

STAFF REPORT

CASE NUMBER: VAC2019-00014 - City vacation of platted front setbacks and a portion of a platted utility easement.

APPLICANT/AGENT: Linear Properties, LLC. & Wilhelmina Rentals, LLC. Attn: Andrew Nolan (applicant/owner), MKEC Engineering Inc., Brian Lindebak (agent)

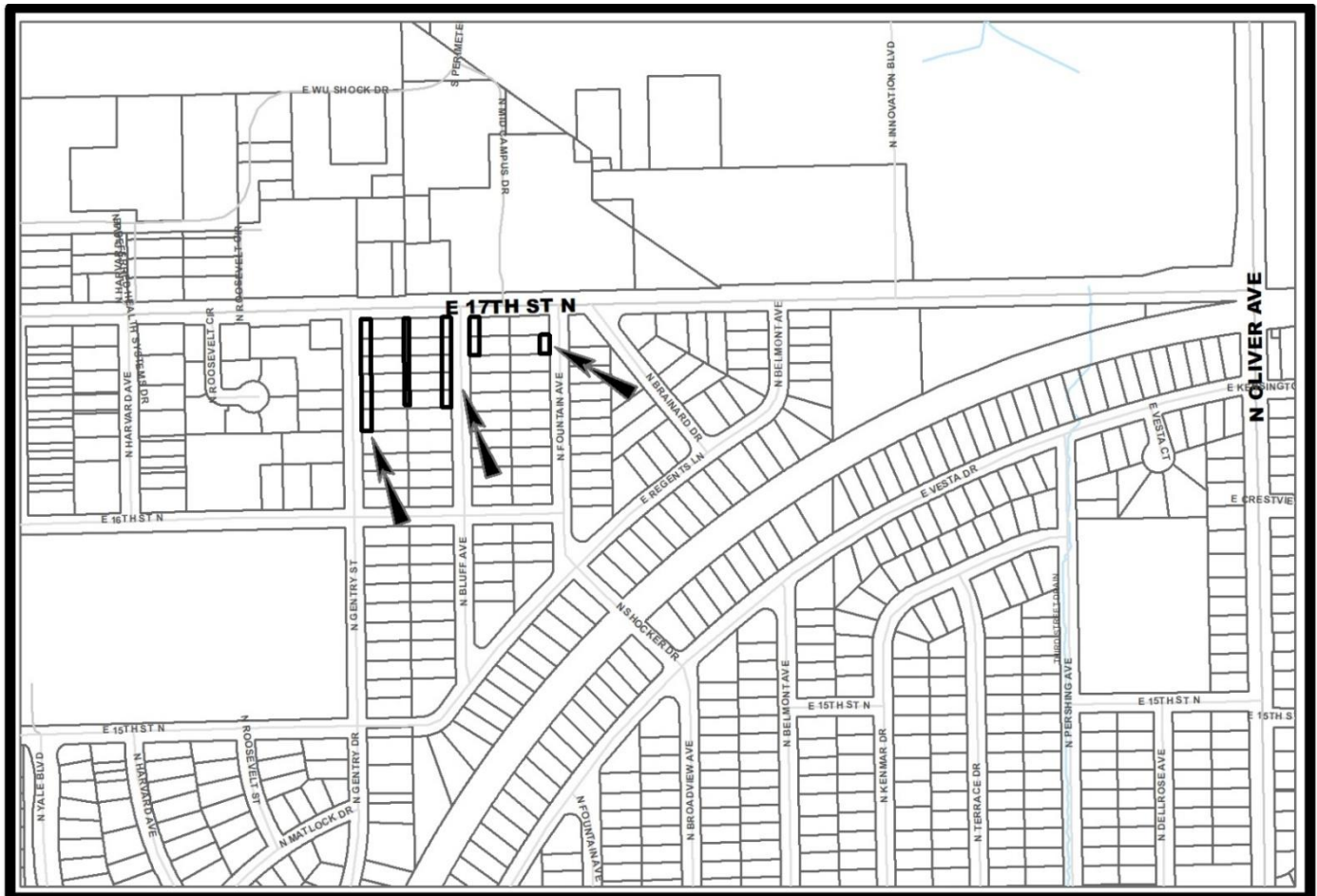
LEGAL DESCRIPTION: Generally described as vacating the entire platted 30-foot building setback of multiple lots and a portion of a platted utility easement (see attached), located in the University Park 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of East 17th Street North approximately ½ mile east of North Hillside Avenue. (WCC #I)

