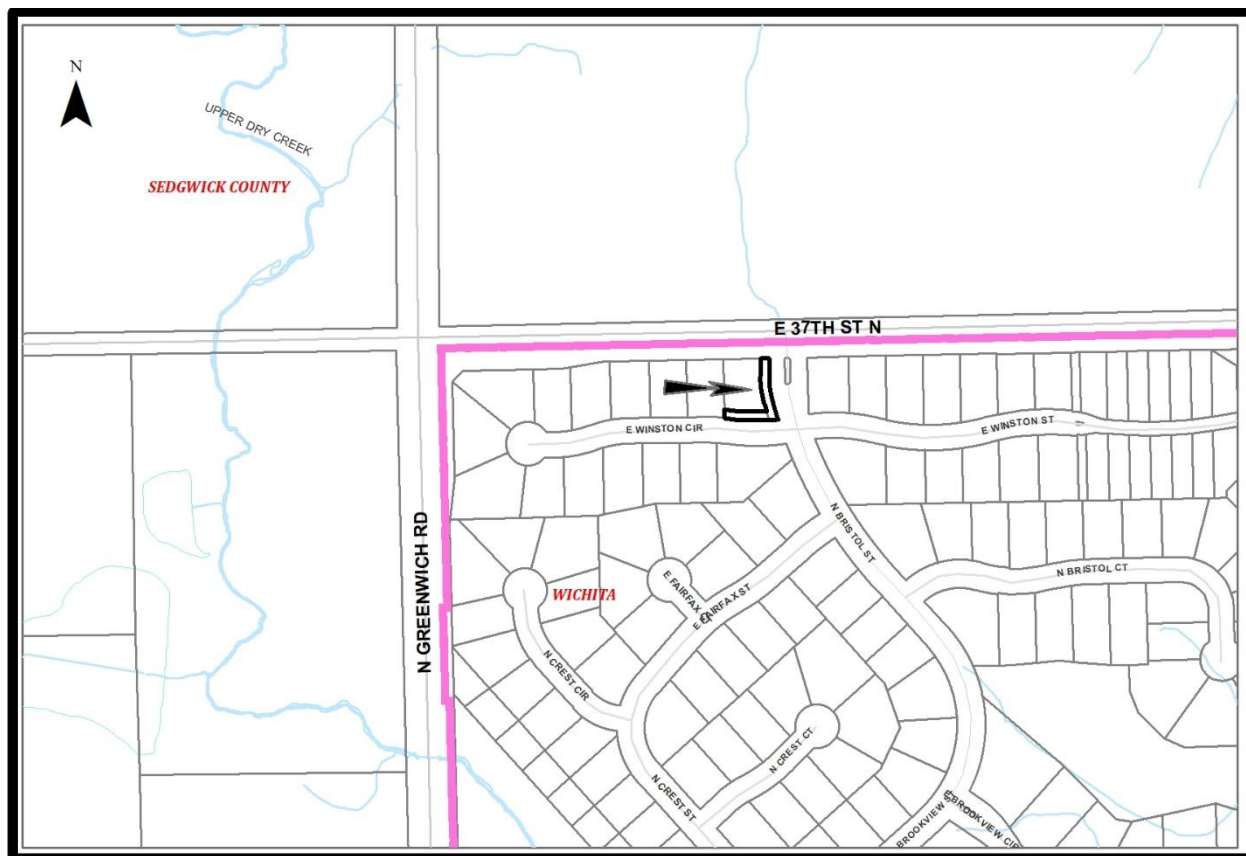
LEGAL DESCRIPTION: Generally described as vacating the south 20 feet of Lot 1, Block A, Brookfield Addition, Wichita, Sedgwick County, Kansas said south 20 feet having been established as the front yard setback by virtue of the Vacation Order designated as VAC2017-00039 recorded in the Office of the Sedgwick County Register of Deed in DOC.#/FLM-PG: 29737291

LOCATION: Generally located on the south side of East 37th Street North and one-block east of North Greenwich Road (11424 E Winston Cir).

REASON FOR REQUEST: To allow the building of a neighborhood pool.

CURRENT ZONING: The site and all abutting properties on the east, west, and south are zoned SF-5 Single-Family Residential. Property to the north is zoned LI Limited Industrial.

VICINITY MAP:



The applicant is requesting the vacation of the 20-foot building setback and the platlor’s text to allow the building of a neighborhood pool on Lot 1 and Reserve G, Block A, Brookfield Addition. This property is generally located on the south side of East 37th Street North and one block east of North Greenwich Road. Lot 1, Block A of this addition is eligible for the development of the neighborhood pool with a Conditional Use. However, Reserve G is restricted to specified uses in the final plat such as “open space, landscaping, drainage purposes, entry monuments, screening walls, and utilities confined to easements.” The platlor’s text does not permit the development of a neighborhood pool. In addition, in order to accommodate the proposed pool house and associated parking, the 20-foot front building setback must be vacated. The site has a reduced setback from vacation case VAC2017-00039, which reduced the 25-foot setback to 20 feet. As shown in the site plan, the pool house encroaches into the 20-foot setback. Furthermore, parking is not permitted in the setback on an SF-5 zoned Lot. If the plan for the neighborhood pool was developed during the time of platting, this site would have been platted as a reserve with appropriate setbacks and text to avoid these conflicts. A neighborhood pool is permitted by Conditional Use in the SF-5 zoning district. The applicant has filed CON2019-00047 to request a Conditional Use for a neighborhood pool. This case is being heard concurrently.

