

STAFF REPORT

CASE NUMBER: VAC2019-00002 - City Vacation of Platted Side Street Setback and to Reduce Rear Setback to Construct In-Ground Pool.

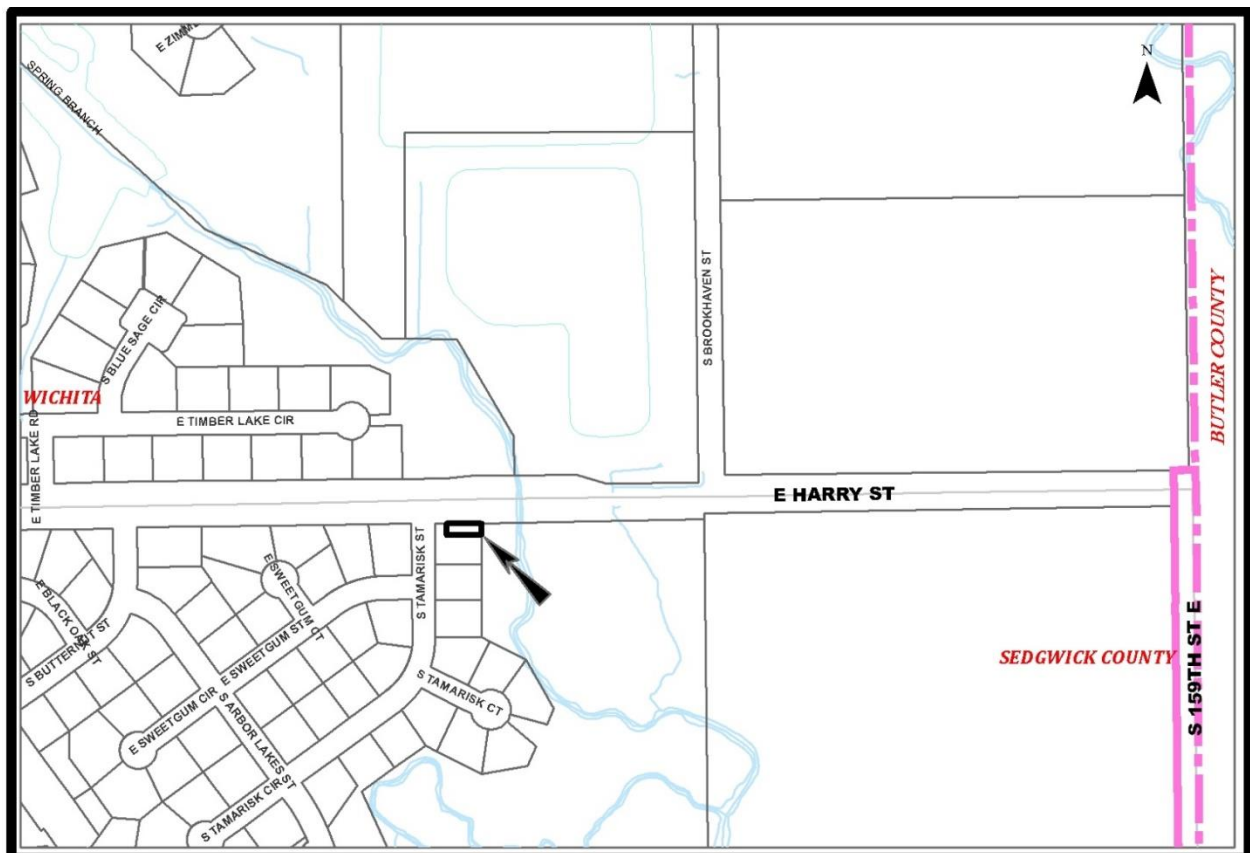
OWNER/APPLICANT Jeffrey and Denise Brogan (Owners/Applicants)

LEGAL DESCRIPTION: Generally described as vacating the inside 29 feet of the platted 30-foot platted building setback located on the north side, and reducing the rear setback from 20 feet down to 2 feet located on the east side of Lot 1, Block 7, Arbor Lakes Estates Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the south side of East Harry Street and approximately 1/2 mile west of 159th Street East. (1610 S. Tamarisk) (WCC #II)

REASON FOR REQUEST: Construct an in-ground pool.

