

STAFF REPORT

CASE NUMBER: VAC2021-00030 – County request to vacate a portion of a platted street side yard setback

APPLICANT: Bart & Brianna Sommers (owner/applicant) Savoy Company PA, c/o Mark Savoy

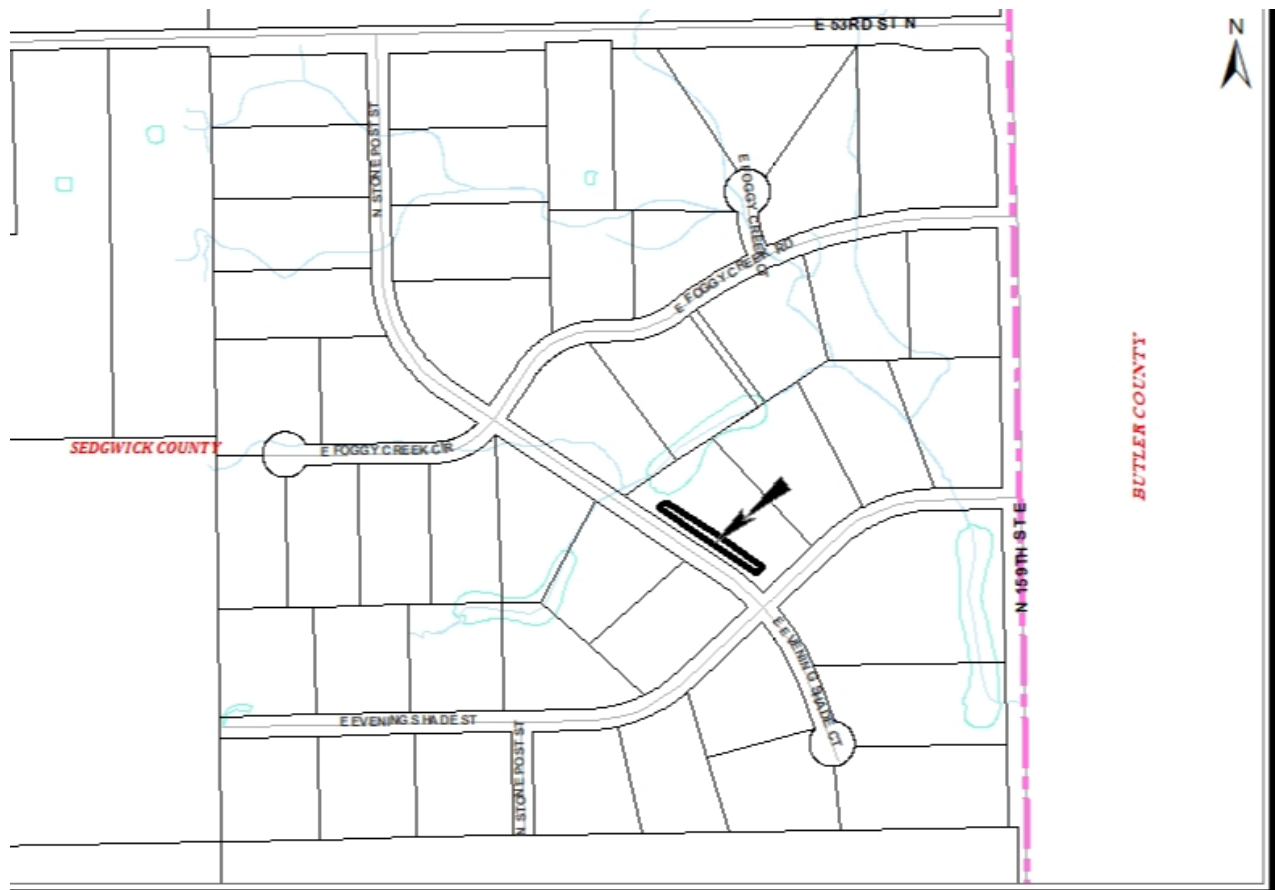
LEGAL DESCRIPTION: Generally described as vacating the north 30 feet of the platted 60-foot street side yard setback located on Lot 9, Block 3, Stone Post Farm Addition, Sedgwick County, Kansas

LOCATION: Generally located east of North 159th Street East, south of East 53rd Street North on the northeast corner of East Evening Shade Street & North Stone Post Street (City of Wichita’s Three-Mile Ring Subdivision Jurisdiction. BoCC I)

REASON FOR REQUEST: To build a shop further away from their single-family residence

CURRENT ZONING: The site and all abutting and adjacent properties are zoned RR Rural Residential.

VICINITY MAP:



The applicant propose to vacate the north 30 feet of the platted 60-foot street side yard setback on the 3.19-acre RR Rural Residential zoned corner subject site, Lot 9, Block 3, Stone Post Farm Addition. The Stone Post Farm Addition were recorded with the Register of Deeds March 10, 2004. The UZC Unified Zoning Code establishes a corner lot’s front yard setback along its shorter street frontage, in this case it is its East Evening Shade Street frontage making the North Stone Post Street frontage the street side yard setback; UZC Sec.III, E.1e.6.

