



Wichita-Sedgwick County Metropolitan Area Planning Department

January 17, 2003

Kevin L. Keen &
Tamara J K Keen
11005 E. 47th Street South
Derby, KS 67037

Re: **VAC2002-00041**- Request to vacate 75 foot building setback line generally located Southwest corner of 47th Street South and Greenwich.

Dear Mr. & Mrs. Keen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, January 16, 2003, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

- (1) Vacate the south 15-feet of the platted 75-foot setback, located on the north side of the property (47th Street South frontage) as recorded on Lot 1, Block A, Quail Creek Estates Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (3) All improvements shall be according to City Standards.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, January 23, 2003 at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4494.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner

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STAFF REPORT

CASE NUMBER: VAC2002-00041: Request to vacate a portion of a platted building setback line.

OWNER/APPLICANT: Kevin & Tamara Keen

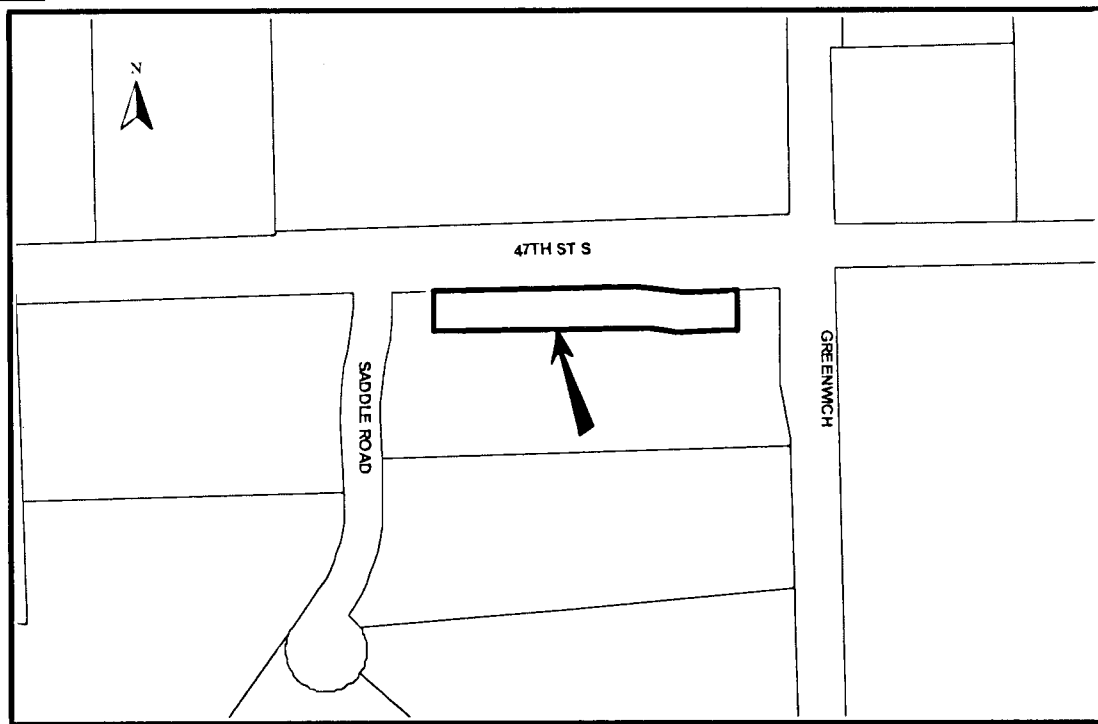
LEGAL DESCRIPTION: The 75-foot platted setback shown the north property line of Lot 1, Block A, Quail Creek Estates Addition

LOCATION: Generally located southwest of the 47th Street South – Greenwich Road intersection, 11005 E 47th Street South.

REASON FOR REQUEST: The applicant proposes to build a garage.

CURRENT ZONING: Subject property and properties all around are zoned RR Rural Residential.

VICINITY MAP:



The applicant is requesting consideration for the vacation of the south 15-feet of the platted 75-foot setback, located on the north side of the property (47th Street South frontage) as recorded on Lot 1, Block A, Quail Creek Estates Addition. The request is a 20% reduction of the platted setback that would make the setback 60-feet. This setback ends at its points of intersection with platted 75-foot setbacks on its east and west sides. The applicant proposes to build a

garage/barn. The UZC does not allow setbacks to be closer than 100-feet from the centerline of arterial streets; Art III, Sec.III-E. The reduction of the setback to 60-feet does not violate this development standard. The USC allows accessory structures nearer to the front property line than the principal structure when the lot is 5 acres or more in size where the front setback line for accessory structures shall be the same as required for principal structures; Art III, Sec III-E. The applicant's lot is 5 acres. The Quail Creek Estates Addition was recorded with the Register of Deeds 09-08-1994.

Based upon information available prior to the public hearings, planning staff recommends approval to vacate the platted 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, by publication in the Wichita Eagle of notice of this vacation proceeding one time January, 2003, which was at least 20 days prior to this public hearing.

2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the platted setback described in the petition should be approved subject to the following conditions:

(1) Vacate the south 15-feet of the platted 75-foot setback, located on the north side of the property (47th Street South frontage) as recorded on Lot 1, Block A, Quail Creek Estates Addition.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(3) All improvements shall be according to City Standards.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

(1) Vacate the south 15-feet of the platted 75-foot setback, located on the north side of the property (47th Street South frontage) as recorded on Lot 1, Block A, Quail Creek Estates Addition.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(3) All improvements shall be according to City Standards.