



Wichita-Sedgwick County Metropolitan Area Planning Department

July 28, 2023

Clear Ridge Investments, LLC
Attn: Steve Miller
PO Box 780789
Wichita, KS 67278

Baughman Company, P.A.
Attn: Phil Meyer
315 Elli Street
Wichita, KS 67211

RE: VAC2023-00016: Vacation request in the City to vacate a 25-foot building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

Dear Applicant;

At its regular meeting on **July 25, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the request.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: MABCD



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

June 9, 2023

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

Ref: VAC2023-00016: Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

Phil,

At the Thursday, June 8, 2023, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Vacate all of the 25-foot building setback on Lot 8, together with the Northwest 5 feet of the 25-foot building setback on Lot 7 and the Southeast 5 feet of the 25-foot building setback, all in block 1, Jackson Heights Townhomes, Wichita, Sedgwick County, Kansas.
- (2) Provide planning staff with legal descriptions of the approved vacated portion of the platted 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 Council for final action.
- (3) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the platted setback shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. 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.
- (4) Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
- (5) All improvements shall be according to City Standards and at the applicant's expense.

VAC2023-00016: Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

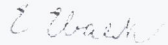
June 9, 2023

Page 2

- (6) 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.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after June 22, 2023, (end of the two-week protest period). This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,



Eryn Ebach
Associate Planner

EE:kw

cc Clear Ridge Investments LLC, Steve Miller, PO Box 780789, Wichita KS 67278
Byron Ray Davidson & Karen Lea Davidson Revocable Trust, 235 N Jackson Heights St, Wichita KS 67206
Randy Windham, 204 N Zelta St, Wichita KS 67206
John M McDonough & Trudy A McDonough, 21 N Sagebrush Cir, Wichita KS 67230



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 16, 2023

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis
Wichita, KS 67211

Ref: VAC2023-00016: Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

Phil,

Your request to vacate the above referenced **25-foot front building setback** will be considered by the Subdivision Committee (SD) of the Metropolitan Area Planning Commission (MAPC) at their **Thursday, June 01, 2023, the meeting will begin at 9:30 am.** Please note the meeting will be held in person and virtually allowing participation remotely or by attending in-person:

Remote Participation: Join the meeting from your computer, tablet or smartphone through **ZOOM MEETING**

<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySIBNbFJQTDFyV0xPVDBXUT09>

Meeting ID: 408 986 6967 | Passcode: 094136

One tap mobile: +16699006833,,4089866967#,,, *094136# US (San Jose)
+17193594580,,4089866967#,,, *094136# US

Meeting ID: 408 986 6967 | Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codfb1>

Those without technology options can attend by going to the Ronald Reagan Building, 271 W. 3rd Street – 2nd Floor, Suite 203, Wichita, Kansas. Please note masks may be needed and social distancing will be observed.

Submit Comments Ahead of Time: you can submit comments regarding items on the Planning Commission - Subdivision and Utility Advisory Committee Agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department. Comments must be received by the Planning Department no later than 5:00 pm, 3 days prior to the Subdivision Committee meeting.

The MAPC will also consider your request in a public hearing on **Thursday, June 08, 2023. The meeting will begin at 1:30 p.m. virtually and in person (see instructions above).** You should participate virtually or attend the on-site location for both of these meetings and expect to address questions about this vacation request. Those

Page 2

Sincerely,

E. Uack

EE:kw

cc: Clear Ridge Investments LLC, Steve Miller, PO Box 780789, Wichita KS 67278
Byron Ray Davidson & Karen Lea Davidson Revocable Trust, 235 N Jackson Heights St, Wichita KS 67206
Randy Windham, 204 N Zelta St, Wichita KS 67206
John M McDonough & Trudy A McDonough, 21 N Sagebrush Cir, Wichita KS 67230

VICINITY MAP





Sedgwick County
Register of Deeds - Tonys Buckingham
Doc. #/Flm-Pg: 30254067

Receipt #: 2390161
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: KVENATOR

