

**EXCERPT MINUTES OF APRIL 6, 2016 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

Case No. VAC2017-00005: County request to vacate part of a building setback, generally located East of South 311 St W and North of 23rd St S.

APPLICANT/AGENT: James W Baker (applicant/owner)

LEGAL DESCRIPTION: Generally described as vacating the inside 10 feet of the platted 35-foot building setback located on the west side of Lot 3, Meadowlark Hills 2nd Addition, Sedgwick County, Kansas.

LOCATION: Generally located on the northeast corner of South 311th Street West and South Koenigs Drive (BOCC #III)

REASON FOR REQUEST: Accommodation of proposed new construction.

CURRENT ZONING: Site and all adjacent properties are zoned RR Rural Residential.

The applicant proposes to vacate the inside 10 feet of the platted 35-foot building setback, except the northern 25 feet and the southern 35 feet, located on and running parallel to the west property line of Lot 3, Meadowlark Hills 2nd Addition. The lot is zoned RR Rural Residential. If approved, the request would reduce the platted building setback to 25 feet. The Unified Zoning Code's (UZC) minimum street side setback standard for the RR zoning district is 20 feet. The applicant's request does not exceed the minimum street side setback for RR zoning. If approved, the request would reduce the setback from the centerline of a section line road in the county to 75 feet. The UZC's minimum setback from the centerline of a section line road in the county is 85 feet. The applicant's request does exceed the minimum setback from the centerline of a section line road in the county. Jim Weber, Deputy Director of Sedgwick County Public Works, has no objection to the vacation. The setback is located within Garden Plain's Area of Influence and will be heard by their planning commission on April 26. Westar has no equipment located within the setback. Ennidh Garcia is the Area representative and can be contacted at 261-6859. The Meadowlark Hills 2nd Addition was recorded with the Register of Deeds October 20, 1983.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, 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 Derby Informer, of notice of this vacation proceeding one time March 15, 2017, 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 building 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 10 feet of the platted 35-foot building setback, except the northern 25 feet and the southern 35 feet, located on and running parallel to the west property line of Lot 3, Meadowlark Hills 2nd Addition.
- (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.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

WARREN moved, **MILES** seconded the motion, and it carried (14-0).
