

The applicant is requesting the vacation of a 5-foot front setback on property generally located within one-half mile south of East 31st Street South and within one-half mile east of South Rock Road. The property is a portion of the platted Reserve A, R.F. Addition. The purpose of this request is reduce the setback to zero feet to permit parking for a neighborhood swimming pool. The plattor's texts permits "a club house swimming pools, and related appurtenances..." as permitted uses. The property is zoned TF-3 Two Family Residential, in which parking is not permitted within the building setbacks. As seen on the site plan, the majority proposed parking will be within the right-of-way, but a portion of it will be within the setback. The pool and related bathhouse will be built west of the 20-foot utility easement, which will remain. The Unified Zoning Code sets the minimum front setback from the TF-3 zoning district at 25-feet. Though the setback is being vacated, the pool and the bathhouse must be built outside of the utility easement, effectively acting like a setback in this case.

There are no public utilities in the described setback. However, there is a sanitary sewer line within the 20-foot platted utility easement. This easement is not part of the request and will remain. The City Traffic Engineer will permit parking within the right-of-way without any permit. Evergy has equipment in the area, but has no objection to the vacation. The applicant will need to work with Heide Bryan, Subdivision Representative, on this case. She can be contacted at 316-261-6354 with any questions. The R.F. Addition was recorded with the Register of Deeds May 24, 2019.

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 October 1, 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 revised legal description stating the vacation area to be only that portion related to the parking area of the platted setback in 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.

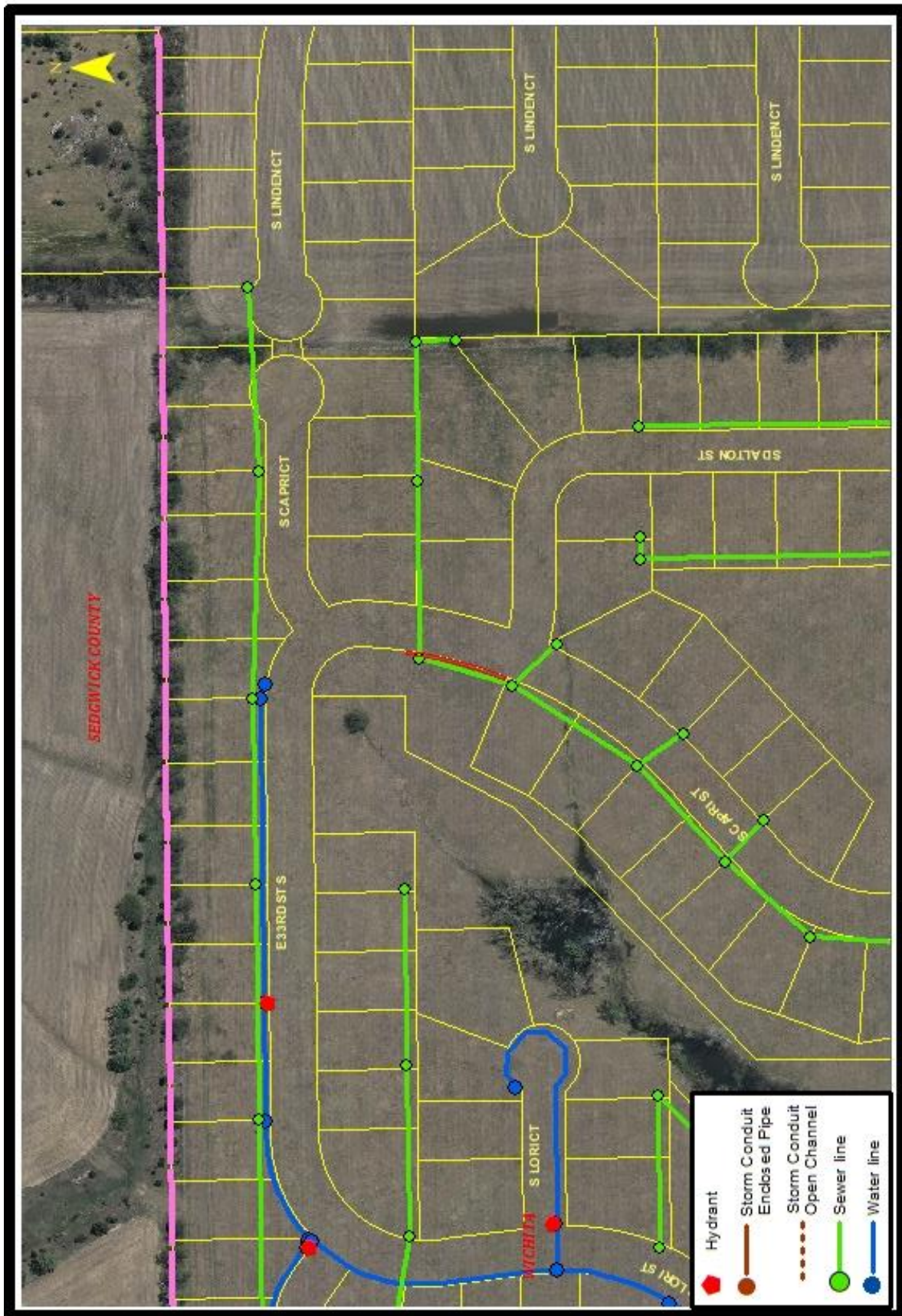
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until 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.

