

STAFF REPORT

CASE NUMBER: VAC2020-00021 - City vacation of a portion of platted front building setback.

APPLICANT/AGENT: Tigerlily Properties, LLC (applicant), K.E. Miller Engineering, P.A. (agent)

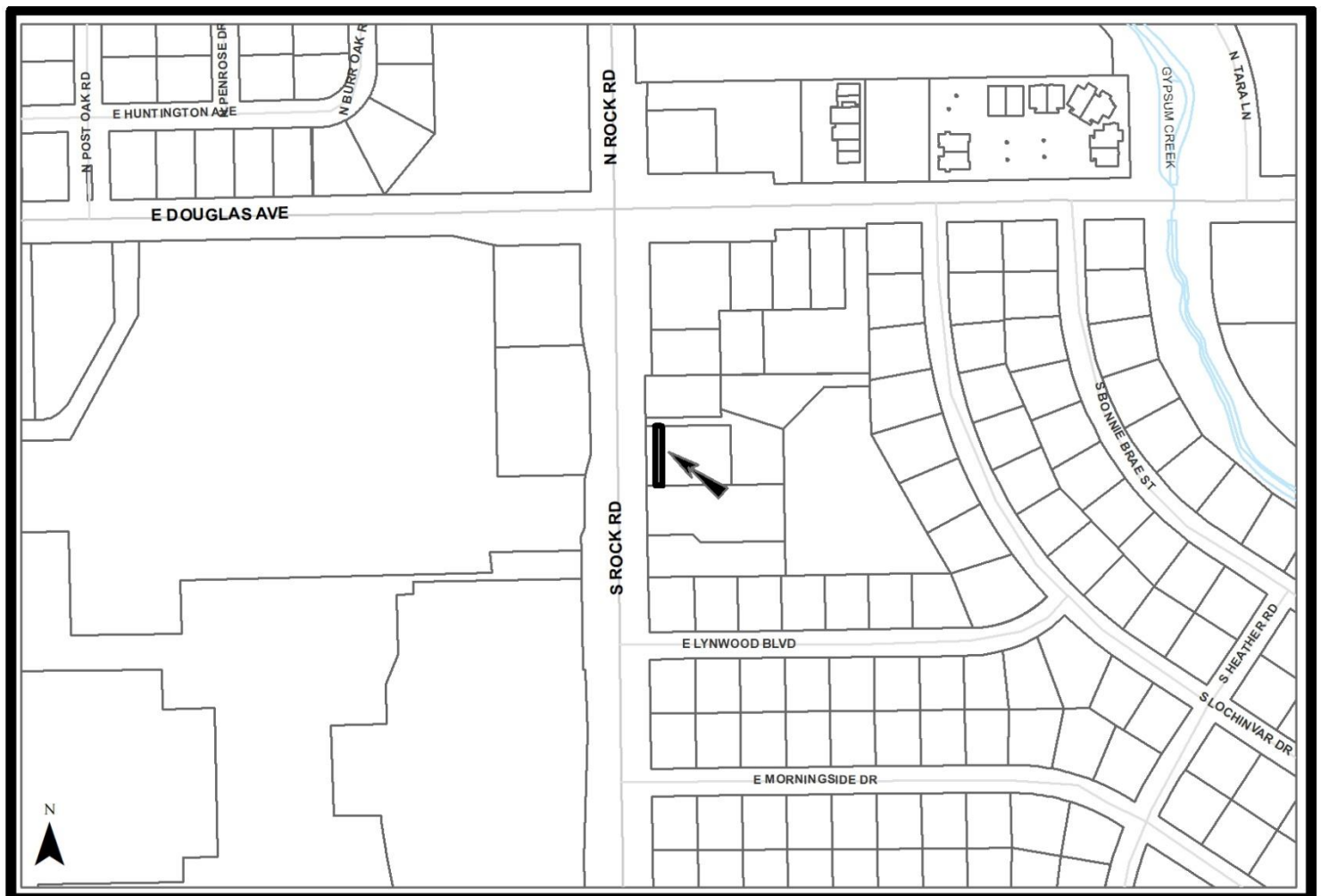
LEGAL DESCRIPTION: Generally described as vacating the east 15 feet of the 35-foot front building setback for the South 130 feet of the West 185 feet of Lot 2, Bonnie Brae 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the east side of South Rock Road and south of East Douglas Avenue (160 South Rock Road).

REASON FOR REQUEST: To allow a new building footprint on site and for long drive-thru queuing

CURRENT ZONING: LC Limited Commercial

VICINITY MAP:



The applicant proposes to vacate the east 15 feet of the platted 35-foot building setback located on and running parallel to the west property line of the south 130 feet of the west 185 feet of Lot 2, Bonnie Brae 2nd Addition. The lot is zoned LC Limited Commercial and is generally located southeast of the corner of South Rock Road and East Douglas Avenue. If approved, the request would reduce the platted building setback to 20 feet. The Unified Zoning Code's (UZC) minimum front setback standard for the LC zoning district is 20 feet. The applicant's request does not exceed the minimum front setback for LC zoning. The purpose of this request is to rebuild the existing Wendy's restaurant with a new footprint and to allow a longer drive-thru queue. There are no public utilities in the subject area. Evergy has streetlight poles and lines in the right-of-way west of the setback area. The new building will have to meet clearances to these lines. LaDonna Vanderford is the Area Construction Service Representative for this case and can be contacted at 316-261-6290 with any questions.. The Bonnie Brae 2nd Addition was recorded with the Register of Deeds December 3, 1969.

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 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 August 20, 2020, 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 platted 35-foot front setback. Provide Planning Staff with legal descriptions of the approved vacated portions 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) Aerial Map, 2)Site Plan, 3)Plat Excerpt

