

VAC2022-00016 – Request in the County to vacate a portion of a platted setback on RR Rural Residential zoned property generally located approximately one-half mile south of West Pawnee Avenue, one-half mile east of West 183rd Street South, on the southwest side of the South Leo Circle cul-de-sac (City of Wichita 3-Mile Subdivision Jurisdiction - BoCC 3)

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The applicant proposes to vacate the south 20 feet of the platted 50-foot front yard setback on the 4.51-acre RR Rural Residential zoned subject site, Lot 8, Marie's Meadow Addition. The subject platted setback runs parallel to the South Leo Circle cul-de-sac and a 70-foot contingent street dedication that ends parallel to the east lot lines of Lot 8, the subject lot, and Lot 7, Marie's Meadow Addition, and an east tract. Both platted properties are owned by the applicant. The Marie's Meadow Addition was recorded with the Register of Deeds January 15, 2004. The subject site is located in the County approximately one-half mile south of West Pawnee Avenue, one-half mile east of West 183rd Street South, on the southwest side of the South Leo Circle.

The Unified Zoning Code UZC has a minimum 30-foot front yard setback standard for the RR zoning district. If approved the request would result in a 30-foot front yard setback, which is what the applicant has requested. The applicant proposes to build a barn along its South Leo Circle ROW right-of-way frontage.

There is a platted 30-foot wide drainage and utility easement that runs parallel to the subject setback, the South Leo Circle ROW, and the 70-foot contingent street dedication. The proposed vacation would not encroach into or disrupt this drainage and utility easement. Sewer service is provided by an on-site lagoon. The site is located within Sedgwick County Rural Water District #4. Everygy has equipment lines crossing the platted setback. Jeremy Lane is the Everygy Design Representative for this area and can be contacted at (785) 508-2703. Conditions #1, #2 and #3 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request if approved with the conditions listed.

Because the site is located within the City of Wichita's 3-Mile Subdivision Jurisdiction it will proceed from the MAPC to the Wichita City Council for recommendation before going to the Sedgwick County Board of Commissioners for final action.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County 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 20-foot wide 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 May 26, 2022, 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 front yard setback 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) Provide Planning staff with an approved legal description of the vacated 20-foot wide portion 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 and County Commission 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 County 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 and County Commission 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 County Commission 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 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) Provide Planning staff with an approved legal description of the vacated 20-foot wide portion 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 and County Commission for final action.
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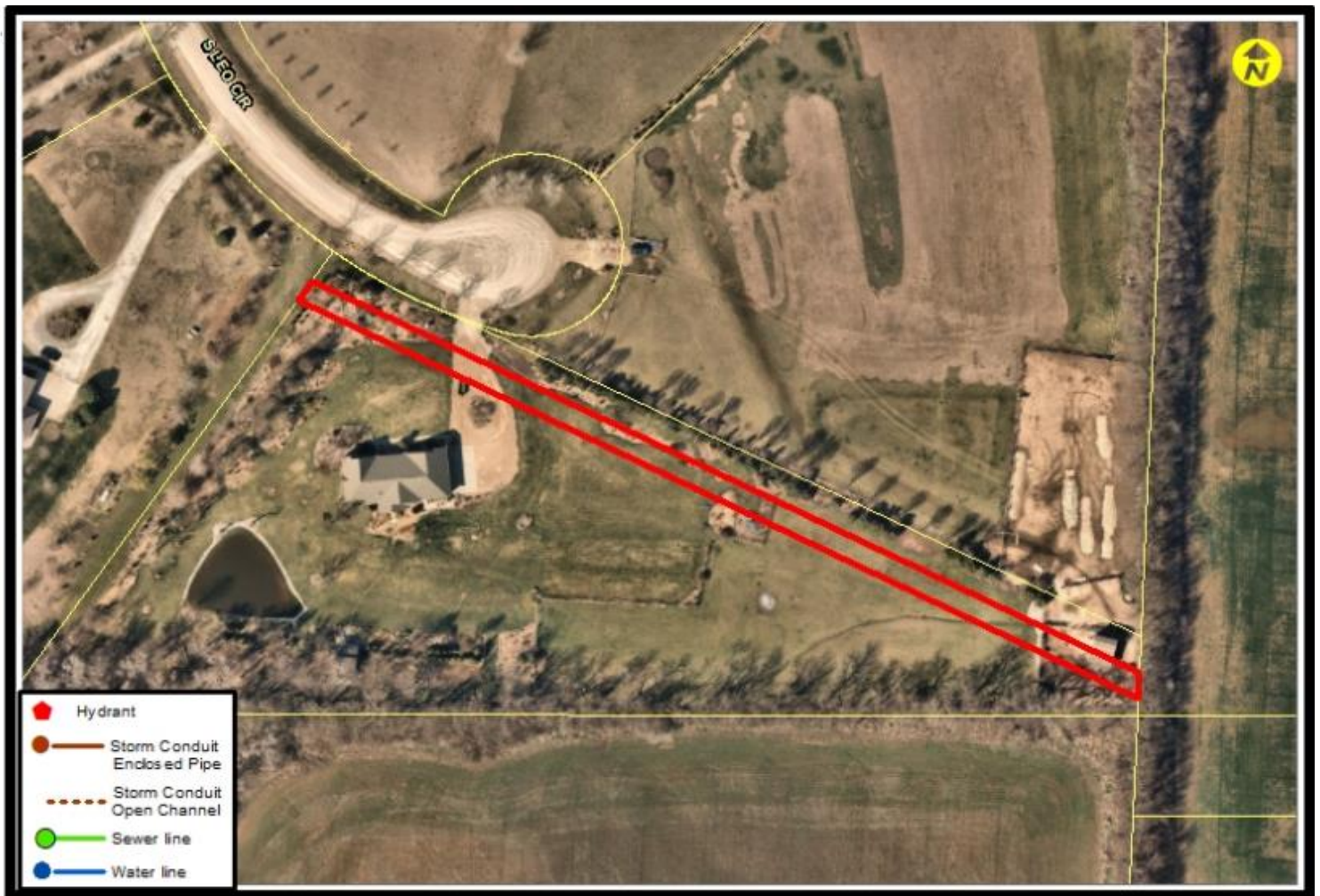
Attachments:

- 2020 Aerial with area of vacation
- Applicant’s exhibit
- Lot 8, Marie’s Meadow Addition

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