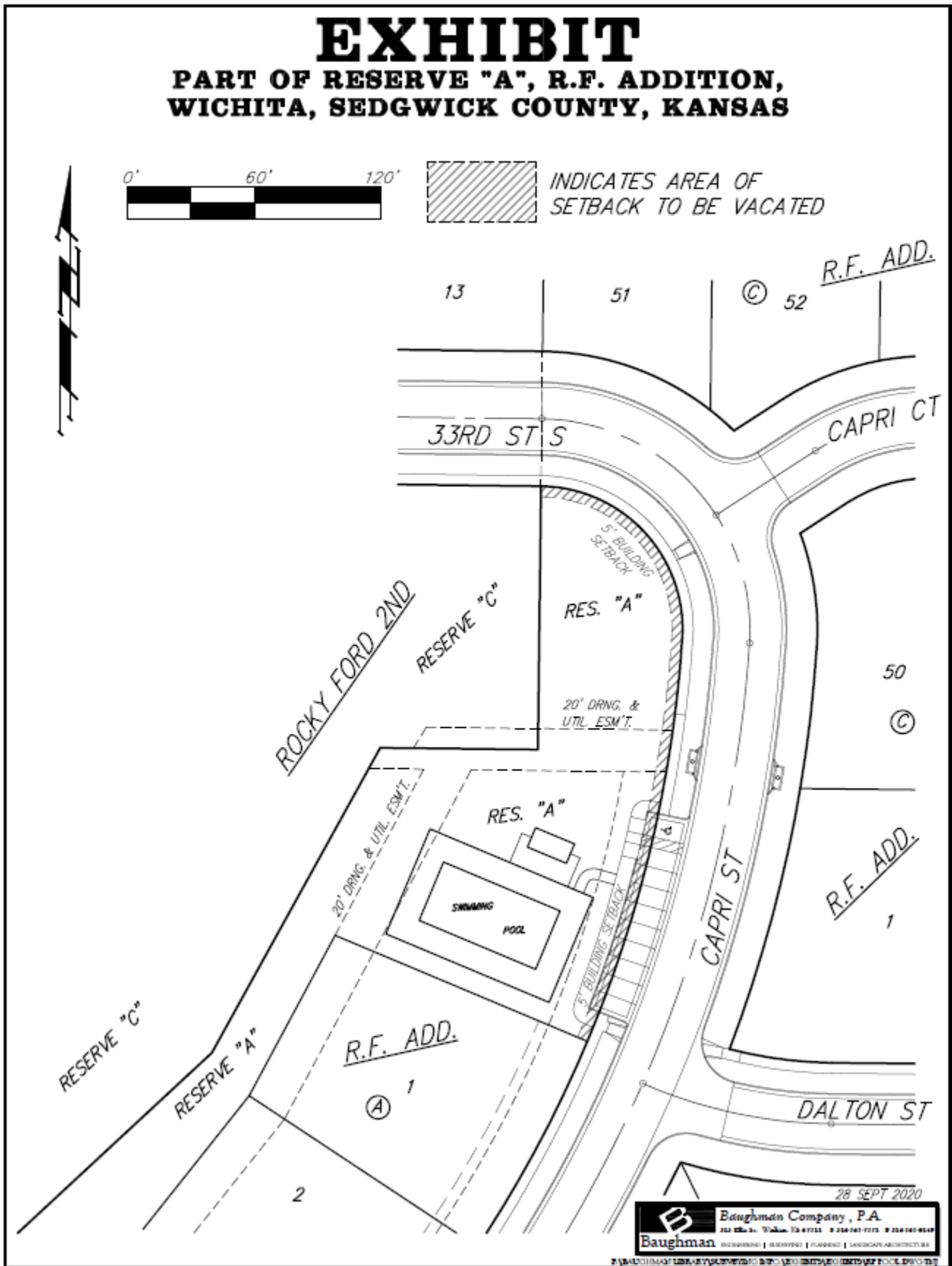
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Site Plan
3. Legal Description





That part of Reserve "A", R.F. Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the most Easterly corner common to said Reserve "A" and Lot 1, Block A, in said R.F. Addition; thence N67°12'59"W coincident with a segment of the East line of said Reserve "A", (and coincident with the Northeast line of said Lot 1), 130.00 feet to a deflection corner in the East line of said Reserve "A", said deflection corner also being the Northwest corner of said Lot 1; thence continuing N67°12'59"W coincident with the Northwesterly prolongation of the last described course, 24.39 feet to the intersection with a segment of the Northwest line of said Reserve "A"; thence N28°52'29"E coincident with said segment of said Northwest line, 90.88 feet to a deflection corner in said Northwest line; thence S89°20'56"E coincident with a segment of the Northwest line of said Reserve "A", 74.97 feet to a deflection corner in said Northwest line; thence continuing S89°20'56"E coincident with the Easterly prolongation of the last described course, 62.61 feet to the intersection with a segment of the East line of said Reserve "A"; thence Southerly and Southeasterly coincident with said segment of the East line of said Reserve "A", being a non-tangent curve to the right, through a central angle of 13°52'29" and having a radius of 593.00 feet, an arc distance of 143.60 feet, (having a chord length of 143.25 feet bearing S15°50'46"W), to the point of beginning.