

**STAFF REPORT**

**CASE NUMBER:** VAC2021-00013 - City request to vacate a platted setback and a setback established by Vacation Ordinance

**APPLICANT/AGENT:** Harper Trucks, Inc. (applicant), Phillip G Ruffin (owner), Young and Associates, PA (agent)

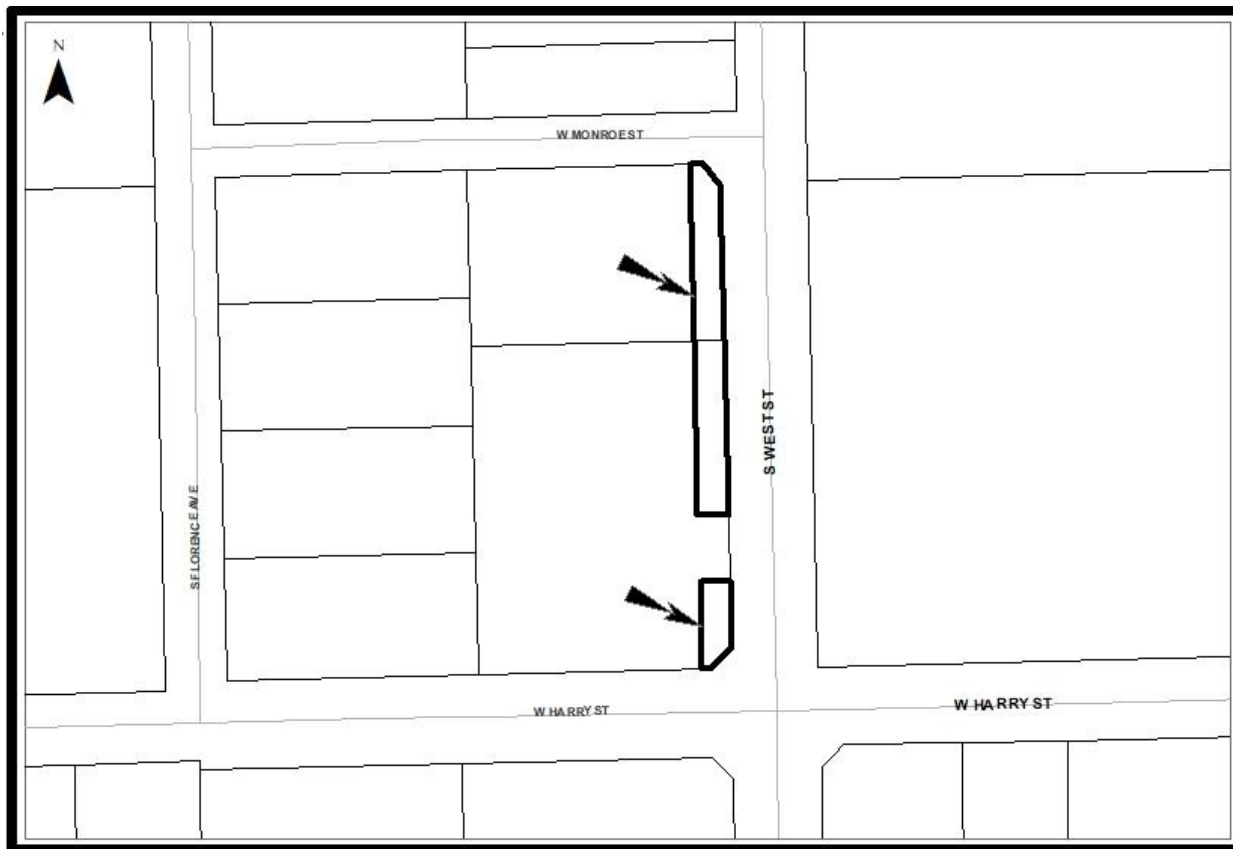
**LEGAL DESCRIPTION:** Generally described as vacating all of the platted 35-foot street side yard setback located on a Lot 1, Sanderson Addition, and all of the 34-foot street side yard setback established by Vacation Ordinance on Lot 1, Townsend Addition, both running parallel to South West Street Wichita, Sedgwick County, Kansas