Authorized By: *Tony Buckingham*

Date Recorded: 07/31/2023 08:52:15 AM



**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A 25-FOOT
FRONT BUILDING SETBACK, REDUCING IT TO A
PLATTED ZERO-FOOT SETBACK**

**GENERALLY LOCATED WITHIN ONE-QUARTER
MILE NORTH OF EAST DOUGLAS AVENUE AND
ONE-HALF MILE WEST OF NORTH 127TH STREET
EAST**

VAC2023-00016

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 25th day of July, 2023, comes on for hearing the petition for vacation filed by Clear Ridge Investments, LLC (owner), praying for the vacation of the described 25-foot front building setback, reducing it to a zero-foot building setback, to wit:

All of the 25 foot Building Setback Line in Lot 8, together with the Northwest 5 feet of the 25 foot Building Setback Line in Lot 7 and the Southeast 5 feet of the 25 foot Building Setback Line, all in Block 1, Jackson Heights Townhomes, Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, in aforesaid County and State, described as beginning at the Northwest corner of said Lot 7 and the Easternmost corner of Lot 8, and the southwestern boundary of Overbrook Lane; THENCE Southeast, coincidently with the northern boundary of said Lot 7, following a curve to the left having a radius of 150.00 feet, an arc length of 5.00 feet, a chord bearing of South 56°02'58" East, a chord distance of 5.00 feet, to a point of deflection; THENCE South 34°54'20" West, parallel with and 5.00 feet normally distant southeast from the common boundary of said Lot 7 and Lot 8, a distance of 25.01 feet, to the Southwestern boundary of said 25 foot Building Setback Line; THENCE Northwest, coincident with the Southwestern boundary of said 25 foot Building Setback Line, following a curve to the right having a radius of 175.00 feet, at an arc length of 5.00 feet passing the common line to said Lots 7 and 8, continuing an arc distance of 65.33 feet, at 70.33 feet passing the common line of said Lots 8 and 9, continuing an arc distance of 5.00 feet, to a total arc length of 75.33 feet, having an angle of 24°69'53", a chord bearing North 44°23'58" West, a chord distance of 74.75 feet; THENCE North 56°17'45" East, parallel with and 5.00 feet normally distant northwest from the northern common line of said Lots 8 and 9, a distance of 25.01 feet, to the Southwestern line of said Overbrook Lane; THENCE Southeast, coincident with the Southwestern line of said Overbrook Lane, at an arc distance of 5.00

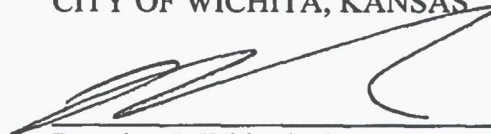
feet, passing the Eastern common corner of said Lots 8 and 9, continuing an arc distance of 56.00 feet, a total arc distance of 61.00 feet, a chord bearing South 43°26'39" East, a chord distance of 60.58 feet, to the POINT-OF-BEGINNING.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

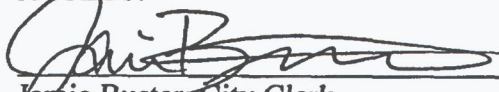
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 18, 2023, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described 25-foot front building setback, reducing it to a zero-foot building setback, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the described 25-foot front building setback, reducing it to a zero-foot building setback, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of July, 2023, ordered that the described 25-foot front building setback, reducing it to a zero-foot building setback, is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

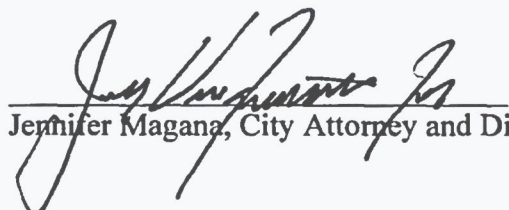
CITY OF WICHITA, KANSAS


Brandon J. Whipple, Mayor

ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A 25-FOOT)
FRONT BUILDING SETBACK, REDUCING IT TO A)
PLATTED ZERO-FOOT SETBACK)**