CURRENT ZONING: Site and adjacent properties are zoned SF-5 Single Family.



The applicant proposes to vacate the inside 29 feet of the platted 30-foot building setback located on the north side of the property and reduce the rear building setback from 20 feet down to 2 feet located on the east side of Lot 1, Block 7, Arbor Lake Estates Addition. The lot is zoned SF-5 Single Family Residential. If approved, the request would reduce the platted building setback to 1-foot on the north and 2 feet on the east. The Unified Zoning Code's (UZC) minimum side street setback is 15 feet and rear setback standard for the SF-5 zoning district is 20 feet except when abutting a platted reserve, then it can be reduced to zero. The applicant's request does exceed the minimum side street setback by 14 feet. The applicant's request to reduce the rear setback does not exceed the minimum. Because a platted reserve exists behind the lot. There are no public utilities located in the proposed vacation areas. Westar has no existing facilities in the platted setback being vacated. LaDonna Vanderford, Area Construction Services Representative is the area representative and can be contacted at 261-6290 for this item. The Arbor Lake Estates Addition was recorded with the Register of Deeds August 12, 1977.

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 portions of platted building setbacks.

- 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 March 28, 2019, 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 street side 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 legal descriptions of the approved vacated portions of the platted setbacks 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 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) The in-ground pool shall be constructed in accordance to the National Electric Code service standards regarding clearance between the primary service line which runs north and south along the east property line of the subject property.

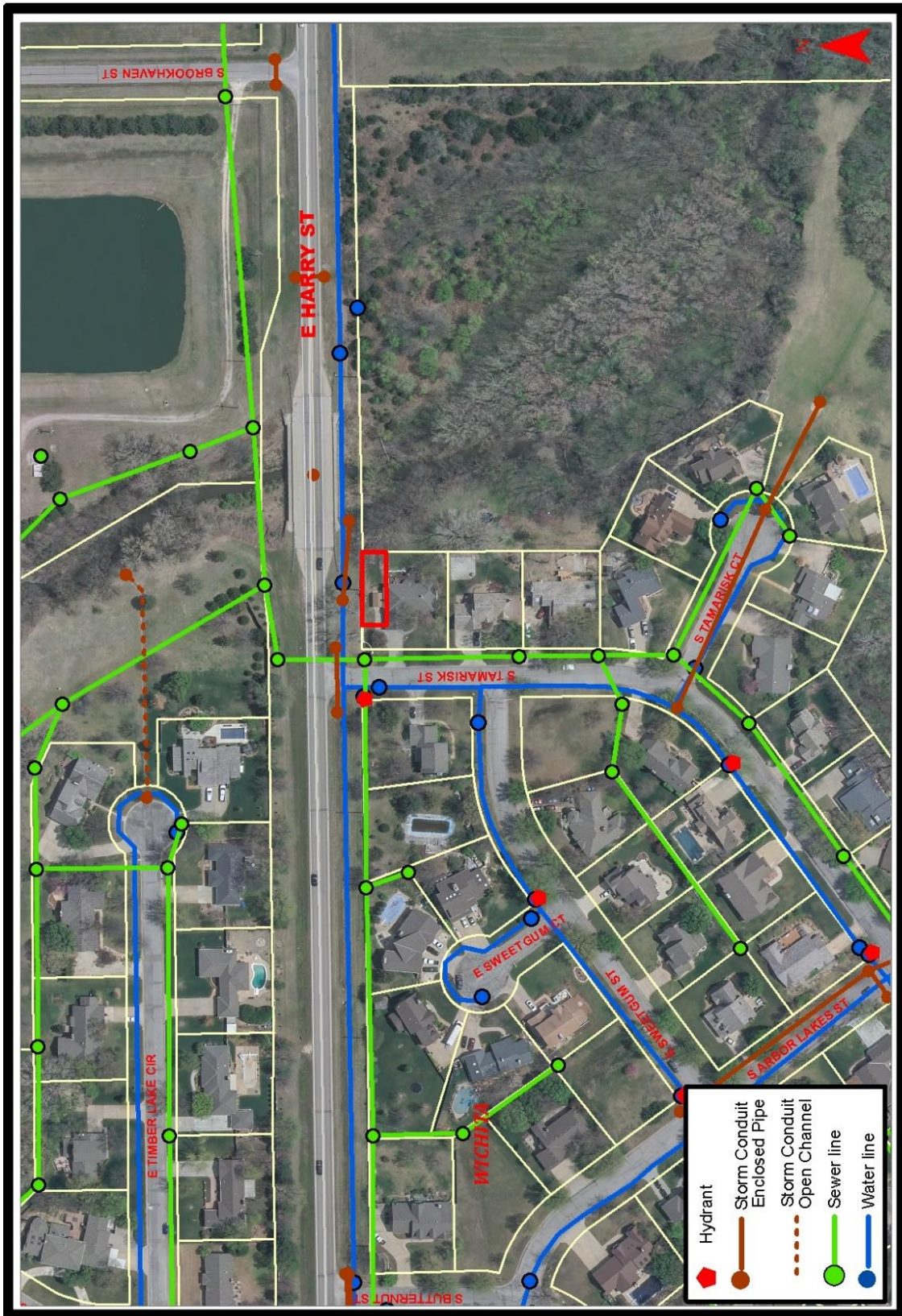
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until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

