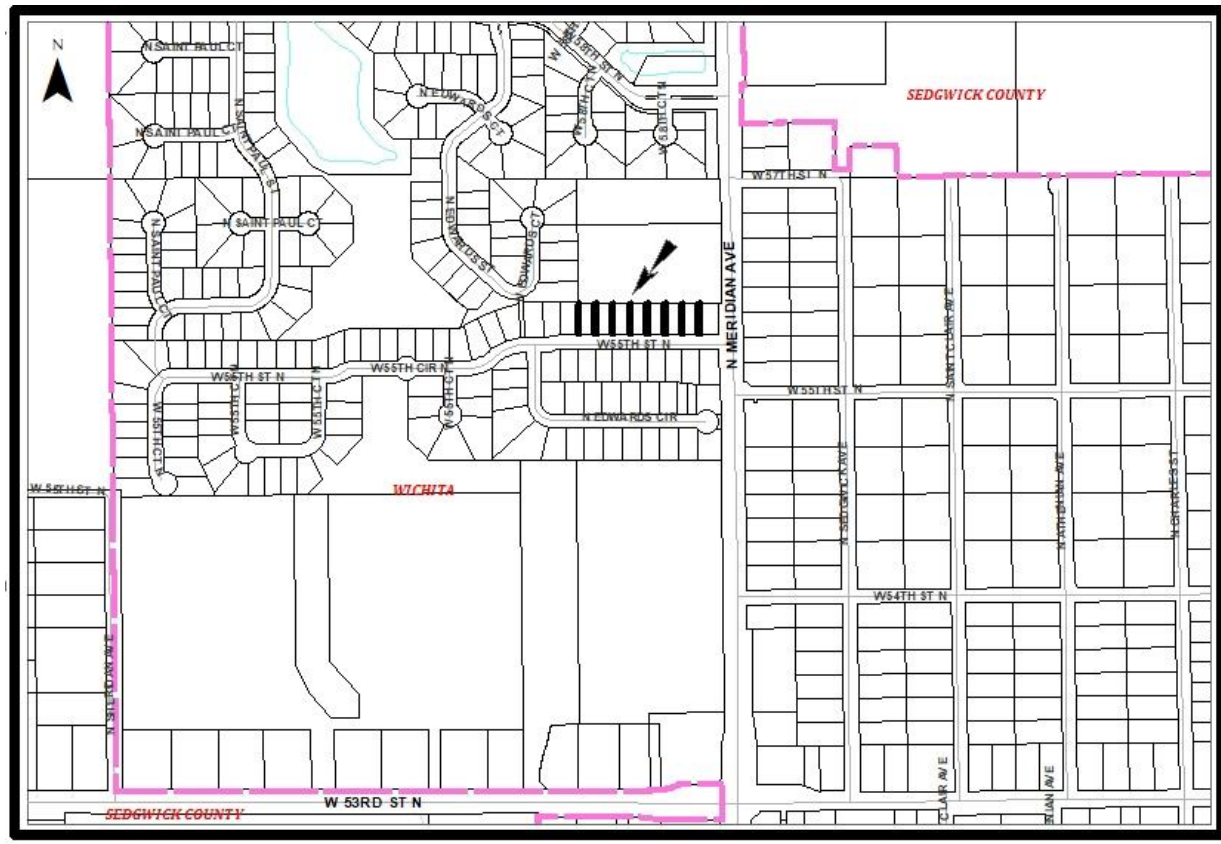


**STAFF REPORT**

- CASE NUMBER:** VAC2021-00021 - Request to vacate platted side yard setbacks.
- OWNER/APPLICANT:** Red Foxx Rentals, LLC (Jay Russell) (applicant), Baughman Company, PA (Philip Meyer, L.A.) (agent)
- LEGAL DESCRIPTION:** Generally described as vacating side yard building setbacks located on Lots 1-8, Block A, Northgate 4th Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located on the west side of North Meridian Avenue and within one-half mile north of West 53<sup>rd</sup> Street North (2500 to 2624 West 55<sup>th</sup> Street North). (WCC #VI)
- REASON FOR REQUEST:** In order to allow for revised side setbacks in accord with PUD-86.
- CURRENT ZONING:** The site is currently zoned TF-3 Two-Family Residential but is being rezoned to a PUD (PUD2021-00006). Properties south and west are also zoned TF-3 Two-Family Residential. Properties to the north and east are zoned SF-5 Single-Family Residential.
- VICINITY MAP:**



