

STAFF REPORT

CASE NUMBER: VAC2020-00001 - City vacation of a platted 15-foot setback

APPLICANT/AGENT: Cox Communications KS, LLC – Chad Albin (applicant)/ Garver, LLC – Will Clevenger (agent)

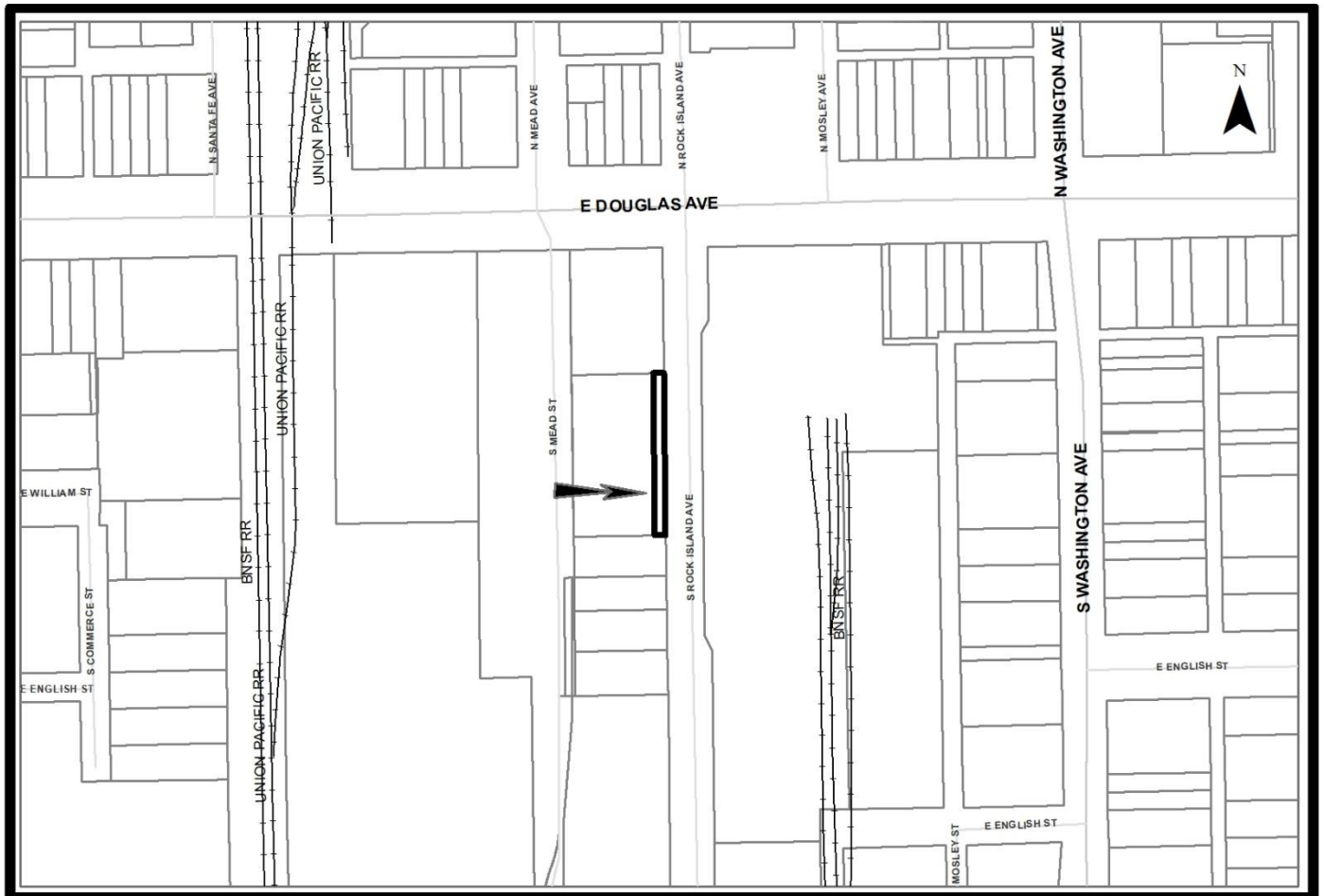
LEGAL DESCRIPTION: Generally described as vacating the east 15 feet of Lot 3, Union Station Addition, Wichita, Sedgwick County, Kansas, EXCEPT the north 170.72 feet thereof.

LOCATION: Generally located 275 feet south of East Douglas Avenue and 530 feet west of South Washington Avenue (801 E. Douglas Ave. Bldg 200). (WCC I)

REASON FOR REQUEST: To allow for building expansion.

CURRENT ZONING: Site and all adjacent properties are zoned CBD Central Business District.

VICINITY MAP:



The applicant is requesting to vacate the platted 15-foot building setback on the east side of a portion of Lot 3, Union Station Addition. The property is addressed 801 East Douglas Avenue, Building 200, and is generally located 275 feet south of East Douglas and 530 west of South Washington Avenue. The purpose of this vacation is to allow for a building expansion on the property. As seen on the site plan, the applicant intends to construct a building expansion on the north side of the existing building in addition to enlarging the enclosure around generators on the east side of the building. It is the latter that requires the vacation of the setback. The applicant wishes to have the zoning setbacks govern the site. The Central Business District (CBD) zoning district permits a zero setback along all Lot lines. Therefore, the reduction of this platted setback from 15 feet to zero feet does not exceed the minimum set forth in the Unified Zoning Code. The building directly north of the subject property occupies the other portion of Lot 3 in the same addition. It is a historic building that was constructed to the Lot line prior to the current plat which designated the 15-foot platted setback.

Evergy has facilities near the setback, but has no objection. Any relocation shall be at the applicant's expense. Shane Price, Supervisor of Design Services, can be contacted at 316-261-6315 with any questions. The Union Station Addition was recorded with the Register of Deeds March 2, 1982.

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 January 30 2020, 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 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 east 15 of Lot 3, Union Station Addition, Wichita, Sedgwick County, Kansas, EXCEPT the north 170.72 feet thereof. 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. Aerial Map
2. Site Plan