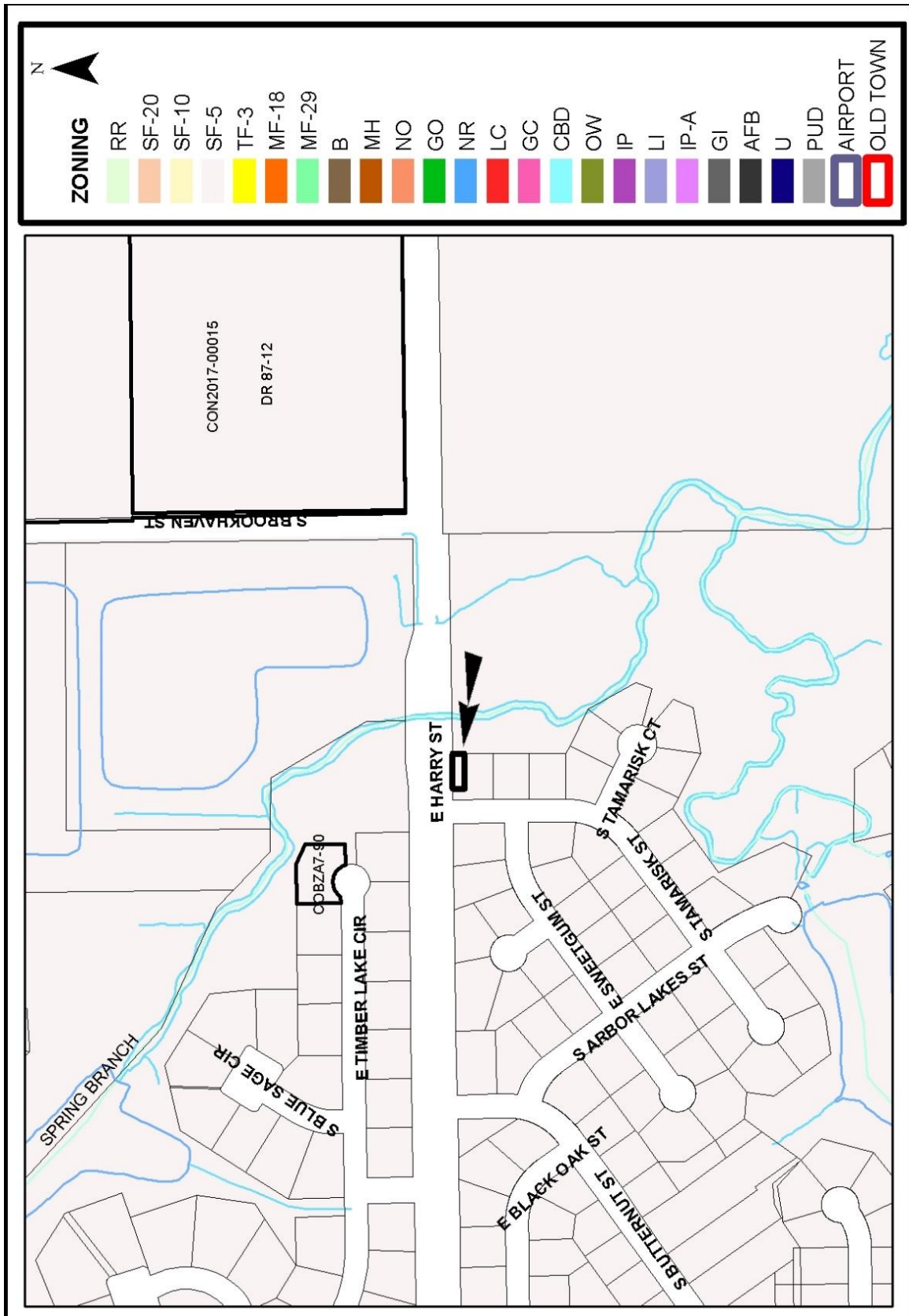
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