REASON FOR REQUEST: Redevelopment of properties into student housing/multi-family, including required parking.

CURRENT ZONING: The subject properties are a combination of SF-5 Single Family, B Muti-Family, and LC Limited Commercial.

VICINITY MAP:



The applicant is requesting to vacate the platted 30-foot building setback and a portion of the 8-foot utility easement of multiple lots of Blocks A and D of the University Park 2nd Addition described as follows:

Platted Building Setback Vacation

- Block A
 - Lots 1-6 inclusive (fronting Gentry St.) & lots 16-20 inclusive (fronting Bluff Ave.).
- Block D
 - Lots 1 & 2 (fronting Bluff Ave.) and Lot 19 (fronting Fountain Ave.).

Platted Utility Easement Vacation

- Block A
 - Lots 1-5 inclusive (fronting Gentry St.) & lots 16-20 inclusive (fronting Bluff Ave.)—except the south 10 feet of the utility easement requested to be vacated on Lots 5 and 16.

The applicant is requesting these vacations to allow the zoning setbacks to govern the described lots and maintain a private sewer in order to redevelop the properties into student housing/multi-family including the required parking. The following describes the applicable zoning setbacks for the subject lots in the vacation area.

- Block A
 - Lots 1-3 inclusive.
 - Zoned LC Limited Commercial with a 20-foot front setback.
 - Lots 4-6 inclusive.
 - Zoned B Multi-Family with a 20-foot front setback.
 - Lots 16-20 inclusive.
 - Zoned SF-5 Single Family with a required 25-foot front setback.
- Block D
 - Lots 1, 2, & 19
 - Zoned SF-5 with a required 25-foot front setback.

This case is associated with ZON2019-00012 in which the applicant has been approved to rezone the described SF-5 lots to B-Multi-Family. This case was approved by the MAPC on May 9, 2019 and is scheduled for Wichita City Council for June 11, 2019. Once approved by City Council, all zoning lots will have a consistent front setback of 20 feet as there will no longer be any SF-5 zoned lots.

The applicant is already working with Westar, Cox Communications and City Public Works. Westar has overhead lines in the area, but has no objection to this vacation. Becky Thompson is the area representative and can be contacted at 316-261-6320 on this case. The University Park 2nd Addition was recorded with the Register of Deeds September 14, 1948.

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 portions of platted building setbacks and utility easement.

- 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 May 30, 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 utility easement and setbacks 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:

