

**STAFF REPORT**

**CASE NUMBER:** VAC2021-00047 – Request in the City to vacate a portion of a platted front yard setback

**APPLICANT:** Precision Wealth Building, LLC, c/o Tracy Harris (owner/applicant) KE Miller Engineering, PA, c/o Kirk Miller (agent)

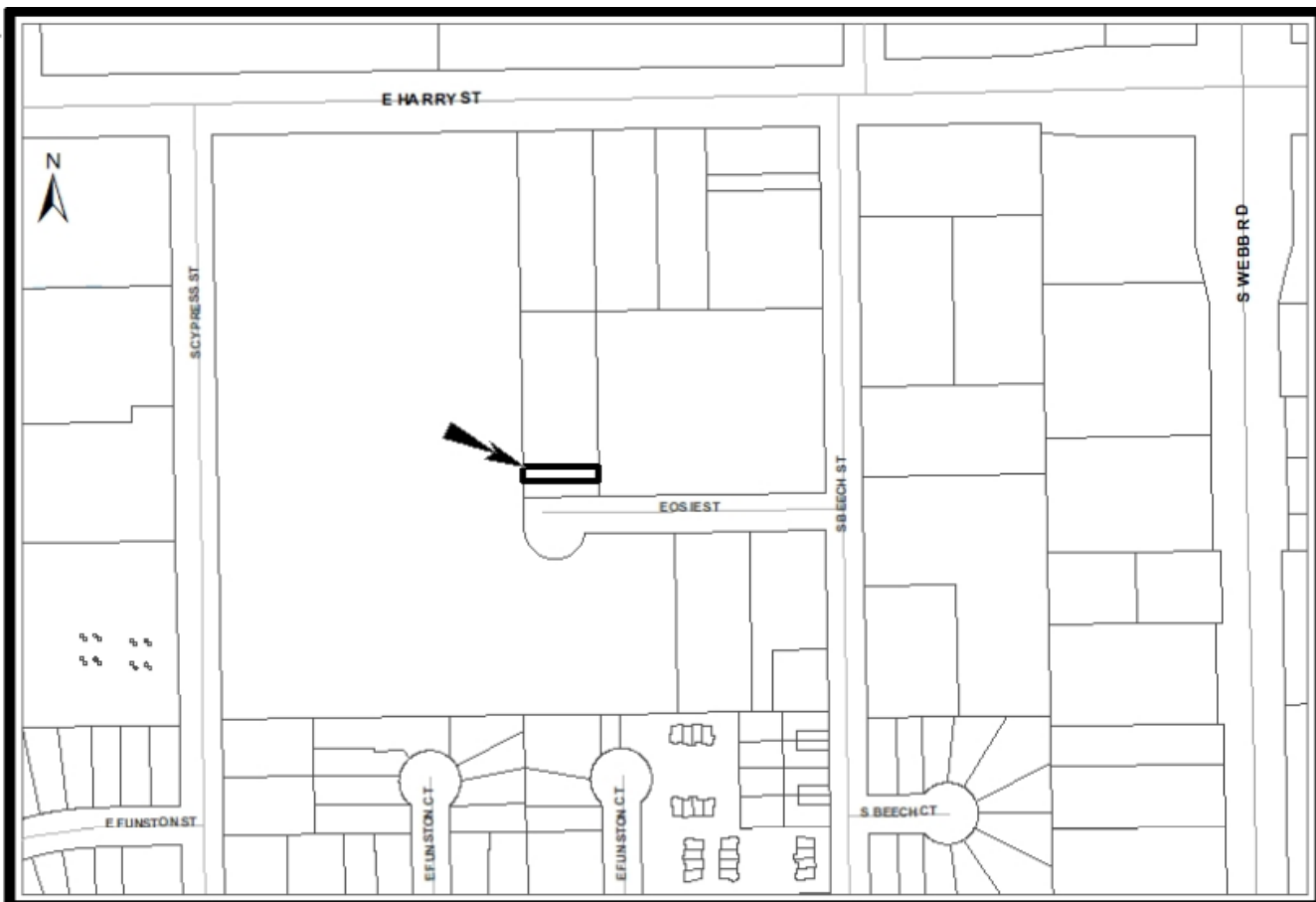
**LEGAL DESCRIPTION:** Generally described as vacating the north 25 feet of the platted 50-foot front yard setback located on and running parallel to the south property line of Lot 10, Hampton Acres Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located west of South Webb Road, southwest of the East Harry Street – South Beech Streets’ intersection on the north side of the East Osie Street turn-around (9220 East Osie Street – City District II)

**REASON FOR REQUEST:** Redevelopment

**CURRENT ZONING:** The site and abutting east, south, and west properties are zoned MF-29 Multi-Family Residential. Abutting north properties are zoned NR Neighborhood Retail & LC Limited Commercial.

**VICINITY MAP:**



The applicant proposes to vacate the north 25 feet of the platted 50-foot front yard setback located on and running parallel to the south property line of the MF-29 Multi-Family Residential zoned Lot 10, Hampton Acres. If approved the result would be a 25-foot front yard setback. The subject interior lot is located on the north side of the East Osie Street turn-around; 9220 East Osie Street. The applicant proposes to replace the existing single-family residence with a multi-family residential development as shown on the applicant’s site plan. This vacation request is associated with ZON2021-00004, a zone change from SF-5 Single-Family Residential to MF-29, which was approved by the City Council May 11, 2021. The Hampton Acres Addition were recorded with the Register of Deeds October 9, 1951.

The UZC Unified Zoning Code has a minimum 25-foot front yard building setback standard for the MF-29 zoning district; Sec.III-B.8. d. (3). The subject lot’s platted 50-foot front yard setback exceeds the MF-29’s minimum 25-foot front yard setback. The applicant’s request for a 25-foot front yard setback matches the minimum 25-foot front yard setback for the MF-29 zoning district. Staff recommends approval of the vacation request.

There are no public utilities located in the area of the proposed vacation. Evergy has street light equipment in the East Osie Street right-of-way. Abby Brungardt is the Evergy Design Representative for this area and can be reached at 785-508-2715. Conditions #2 and #3 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request.

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/Storm Water, 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 the platted 50-foot front yard 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 November 11, 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 portions of the platted front yard 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) Provide Planning staff with an approved legal description of the vacated the north 25 feet of the platted 50-foot front yard 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 the City 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. All improvements shall be according to City Standards and will be at the applicant’s expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to the City Council for final action. Provide Planning with letters of approval or E-mails of approval.

- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the City Council for final action and filing with the Sedgwick County Register of Deeds.
- (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 and 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 (but not limited to) conditions :

- (1) Provide Planning staff with an approved legal description of the vacated the north 25 feet of the platted 50-foot front yard setback on a Word document, via e-mail, to be used on the Vacation Order. This legal description will describe only the area of the setback needed to be vacated for the proposed porch. This must be provided to Planning prior to the case going to the City 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. All improvements shall be according to City Standards and will be at the applicant’s expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to the City Council for final action. Provide Planning with letters of approval or E-mails of approval.
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(5)

Attachments:

- Aerial with public utilities
- Lot 10, Hampton Acres Addition
- Site Plan

VAC2021-00047 – Request in the City to vacate a portion of a platted 50-foot front yard setback on MF-29 Multi-Family Residential zoned property generally located west of South Webb Road, southwest of the East Harry Street – South Beech Streets’ intersection on the north side of the East Osie Street turn-around - District II  
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