**GENERALLY LOCATED WITHIN ONE-QUARTER)
MILE NORTH OF EAST DOUGLAS AVENUE AND)
ONE-HALF MILE WEST OF NORTH 127TH STREET)
EAST)**

VAC2023-00016

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 25th day of July, 2023, comes on for hearing the petition for vacation filed by Clear Ridge Investments, LLC (owner), praying for the vacation of the described 25-foot front building setback, reducing it to a zero-foot building setback, to wit:

All of the 25 foot Building Setback Line in Lot 8, together with the Northwest 5 feet of the 25 foot Building Setback Line in Lot 7 and the Southeast 5 feet of the 25 foot Building Setback Line, all in Block 1, Jackson Heights Townhomes, Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, in aforesaid County and State, described as beginning at the Northwest corner of said Lot 7 and the Eastern-most corner of Lot 8, and the southwestern boundary of Overbrook Lane; THENCE Southeast, coincidently with the northern boundary of said Lot 7, following a curve to the left having a radius of 150.00 feet, an arc length of 5.00 feet, a chord bearing of South 56°02'58" East, a chord distance of 5.00 feet, to a point of deflection; THENCE South 34°54'20" West, parallel with and 5.00 feet normally distant southeast from the common boundary of said Lot 7 and Lot 8, a distance of 25.01 feet, to the Southwestern boundary of said 25 foot Building Setback Line; THENCE Northwest, coincident with the Southwestern boundary of said 25 foot Building Setback Line, following a curve to the right having a radius of 175.00 feet, at an arc length of 5.00 feet passing the common line to said Lots 7 and 8, continuing an arc distance of 65.33 feet, at 70.33 feet passing the common line of said Lots 8 and 9, continuing an arc distance of 5.00 feet, to a total arc length of 75.33 feet, having an angle of 24°69'53", a chord bearing North 44°23'58" West, a chord distance of 74.75 feet; THENCE North 56°17'45" East, parallel with and 5.00 feet normally distant northwest from the northern common line of said Lots 8 and 9, a distance of 25.01 feet, to the Southwestern line of said Overbrook Lane; THENCE Southeast, coincident with the Southwestern line of said Overbrook Lane, at an arc distance of 5.00

feet, passing the Eastern common corner of said Lots 8 and 9, continuing an arc distance of 56.00 feet, a total arc distance of 61.00 feet, a chord bearing South 43°26'39" East, a chord distance of 60.58 feet, to the POINT-OF-BEGINNING.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

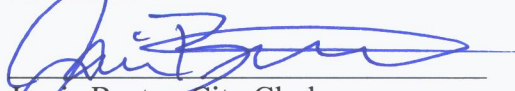
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 18, 2023, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described 25-foot front building setback, reducing it to a zero-foot building setback, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the described 25-foot front building setback, reducing it to a zero-foot building setback, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of July, 2023, ordered that the described 25-foot front building setback, reducing it to a zero-foot building setback, is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

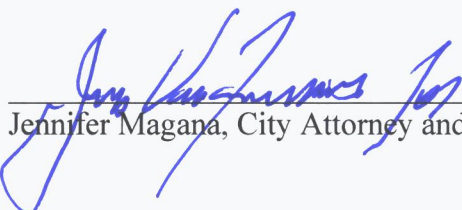
CITY OF WICHITA, KANSAS


Brandon J. Whipple, Mayor

ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	421232	Print Legal Ad-IPL01228220 - IPL0122822	OCA 150004	\$221.44	3	88 L

Attention: MANDY HEBERT

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on May 18, 2023
(One Time Only)
MAPC/BZA June 8, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 8, 2023, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

BZA2023-00026: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-5 Single-Family; located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N. Elizabeth).

CON2023-00020: Request in the City for a Conditional Use to permit Nightclub in the City and Mobile Food Unit on property zoned LC Limited Commercial District; generally located on the southeast corner of West 21st Street North and North Waco Avenue (366 W. 21st St. N.)