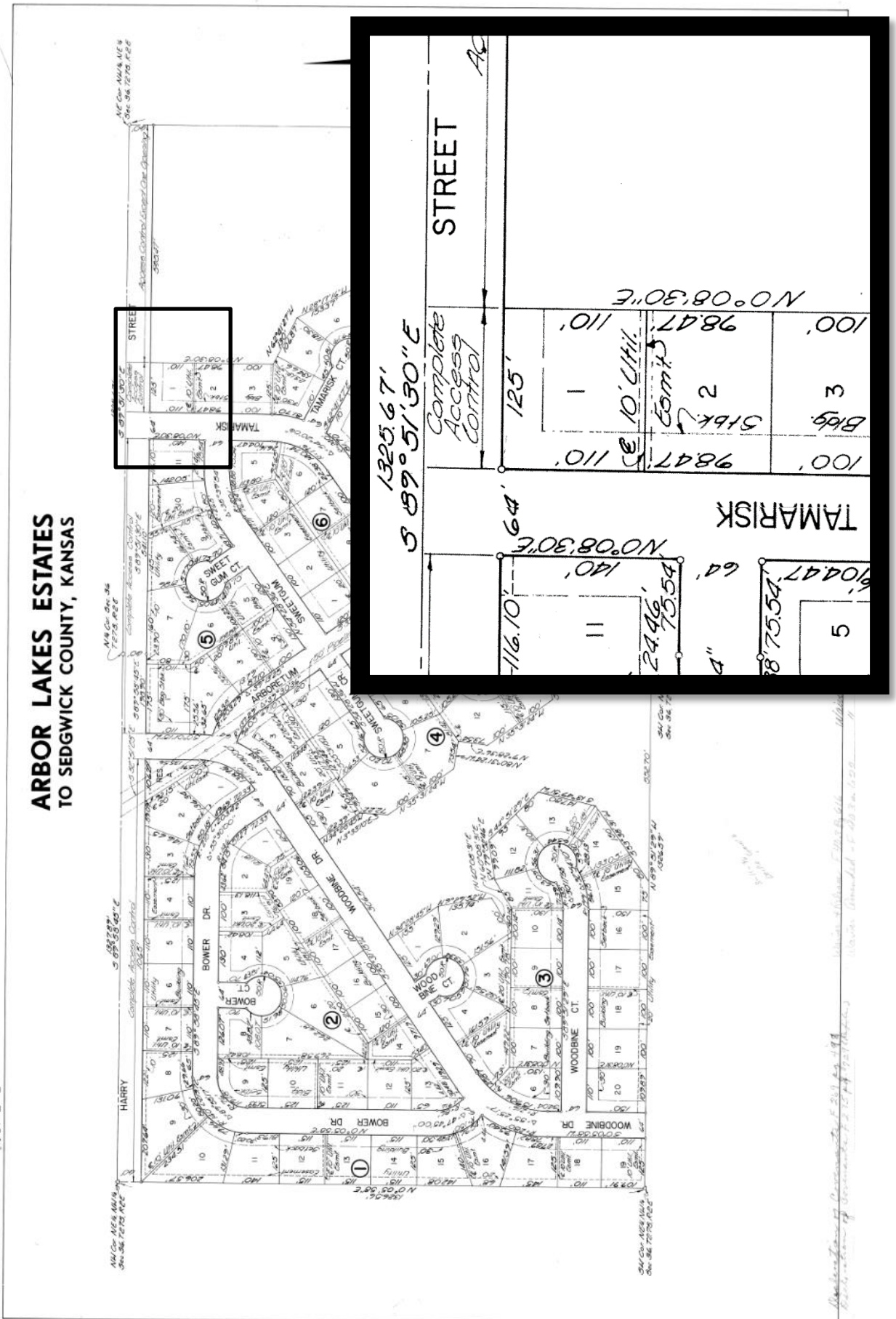
1. Area Map
2. Zoning Map
3. Plat and Detail
4. Site Plan Submitted by Applicant
5. National Electric Code Service Standards