The new text for Reserve G shall read as follows: “Reserve ‘G’ is hereby reserved for open space, landscaping, drainage purposes, entry monuments, screening walls as confined to easements, swimming pools and related appurtenances, fences, sidewalks, parking, and utilities as confined to easements.”

There is a public sewer easement along the rear property line. This easement shall be retained. Everygy and Cox do not object to this vacation as there are no lines in the setback or Reserve being vacated. Heide Bryan, Subdivision Representative, can be contacted at 316-261-6354 with questions regarding this case. The Brookfield Addition was recorded February 16, 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 20-foot setback and platlor’s text to allow for the building of a neighborhood pool.

- 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 January 2, 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 portion of the platted front setback and platlor’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 south 20 feet of Lot 1, Block A, Brookfield Addition Provide Planning Staff with legal descriptions of the approved vacated portions of the setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Vacate the platlor’s text to allow “screening walls as confined to easements, swimming pools and related appurtenances, fences, sidewalks, and parking” in the platted Reserve G, Brookfield Addition, while retaining that Reserve G will continue to be used for open space, landscaping, drainage purposes, entry monuments, and utilities as confined to easements.

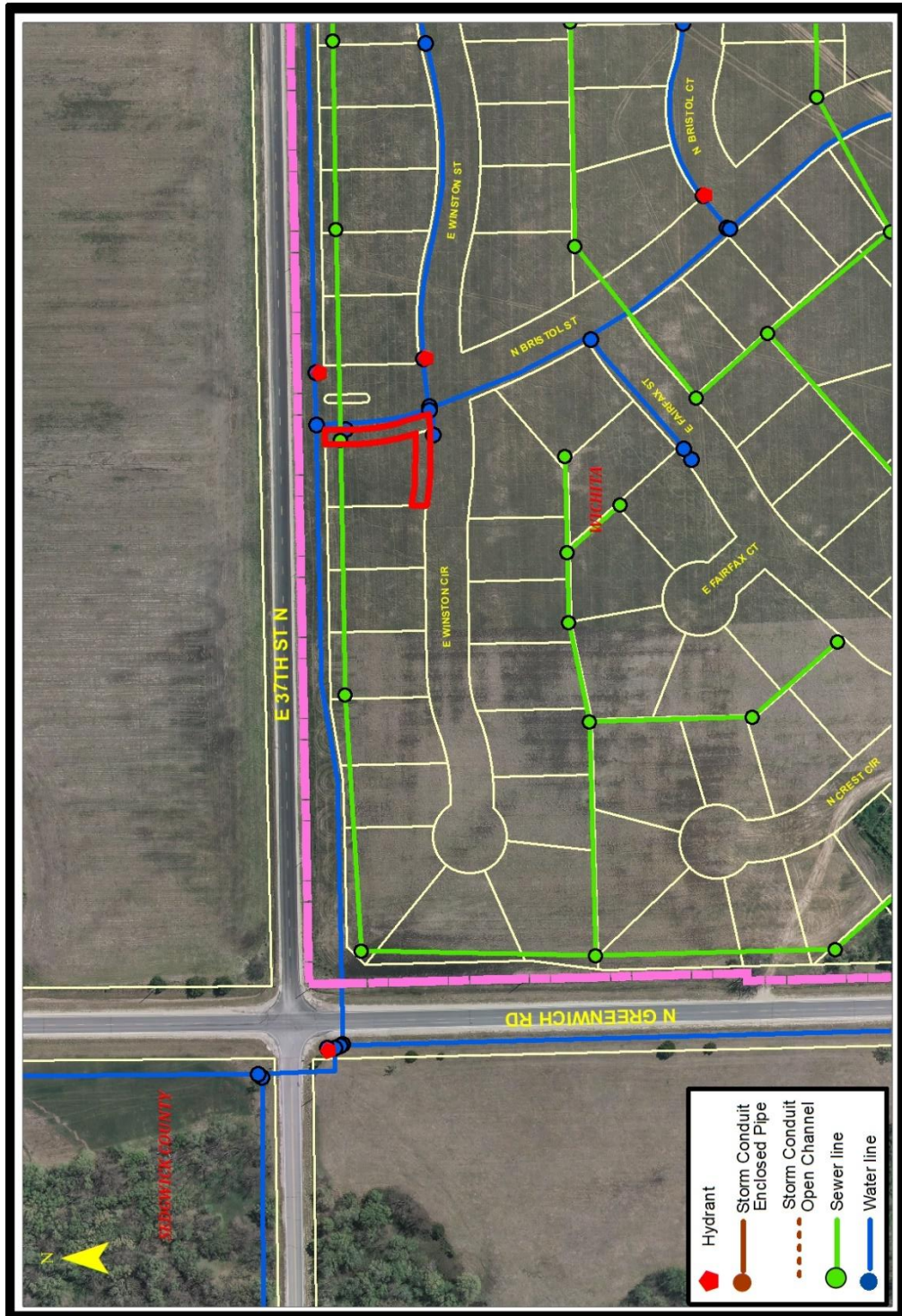
- (3) Retain the language in the plattor’s text that states all reserves in the Brookfield Addition are to be owned and maintained by the Homeowners Association and add that all swimming pools and related appurtenances, fences, sidewalks, and parking located in all reserves in the Brookfield Addition shall be owned and maintained by the Homeowners Association.
- (4) 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 VAC2019-00046 proceeds to the City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (5) All improvements shall be according to City Standards and at the applicants’ expense.
- (6) 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