CON2023-00022: Conditional Use request in the City to expand existing electric substation on property zoned LI Limited Industrial; generally located within one block south of East Central Avenue, and two-blocks west of North Washington Avenue (402 N. Mead).

CUP2023-00016: CUP Minor Amendment in the City to CUP DP-268 to allow on-site advertising on an off-site billboard; generally located on the northwest side of West Kellogg Drive, within 300 feet west of North Tyler Road.

VAC2023-00016: Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

VAC2023-00017: Vacation request in the City for a portion of a platted 20-foot alley; generally located between North Santa Fe and North St. Francis and between East Pine Street and East Murdock Avenue (abutting 700 N. St. Francis).

VAC2023-00018: Vacation request in the City of a portion of complete access control to open a new access point and close an existing access point on property zoned LC & GC with PO-36; generally located on the west side of North Maize Road, within one-quarter mile north of West 21st Street North.

ZON2023-00021: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Hillside Avenue and within one-half mile north of East 45th Street North.

ZON2023-00026: Zone change request in the City from SF-5 Single-Family Residential District to GC General Commercial District with Protective Overlay #411; generally located on the north side of West Maple Street, within 500 feet west of North Tyler Road (8924 W. Maple St.).

ZON2023-00027: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of North Tyler Road, within one-half mile north of West 29th Street North (3320 N. Tyler Rd.).

ZON2023-00028: Zone change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for the development of duplexes; generally located on the east side of South Maize Road, within one-half mile north of West 31st Street South (2816 S. Maize Rd.).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting
<https://us06web.zoom.us/j/4089866967?pwd=ek0k3bW0ySjBnbFJQTDZlY0xPVDEkUT09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699008833,4089866967#...*094136# US (San Jose)

+17193594580,4089866967#...*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/4089866967>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov

Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on May 18, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0122822

May 18 2023

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

05/18/23

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 05/18/2023 to 05/18/2023.

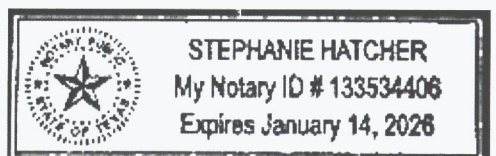
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 06/22/2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

STAFF REPORT

CASE NUMBER:

VAC2023-00016- Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

APPLICANTS:

Clear Ridge Investments, LLC (applicant), Baughman Company, PA (agent).

LEGAL DESCRIPTION:

Generally described as vacating a platted building setback as dedicated in Jackson Heights Townhomes Addition to Wichita, Sedgwick County, Kansas (see attached legal).

LOCATION:

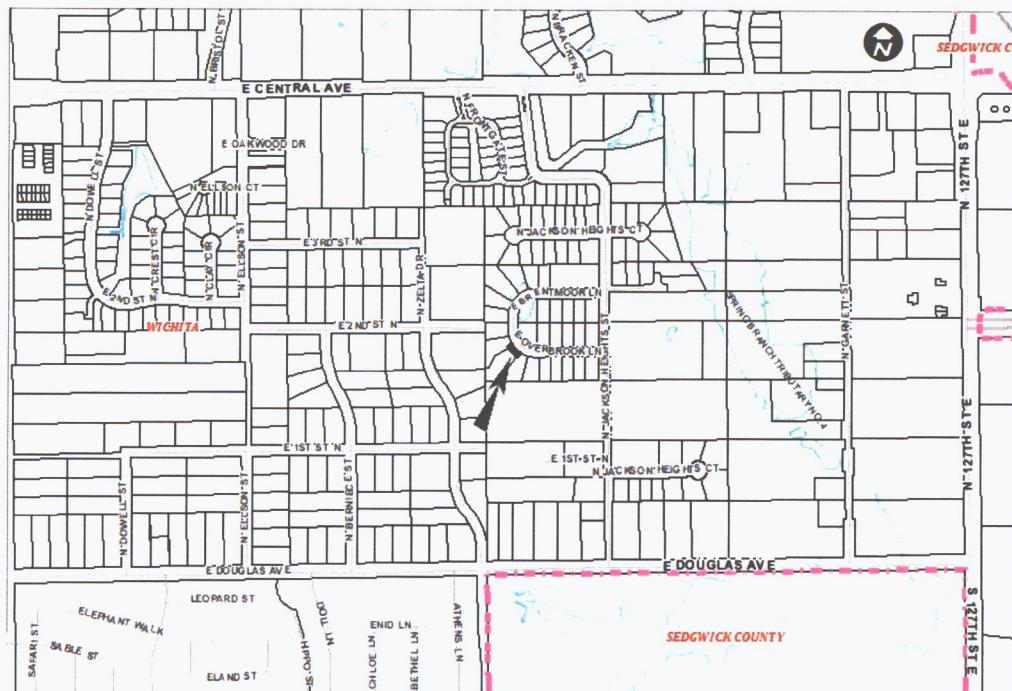
Generally located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.