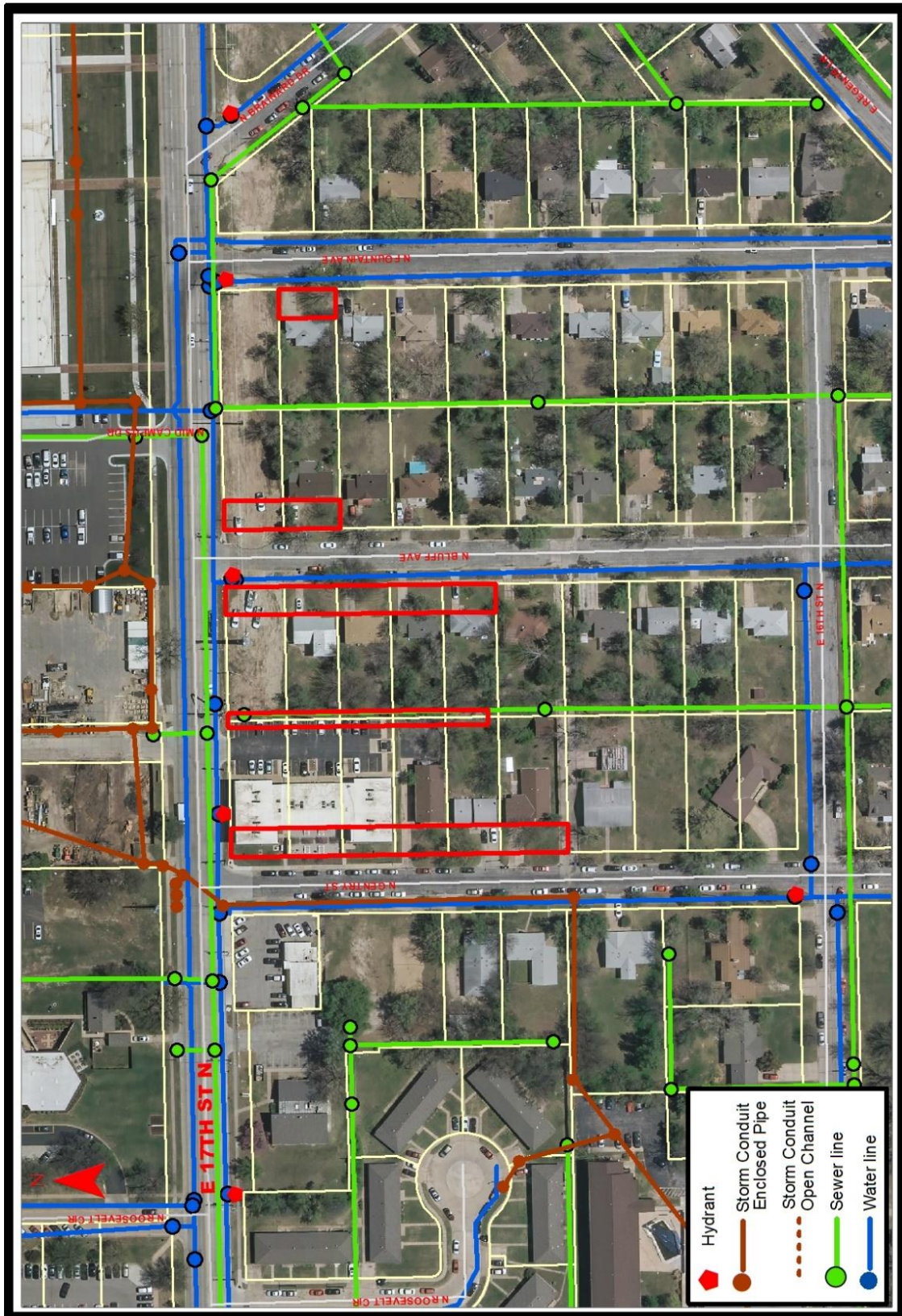
- (1) Vacate the platted 30-foot building setbacks of the described lots platted in Blocks A and D of the University Park 2nd Addition. Provide Planning Staff with legal descriptions of the approved vacated portions of the platted setbacks on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Public Works with a Private Project for the sewer line located in the current 8-foot utility easement by separate instrument. This must be provided to Public Works prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (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.