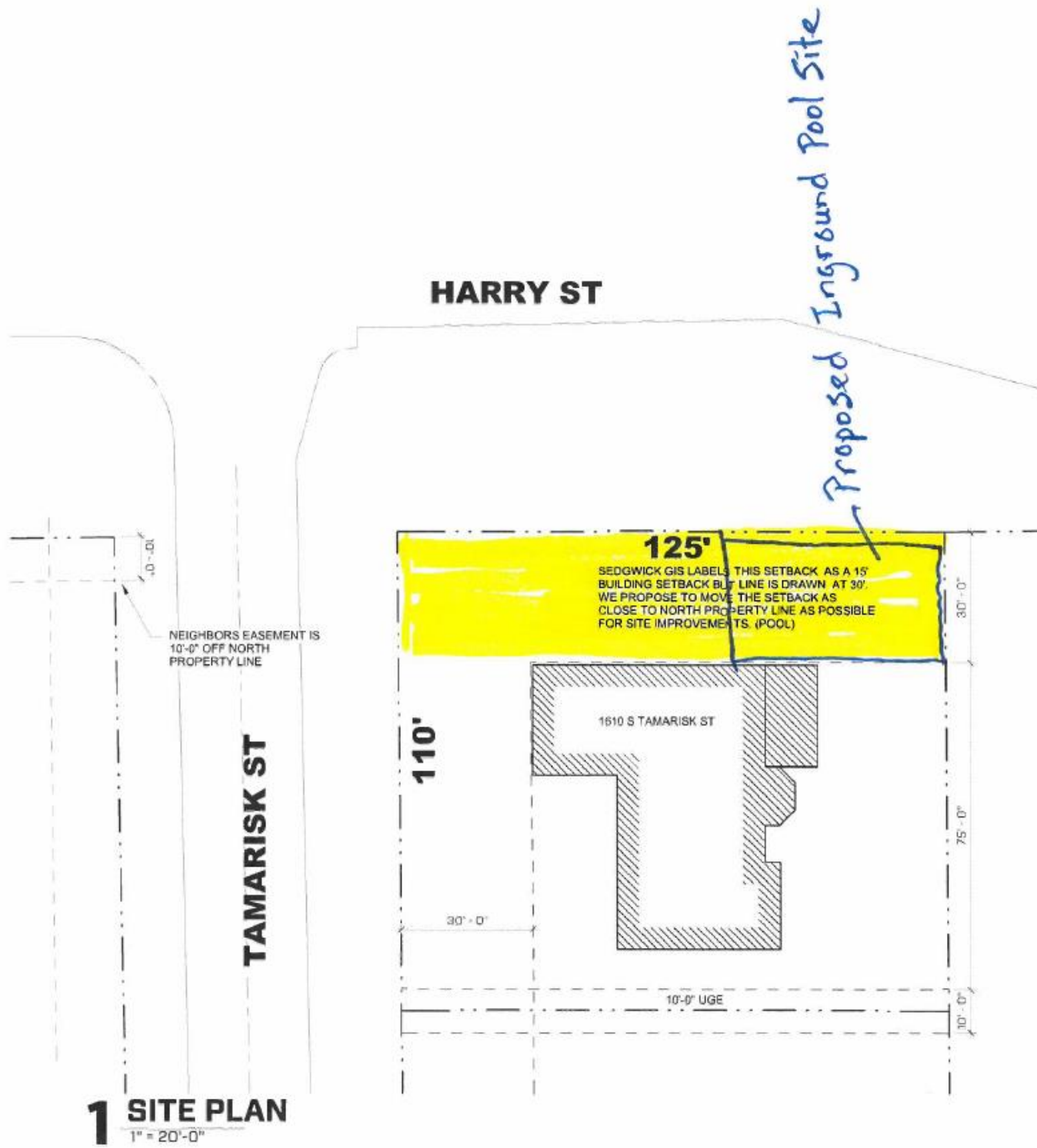




**ARBOR LAKES ESTATES
TO SEDGWICK COUNTY, KANSAS**

E-7-16A





ELECTRIC SERVICE STANDARDS		SS-20. 5																			
BY CHECK APPROVED	TLH JRG RO	<p>B. WATER SURFACES (I.E. SWIMMING POOLS, SPAS, HOT TUBS, ETC.)</p> <p>THE FOLLOWING RULES APPLY TO IN-GROUND POOLS, SPAS, AND HOT TUBS, AS WELL AS HYDRO-MASSAGE BATH TUBS, DECORATIVE FOUNTAINS, REFLECTION POOLS, ABOVE GROUND POOLS, STORABLE SWIMMING OR WADING POOLS, OR <u>ANY</u> OTHER WATER SURFACE.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th rowspan="2">CLEARANCE PARAMETERS</th> <th colspan="2">0-750V</th> <th>750-15KV</th> <th>15-50KV</th> </tr> <tr> <th>MULTI- PLEX</th> <th>OPEN</th> <th>OPEN SUPPLY</th> <th>OPEN SUPPLY</th> </tr> </thead> <tbody> <tr> <td>A** CLEARANCE IN ANY DIRECTION TO WATERS EDGE OR BASE OF DIVING PLATFORM.</td> <td>10'**</td> <td>22.5'</td> <td>25' NEC T234-3</td> <td>27' NEC T234-3</td> </tr> <tr> <td>B** CLEARANCE IN ANY DIRECTION TO OBSERVATION STAND, TOWER, OR DIVING PLATFORM.</td> <td>10'**</td> <td>14.5'</td> <td>17' NEC 680.8</td> <td>18' NEC 680.8</td> </tr> </tbody> </table> <p>* NESC 234E1 EXCEPTION 1 ** NESC 234E1 EXCEPTION 2</p> <div style="text-align: center; margin: 20px 0;"> </div> <p>UNDERGROUND