METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3-2
May 9, 2019

STAFF REPORT

CASE NUMBER: **VAC2019-00005** - City vacation of a portion of platted front setback to allow for in-ground pool.

APPLICANT: Jim Jacobsen (owner)

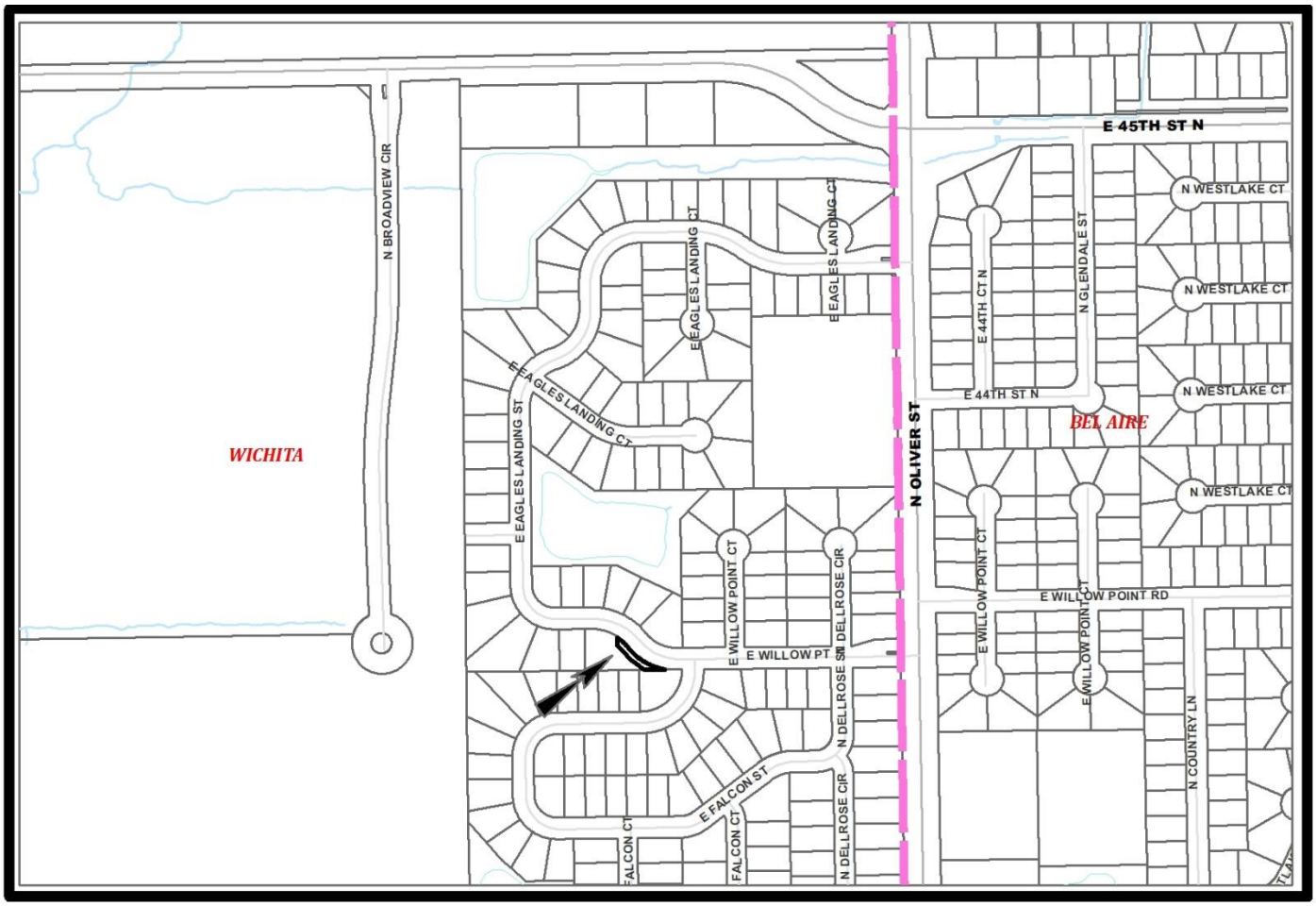
LEGAL DESCRIPTION: Generally described as vacating the south 20 feet of the platted 25-foot building setback of the east 168 feet of Lot 56, Block A, Eagles Landing at North Oliver 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located approximately one-quarter mile southwest of the corner of east 45th Street North and North Oliver Street (WCC #I)

REASON FOR REQUEST: To allow for an in-ground pool.