**LOCATION:** Generally located on the northwest corner of South West Street and West Harry Street (1551 & 1501 South West Street, WCC #IV)

**REASON FOR REQUEST:** Proposed dock and building addition.

**CURRENT ZONING:** The site and all abutting and adjacent properties are zoned LI Limited Industrial.

**VICINITY MAP:**



The applicant proposes to vacate all of the platted 35-foot setback located on the east side of the LI Limited Industrial zoned Lot 1, Sanderson Addition and all of the south abutting property's 34-foot setback located on the east side of the LI zoned Lot 1, Townsend Addition, all which runs parallel to South West Street. V-1151, Vacation Ordinance 38-067, vacated the west one foot of the platted 35-foot located on Lot 1, Townsend Addition, thus establishing the current 34-foot setback; recorded August 11, 1983. The South West Street frontage of the two lots (subject site) is 580.9 feet. The subject site also has 290 feet of frontage on West Monroe Street (north side) and 290 feet of frontage on West Harry Street (south side).

The applicant's business occupies both of the described properties which establishes it as a corner lot; Unified Zoning Code, UZC, Sec.II-B, 7f. The UZC establishes a corner lot's front yard setback along its shorter street frontage, in this case either West Monroe or West Harry Streets; Sec.III, E.1e.6. The LI zoning district provides a 20-foot front yard setback and zero rear, side and street side yard setbacks. As defined the corner site's street side yard setback runs parallel to West Harry Street which is allowed a zero setback that does not extend into the visibility site triangle at its West Monroe Street – South West Street and West Harry Street – South West Street intersections. The UZC allows the request for a LI zoned corner property.

The applicant proposes to build a dock and expand an on an existing building. There are no public utilities located within the setbacks. The Traffic Engineer has reviewed the site plan and has approved it as presented. Franchised utilities have no equipment in the described vacated setback. Evergy has lines in the South West Street right-of-way, which are protected by Condition #2. All utilities are covered by Condition #2. Contact information for Evergy is Ennidh Garcia at 316-261-6334.

Note: V-1151 also vacated north five feet of a shared 10-foot platted utility easement located on Lot 1, Townsend Addition. V-1823 vacated the remaining five feet of that shared easement located on Lot 1, Sanderson Addition.

The Townsend Addition was recorded with the Register of Deeds March 22, 1967. The Sanderson Addition was recorded with the Register of Deeds November 3, 1966.

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 a platted street side yard setback and the setback established by Vacation Ordinance 38-067.

- 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 April 1, 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 platted street side yard setback and the street side yard setback established by Vacation Ordinance 38-067, 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:

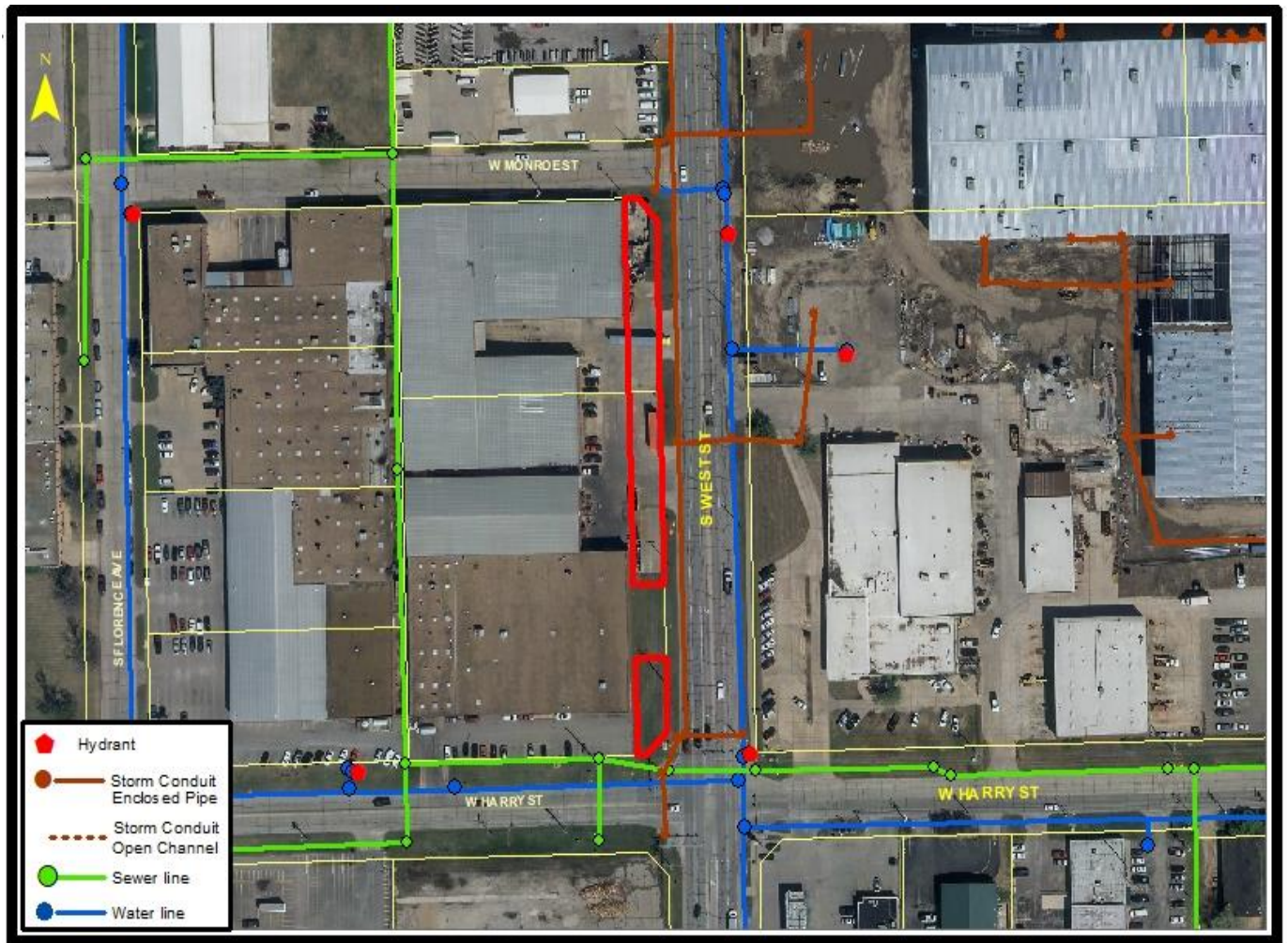
- (1) Vacate the described portions of the platted 35-foot street side yard setback and the 34-foot street side yard setback established by Vacation Ordinance 38-067 as described in an approved legal description. Provide Planning with the approved legal description on a Word document via E-mail for use 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) 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.

