

STAFF REPORT

CASE NUMBER: VAC2019-00007 - City vacation of the inside 12 feet of the platted 20-foot side street setback.

APPLICANT/AGENT: Tim Farha (applicant) / Shannon Wilkinson (agent)

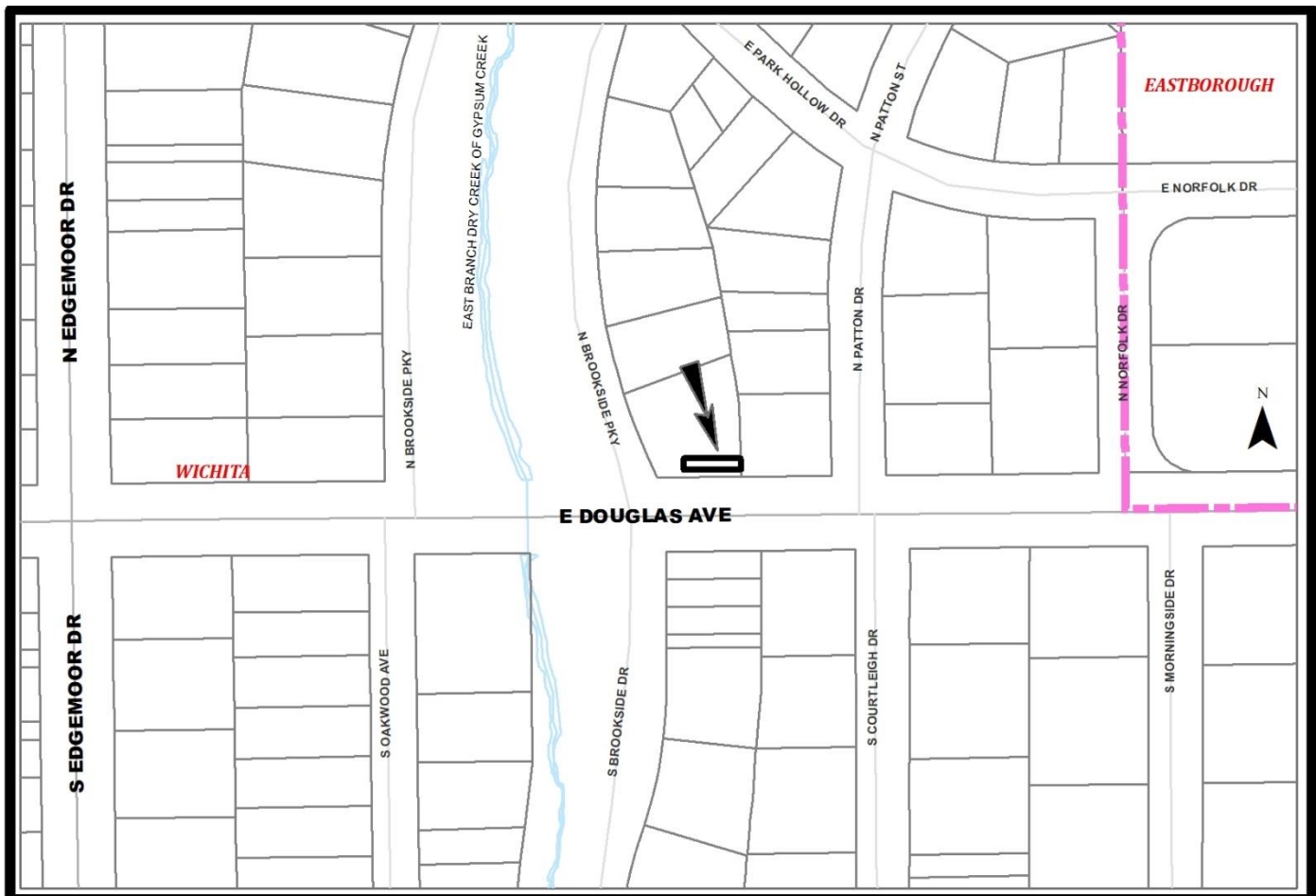
LEGAL DESCRIPTION: Generally described as vacating inside 12 feet of the platted 20-foot side street building setback of Lot 9, Block 3, Park Hollow Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of East Douglas Avenue and approximately 600 feet east of North Edgemoor Drive. (WCC #I)

REASON FOR REQUEST: To allow for an accessory structure.

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

VICINITY MAP:



The applicant proposes to vacate the inside 12 feet of the platted 20-foot building side street setback of Lot 9, Block 3, Park Hollow Addition. The purpose of this request is to construct an accessory structure on the property. The lot is zoned SF-5 Single Family Residential. If approved, the request would reduce the platted building setback to 8 feet. The Unified Zoning Code's (UZC) minimum side street setback standard for the SF-5 zoning district is 15 feet. The applicant's request does exceed the minimum side street setback for SF-5 zoning. This platted side street setback abuts a platted 16-foot utility easement that runs north/south along the rear property line. The 8 feet of easement platted on the subject property shall be retained and no structures shall encroach over the easement. Westar has no objection to this vacation. However, there are overhead lines in the area, and the applicant will have to contact Westar regarding the proposed structure to ensure proper overhead clearance. Becky Thompson, Area Construction Representative, will be the contact for this item and can be contacted at 261-6320. The Park Hollow Addition was recorded with the Register of Deeds March 27, 1947.

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 2, 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 street 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 inside 12 feet of the platted 20-foot site street building setback of Lot 9 Block 3, Park Hollow 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