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

VICINITY MAP:



The applicant proposes to vacate the south 20 feet of the platted 25-foot building setback of the east 168 feet of Lot 56, Block A, Eagles Landing at North Oliver 2nd Addition. The lot is zoned SF-5 Single Family Residential. If approved, the request would reduce the platted building setback to 5 feet. The Unified Zoning Code's (UZC) minimum front setback standard for the SF-5 zoning district is 25 feet. The applicant's request does exceed the minimum front setback for SF-5 zoning. However, this lot is unique in that the eastern portion of the site (which is the planned location for the pool) functions more like a side yard to the structure, but it fronts East Willow Point and is subject to the platted front setback. This platted front setback has no platted easements or public utilities located in it. Westar has no existing facilities in the platted setback being vacated. Becky Thompson is the area representative and can be contacted at 261-6320 for this item. The Eagles Landing at North Oliver 2nd Addition was recorded with the Register of Deeds January 24, 2002.

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 April 18, 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 front 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 the south 20 feet of the platted 25-foot building setback of the east 168 feet of Lot 56 Block A, Eagles Landing at North Oliver 2nd Addition. 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.

(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.

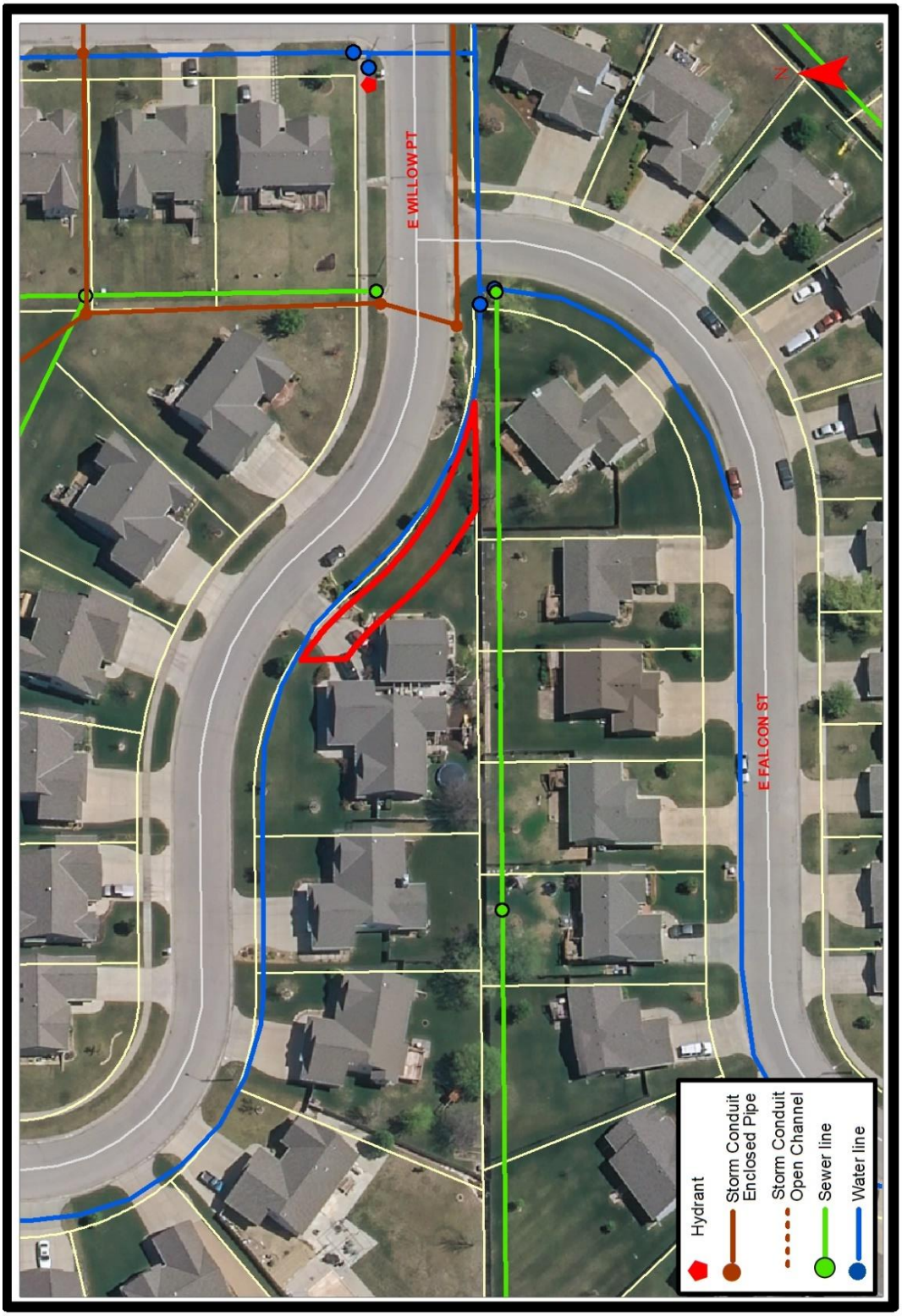
(3) All improvements shall be according to City Standards and at the applicant's expense.

