

STAFF REPORT

CASE NUMBER: VAC2019-00006 - City vacation of a portion of platted front setback to allow for building expansion.

APPLICANT/AGENT: Darling National, LLC (Applicant)/ Tom Menousek (agent), Garver (agent)

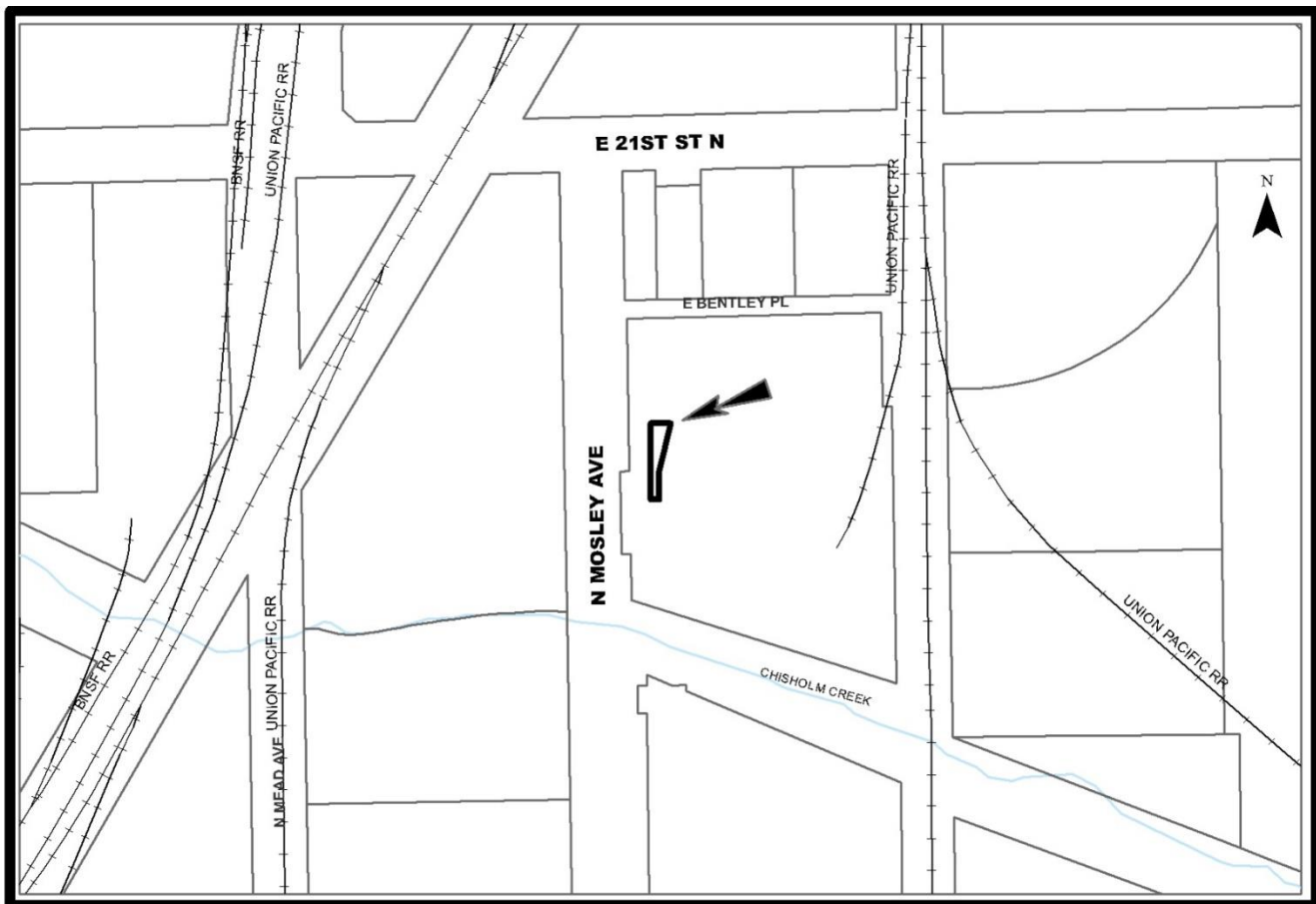
LEGAL DESCRIPTION: See attached legal description.

LOCATION: Generally located approximately one-half mile east of North Broadway and south of east 21st Street North (WCC #VI)

REASON FOR REQUEST: To allow for building expansion.

