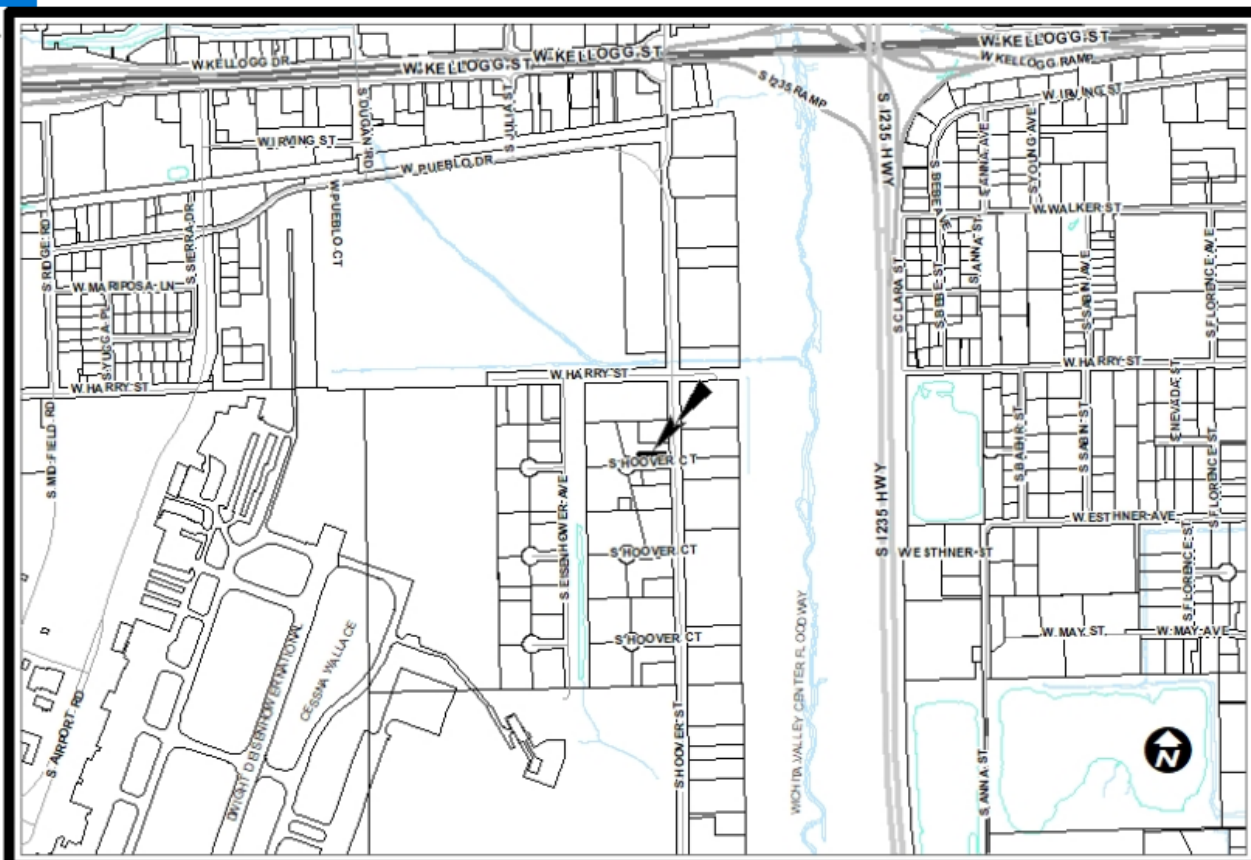


STAFF REPORT

- CASE NUMBER:** VAC2022-00020 - Request in the City to vacate a portion of a platted street side yard setback on LI Limited Industrial zoned property
- APPLICANT/AGENT:** RAW Investments, Inc, c/o Allen Williams. (applicant/contract purchaser), Donham Properties, LLC, c/o Kelly Donham (owner), Baughman Company PA, c/o Phil Meyer (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the north 30 feet of the platted 50-foot street side yard setback, running parallel to South Hoover Court (not including cul-de-sac portion), and the south property line of (not including property line running parallel to cul-de-sac portion of South Hoover Court), of Lot 15, Parcel A, Block 2, Airport Industrial Park Addition, Wichita, Sedgwick County, Kansas; see attached legal
- LOCATION:** Generally located 700 feet south of the West Harry Street – South Hoover Road intersection, on the northwest corner of South Hoover Road and South Hoover Court (District IV)
- REASON FOR REQUEST:** Allow more room for development on subject site
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned LI Limited Industrial and developed as multiple limited industrial uses..
- VICINITY MAP:**