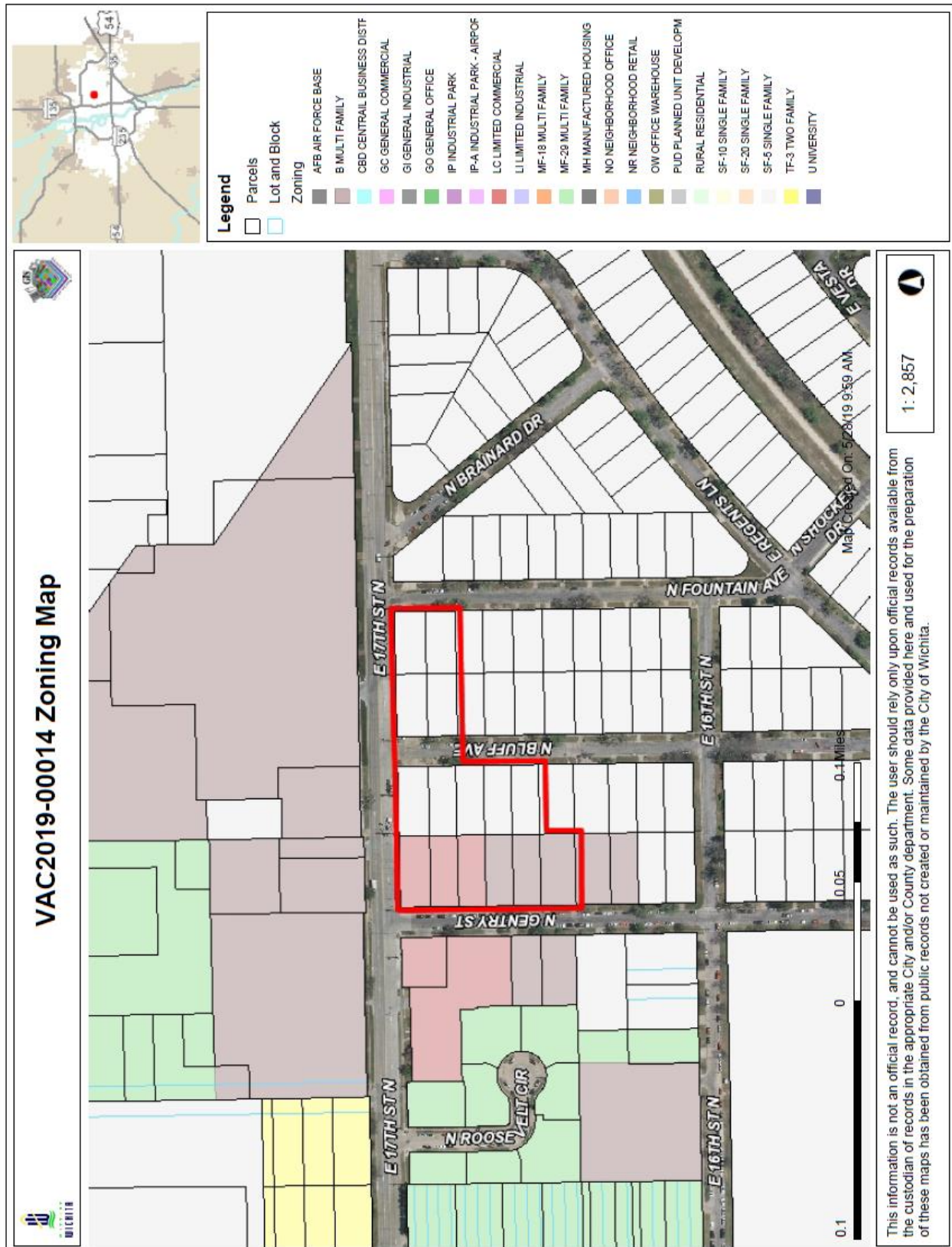
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

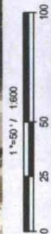
1. Areal Map
2. Zoning Map
3. Vacation Exhibit submitted by applicant
4. Site Plan submitted by applicant







05.08.2019



LINEAR PROPERTIES

Vacation Case 2019-000 Subject Properties

The information presented hereon is best available data gathered by MKEC from various public sources. MKEC does not guarantee the positional accuracy of the data shown. In no event shall MKEC be liable for any loss or damage, consequential or otherwise, including but not limited to loss, money, or goods, arising from the use of the presented data. In using the data presented hereon, users further agree to indemnify, defend, and hold harmless MKEC for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.