The applicant proposes to vacate platted side yard setbacks located on Lots 1-8, Block A, Northgate 4th Addition. If approved the vacation will allow development of the lots in accord with side setbacks specified in PUD-86. There is a sewer main within the utility easement that crosses the side setbacks being vacated. The side setback being proposed in PUD-86 will not interfere with the sewer main. Evergy has no objection to this request. Conditions 1 & 2 cover Evergy. Kevin Rieschick, Design Representative, is the contact for this item and can be reached at 316-261-6334. Standard comments will apply, any removal and relocation of existing equipment for this vacation request will be at the applicant's expense. Cox has no objection to this vacate. They do have buried lines in the area. Any relocation will be at the applicant's expense. The Northgate 4th Addition was recorded September 22, 2020.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 portions of the platted utility easement.

- 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 May 13, 2021, 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 sewer easement dedicated by separate instrument, 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described side yard setbacks shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacate the described side yard setbacks on Lots 1-8, Block A, Northgate 4th Addition, Wichita, Sedgwick County, Kansas.

- (5) Provide Planning with a legal description of the described side yard setbacks to be vacated on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to 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.

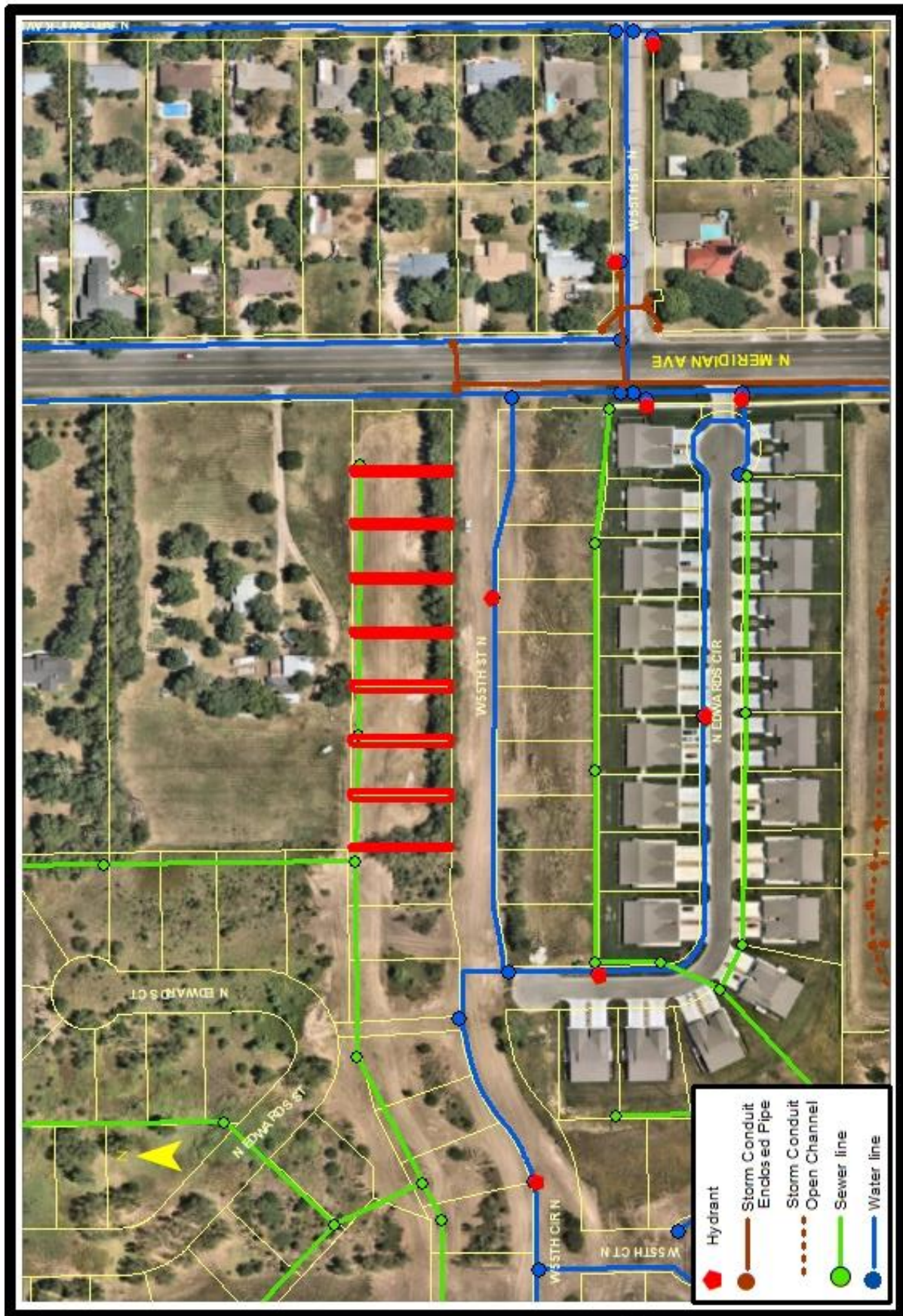
### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