The applicant proposes to vacate the north 30 feet of the platted 50-foot street side yard setback running parallel to South Hoover Court (not including the cul-de-sac portion of the ROW right-of-way), and the south property line (not including that portion of the property line running parallel to cul-de-sac portion) of the LI Limited Industrial zoned corner property, Lot 15, Parcel A, Block 2, Airport Industrial Park Addition. The applicant's site plan shows Lot 15 being divided into Parcel A and Parcel B; Lot Split LSP2022-00021. Parcel A, the applicant's site, is the smaller of the two parcels and is a corner lot. If approved a 20-foot setback would be the result. The Airport Industrial Park Addition was recorded with the Register of Deeds December 16, 1964.

The undeveloped subject site is located on the northwest corner of South Hoover Road and South Hoover Court. The Unified Zoning Code, UZC, Sec.II-B, 7f., establishes a corner lot's front yard setback along its shorter street frontage, in this case South Hoover Road; Sec.III, E.1e.6. The subject site's South Hoover Court frontage is the street side yard setback. The LI zoning district provides a 20-foot front yard setback and zero feet for rear, side, and street side yard setbacks. The applicant's request is a 20-foot street side yard setback along its South Hoover Court frontage.

NOTE: There have been multiple approvals to vacate portions of the platted 50-foot setback in the Airport Industrial Park Addition, including VAC2000-00030, VAC2004-00025, VAC2007-00028, VAC2012-00033, and VAC2019-00037.

There are no platted easements located in the platted subject setback. Water, sewer, a hydrant, and storm water are located in the South Hoover Road and South Hoover Court ROWs. Power poles, lines and equipment are located in the abutting South Hoover Road and South Hoover Court ROWs. Evergy has no objections. Ennidh Garcia is the Evergy Design Representative for this area and can be reached at 316-261-6359. All utilities are covered by Conditions #2 and #3. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request if approved with the listed conditions.

