



The applicant has requested the vacation of a portion of a 20-foot platted front setback on property addressed 1503 East Idlewild Street. This property is zoned MH Manufactured Housing and is generally located one block west of South Hydraulic Avenue and three-quarters of a mile north of East 55<sup>th</sup> Street South. The purpose of this request is to permit the placement of a 66-foot by 14-foot manufactured home on the Lot. The home was constructed in 1996. As seen on the site plan, the site has a curved frontage facing Idlewild Street and South Victoria Street. The applicant wishes to place the home lengthways north to south on the lot and a slight angle, which encroaches into the platted setback. To accommodate this placement of the home, the request is to reduce the platted 20-foot setback to 10 feet.

The property is located within a manufactured home subdivision. The Unified Zoning Code states that minimum front setback for manufactured homes in a subdivision is 25 feet. The platted setback on the property is less than the minimum zoning setback. Reducing it to 10 feet exceeds the minimum front zoning setback by 15 feet. The Unified Zoning code also requires one parking space per dwelling unit for a manufactured home subdivision. According to UZC Section IV-A.6.a, this parking space cannot be located within the setback. As seen on the site plan and aerial image, the current parking space is located within the setback. Before this vacation can go before City Council for final action, the applicant shall either submit a variance to seek exemption from this requirement, or they shall to provide a parking space that is not located within the setback. The parking space does not have to be paved, but it can be an all-weather surface as permitted by Section IV-A.2.

This case was initially heard at the January 30, 2020 Subdivision Committee meeting. For that meeting, the applicant proposed to place the home lengthways north to south on the lot at a slight angle, which encroaches into the platted setback. To accommodate this placement of the home, the request was to reduce the platted 20-foot setback to 10 feet. Several members of the public spoke in opposition to this request. They had two primary concerns: 1) with the placement of the home with this orientation, it creates a blind corner for drivers traveling around the corner of Idlewild and Victoria Streets. They claimed that there have been accidents at that corner in the past prior to this home being placed on the Lot. 2) Reducing the setback for this Lot would set a precedent for future reductions on other Lots in the subdivision. The Subdivision Committee discussed this case and recommended deferral to allow the applicant time to consider a different orientation of the home. They suggested having the applicant look to place the home at an angle traversing from the southwest corner of the property to the northeast corner.

The applicant submitted the attached revised site plan showing two options of how the home could fit on the lot with a southwest to northeast orientation. Option 1 places the home in front of the existing trees and would require a vacation of the front setback in two locations. The setback would have to be reduced by three and one-half feet on the north side and seven and one-half feet on the west side. This option would also require relocating the driveway further south along Victoria so a parking space can be placed behind the home. Option 2 places the home behind the existing trees and does not encroach on any platted or zoning setback. This option provides enough space for a parking stall outside of the setback, in front of the home. The applicant stated that with this second option, it could be difficult or potentially impossible to physically place the home at this location within the setbacks due to the existing trees and proximity to neighboring properties. The difficulty would come in the ability of the moving vehicle to maneuver in order to place the home at this orientation. Overall, the applicant wished to keep the existing trees and does not want to remove them to accommodate the placement of the home.

Cox and Every do not have facilities in the subject area and do not object to this vacation. Every has concerns regarding how this home will be connected to their services. They recommending working with their contact regarding the electrical connection. LaDonna Vanderford is the Area Construction Representative for this case and can be contacted at 261-6290 with any questions. The Pinewood Estates Addition was recorded December 13, 1977.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 described portion of the platted front setback.

- 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 16, 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 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.

If it is in the opinion of the Planning Commission that the above findings are true and move for approval of this request, below are staff recommended Conditions (but not limited to) associated with the request:

- (1) Vacate the south 10 feet of the platted 20-foot front setback on the western 14 feet of the eastern 63 feet of Lot 5, Block A, Pine Wood Estates Addition, Wichita, Sedgwick County, Kansas. Provide Planning Staff with legal descriptions of the approved vacated portions of the platted 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) The applicant shall submit a revised site plan indicating the location of the required parking space. This shall be submitted to Planning for approval prior to this case going to City Council for final action. Construction of the parking space shall be required prior to the issuance an occupancy permit for the manufactured home.
- (3) 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 dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall 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 **DENIAL** of this request.

#### Attachments:

1. Aerial Map
2. Site Plan