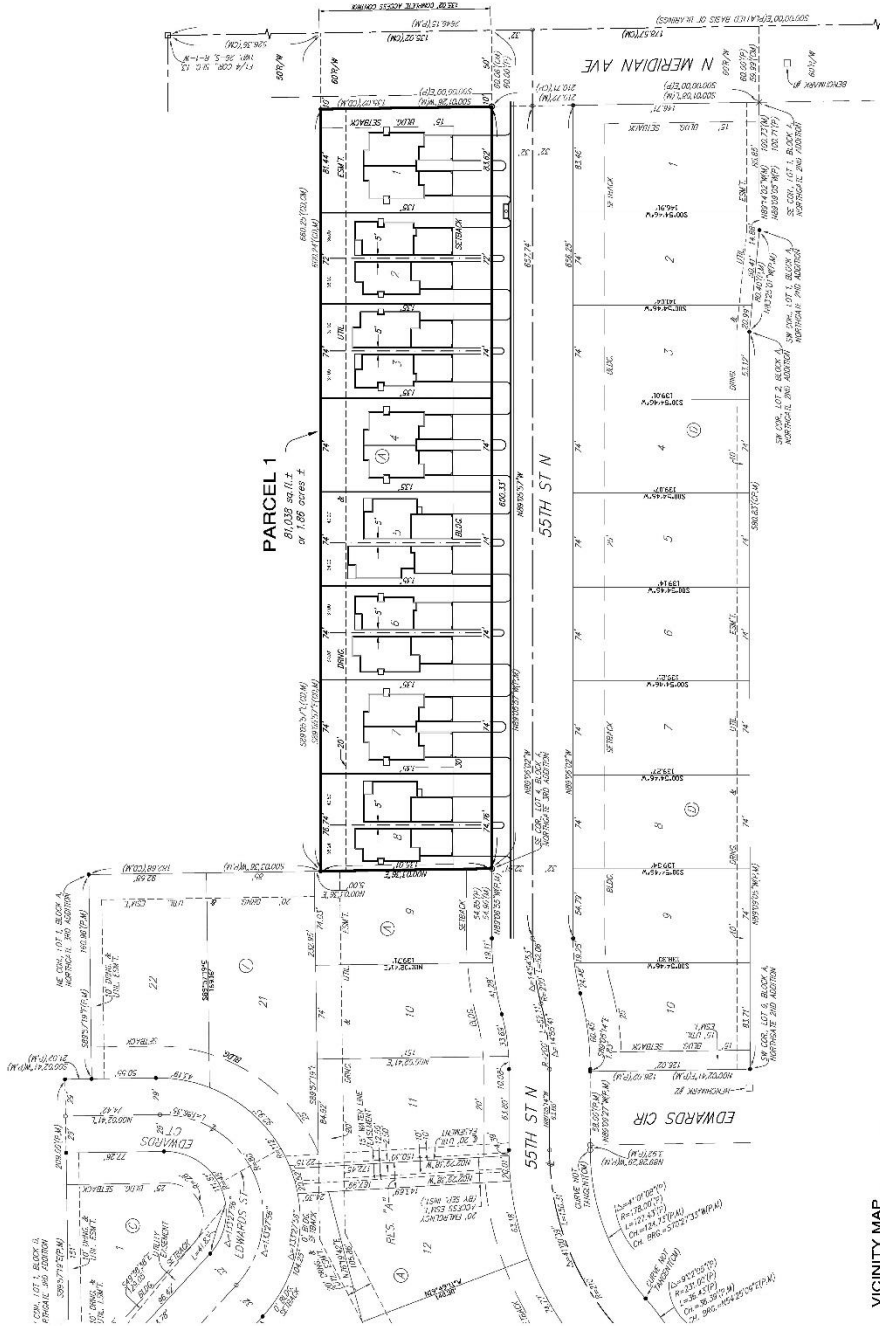
- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described side yard setbacks shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacate the described side yard setbacks on Lots 1-8, Block A, Northgate 4th Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the described side yard setbacks to be vacated on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to 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.

