

STAFF REPORT

CASE NUMBER: VAC2021-00017 - City Vacation of a plated 20-foot street side yard setback

APPLICANTS: Wesley Medical Center (applicants/owners) S & ME, c/o Jeff Conar (agent)

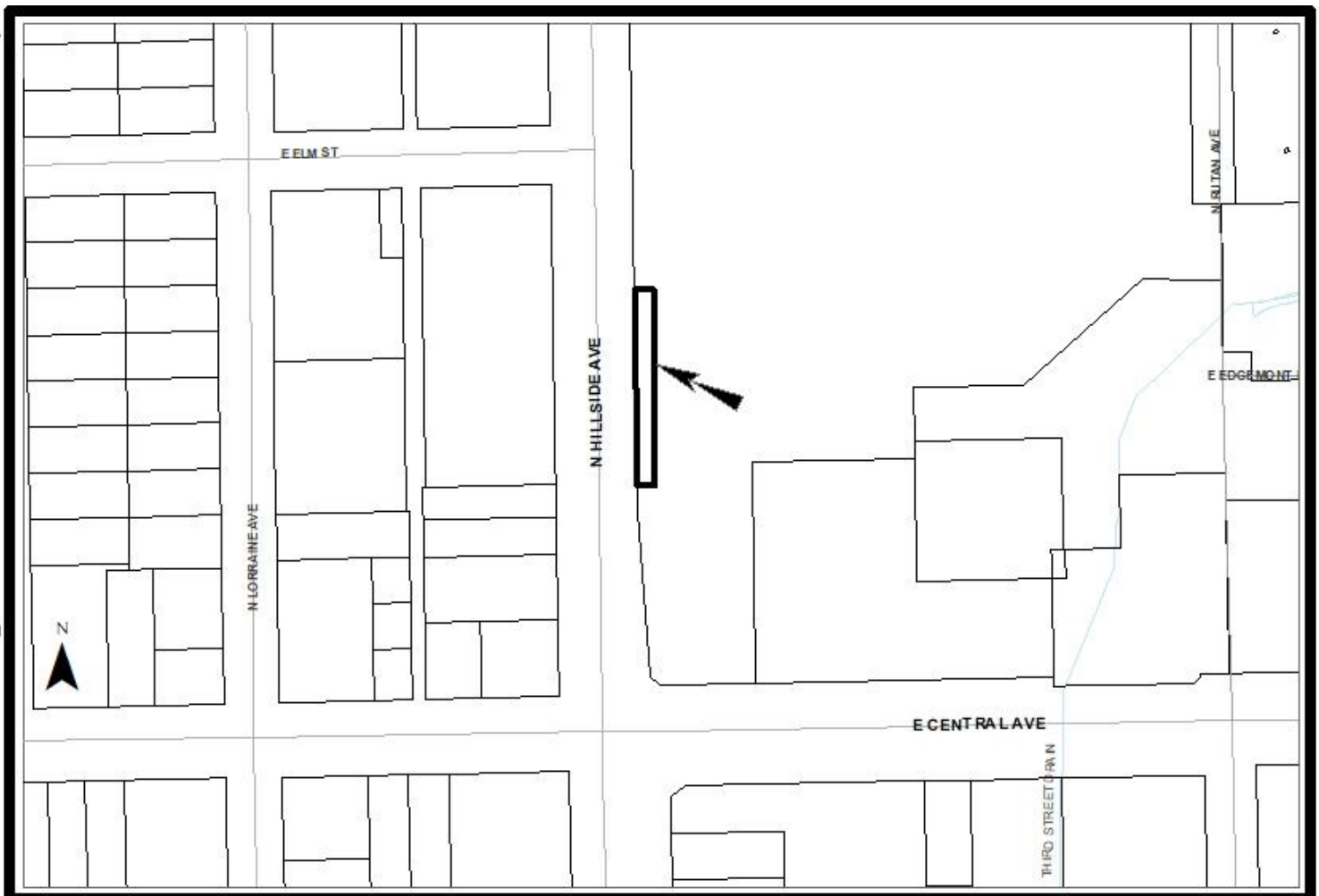
LEGAL DESCRIPTION: Generally described as vacated an approximately 173-foot long section of all of the plated 20-foot street side yard setback located on the west side Lot 1, Wesley Medical Center Addition, Wichita, Sedgwick County, Kansas; see attached legal description.

