

The applicants are requesting the vacation of a portion of a platted 25-foot rear setback on property generally located on the north side of East 63rd Street South and within one-quarter mile west of South Hydraulic. The property is addressed 1100 East 63rd Street South and is zoned SF-5 Single Family Residential. The purpose of this request is to bring an existing covered deck into compliance as well as permit the construction of a deck addition. The property abuts a platted reserve within the Spray Lake Addition. Therefore, the Unified Zoning Code permits a rear setback for a primary structure to be five feet if the lot abuts a platted reserve. (Section III-B.5.d.4). The applicant is requesting the setback to be reduced to five-feet.

There are no public utilities in the described setback. **Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback.** The Spray Lake Addition was recorded with the Register of Deeds August 3, 1998.

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 August 20, 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 rear 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.

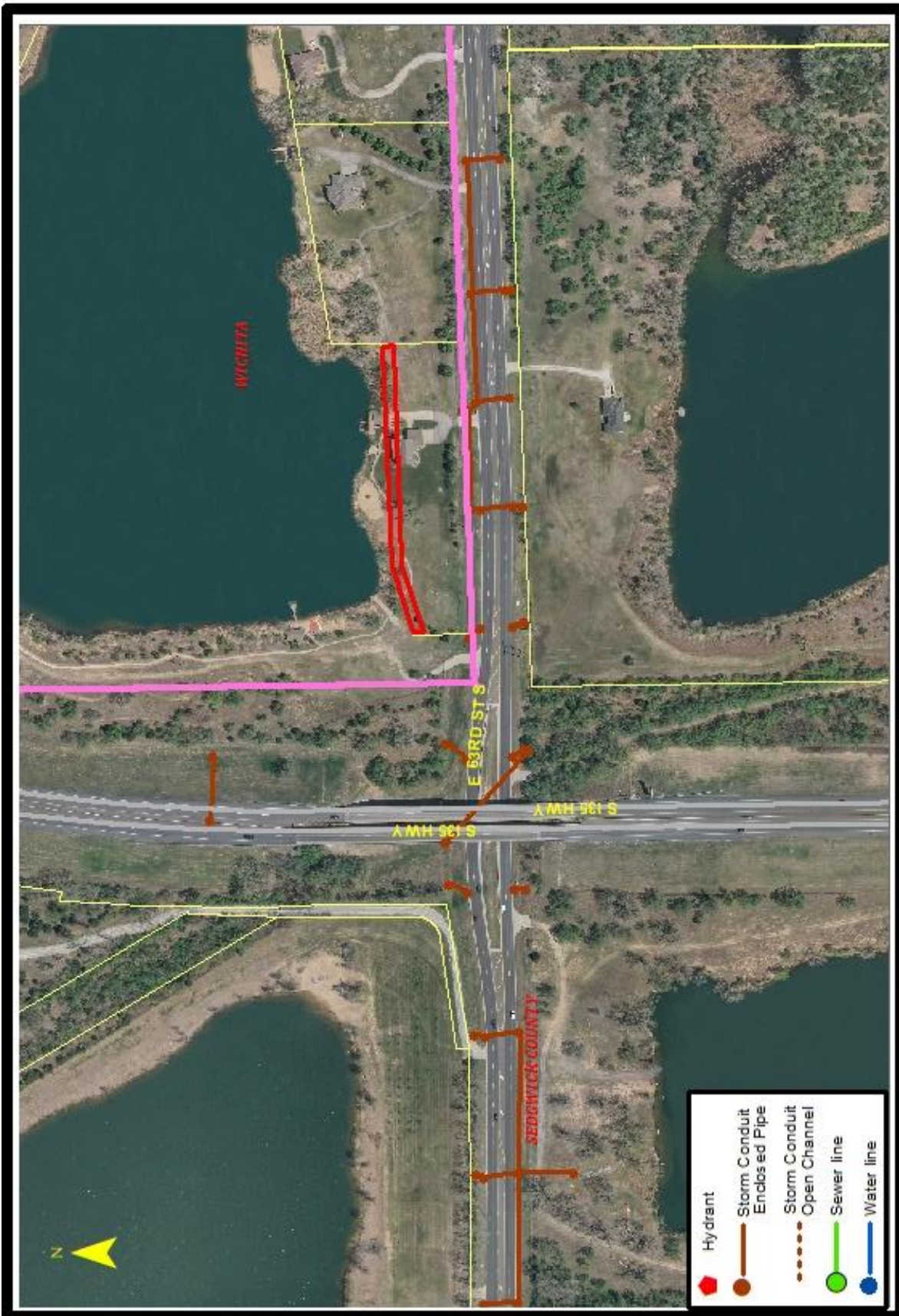
Conditions (but not limited to) associated with the request:

- (1) Vacate the described portion of the platted rear 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



VAC2020-00031- City request to vacate a portion of platted rear setback.

September 10, 2020

Page 4

