

The applicant is requesting to vacate a portion of the 35-foot front setback on Lots 8 and 9, reducing it to 15 feet and 12 feet respectfully in addition to a request to reduce a portion of the 50-foot platted front setback to 15 feet on Lot 11. All Lots are part of Block 2, Airport Industrial Park Addition. This property is generally located on the west side of South Hoover Road and approximately 1,875 feet south of West Harry Street (1831 S. Hoover Ct.). The purpose of this vacation is to allow for two future building additions: one on Lot 9 and one that spans lot lines on Lots 8 and 11. The Lots on this property were originally platted with a 50-foot front setback. However, in 2007, the applicant requested to reduce the 50-foot platted setback to 20 feet on Lots 8, 9, and 10 (VAC2007-00028). During the review of this case it was cited that the platted 50-foot setback on several Lots of Block 1 in the same addition were previously reduced to 35 feet (VAC2004-00025) providing precedence in this case. In light of this, the applicant of the 2007 case agreed to only a 35-foot setback instead of a 20-foot setback. This is a further reduction of that setback for Lots 8 and 9. For Lot 11, the applicant is requesting to reduce the original 50-foot platted setback (as it was not included in the previous case), but only for that portion pertaining to the cul-de-sac.

These Lots are zoned LI Limited Industrial. The Unified Zoning Code's (UZC) minimum front setback standard for the LI zoning district is 20 feet. The applicant's request exceeds the minimum front setback for LI zoning by 5 feet and 8 feet respectively. Both Cox and Evergy have existing facilities in the area to be vacated. Any easements for the relocation of these facilities shall be submitted to Planning prior to this case going before City Council for final action. Ennidh Garcia is the Evergy Construction Representative in this area and can be contacted at 316-261-6359 with any questions regarding this case. The Airport Industrial Park Addition was recorded with the Register of Deeds December 18, 1964.

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 building setbacks.

- 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 October 31, 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 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 southwest 23 feet of the 35-foot building setback on Lot 8, together with the northwest 20 feet of the 35-foot building setback of Lot 9, together with the northeast 35 feet of the platted 50-foot setback of Lot 11, Block 2, Airport Industrial Park Addition. Provide Planning Staff with legal descriptions of the approved vacated portions of the 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) 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.



