

The applicants propose to vacate the east 10 feet of the platted 30-foot setback on the SF-5 Single-Family Residential zoned subject site; Lots 5 & 6, Block 3, Westbreeze Addition. The Westbreeze Addition were recorded with the Register of Deeds October 19, 1948. The subject site is located on the northeast corner of North Elder Street and West 1st Street. The subject site is currently developed as one property but is listed as two separate tax parcels and can be developed independently of each other.

The site's existing single-family residence was built in 1958 facing North Elder Street; Lot 6, of said subdivision. This residence encroaches approximately 10 feet into the platted 30-foot setback that runs parallel to North Elder Street. Lot 6 has 97.5 feet of North Elder Street frontage and 189.25 feet of West 1st Street frontage. The UZC Unified Zoning Code establishes a corner lot's front yard setback along its shorter street frontage; UZC Sec.III, E.1e.6. By definition the subject site's front yard setback is along North Elder. Per the UZC, the SF-5 zoning district has a minimum 25-foot front yard setback. If the subject setback was not platted, an Administrative Adjustment could reduce the UZC's minimum 25-foot front yard setback by 20% resulting in a 20-foot street front yard setback, which matches the applicants' request.

The applicant proposes to remove an existing detached garage located on the north end, Lot 5, of the subject site. Per the applicant's site plan, this garage appears to be outside the platted 30-foot setback. Lot 5 is an interior lot with frontage on North Elder Street. If the subject setback was not platted, an Administrative Adjustment could reduce the UZC's minimum 25-foot front yard setback by 20% resulting in a 20-foot street front yard setback, which matches part of the applicants' request. The applicant proposes to redevelop the site with a residence* that will line up with the existing single-family residence on Lot 6.

*Note: The applicant has a zone change request, ZON2022-00018, for TF-3, duplex zoning on the subject site. The MAPC approved the request at their April 7, 2022, meeting. Final action by City Council is scheduled for their May 10, 2022, meeting. The TF-3 and the SF-5 zoning districts' front yard minimum setbacks are the same; 25-foot front yard setbacks.

Power poles, power lines, drainage and water are located in the North Elder Street right-of-way. Richard Aitken is the Evergy Design Representative for this area and can be reached at 316-261-6334. Sewer is running east – west parallel to the north side of Lot 5 and Lot 8, also in Block 3, Westbreeze Addition. There is no easement shown on the plat that covers the sewer line; the applicant needs to provide documentation of easement dedicated by separate instrument or dedicate easement to cover the sewer line running parallel to the north side of Lot 5.

Conditions #2, #3 and #4 cover all utilities. Vehicular traffic, pedestrian traffic and public safety and health will not be impacted by this vacation request if the recommended conditions are approved.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Traffic, Public Works/Water & Sewer/Storm water, 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 30-foot 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 April 14, 2022, 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 platted 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.

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

- (1) Provide Planning staff with an approved legal description of the vacated east 10 feet of the platted 30-foot setback on the SF-5 Single-Family Residential/TF-3 Duplex zoned subject sites; Lots 5 & 6, Block 3, Westbreeze Addition. This results in a 20-foot front yard setback. Provide the approved legal 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 City Council for final action.
- (2) Provide documentation of an easement dedicated by separate instrument to cover the sewer line running parallel to the north side of Lot 5, Block 3, Westbreeze Addition. If no easement is found dedicate a sewer easement with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. This must be provided to Planning prior to the case going to City Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to City Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval.
- (4) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds.
- (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