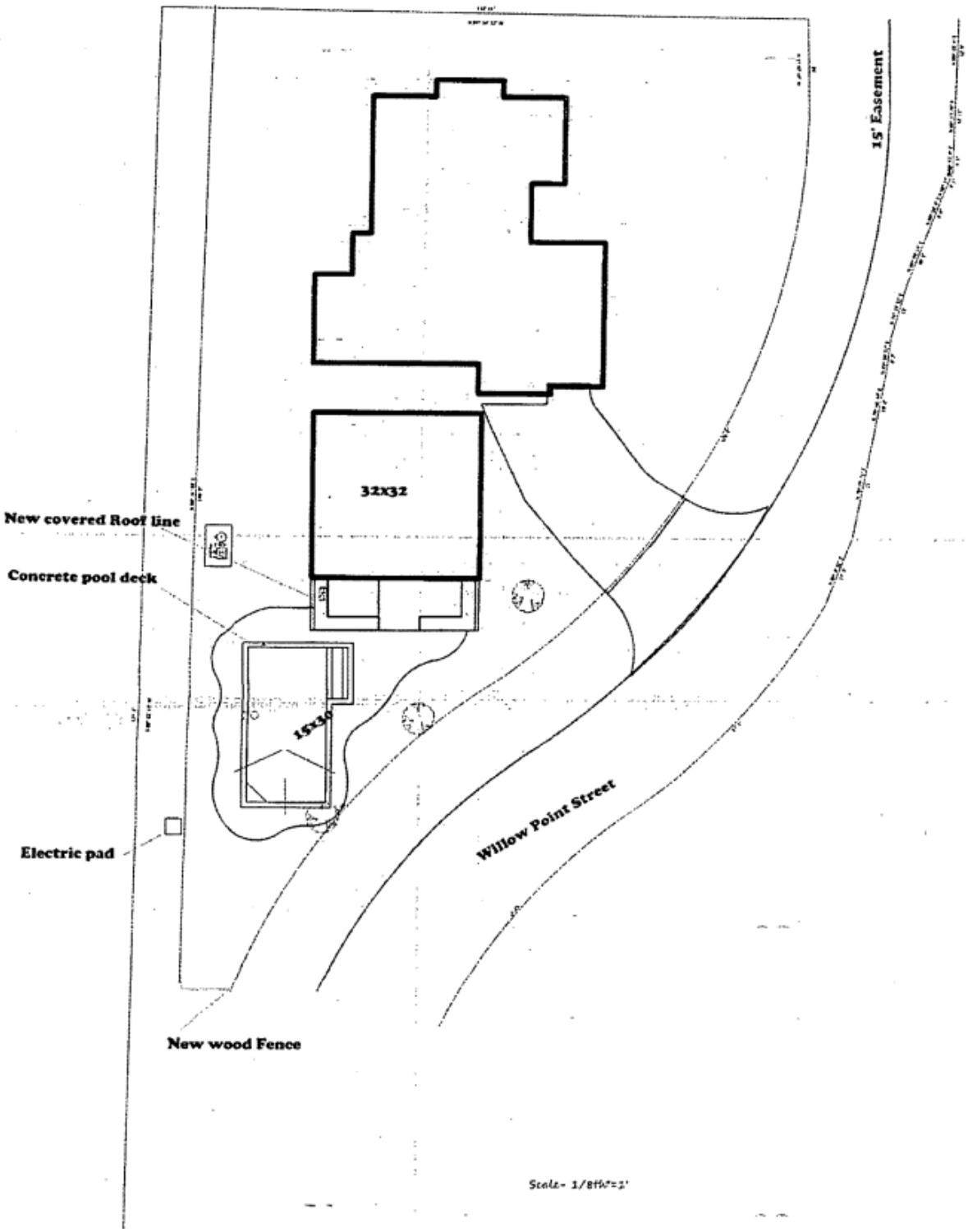
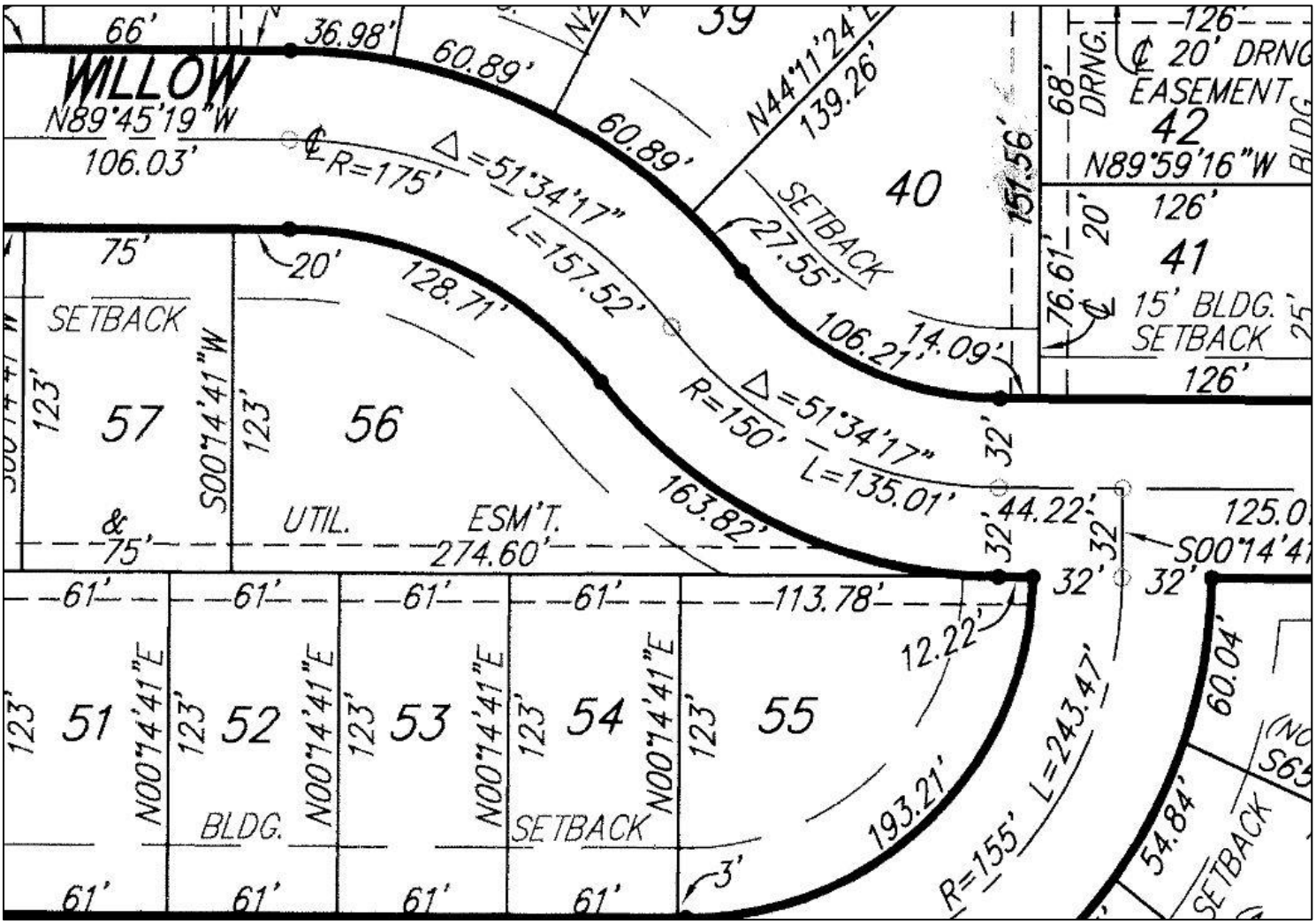
(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final 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 per staff recommendations.

Attachments:

1. Area Map
2. Site Plan Submitted by Applicant
3. Plat Detail




15' Easement
32X32
New covered Roof line
Concrete pool deck
15X30
Willow Point Street
Electric pad
New wood Fence
Scale- 1/8th"=1'

Plat Detail of Lot 56, Bock B, Eagles Landing at North Oliver 2nd Addition