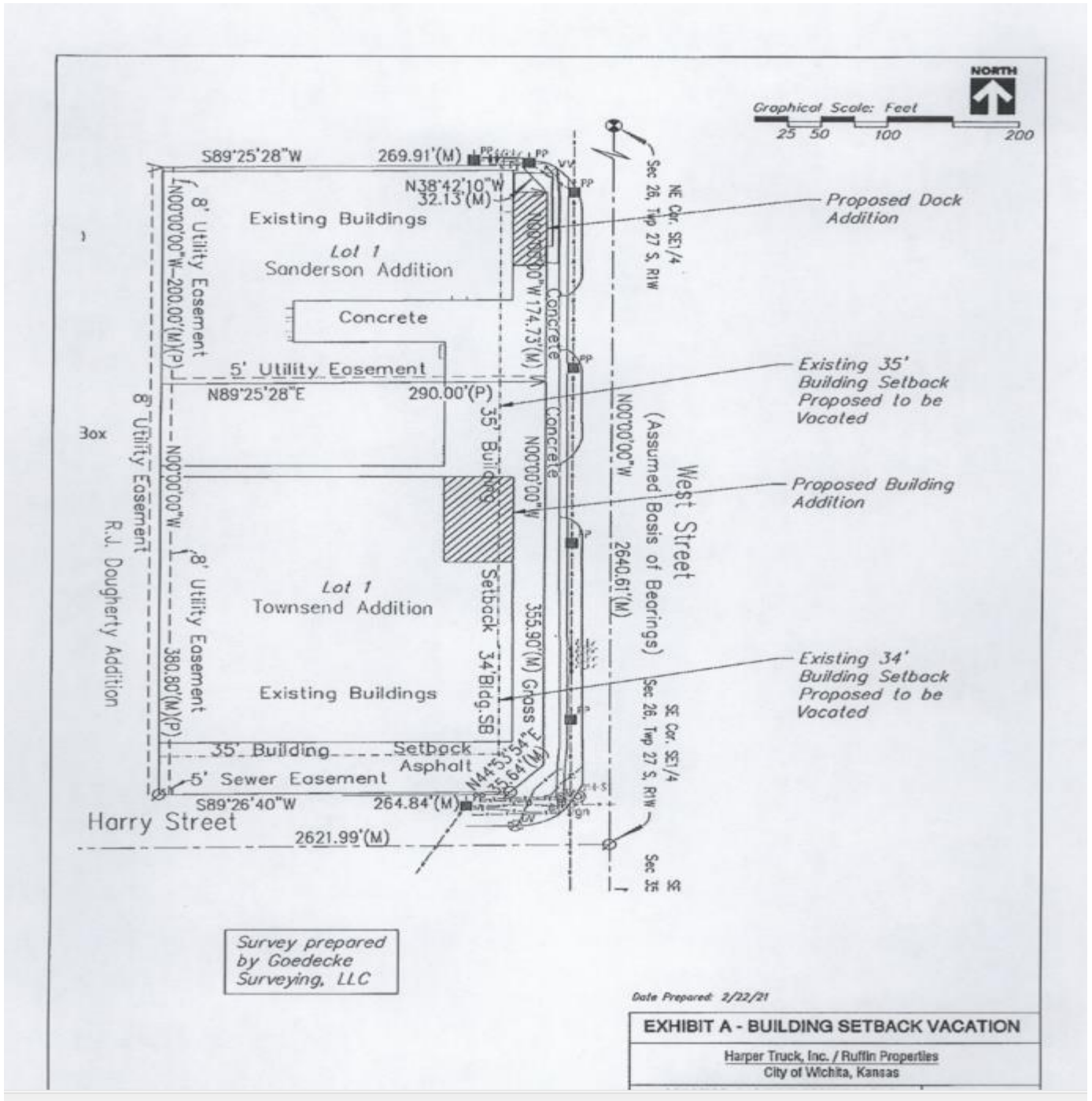
#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following (but not limited to) conditions:

- (1) Vacate the described portions of the platted 35-foot street side yard setback and the 34-foot street side yard setback established by Vacation Ordinance 38-067 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
- Water, sewer & storm water
- Site Plan
- Legal Description





VAC2021-00013 - City request to vacate a platted setback and a setback established by Vacation Ordinance on property generally located on the northwest corner of South West Street and West Harry Street

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**Legal descriptions of the 35' & 34' building setbacks to be vacated:**

The East 35.00 feet of Lot 1, Sanderson Addition, Wichita, Sedgwick County, Kansas.

and

The South 100.87 feet of the East 34.00 feet of Lot 1, Townsend Addition, Wichita, Sedgwick County, Kansas.

and

The North 200.01 feet of the East 35.00 feet of Lot 1, Townsend Addition, Wichita, Sedgwick County, Kansas.