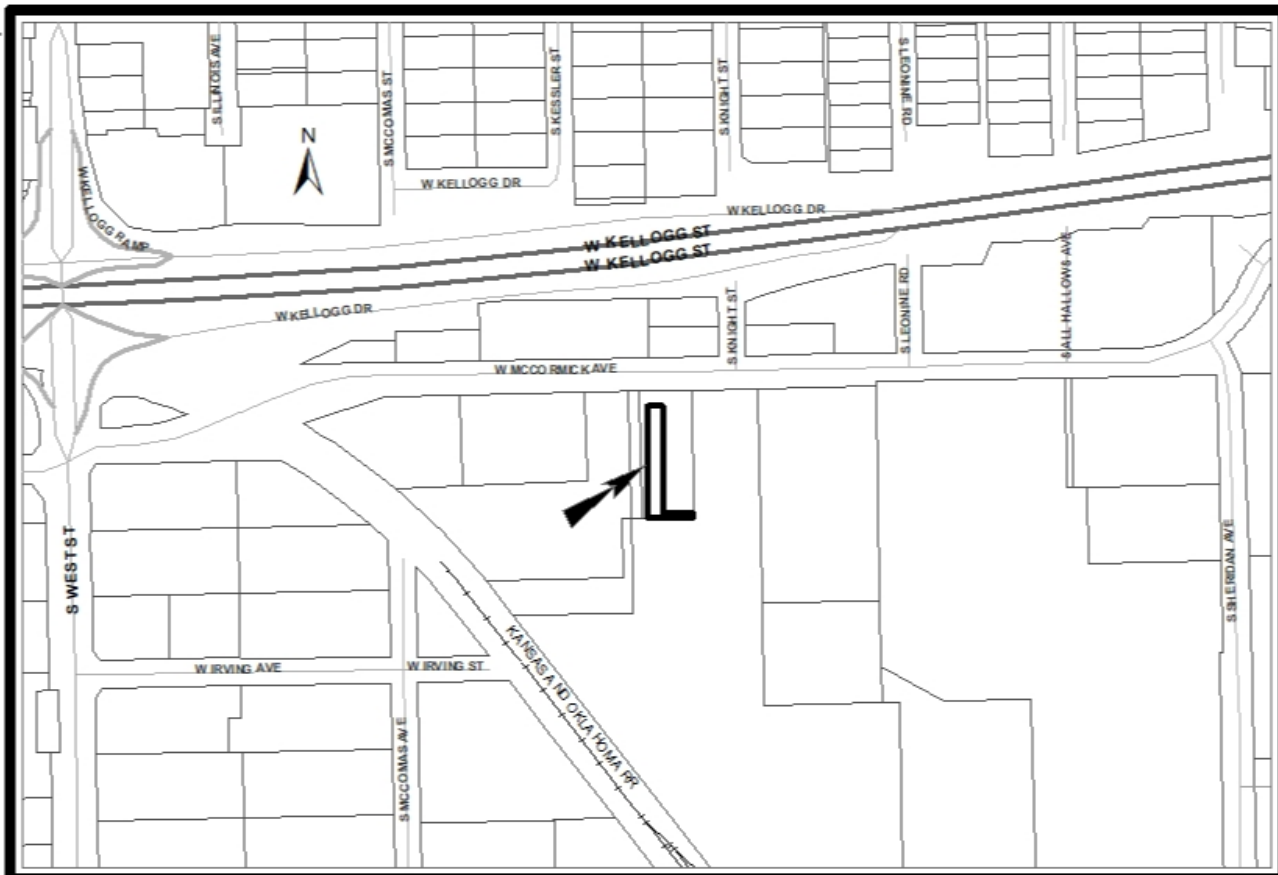


STAFF REPORT

- CASE NUMBER:** VAC2021-00050 - City request to vacate a platted side yard setback and a platted utility easement
- APPLICANT/AGENT:** Star Lumber & Supply Co. Inc., c/o Chris Goebel (applicant/owner) Baughman Co., PA, c/o Philip Meyer (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the platted 35-foot side yard setback running parallel to the east lot line and the 8-foot platted utility easement running parallel to the south lot line, all on Lot 1, Sauder Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located one-quarter mile east of South West Street on the south side of West McCormick Avenue (3665 West McCormick, City District #IV)
- REASON FOR REQUEST:** Redevelopment of the site
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned LI Limited Industrial.
- VICINITY MAP:**



The applicant proposes to vacate the platted 35-foot side yard setback running parallel to the west property line of the LI Limited Industrial zoned subject site, Lot 1, Sauder Addition. The Sauder Addition was recorded with the Register of Deeds May 6, 1965.

The abutting west LI zoned property is also owned by the applicant and is the east portion of the vacated South Kessler Street, Vacation Ordinance 36-310, which runs the length of the subject site. Prior to the vacation of this portion of South Kessler Street the platted 35-foot setback would have been a street side yard setback. The South Kessler Street vacation reverted public street right-of-way to private property (now the applicant's property) and extended the subject site's property line east beyond its platted property line. The platted 35-foot street side yard setback is now a 35-foot side yard setback, which cannot be built into. Vacating it allows development to extend from the subject site into that portion of the vacated South Kessler Street ROW owned by the applicant.