LOCATION: Generally located on the northeast corner of East Central Avenue and North Hillside Avenue (550 North Hillside Avenue, WCC D)

REASON FOR REQUEST: To remove an existing encroachment and to construct an addition to the hospital

CURRENT ZONING: GO General Office

VICINITY MAP:



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The applicant is requesting the vacation of a 173.56 – 173.82-foot long portion of a platted 20-foot street side yard setback to zero feet. The subject setback is located on the west side of Lot 1, Wesley Medical Center Addition, which is zoned GO General Office. The purpose of the vacation is to remove an existing encroachment of 14.74 feet and to allow additional construction onto Wesley Medical Center, which is located on the northeast corner of East Central Avenue and North Hillside Avenue; 550 North Hillside Avenue.

The UZC Unified Zoning Code establishes a corner lot's front yard setback along its shorter street frontage, which in this case is the subject site's East Central Avenue frontage: UZC Sec.III, E.1e.6. The subject corner lot's street side yard setback (it's west side) runs parallel to North Hillside Avenue, a four lane arterial with a center turn lane.

The UZC's minimum street side yard setback standard for the GO zoning district is 15 feet, which is less than the subject corner lot's platted 20-foot street side yard setback. If approved the request would reduce the platted 20-foot street side yard setback to zero feet, per an approved legal description. If the 20-foot street side yard setback was not platted the applicant could have applied for a variance to reduce it to the proposed zero feet. However, because the setback is platted an approved vacation request could establish the street side yard setback at zero feet.

The Wesley Medical Complex development is located on multiple plats. The GO zoned subject corner lot is unique in its configuration for this development and to the other properties located along the East Central – North Hillside Avenues' intersection. The subject lot is one of the three largest lots in the area. Adjacent and abutting GO, LC Limited Commercial, GC General Commercial and PUD Planned Unite Development zoned subdivisions' lot sizes and configurations are not unique to this area and their setbacks are per the UZC's minimum standards or are platted as 20 to 35 foot setbacks. Staff could find no zero setbacks. In observation with other reductions of portions of this setback, approval may not adversely affect the rights of adjacent property owners or residence; see NOTES.

Evergy has no objection, but has noted that it has street light lines, power lines and poles in this section of the North Hillside Avenue right-of-way. LaDonna Vanderford is the Evergy contact for this case; 316-261-6490. There is water, sewer and drainage lines in the North Hillside Avenue right-of-way. Stormwater requests an eight to 10-foot drainage easement. Conditions #2 and #4 cover Evergy and all public and franchised utilities. There has been no objections from utilities. The request will not encroach into the North Hillside Avenue right-of-way, therefore it will not encroach into the sidewalk as sidewalks are typically, including this site, located in the public street right-of-way. The Traffic Engineer has determined that the request would not pose vehicular sight interference. The Wesley Medical Center Addition was recorded with the Register of Deeds August 12, 1969.

NOTE: Various other portions of this platted 20-foot street side yard setback have been reduced for previous expansions. In 1992 V-1764 vacated a portion of the platted 20-foot setback. In 1998 V-2137 vacated a portion of the subject setback and BZA26-00098 was a variance that further reduced the platted 20-foot street side yard setback to 9 feet. BZA2015-00035 was a variance that reduced the platted 20-foot street side yard setback to 6 feet.

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 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 April 15, 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 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) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted street side yard 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. All improvements shall be according to City Standards and will be at the applicant's expense. 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.
- (3) The Traffic Engineer would need to determine if the request would pose vehicular sight interference.
- (4) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds; Stormwater requires a dedication of a drainage easement by separate instrument. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds.
- (5) 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 subject to the following (but not limited to) conditions:

- (1) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted street side yard 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.