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 recommends **Approval** with the following considerations (but not limited to) associated with the request to vacate the described platted street side yard 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 June 30, 2022, 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) Vacate the north 30 feet of the platted 50-foot street side yard setback located on Lot 15, Parcel A, Block 2, Airport Industrial Park Addition and as described in an approved legal description. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going to City 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. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval. All improvements shall be according to City Standards and will be at the applicant's expense.
- (3) Provide Planning with any needed easements with original signatures to be recorded with the Vacation Order at the Register of Deeds. These documents must be provided to planning prior to the case going to City Council for final action
- (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 Sedgwick County Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the north 30 feet of the platted 50-foot street side yard setback located on Lot 15, Parcel A, Block 2, Airport Industrial Park Addition and as described in an approved legal description. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going to City 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. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval. All improvements shall be according to City Standards and will be at the applicant's expense.
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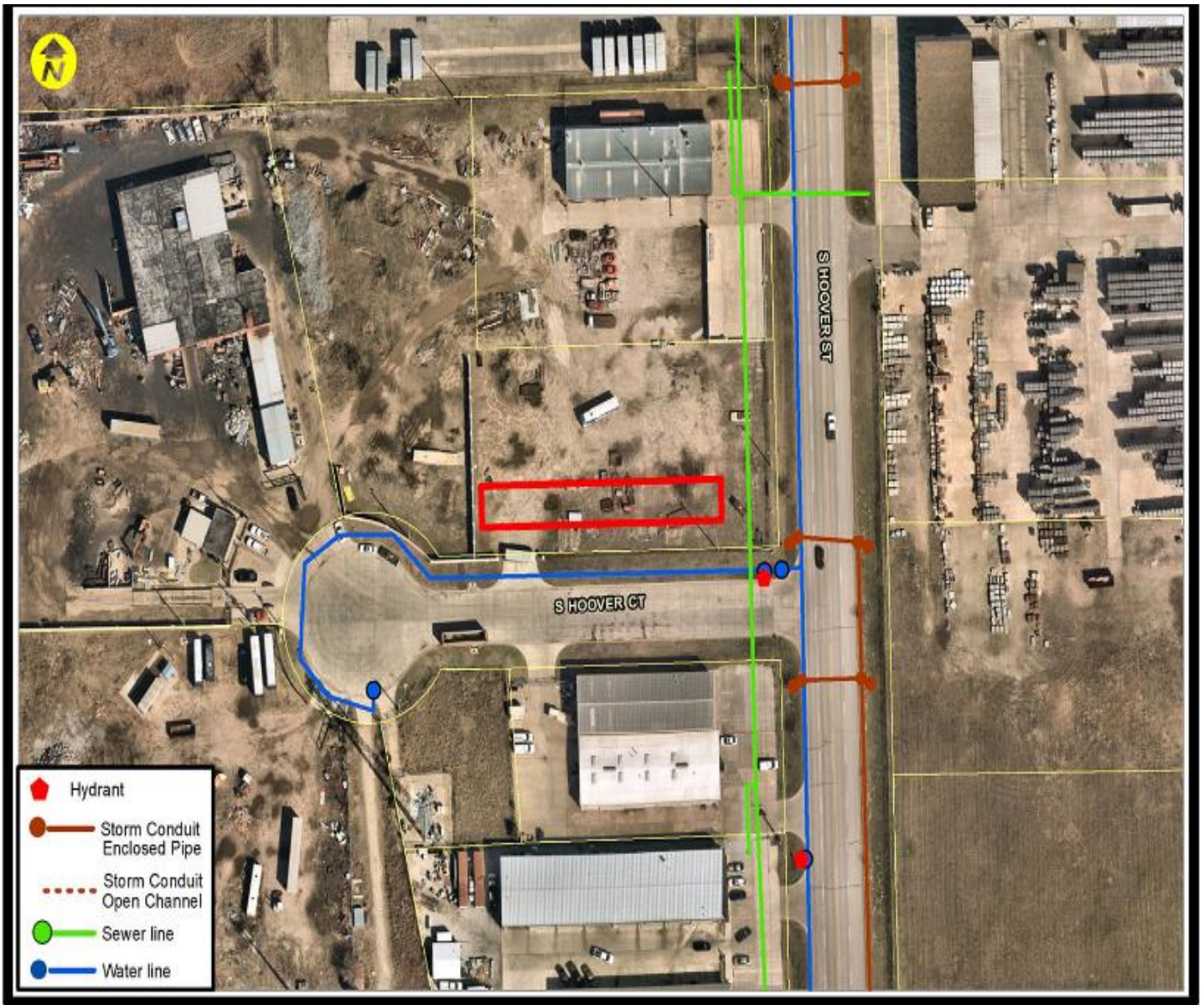
Attachments:

- Aerial with public water, sewer & storm water
- Site Plan
- Legal description
- Lot 15, Block 2, Airport Industrial Park Addition Excerpt
- LSP2022-00021
- Photos of site showing utilities in ROWs

VAC2022-00020 – Request in the City request to vacate a portion of a platted street side yard setback on LI Limited Industrial zoned property generally located 700 feet south of the West Harry Street – South Hoover Road intersection, on the northwest corner of South Hoover Road and South Hoover Court

