

STAFF REPORT

- CASE NUMBER:** VAC2021-00048 - Request in the City to vacate a portion of a platted front yard setback & portions of a platted sidewalk, street, drainage, and utility easement
- APPLICANT/AGENT:** Ronald J. & Loretta M. Young (applicant/owner) MKEC, c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating +/- 8.5-feet of the platted 20-foot front yard setback & +/- 2.75-feet of the platted sidewalk, street, drainage, and utility easement; see attached legal provided by agent
- LOCATION:** Generally located midway between North Hoover & North Ridge Roads, approximately one-half mile north of West 37th Street North, southwest of the North Solano – West Palmetto Streets’ intersection (4011 N Solano Street City District V)
- REASON FOR REQUEST:** Remove an existing encroachment.
- CURRENT ZONING:** The site, all abutting and adjacent properties are zoned SF-5 Single-Family Residential
- VICINITY MAP:**



The applicants are requesting the vacation of an approximately +/- 8.5-foot deep portion of the platted 20-foot front yard setback and an approximately +/- 2.75-foot deep portion of the platted 15-foot sidewalk, street, drainage, and utility easement located on and running parallel to the east property line of Lot 18, Block 1, Estancia Second Addition; see attached legal. There is a single-family residence encroaching into the platted subject front setback and the platted subject easement.

The subject site is located southwest of the North Solano – West Palmetto Streets’ intersection, on the west side of North Solano Street. The Estancia Second Addition was recorded September 6, 2019.

The subject site’s platted 20-foot front yard setback and it’s platted 15-foot sidewalk, street, drainage, and utility easement run parallel to North Solano Street. This portion of North Solano Street is designed as a Narrow Local Residential street; SD Subdivision Regulations, Art.7, Specific Standards, Part 2., Street – Layout and Design 7-201. (G) (3) (C). SD design standards require this portion of North Solano have 32-feet of road surface bordered and running parallel to both of its sides by a platted 15-foot sidewalk, street, drainage, and utility easement.

The Narrow Local Residential street design requires that the subdivider submit a covenant restricting the lot owner’s use of the platted 15-foot sidewalk, street, drainage, and utility easement. The subject site is one of 39 lots located along this section of North Solano Street that have this covenant informing the property owners of this restriction. The required 15-foot sidewalk, street, drainage, and utility easement borders both sides of this portion of North Solano Street have essential the same function as public street right-of-way (ROW) that is not paved allowing for the maintenance of the street and utilities. Single-family residential development along this portion of North Solano Street is ongoing but mostly completed. There have been no other recorded encroachments into the platted subject easement or the platted subject setback in this subdivision.

Water is located east of the site, across North Solano Street, in the platted 15-foot sidewalk, street, drainage, and utility easement. Sewer is located in either the subject site’s back yard in a platted 10-foot drainage and utility easement or in the abutting 15-foot drainage and utility easement located in Reserve A, Estancia Second Addition. Storm water has no equipment in the subject easement. Every has no equipment in the subject easement. Conditions #2 and #3 cover all utilities

Water and Sewer is opposed to the vacation in consideration of any future possible need for utilities to be located in the subject easement. Traffic is opposed to the vacation, noting that the request would have the same impact as vacating street right-of way width and compromising the ability to put in utilities and use of the sidewalk. There is a sidewalk in the subject site. Public Works advocates that the applicant apply for an Easement Encroachment Permit through Public Works.

The SF-5 zoning district has a 25-foot minimum front yard setback. If the front setback was not platted an Administrative Adjustment can reduce that by 20% resulting in a 20-foot front yard setback. The site has a platted 20-foot front yard setback and the applicant’s request would reduce it to +/- 11.5-foot front yard setback which exceeds the 20% reduction of the SF-5’s 25-foot front yard setback. Public Works recommendation to retain the platted 15-foot sidewalk, street, drainage, and utility easement would limit the reduction of the platted 20-foot front yard setback to 15-feet.