REASON FOR REQUEST:

To provide parking for a neighborhood pool.

CURRENT ZONING:

Lots abutting the subject property to the north, east, and west are zoned TF-3 Two-Family Residential District and are being developed with townhomes. South of the subject property are properties zoned SF-5 Single-Family Residential District developed with single-family residences.



The applicant is requesting the vacation of 25 feet of the platted front building setback on Lot 8, together with the Northwest 5 feet of the 25-foot building setback on Lot 7 and the Southeast 5 feet of the 25-foot building setback, all in Block 1, Jackson Heights Townhomes Addition to allow parking in the front setback on property zoned TF-3 Two-Family Residential District. Per the Unified Zoning Code, parking within the front setback in the TF-3 Two-Family Residential District is not permitted. Vacating all 25 feet of the platted setback would reduce it to zero feet, and would permit this area to be used for parking.

The applicant plans to develop the lot with a swimming pool and other neighborhood amenities. This application was submitted concurrently with a request for a Conditional Use to permit a neighborhood swimming pool on property zoned TF-3 Two-Family Residential District (CON2023-00015). The proposed parking would be located in front of the swimming pool, along Lot 8's Overbrook Lane frontage. The applicant's exhibit shows five parking stalls including one accessible stall beginning 14 feet from the centerline of Overbrook Lane.

City water is located in the East Overbrook Lane right-of-way. City sewer is located in a platted 30-foot utility easement running parallel to the subject site's rear (south/southwest) property line. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described setback. Conditions #2 and #3 cover all utilities. Vehicular traffic, pedestrian traffic, and public safety should not be impacted by this vacation request if approved with the listed conditions.

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 portion of platted building 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 18, 2023, 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 platted building 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. Vacate all of the 25-foot building setback on Lot 8, together with the Northwest 5 feet of the 25-foot building setback on Lot 7 and the Southeast 5 feet of the 25-foot building setback, all in block 1, Jackson Heights Townhomes, Wichita, Sedgwick County, Kansas.
2. Provide planning staff with legal descriptions of the approved vacated portion of the platted 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 Council for final action.

3. Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the platted setback shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. 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.
4. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
5. All improvements shall be according to City Standards and at the applicant's expense.
6. 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

1. Vacate all of the 25-foot building setback on Lot 8, together with the Northwest 5 feet of the 25-foot building setback on Lot 7 and the Southeast 5 feet of the 25-foot building setback, all in block 1, Jackson Heights Townhomes, Wichita, Sedgwick County, Kansas.
2. Provide planning staff with legal descriptions of the approved vacated portion of the platted 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 Council for final action.
3. Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the platted setback shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved private project plan number for the abandonment /relocation of public utilities. 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.
4. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
5. All improvements shall be according to City Standards and at the applicant's expense.
6. 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

VAC2023-00016- Request in the City to vacate 25-foot front building setback on property zoned TF-3 Two-Family Residential; located within one-quarter mile north of East Douglas Avenue, one-half mile west of North 127th Street East.
June 8, 2023
Page 4