Attachments:

1. Aerial Map
2. Site Plan



# NORTHGATE 4TH ADDITION PLANNED UNIT DEVELOPMENT - P.U.D.#??



**PROJECT DESCRIPTION:**

The intent of this Planned Unit Development is to permit a more approach to providing increased density in a manner otherwise consistent with the Comprehensive Zoning Ordinance. The site is currently being developed with duplex units and under this development, the site will be developed with 12 units. The units will be developed in a manner consistent with the Comprehensive Zoning Ordinance. The units will be developed in a manner consistent with the Comprehensive Zoning Ordinance.

**GENERAL PROVISIONS:**

1. This development complies a gross area of 1.08 acres, or 47,028 square feet, more or less.
2. Planning shall be per the standards of the Unified Zoning Code.
3. Units in Parcel 1 shall be limited to those permitted by-right in the "R-3" Two-Family Residential zoning district.
4. Parcel 1 shall permit the location of a gross area of 1.08 acres, or 47,028 square feet, more or less.
5. The property development standards of the "R-3" Two-Family Residential zoning district shall apply to Parcel 1.
6. The units shall be developed in a manner consistent with the Comprehensive Zoning Ordinance.
7. The layout of building units shown on this site is conceptual and may change, provided the site is developed in accordance with the provisions of this P.U.D.#??.
8. Arrangements, adjustments or interpretations to this P.U.D.#?? shall be made in accordance with the Unified Zoning Code.
9. The transfer of title of all or any portion of land included within the Planned Unit Development, for any reason, shall not constitute a termination of the P.U.D.#??.
10. The development of this property shall proceed in accordance with the Comprehensive Zoning Ordinance and approved by the Planning Commission and approved by the City Council.
11. Any major changes in this development plan shall be submitted to the Planning Commission and to the governing body for their consideration.
12. Prior to publishing the ordinance establishing the zone change, the applicant shall record a document with the Register of Deeds that shall include the following provisions:

**PARCEL 1**

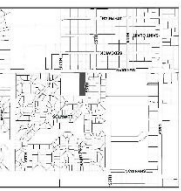
A. Net Area: 61,038 sq. ft. or 1.186 acres ±  
 B. Maximum Density: 16 units/acre  
 C. Units: 12 units  
 D. Setbacks: See zoning and General Provision #5  
 E. Permitted Uses: See General Provision #5

**LEGAL DESCRIPTION:**

LOT 1, BLOCK 4, NORTHGATE 4TH ADDITION, WILKES, BARRETT COUNTY, NORTH CAROLINA

**REVISIONS**

NO.	DATE	DESCRIPTION
1	APR 14, 2021	INITIAL
2	APR 29, 2021	REVISION PER CITY COUNCIL



**PUD #??**

**NORTHGATE 4TH ADDITION  
PLANNED UNIT DEVELOPMENT**

Blackhawk Companies, P.A.  
 10000 W. 10th Street, Suite 100  
 Brighton, Colorado 80621



SCALE: 1" = 40'