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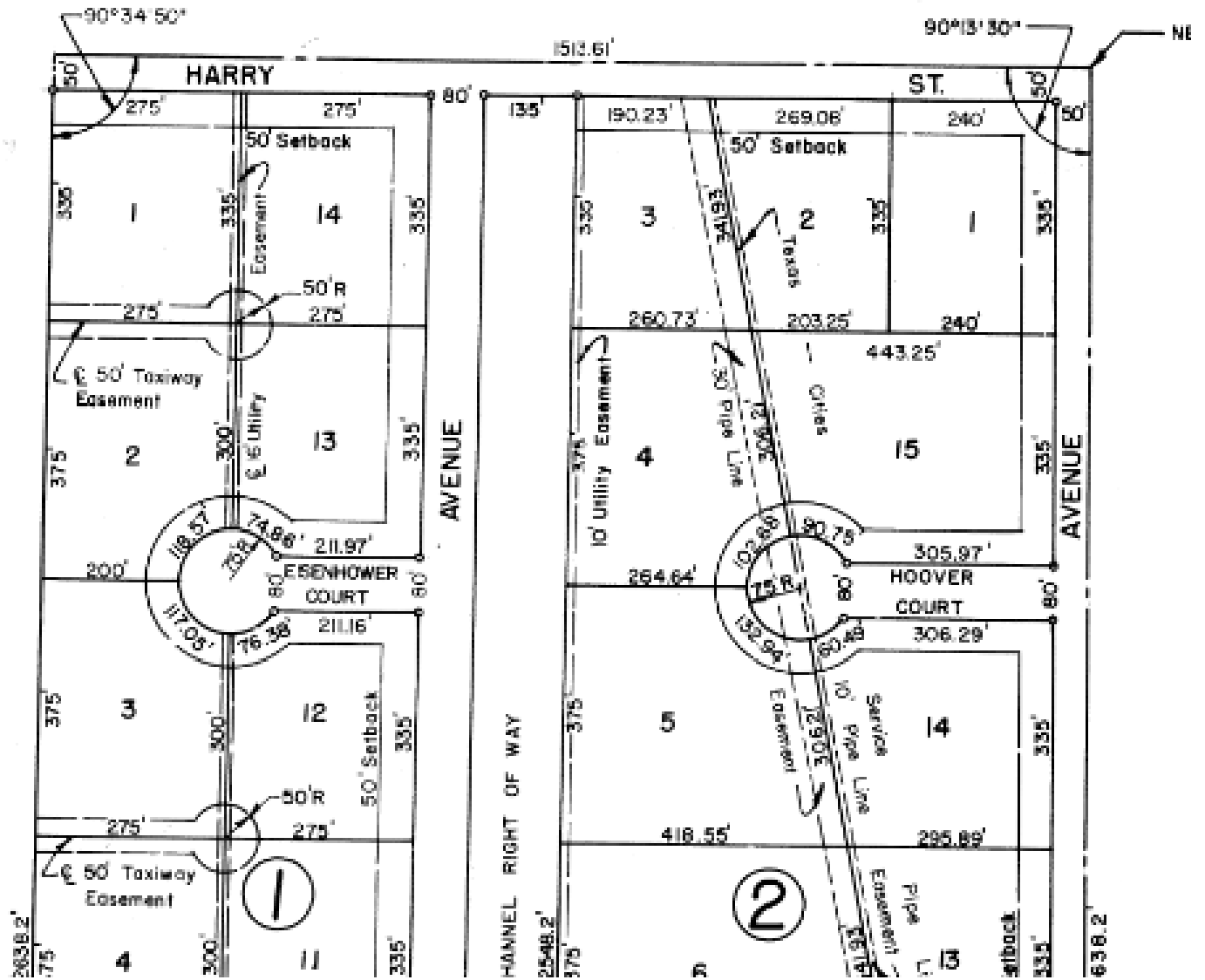


AIRPORT INDUSTRIAL PARK, SEDGWICK COUNTY, KANSAS

VACATION OF BUILDING SETBACK

The north 30.00 feet of the south 50.00 feet of the east 265.50 feet of Lot 15, Block 2, Airport Industrial Park, Sedgwick County, Kansas, Except the east 50.00 feet thereof.

VAC2022-00020 – Request in the City request to vacate a portion of a platted street side yard setback on LI Limited Industrial zoned property generally located 700 feet south of the West Harry Street – South Hoover Road intersection, on the northwest corner of South Hoover Road and South Hoover Court
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Site looking north with utilities in South Hoover Ct ROW

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Site looking north with utilities in South Hoover Rd ROW