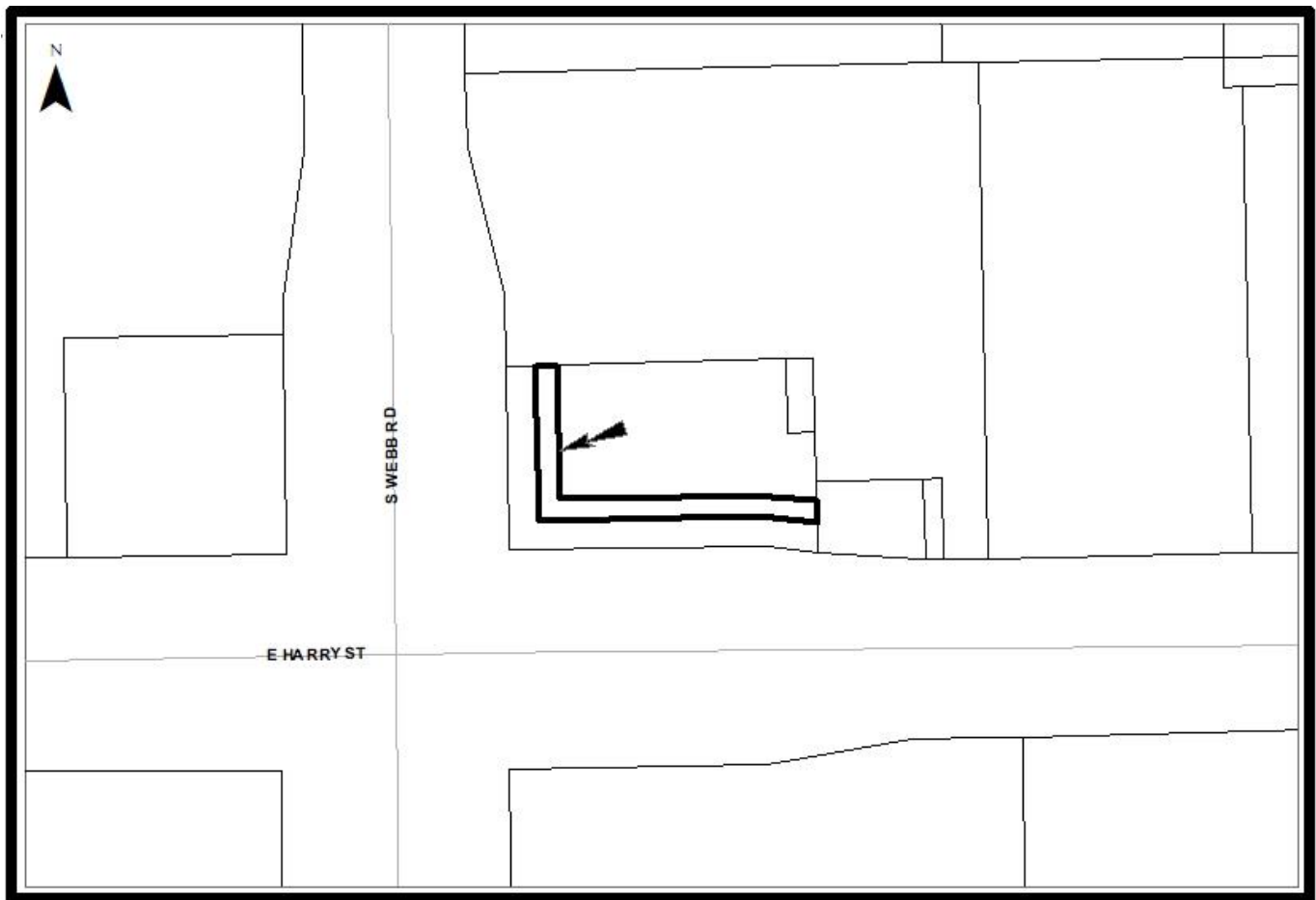


STAFF REPORT

- CASE NUMBER:** VAC2021-00009 - Request to vacate portions of a platted building setback.
- OWNER/APPLICANT:** INTRUST Bank N. A. (applicant), Professional Engineering Consultants, PA (Rebecca Mellies) (agent)
- LEGAL DESCRIPTION:** Generally described as vacating portions of a platted building setback located on Lots 1, Block 1, Park Meadow Estates Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located on northeast corner of South Webb Road and East Harry Street (1544 South Webb). (WCC #II)
- REASON FOR REQUEST:** In order to better maximize space for a new building on the site.
- CURRENT ZONING:** The site is zoned LC Limited Commercial. All surrounding properties are also zoned LC Limited Commercial

VICINITY MAP:



The applicant proposes to vacate portions of a platted building setback located on the east and south sides of Lot 1, Block 1, Park Meadow Estates Addition. The existing platted setback is 35 feet for both front and street side setbacks, and the applicant wants to reduce each setback by 15 feet to create 20 foot setbacks. The minimum front setback in LC Limited Commercial is 20 feet and the minimum street side setback is 10 feet. The requested vacation would not exceed zoning setback requirements. See exhibit and legal descriptions. If approved the vacation will allow the owner to build a new building on the property. There are no public utilities in the subject setbacks being vacated. Everygy does not have equipment or lines within the setback area they are asking to vacate. Standard language will apply if equipment needs to be moved and will be at the owner's expense. Shane Price, Design Supervisor, will be the contact for this item and he can be reached at 261-6315. Comments from other franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. The Park Meadow Estates Addition was recorded August 18, 1976.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 the platted 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 February 25, 2021, 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 sewer easement dedicated by separate instrument, 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the building setback shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.

- (4) Vacate the described portion of building setback on the east and south sides of Lot 1, Block 1, Park Meadow Estates Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the portion of vacated building setback on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to 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 subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of the building setback shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Vacate the described portion of building setback on the east and south sides of Lot 1, Block 1, Park Meadow Estates Addition, Wichita, Sedgwick County, Kansas.
- (5) Provide Planning with a legal description of the portion of vacated building setback on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (6) Per MAPC Policy Statement #7, all conditions are to 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.