However, the Subdivision Committee finds the applicant’s request reasonable in regard to the lack of utilities located in the subject easement and that the encroachment being only a portion of the front porch slab and roof. The Subdivision Committee also noted that the Estancia Second Addition was mostly built out and that the existing encroachment appears to have no negative impact on utilities and development. The Subdivision Committee recommends approval of the applicant’s request.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, 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 the platted 20-foot front yard setback and the platted 15-foot sidewalk, street, drainage and 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 November 25, 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 the platted sidewalk, street, drainage and utility easement, 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 an approximately +/- 8.5-foot deep portion of the platted 20-foot front yard setback and an approximately +/- 2.75-foot deep portion of the platted 15-foot sidewalk, street, drainage, and utility easement located on and running parallel to the east property line of Lot 18, Block 1, Estancia Second Addition.
- (2) Provide an approve legal description on a Word document via E-mail of the vacated portion the platted 15-foot sidewalk, street, drainage, and utility easement and the platted 20-foot front yard setback. This legal must reflect only those portions of the house that encroach into the described platted setback and platted easement.
- (3) Provide all utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide any approved project number(s) to Planning prior to the case going to City Council for final action.
- (4) All improvements shall be according to City Standards and at the applicants’ expense.
- (5) 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 (but not limited to) conditions:

- (1) Vacate an approximately +/- 8.5-foot deep portion of the platted 20-foot front yard setback and an approximately +/- 2.75-foot deep portion of the platted 15-foot sidewalk, street, drainage, and utility easement located on and running parallel to the east property line of Lot 18, Block 1, Estancia Second Addition.
- (2) Provide an approve legal description on a Word document via E-mail of the vacated portion the platted 15-foot sidewalk, street, drainage, and utility easement and the platted 20-foot front yard setback. This legal must reflect only those portions of the house that encroach into the described platted setback and platted easement.

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Attachments:

- Aerial with water, sewer, & stormwater
- Legal description
- Applicant’s two site plans
- Lot 18, Estancia Second Addition (excerpt from recorded plat)
- Applicant’s house

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**DESCRIPTION OF
Proposed Vacated Portions of a
Platted Front Building Setback, AND
A Platted 15' Sidewalk, Street, Drainage, and Utility Easement
VAC2021-000##**

Portion of Platted Front Building Setback

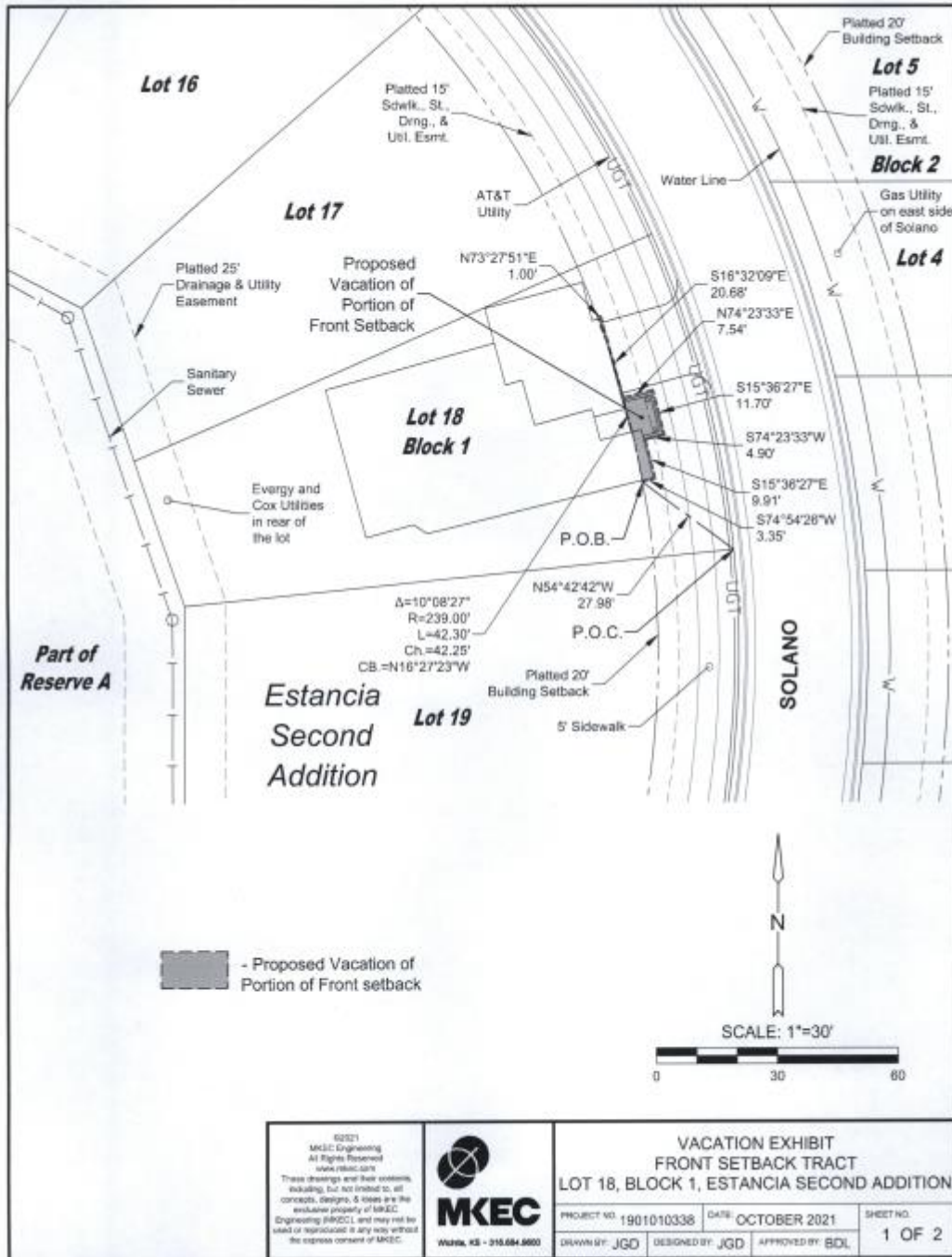
A tract of land lying in a portion of a platted 20 foot Building Setback in Lot 18, Block 1, Estancia Second, Addition, an addition to Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:

COMMENCING at the southeast corner of said Lot 18; thence on a platted bearing of N54°42'42"W, 27.98 feet to a point on a west line of said platted 20 foot Building Setback, and being the POINT OF BEGINNING, said point also being a point on a non-tangent curve to the left, said curve having a radius of 239.00 feet, a central angle of 10°08'27", a chord bearing of N16°27'23"W, and a chord distance of 42.25 feet; thence along said west line and said non-tangent curve to the left, 42.30 feet; thence N73°27'51"E, 1.00 foot; thence S16°32'09"E, 20.68 feet; thence N74°23'33"E, 7.54 feet; thence S15°36'27"E, 11.70 feet; thence S74°23'33"W, 4.90 feet; thence S15°36'27"E, 9.91 feet; thence S74°54'26"W, 3.35 feet to the POINT OF BEGINNING.

Portion of Platted Sidewalk, Street, Drainage, and Utility Easement

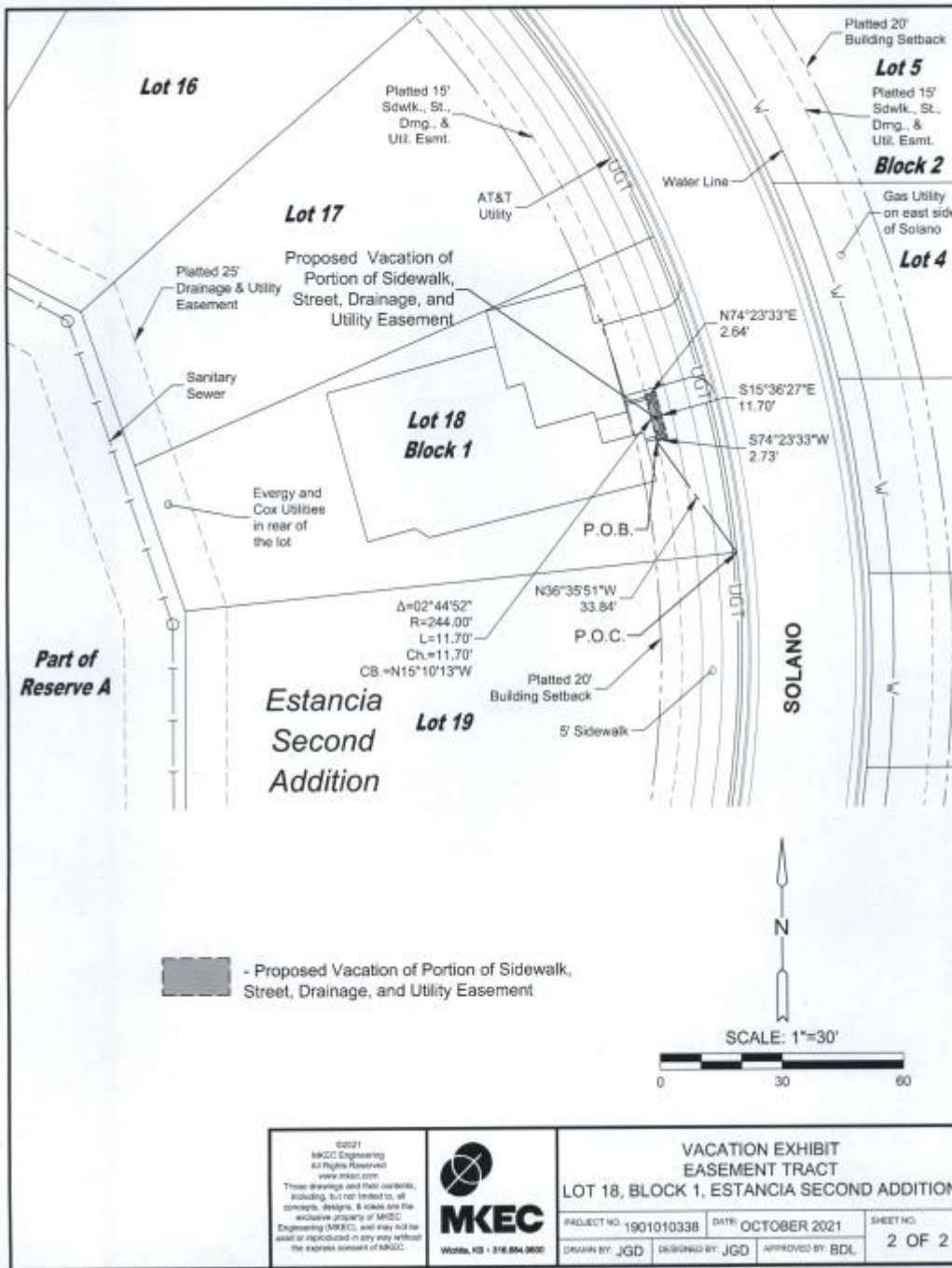
A tract of land lying in a portion of a platted 15 foot Sidewalk, Street, Drainage, and Utility Easement in Lot 18, Block 1, Estancia Second, Addition, an addition to Wichita, Sedgwick County, Kansas, said tract of land being more particularly described as follows:

COMMENCING at the southeast corner of said Lot 18; thence on a platted bearing of N36°35'51"W, 33.84 feet to a point on a west line of said platted 15 foot Sidewalk, Street, Drainage, and Utility Easement, and being the POINT OF BEGINNING, said point also being a point on a non-tangent curve to the left, said curve having a radius of 244.00 feet, a central angle of 02°44'52", a chord bearing of N15°10'13"W, and a chord distance of 11.70 feet; thence along said west line and said non-tangent curve to the left, 11.70 feet; thence N74°23'33"E, 2.64 feet; thence S15°36'27"E, 11.70 feet; thence S74°23'33"W, 2.73 feet to the POINT OF BEGINNING.



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		PROJECT NO. 1901010338	DATE: OCTOBER 2021	SHEET NO. 1 OF 2
DRAWN BY: JGD		DESIGNED BY: JGD	APPROVED BY: BDL	

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VACATION EXHIBIT EASEMENT TRACT LOT 18, BLOCK 1, ESTANCIA SECOND ADDITION		
PROJECT NO. 1901010338	DATE: OCTOBER 2021	SHEET NO.
DRAWN BY: JGD	DESIGNED BY: JGD	APPROVED BY: BDL
		2 OF 2

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