

**METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA REPORT NO. 3-2**  
**November 7, 2019**

**STAFF REPORT**

**CASE NUMBER:** VAC2019-00035 - City Vacation of a portion of a platted 50-foot street-side setback.

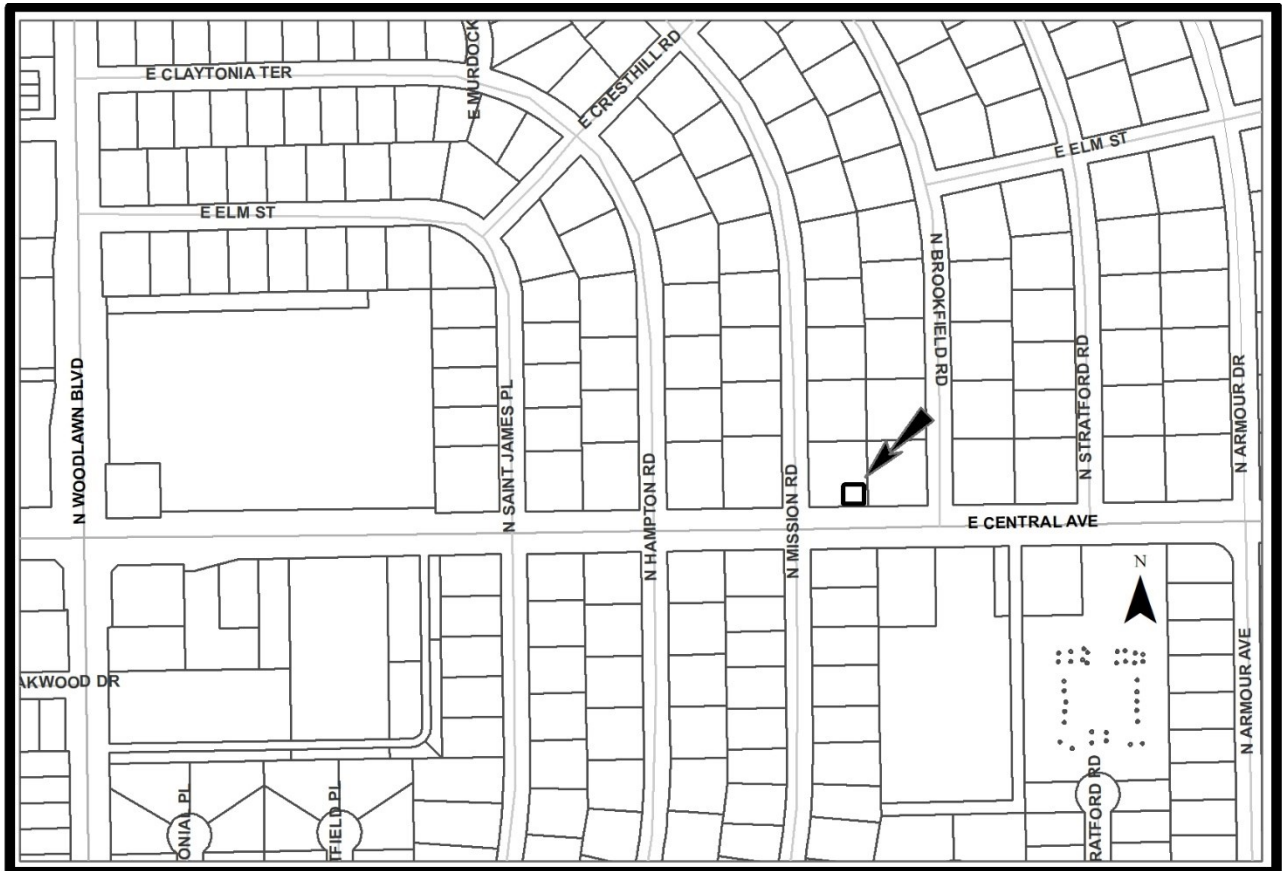
**APPLICANT** Greg Standifer

**LEGAL DESCRIPTION:** Generally described as vacating the north 43.5 feet of the platted 50-foot platted building setback of the east 46 feet of the west 125 feet located on the north side of Lot 9, Block D, Woodlawn Village 1<sup>st</sup> Addition, Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located on the north side of East Central Avenue and one-third mile east of North Woodlawn Boulevard (508 N. Mission Rd.) (WCC II)

**REASON FOR REQUEST:** Construct a detached garage.

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



The applicant proposes to vacate the north 43.5 feet of the platted 50-foot building setback of the east 46 feet of the west 125 feet located on the south side of the property platted as Lot 9, Block D, Woodlawn Village 1<sup>st</sup> Addition. The property is addressed 508 N. Mission Rd., and is generally located on the north side of East Central Avenue and one-third mile east of North Woodlawn Boulevard. The purpose of this vacation is to construct a detached garage. The lot is zoned SF-5 Single Family Residential. If approved, the request would reduce the platted building setback to 7.5 feet. The Unified Zoning Code's (UZC) minimum side street setback is 15 feet. The applicant's request does exceed the minimum side street setback by 7.5 feet. Within one-quarter mile to the east, the owner of 501 N. Tallyrand St. requested the reduction of the platted 50-foot street-side setback to 5 feet (VAC2016-00049) which was approved in February 2017.

There are no public utilities located in the proposed vacation areas. Because the property abuts East Central, complete access control shall be dedicated for the entire length of the Lot to prevent any driveways from being constructed along East Central. Every does not have any facilities in the setback. However, proper clearance shall be maintained between the proposed structure and the overhead lines at the rear of the property. Becky Thompson is the Area Construction Representative and can be contacted at 316-261-6320 with questions regarding this case. The Woodlawn Village 1st Addition was recorded with the Register of Deeds April 17, 1954.

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 portions of platted building setbacks.

- 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 October 17, 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 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 legal descriptions of the approved vacated portions of the platted setbacks 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 City Council for final action.

- (2) A dedication of complete access control from the entire length of the south lot line of the described lot shall be dedicated by separate instrument, with original signatures. This shall be provided to Planning prior to this case going to City Council for final action.
- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicant's expense.
- (5) 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.