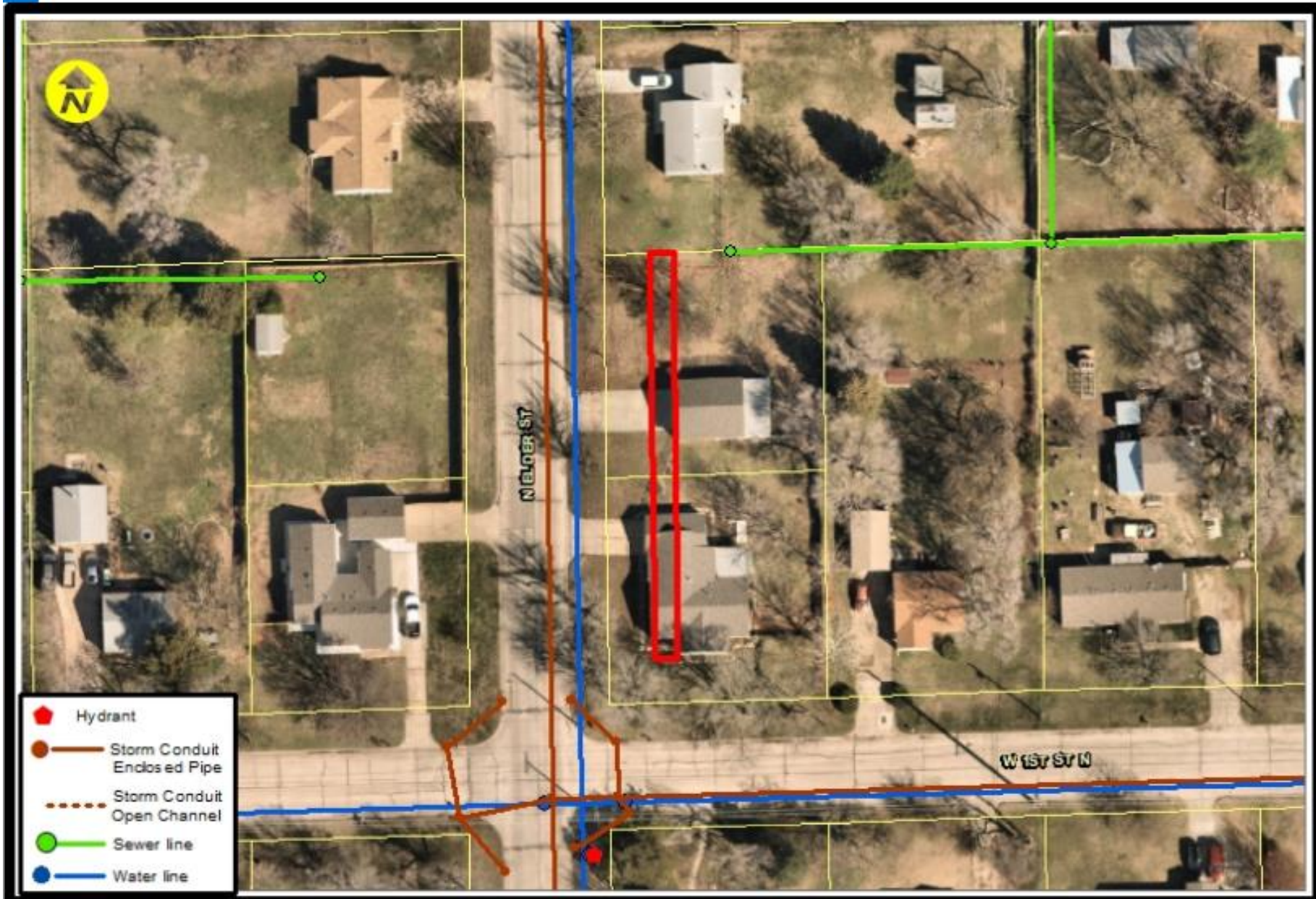
The Subdivision Committee recommends approval subject to the following conditions:

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Attachments:

- Aerial with water, sewer, and storm water
- Site plan
- Legal description
- Excerpt from the Westbreeze Addition, showing Lots 5 & 6, Block 3
- Google photos of the front of the subject site.