The UZC has a minimum 20-foot street side yard setback standard for the RR zoning district. If approved the request would result in a 30-foot street side yard setback. The applicant proposes to build a shop along its North Stone Post Street frontage. The proposed vacation would allow the applicant to build a shop further away from their home; which was built 2020.

VAC2007-00001 was an approval to vacate 20 feet of the platted 60-foot street side yard setback on Lot 6, Block 3, Stone Post Farm Addition, which is located on the northwest corner of North 159th Street East and East Evening Post Street.

There are no utilities located in the area of the proposed vacation. The site is located within the Butler County Rural Water District #5. Sewer service is provided on site. Conditions #2 and #3 cover all utilities.

NOTE: Because the subject site is located within the City of Wichita’s Three-Mile Ring Subdivision Jurisdiction final action on this case will be taken by both the Wichita City Council and the Sedgwick County Board of County Commissioners.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County/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 60-foot street side 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 Derby Informer, of notice of this vacation proceeding one time July 21, 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 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 an approved legal descriptions of the vacated 30-foot portion of the platted 60-foot street side 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 the 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 the County Commission for final action. Provide Planning with letters of approval or E-mails of approval.

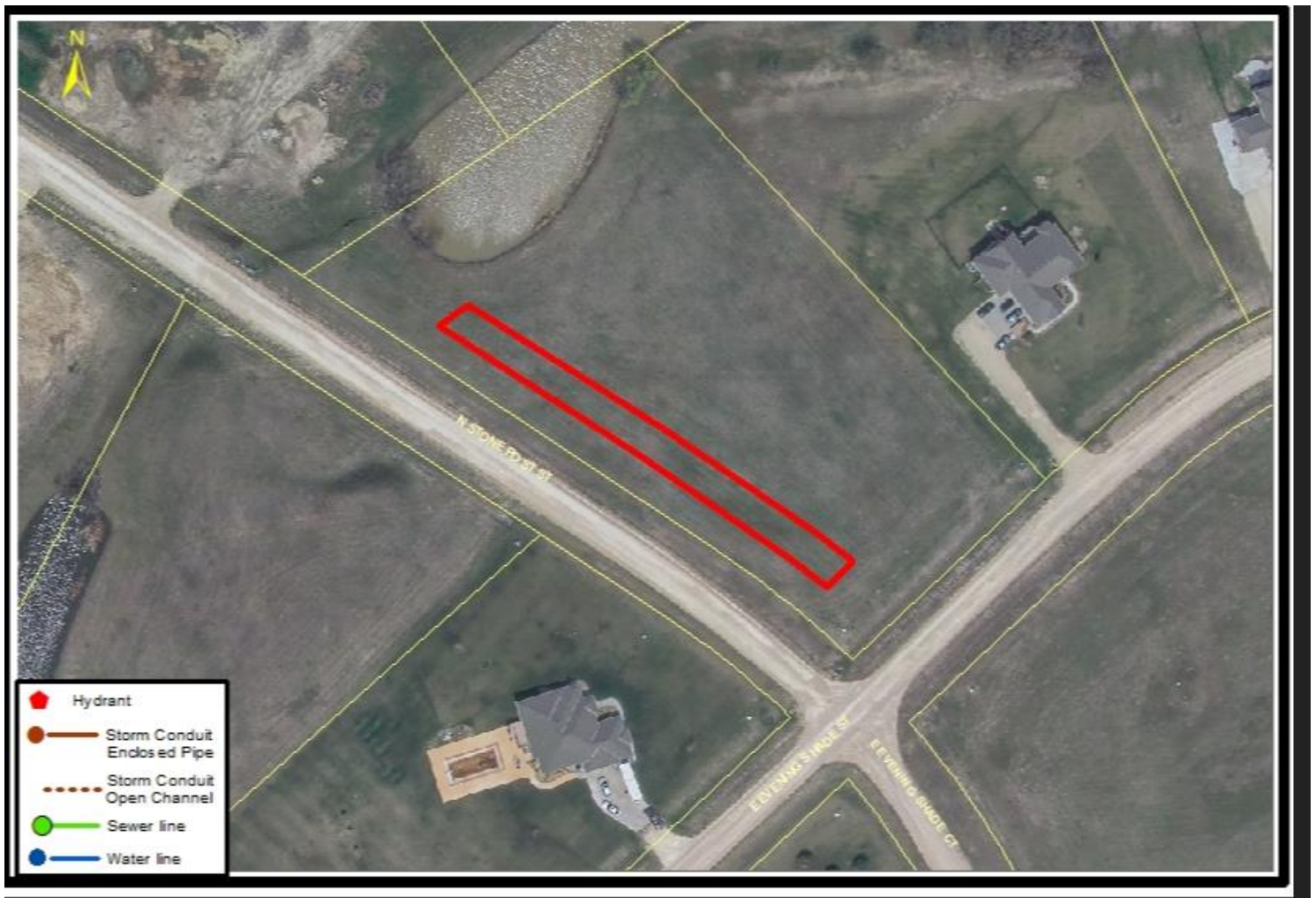
- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the City Council and the County Commission for final action and filing with the Sedgwick 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 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 descriptions of the vacated 30-foot portion of the platted 60-foot street side 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 the 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 the 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 City Council and the County Commission for final action and filing with the Sedgwick County Register of Deeds.
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VAC2021-00030 – County request to vacate a portion of a platted 60-foot street side yard setback on RR Rural Residential zoned property generally located south of East 53rd Street North, east of North 159th Street East on the northeast corner of North Stone Post Street & East Evening Shade Street (City of Wichita’s Three-Mile Ring Subdivision Jurisdiction BoCC # I)
September 9, 2021
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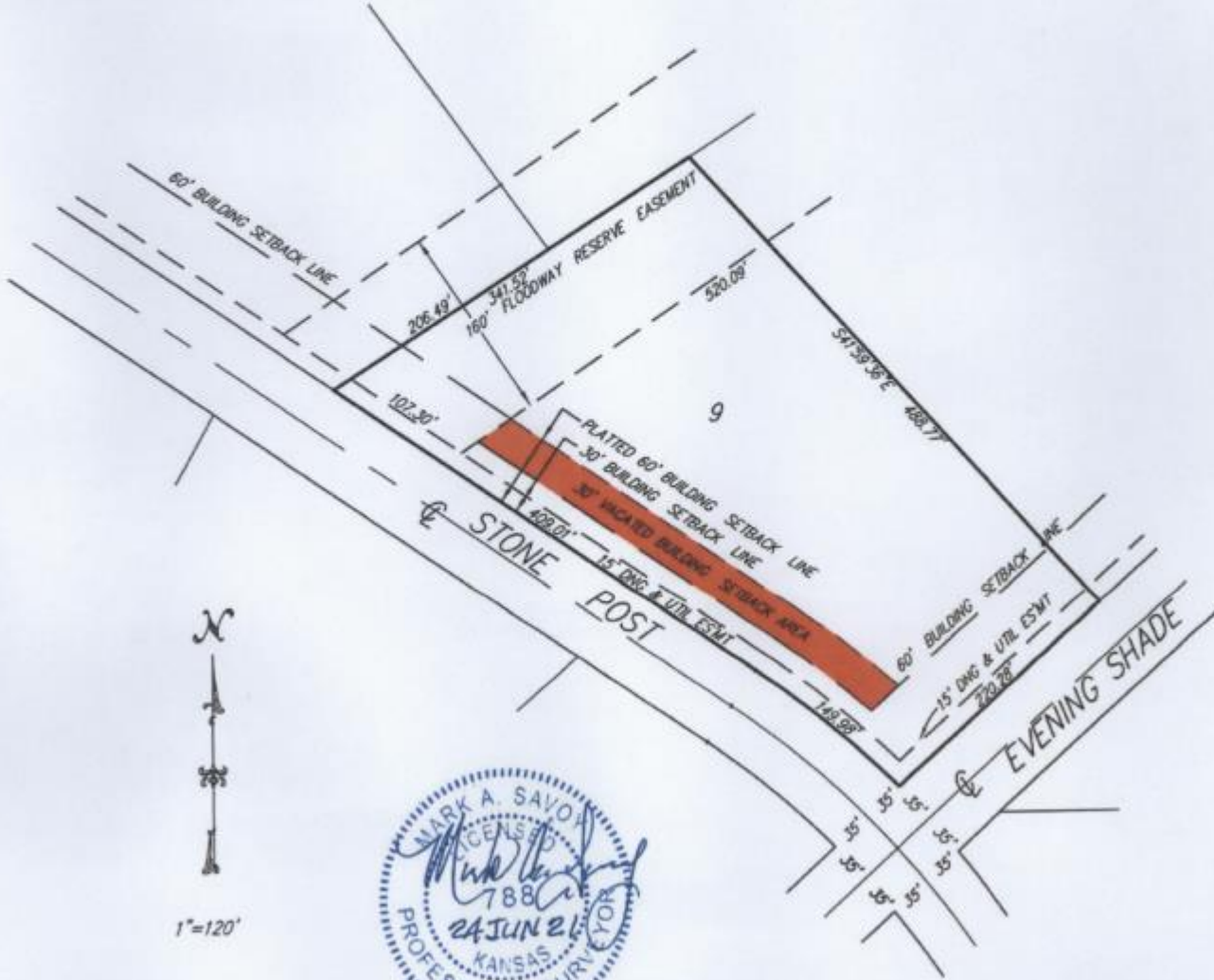
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**VACATION EXHIBIT
 PART OF A 60 FOOT BUILDING SETBACK AREA**

That part of the Building Setback Area of Lot 9, Block 3, Stone Post Farm, Sedgwick County, Kansas, described as being the Northeasterly 30 feet of the Southwesterly 60 feet of said Lot 9, lying Southeasterly of the Southeasterly Line of the Floodway Reserve Easement on said Lot 9, except the Southeasterly 60 feet of said Lot 9.





Red rectangle is location with 60' setback. Black rectangle is desired location with setback vacation and new setback of 30'. Existing 60' setback line can be seen faintly along roadside edge of red rectangle.