CURRENT ZONING: Site and all adjacent properties are zoned GI General Industrial.

VICINITY MAP:



The applicant proposes to vacate a portion of the platted front setback to allow for a building expansion on Lot 1, National By-Products Addition. The lot is zoned GI General Industrial. If approved, the request would reduce the platted building setback to 26 feet on the south side of the vacated area and 13.17 feet on the north side of the vacated area. This is because the platted building setback is parallel to a platted contingent street dedication for North Mosley Avenue and not parallel to the property line (see attached plat detail and site plan). The Unified Zoning Code's (UZC) minimum front setback standard for the GI zoning district is 20 feet. The applicant's request exceeds the minimum front setback for GI zoning by 6.83 feet on the north side of the vacated area but does not exceed the minimum setback on the south side. This platted front setback has no platted easements or public utilities located in it. Westar has no existing facilities in the platted setback being vacated. Becky Thompson is the area representative and can be contacted at 261-6320 for this item. The National By-Products Addition was recorded with the Register of Deeds June 24, 1977.

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 April 18, 2019, 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 front 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:

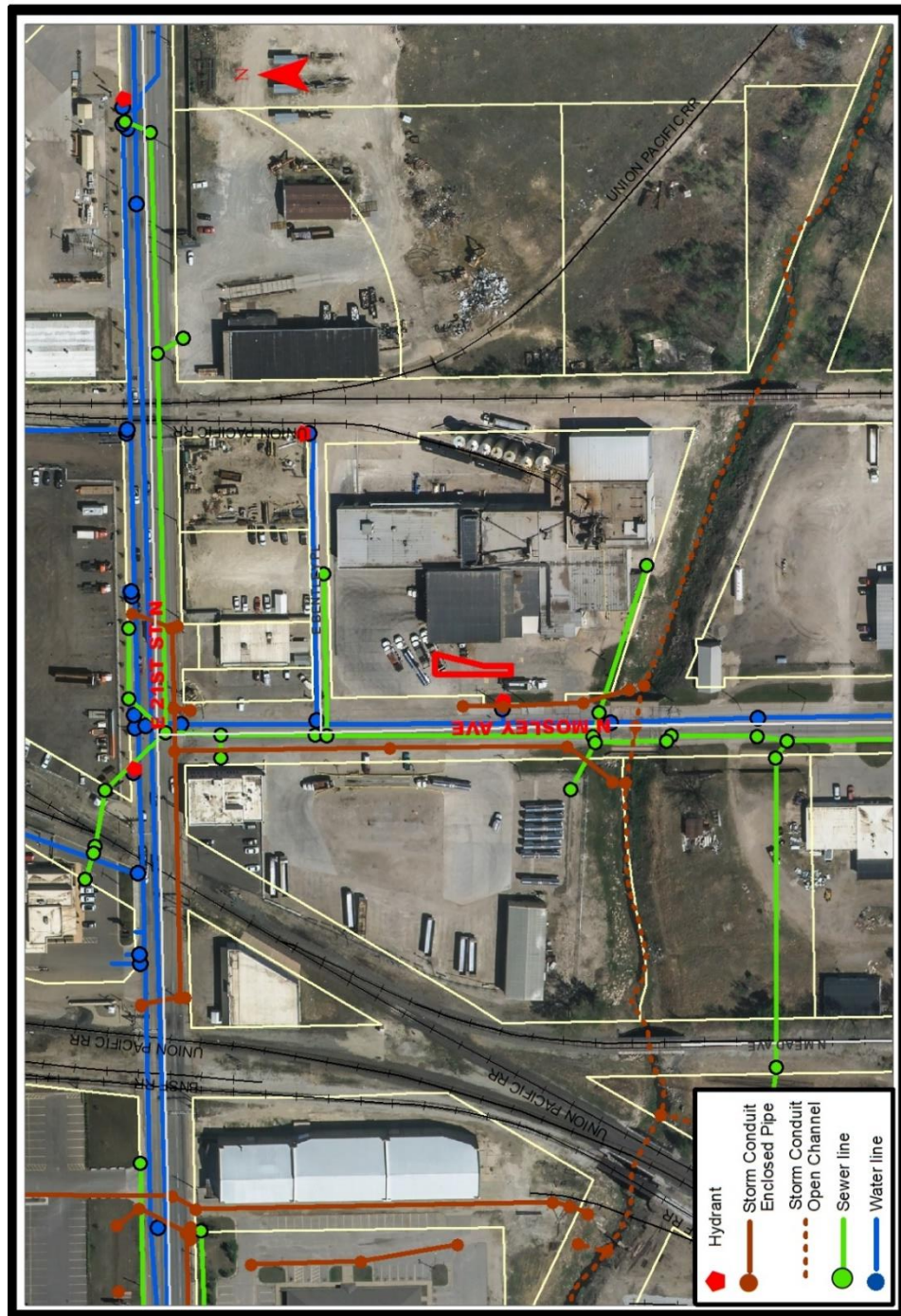
- (1) Vacate the described portion of the 355-foot building of Lot 1, National By-Products Addition. Provide Planning Staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning 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.

