

The applicant is requesting the vacation of a 5-foot platted front setback on property generally located within one-quarter mile east of North 127th Street East and one-quarter mile south of East 29th Street North. The property is a portion of the platted Reserve L, Firefly Way 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 "open space, landscaping, swimming pools and related facilities, a clubhouse, drainage purposes, parking, a playground and recreational areas, and utilities as confined to easements." The property is zoned SF-5 Single-Family Residential, in which parking is not permitted within the building setbacks. As seen on the site plan, the majority of the proposed parking is within the right-of-way, but a portion of it will be within the setback.

There are no public utilities in the described setback. The City Traffic Engineer will permit parking within the right-of-way without any permit. Cox has underground facilities in the area, but does not object to the vacation. Evergy does not have equipment in the subject area. Heide Bryan, Subdivision Representative, can be contacted at 316-261-6354 with any questions regarding this case. The Firefly Way Addition was recorded with the Register of Deeds February 14, 2017.

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 15, 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 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 only the portion of the platted setback in which the parking encroaches. Provide planning staff with revised 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 City Council for final action.
- (2) If any sidewalk is constructed abutting the proposed parking area that sidewalk shall be constructed with a six-foot width. Provide staff with a revised site plan showing any proposed sidewalk for review and approval by the Planning Director. The site plan must be approved 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. 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



