

STAFF REPORT

CASE NUMBER: VAC2020-00028 - City vacation of a portion of a platted side-street setback.

APPLICANT: Jude and Barbara Cook (applicants/owners)

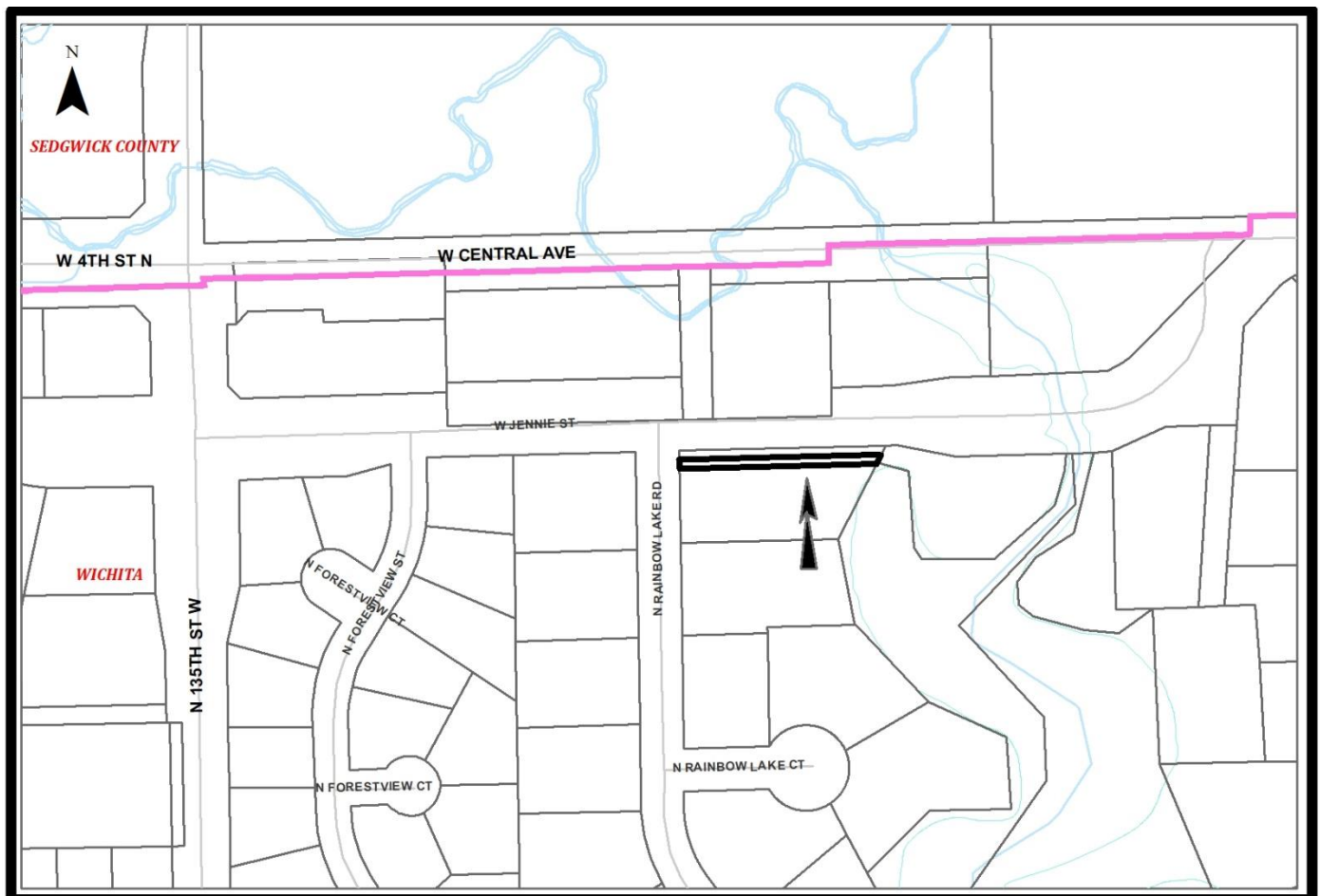
LEGAL DESCRIPTION: The south 15 feet of the platted 30-foot street-side setback along the north line of Lot 1, Block 2, Rainbow Lakes West Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located one block west of North 135th Street West and one block south of West Central Avenue.

REASON FOR REQUEST: To construct a home while preserving existing, established trees.

CURRENT ZONING: Site and abutting are zoned SF-5 Single Family Residential.

VICINITY MAP:



The applicants are requesting to vacate the south 15 feet of the platted 30-foot street-side setback on an SF-5 Single Family Residentially zoned property generally located one block west of North 135th Street West and one block south of West Central Avenue. The property is currently undeveloped and does not yet have an address assigned. The applicants wish to construct a single family home on the property while preserving existing, established trees. The property has a 30-foot platted street-side setback because West Jennie Street to the north used to be the alignment for West Central Avenue. West Central has been realigned and West Jennie Street was created as a local street. The Unified Zoning Code states the minimum side-street setback from properties zoned SF-5 is 15-feet. If this application is approved, the setback will be reduced to 15-feet, matching restrictions of the zoning code.

There are no public utilities in the described setback. There are power poles along the north property line of Lot 1. The applicants have worked with Evergy who has no objection to this vacation. They are requiring the applicant to dedicate a 16-foot easement by separate instrument to ensure the safety of their lines. Richard Aitken, Area Construction Representative, is the contact for this case and can be reached at 316-261-6334 with any questions. Cox's facilities are buried in this area. They have no objection to this vacation. The Rainbow Lakes West Addition was recorded with the Register of Deeds September 10, 1975.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, 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 described portion of platted building 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 July 30, 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 street side yard 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) Dedicate a 16-foot utility easement by separate instrument with a center line on the Evergy power poles along the north property line of Lot 1. This easement, with original signatures, shall be provided to Planning prior to this case being scheduled to go before City Council for final approval.
- (2) Vacate the described portion of the platted street-side setback. Provide Planning with a legal description of the approved vacated portion 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.

- (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 approval per staff recommendations.

Attachments:

1. Aerial Map
2. Site Plan