The LI zoning district provides a 20-foot front yard setback and zero rear, side and street side yard setbacks. The applicant is requesting a zero side yard setback for redevelopment of the subject site. The subject site is located in an extensive area of LI zoning and the Quarter Section map shows all of other LI zoned properties with zero side yard setbacks. Staff recommends approval of the request.

The applicant is also requesting the vacation of the platted 8-foot utility easement that runs parallel its south property line. There appears to be no public utilities located in the platted 8-foot utility easement or the platted setback. Evergy and the applicant are investigating if there are Evergy distribution lines in or near the platted easement. If there are no utilities located in the subject easement, then it can be vacated. If there are utilities in the subject easement the subject easement will remain, or the relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Any needed easements for relocated utilities are the responsibility and at the expense of the applicant. Ennidh Garcia is the Evergy Design Representative for this area and can be contacted at 316-261-6359. All utilities are covered by Conditions #2 and #3.

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 platted setback and the platted 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 November 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 portions of the platted 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) Vacate all of the described portion of the platted 35-foot side yard setback located on Lot 1, Sauder Addition and 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) Provide Planning with any needed easements with original signatures to be recorded with the Vacation Order at the Register of Deeds. These documents must be provided to planning prior to the case going to City Council for final action
- (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 Sedgwick County Register of Deeds.

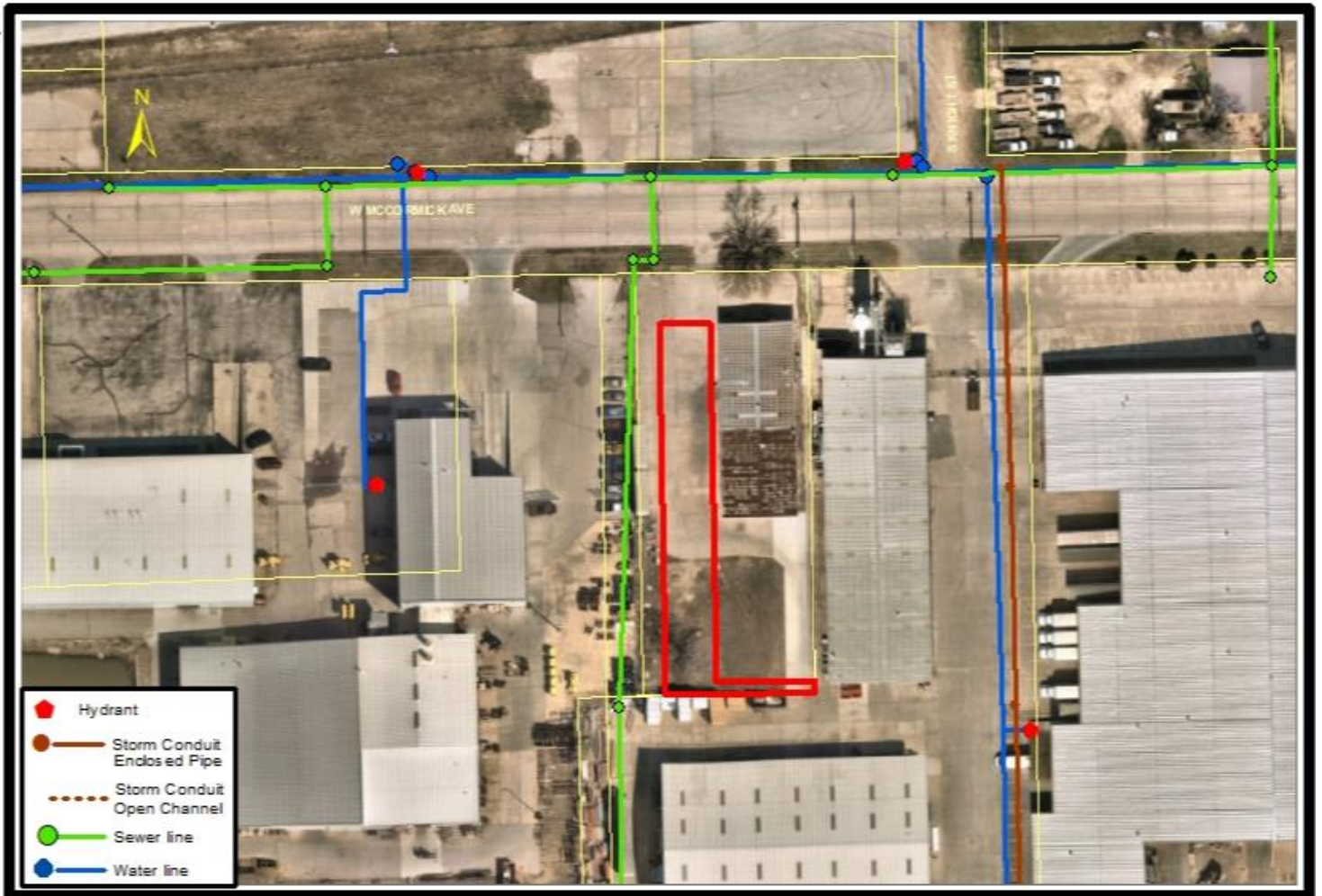
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