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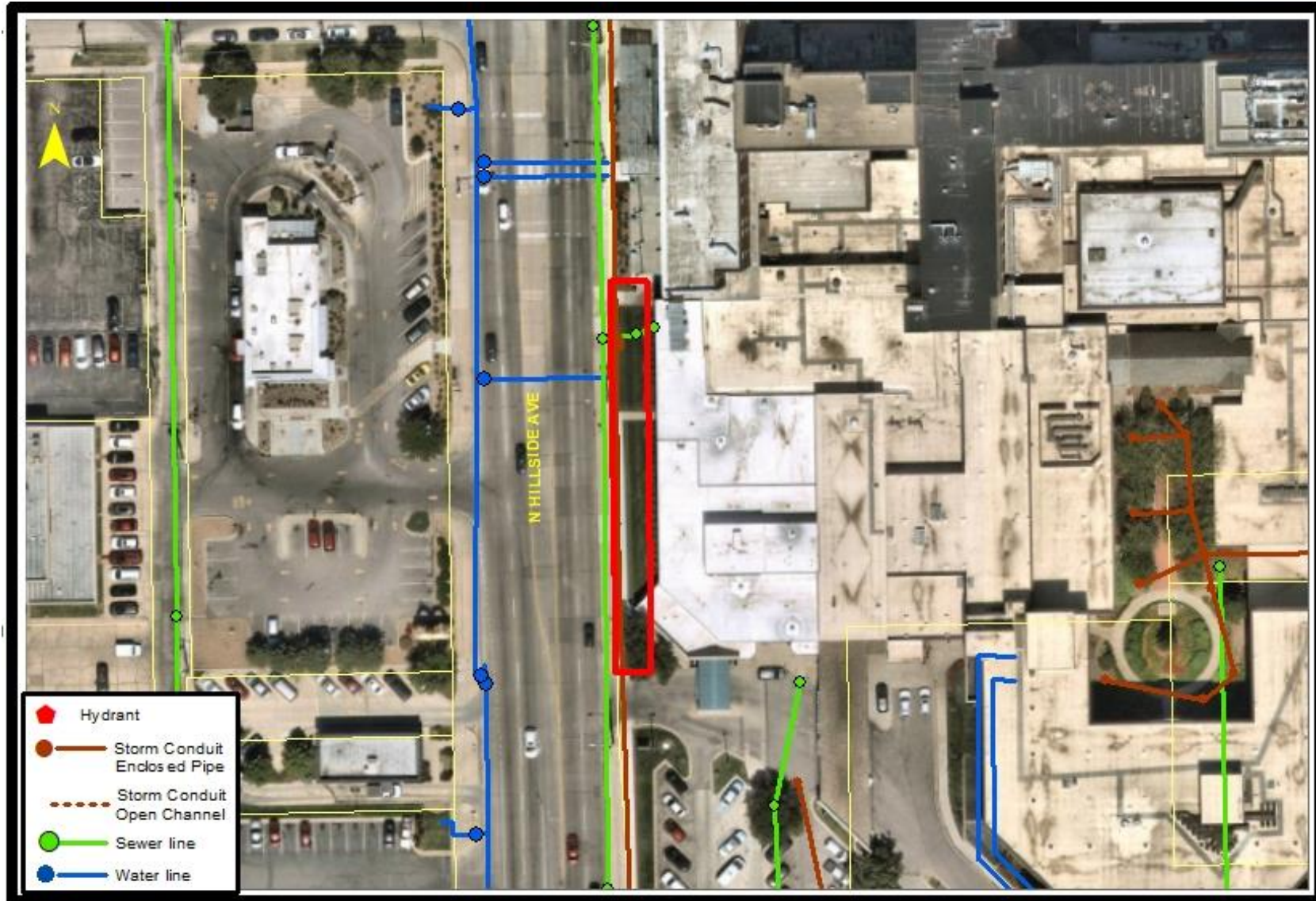
Attachments:

1. Water, Stormwater, Sewer
2. Site Plan
3. Legal description (needs to be revised)

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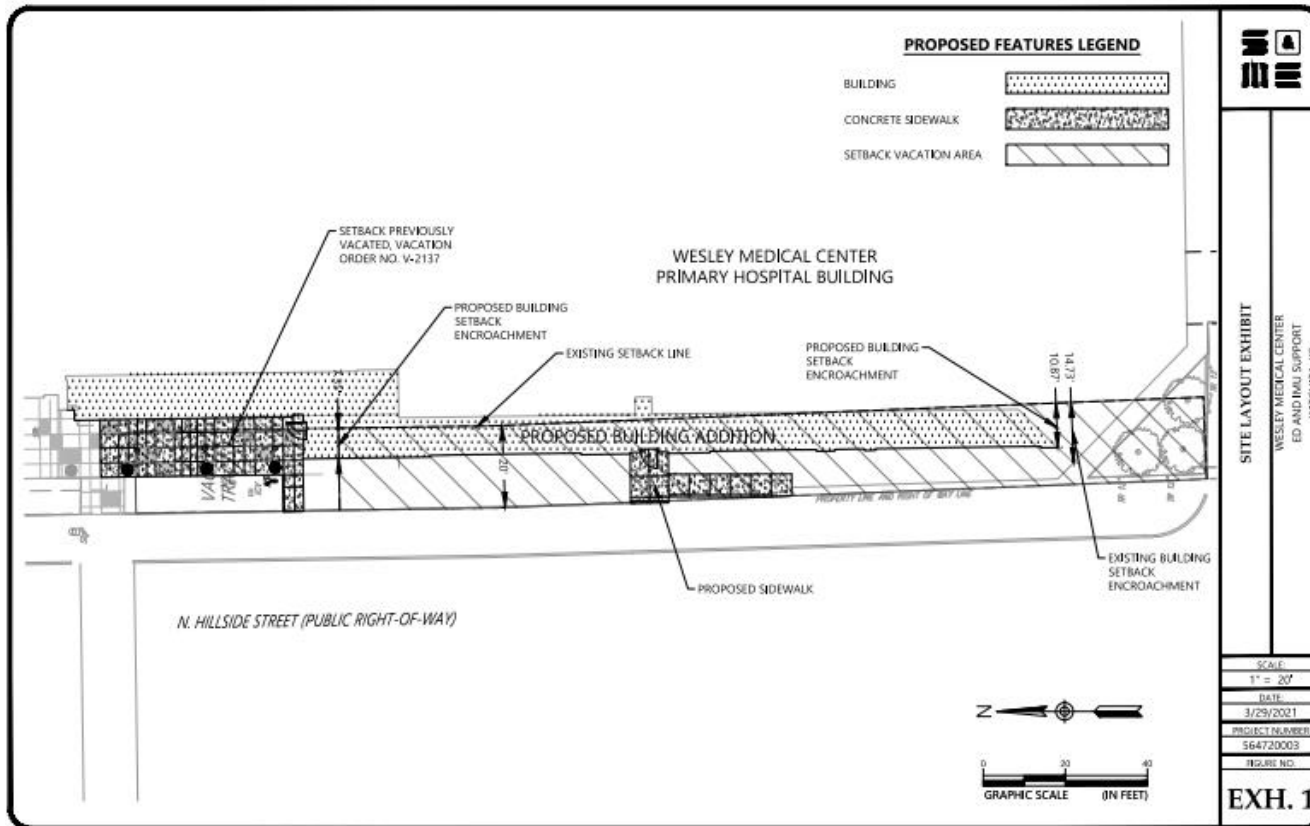
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SETBACK VACATION DESCRIPTION

Being a tract of land lying in Wichita, Sedgwick County, Kansas, and being a portion of Lot 1 of Wesley Medical Center Addition. Said tract being bounded on the west by the eastern right of way (ROW) of Hillside Avenue and bounded on the north, east and south by the remainder of said Lot 1. Said tract being more particularly described as follows:

POINT OF COMMENCEMENT being the southwest corner of Section 14, Township 27S, Range 1E, thence east 40.10 feet; thence north 50.07 feet to a point lying on the northeast ROW intersection of said Hillside Avenue and Central Avenue, said point being the southwest corner of said Lot 1; thence along said eastern ROW of Hillside Avenue North 01°18'08" West 216.27 feet to the true and actual POINT OF BEGINNING; thence continuing along said ROW of Hillside Avenue with the following: thence North 01°18'08" West 173.82 feet to a point; thence North 00°10'00" East 37.73 feet to a point; thence leaving said ROW of Hillside Avenue with the following: South 89°50'00" East 20.00 feet to a point; thence South 00°10'00" West 37.47 feet to a point; thence South 01°18'08" East 173.56 feet to a point; thence South 88°41'52" West 20.00 feet to the point of beginning.

Tract contains 4,226 square feet or 0.097 acres.