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) Applicant's Exhibit, 3) Site Photos, 4) Legal Description

Attachment 1. Aerial Map



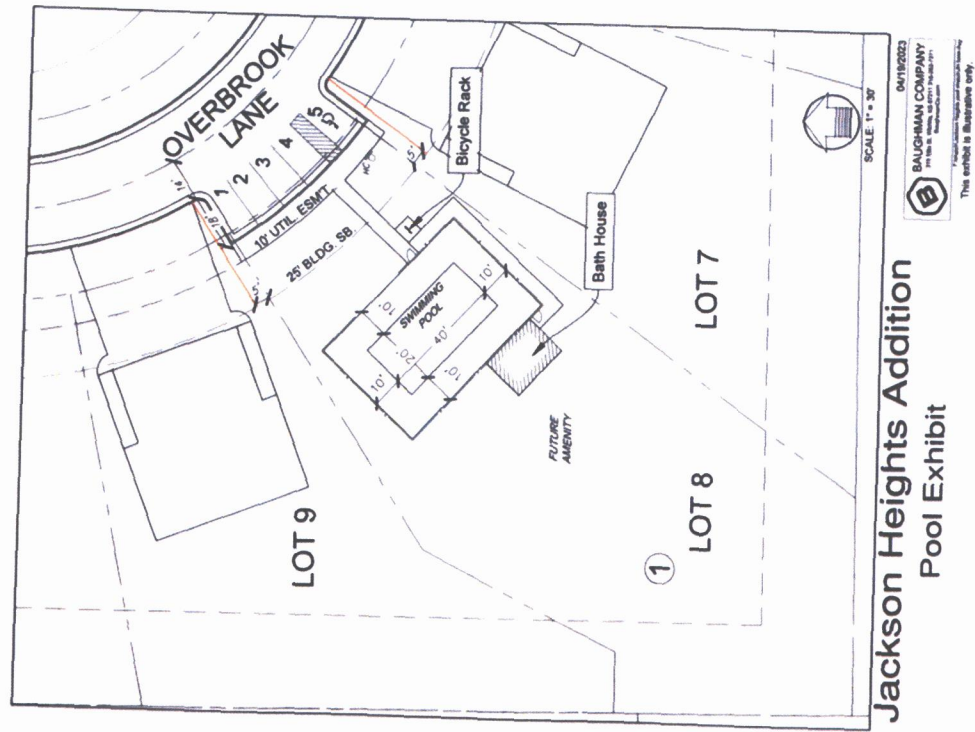
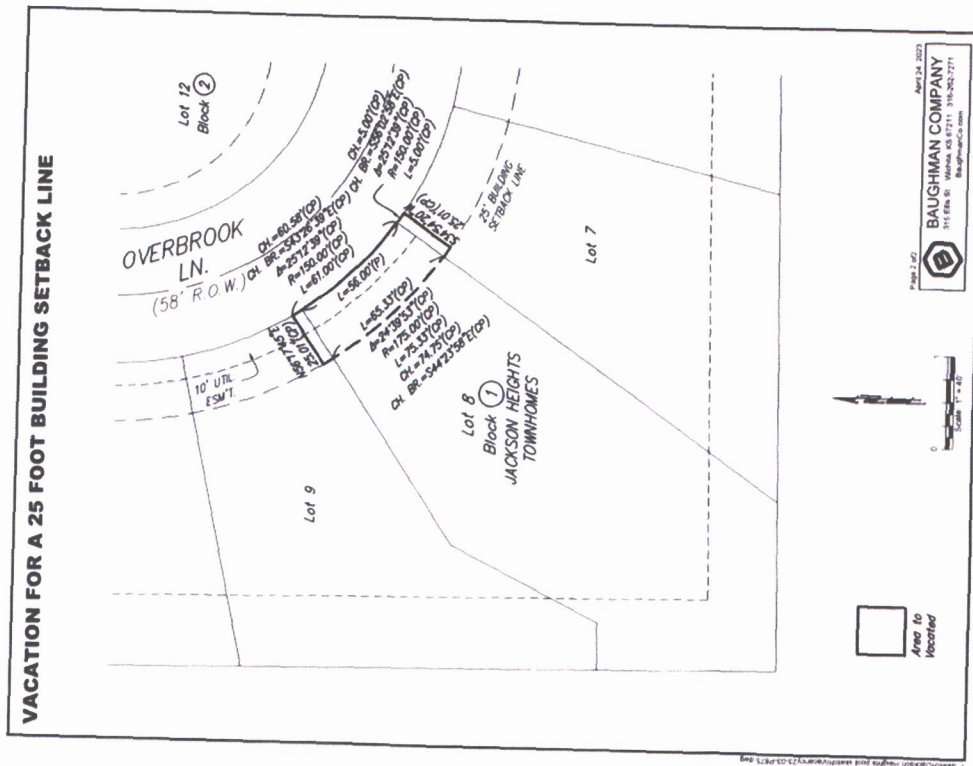
- VAC2023-00016
- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- - - Open Channel
- Siphon
- Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains



Software: ArcGIS
 Map Data Sources:
 City of Wichita
 Sedgwick County
 Prepared 4/25/2023

It is understood that while the City of Wichita Data Center Geographic Information System (GIS) is the best available information, it is not a guarantee of accuracy. The City of Wichita and its employees have no indication and intention to believe that there are inaccuracies in information incorporated in the base map. The Data Center GIS personnel make no warranty, or representation, or endorsement, or assumption of liability for the information or data displayed. All information is provided "as is" with respect to the information or data displayed. No public property represented on this map is not intended to be inclusive.

Attachment 2. Applicant's Exhibit



Attachment 3. Site Photos



The subject site and abutting properties.



The subject site.



North of the subject site.



Northeast of the subject site.



LEGAL DESCRIPTION OF BUILDING SETBACK TO BE VACATED

All of the 25 foot Building Setback Line in Lot 8, together with the Northwest 5 feet of the 25 foot Building Setback Line in Lot 7 and the Southeast 5 feet of the 25 foot Building Setback Line, all in Block 1, Jackson Heights Townhomes, Wichita, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, in aforesaid County and State, described as beginning at the Northwest corner of said Lot 7 and the Eastern most corner of Lot 8, and the southwestern boundary of Overbrook Lane; THENCE Southeast, coincidently with the northern boundary of said Lot 7, following a curve to the left having a radius of 150.00 feet, an arc length of 5.00 feet, a chord bearing of South 56°02'58" East, a chord distance of 5.00 feet, to a point of deflection; THENCE South 34°54'20" West, parallel with and 5.00 feet normally distant southeast from the common boundary of said Lot 7 and Lot 8, a distance of 25.01 feet, to the Southwestern boundary of said 25 foot Building Setback Line; THENCE Northwest, coincident with the Southwestern boundary of said 25 foot Building Setback Line, following a curve to the right having a radius of 175.00 feet, at an arc length of 5.00 feet passing the common line to said Lots 7 and 8, continuing an arc distance of 65.33 feet, at 70.33 feet passing the common line of said Lots 8 and 9, continuing an arc distance of 5.00 feet, to a total arc length of 75.33 feet, having an angle of 24°69'53", a chord bearing North 44°23'58" West, an chord distance of 74.75 feet; THENCE North 56°17'45" East, parallel with and 5.00 feet normally distant northwest from the northern common line of said Lots 8 and 9, a distance of 25.01 feet, to the Southwestern line of said Overbrook Lane; THENCE Southeast, coincident with the Southwestern line of said Overbrook Lane, at an arc distance of 5.00 feet, passing the Eastern common corner of said Lots 8 and 9, continuing an arc distance of 56.00 feet, a total arc distance of 61.00 feet, a chord bearing South 43°26'39" East, a chord distance of 60.58 feet, to the POINT-OF-BEGINNING.