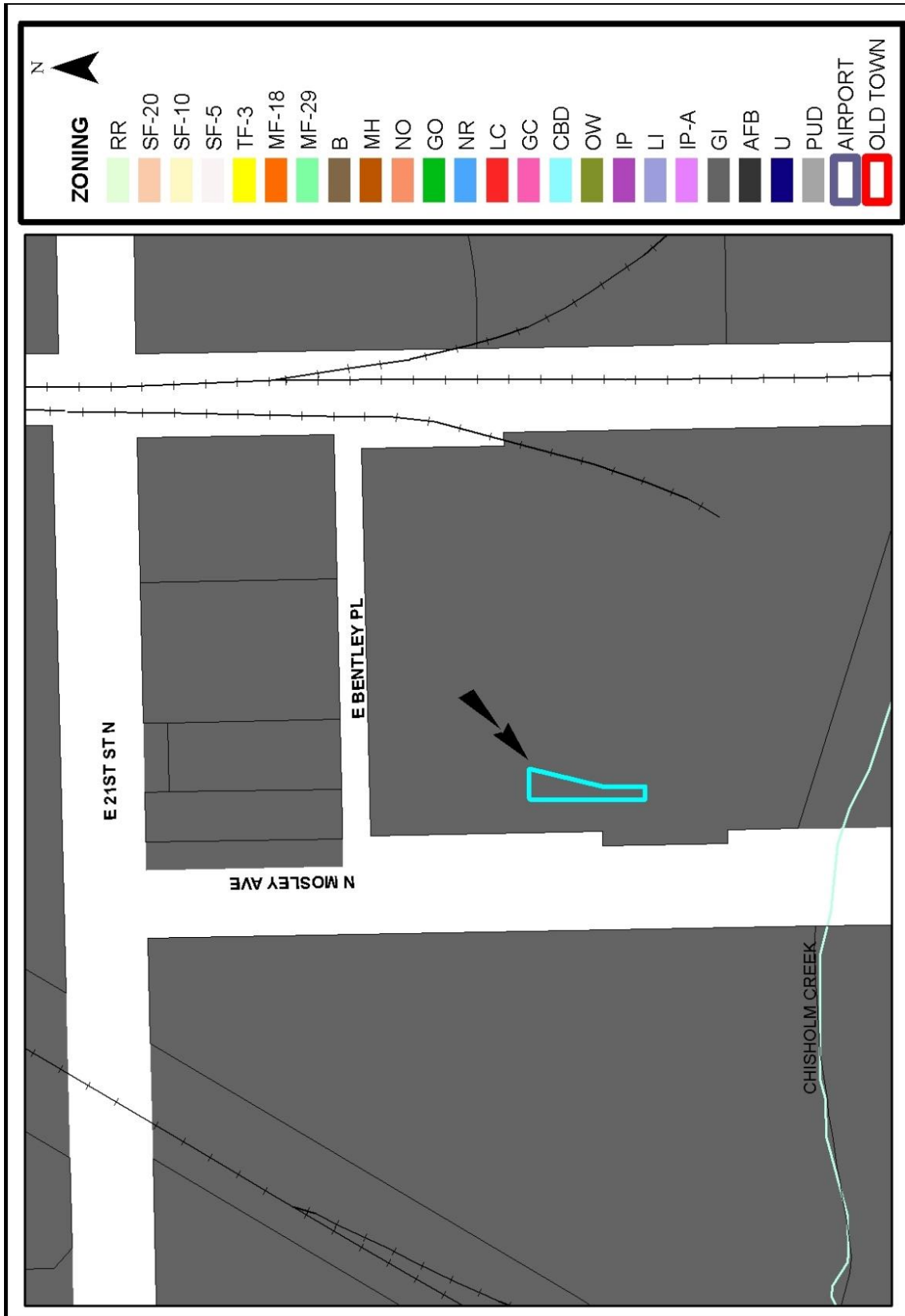
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