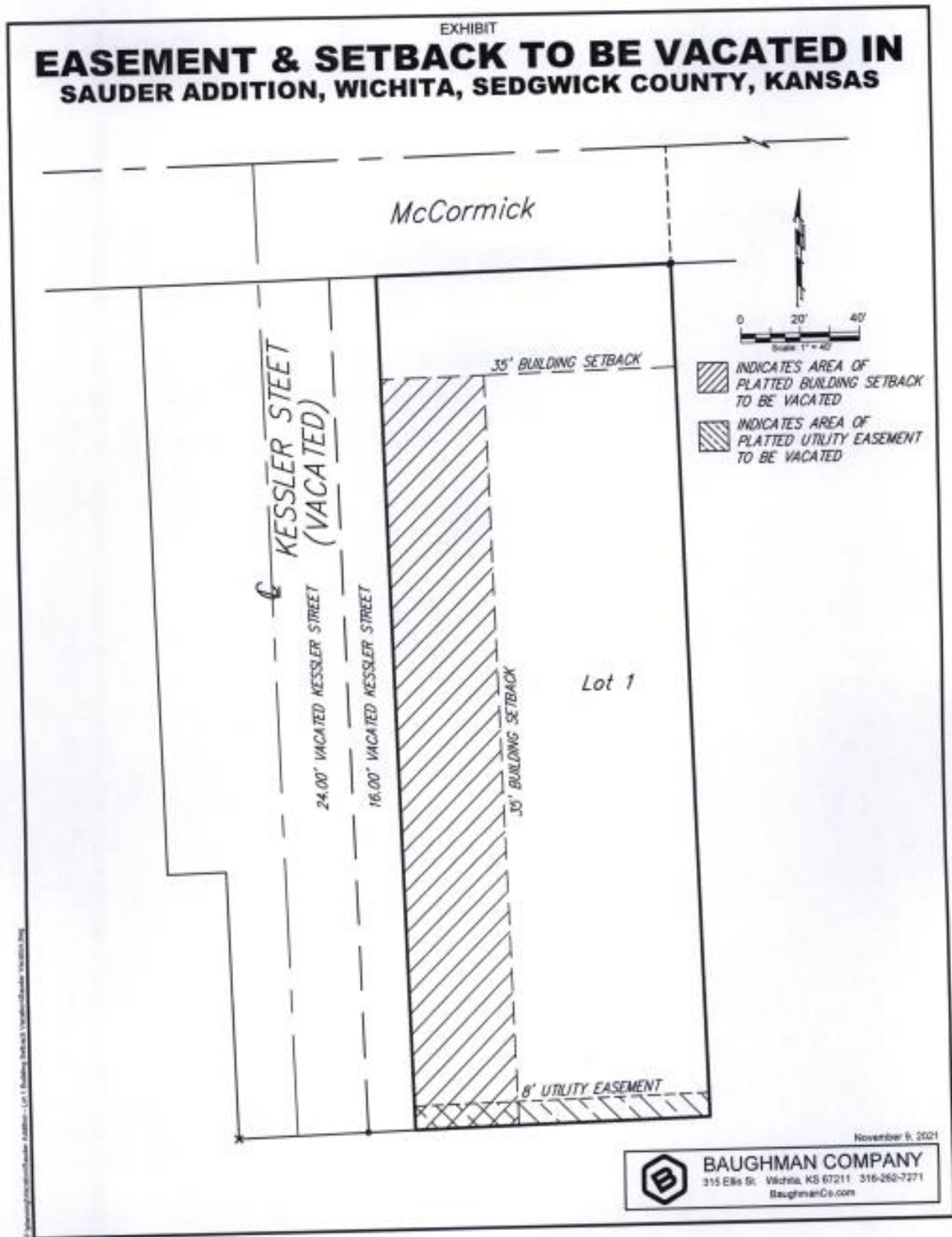
The Subdivision Committee recommends approval subject to the following (but not limited to) conditions:

- (1) Vacate all of the described portion of the platted 35-foot side yard setback located on Lot 1, Sauder Addition and 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.
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Attachments:

- Aerial with public water, sewer & storm water
- Site Plan
- Legal description







Lot 1, Sauder Addition to Wichita, Sedgwick County, Kansas

Vacation - Legal Descriptions

Utility Easement Vacation:

The 8.00 foot utility easement as granted in Sauder Addition to Wichita, Sedgwick County, Kansas.

Building Setback Vacation:

The west 35.00 feet of Lot 1, Sauder Addition to Wichita, Sedgwick County, Kansas, platted as a building setback, except the north 35.00 feet thereof.