

STAFF REPORT

CASE NUMBER: VAC2020-00030 - City vacation of a portion of platted front setback.

APPLICANTS: Thomas and Beatrice Ayers (applicants/owners)

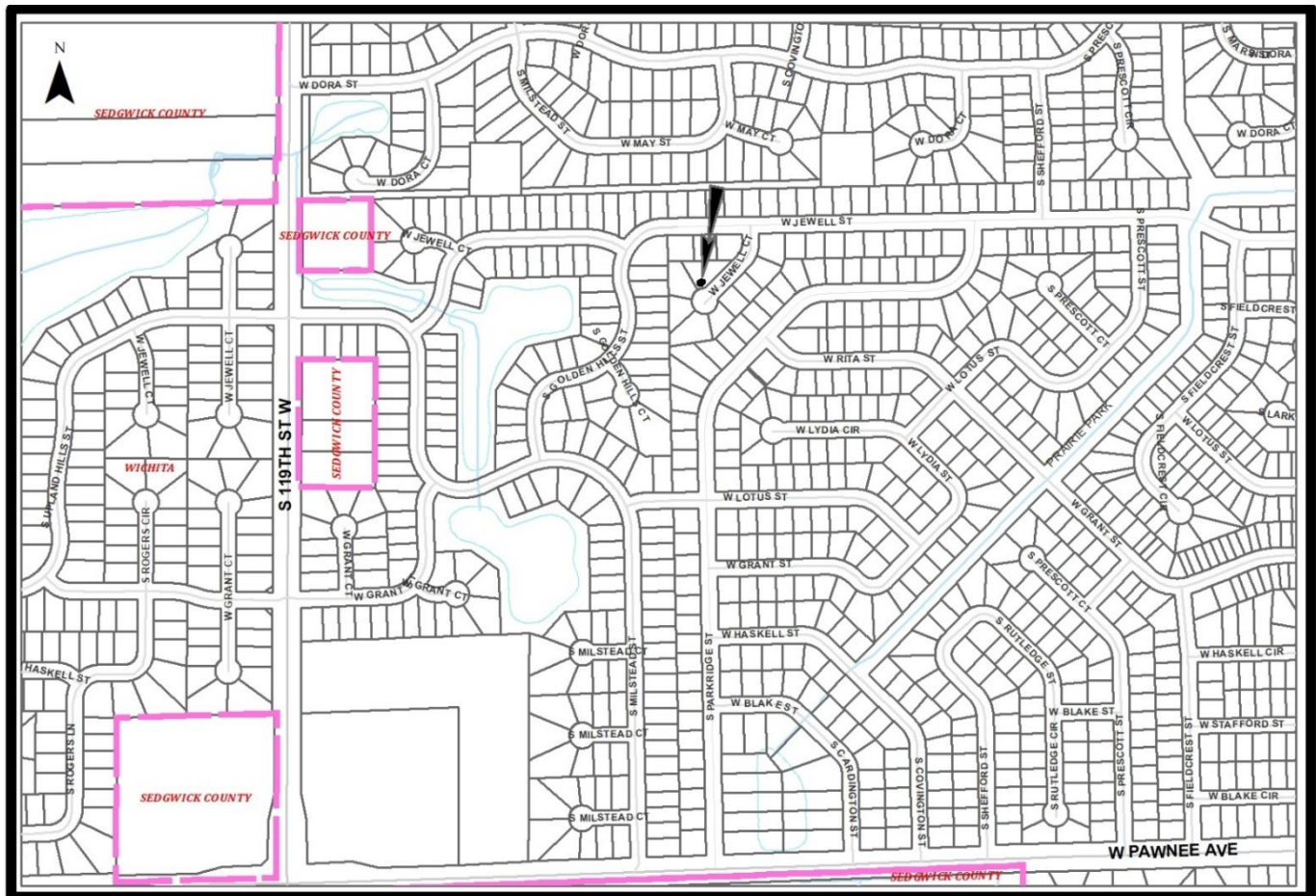
LEGAL DESCRIPTION: See Attached.

LOCATION: Generally located 1/3 mile east of South 119th Street West and 1/2 mile north of West Pawnee Avenue (11533 West Jewell Ct.)

REASON FOR REQUEST: To construct a garage addition.

CURRENT ZONING: SF-5 Single Family Residential

VICINITY MAP:



The applicant is requesting the vacation of a portion of a platted 25-foot front setback on property generally located one-third mile east of South 119th Street West and one-half mile north of West Pawnee Avenue. The property is addressed 11533 West Jewell Court and is zoned SF-5 Single Family Residential. The purpose of this request is to construct an addition on the existing garage. The property is located on a cul-de-sac and the described setback follows the curvature of the cul-de-sac. However, the addition to the garage will follow the linear frontage of the existing garage and dwelling. Therefore, at its furthest extent, the setback will be reduce no more than 7.17 feet. The Unified Zoning Code sets the minimum front setback from the SF-5 zoning district at 25-feet. Should this vacation be approved, the setback will be reduced to 17.83 feet at its furthest extent. There are no public utilities in the described setback. Neither Evergy nor Cox have equipment in the area. Ennidh Garcia, Area Construction Service Representative is Evergy's contact on this case and can be contacted at 316-261-6359 with any questions. The Pawnee Mesa Addition was recorded with the Register of Deeds March 25, 1980.

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 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.

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

- (1) Vacate the described portion of the platted front setback. Provide planning staff with legal descriptions 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.
- (2) 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.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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