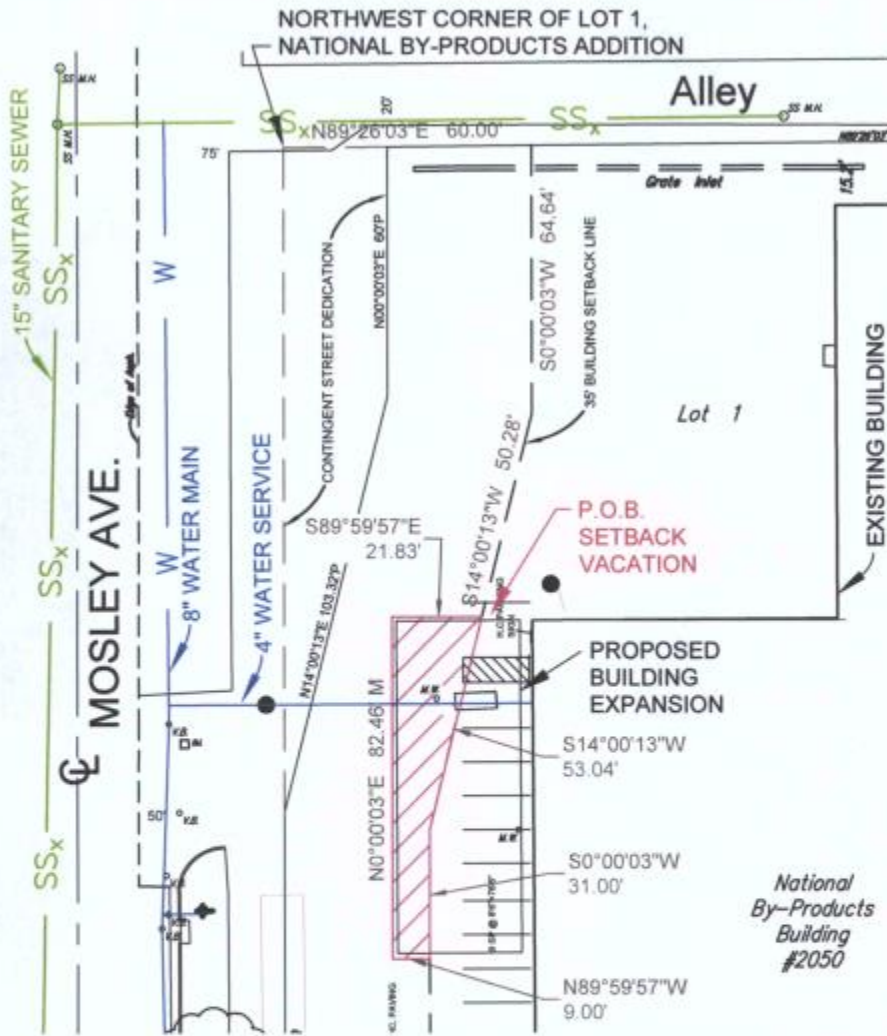
Attachments:

1. Area Map
2. Zoning Map
3. Site Plan with Legal Description Submitted by Applicant
4. Plat Detail





SETBACK VACATION SITE PLAN



Vacation Area

That part of the 35' Building Set-back Line platted in Lot 1, National By-Products Addition, to the City of Wichita, Sedgwick County, Kansas, described as commencing at the Northwest corner of said Lot 1; thence N89°26'03"E along the north line of said Lot 1, 60.00 feet to the 35' Building Setback Line as platted in said addition; thence S00°00'03"W along said setback line, 64.64 feet to a point of intersection on said setback line; thence S14°00'13"W along said setback line, 50.28 feet to the place of beginning; thence continuing S14°00'13"W along said setback line, 53.04 feet to a point of intersection on said setback line; thence S00°00'03"W along said setback line, 31.00 feet; thence N89°59'57"W, perpendicular to the west line of said Lot 1, 9.00 feet; thence N00°00'03"E, parallel with said west line, 82.46 feet; thence S89°59'57"E, perpendicular to said west line, 21.83 feet to the place of beginning.

DWG FILE: 19S04017 SURVEY BASE
PROJECT NO. 19S04017