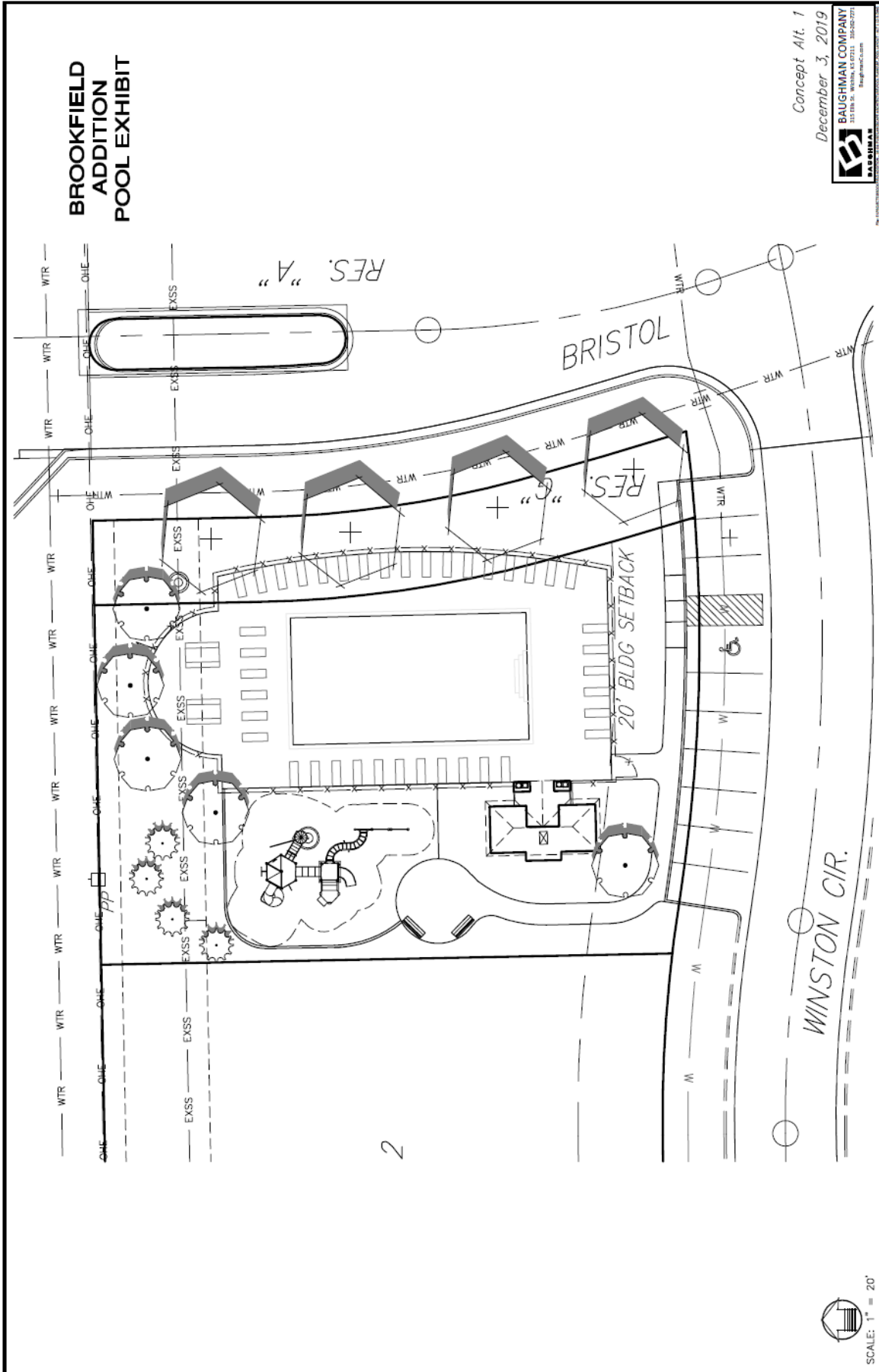
SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Site plan





**BROOKFIELD
ADDITION
POOL EXHIBIT**

Concept Alt. 1
December 3, 2019



SCALE: 1" = 20'