- Hydrant
- Storm Conduit Enclosed Pipe
- Storm Conduit Open Channel
- Sewer line
- Water line

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VAC2022-00007 – Request in the City to vacate a portion of a platted 30-foot setback on SF-5 Single-Family Residential* zoned property generally located north of West Douglas Avenue, east of North Hoover Road, on the northeast corner of North Elder Street & West 1st Street

May 5, 2022

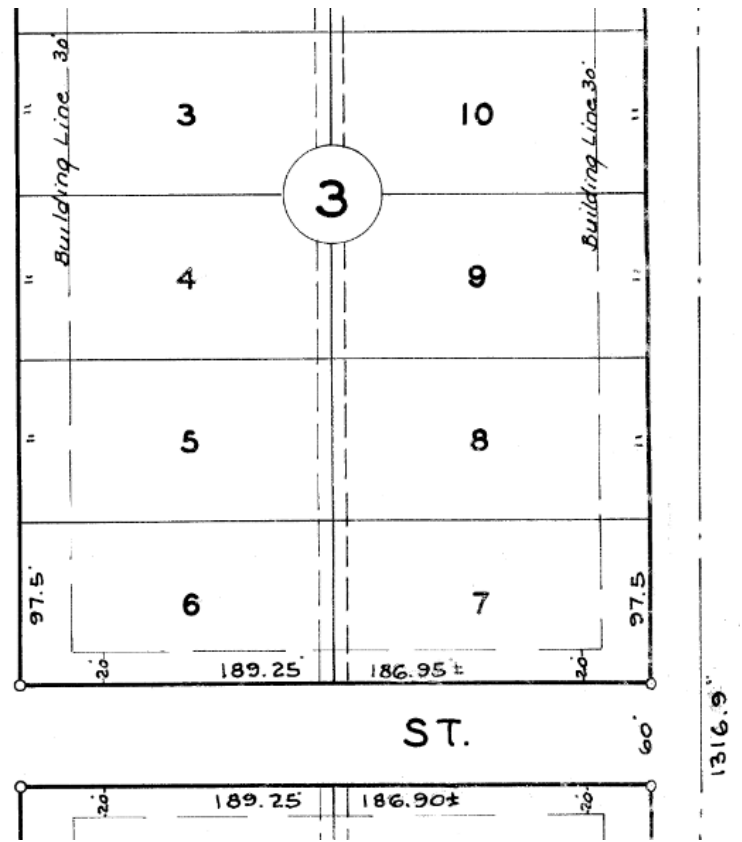
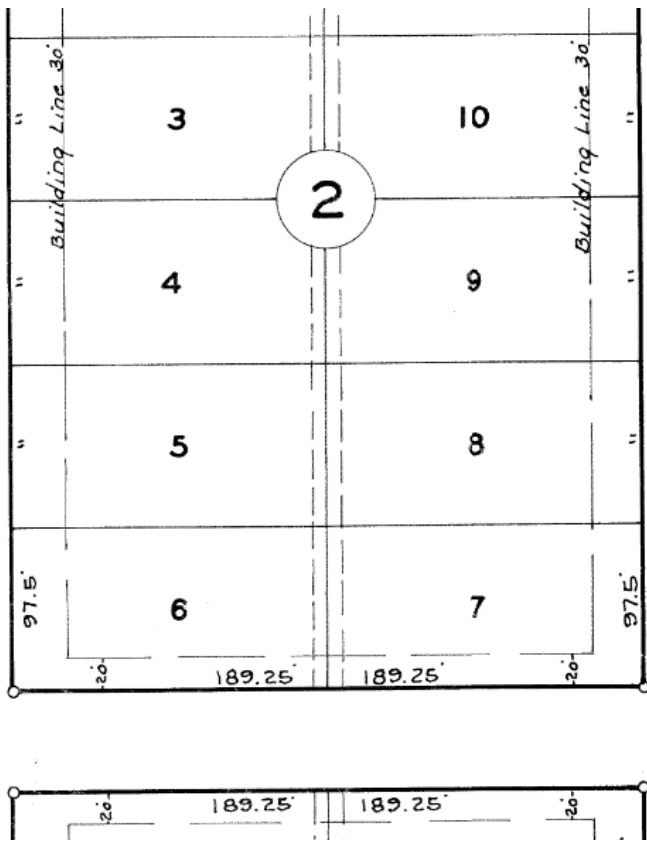
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LEGAL DESCRIPTION

Vacation of Building Setback

That part the West Half of Lots 5 and 6, Block 3, Westbreeze Addition to Wichita, Sedgwick County, Kansas, described as the East 10.00 feet of the West 30.00 feet, EXCEPT the south 20.00 feet of Lot 6, in said Block 3.

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