SERVICES AND UNDERGROUND SUPPLY CONDUCTORS SHALL NOT BE PERMITTED UNDER A POOL OR WITHIN THE AREA EXTENDING 5 FT HORIZONALLY FROM THE INSIDE WALL OF THE POOL. NEC 680.10</p> <p>IF ANY WATER SURFACE (ABOVE GROUND POOLS, IN-GROUND POOLS, SPAS, HOT TUBS, ETC.) IS BEING INSTALLED OVER OR UNDER AN EXISTING SERVICE, THE SERVICE SHALL BE MOVED AND RELOCATED AT CUSTOMER'S EXPENSE.</p> <div style="text-align: center; margin: 20px 0;"> </div> <p>1-800-344-7233 KANSAS</p> <p>▶ DENOTES LATEST REVISION.</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px 0;"> RESIDENTIAL GENERAL INFORMATION WATER SURFACE CLEARANCE </div>	CLEARANCE PARAMETERS	0-750V		750-15KV	15-50KV	MULTI- PLEX	OPEN	OPEN SUPPLY	OPEN SUPPLY	A** CLEARANCE IN ANY DIRECTION TO WATERS EDGE OR BASE OF DIVING PLATFORM.	10'**	22.5'	25' NEC T234-3	27' NEC T234-3	B** CLEARANCE IN ANY DIRECTION TO OBSERVATION STAND, TOWER, OR DIVING PLATFORM.	10'**	14.5'	17' NEC 680.8	18' NEC 680.8
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WESTAR ENERGY, INC. ALL RIGHTS RESERVED		SS-20. 5																			

2 10/25/99 ADDED MISC NOTES TO TOP VIEW & SIDE VIEW.
 3 09/05/00 CLEARANCE UPDATED TO 1999 NEC.
 4 10/01/04 CHANGED CHART, DRAWING, AND UPDATED TO 2002 NEC.
 10/01/04
 10/01/04
 10/01/04