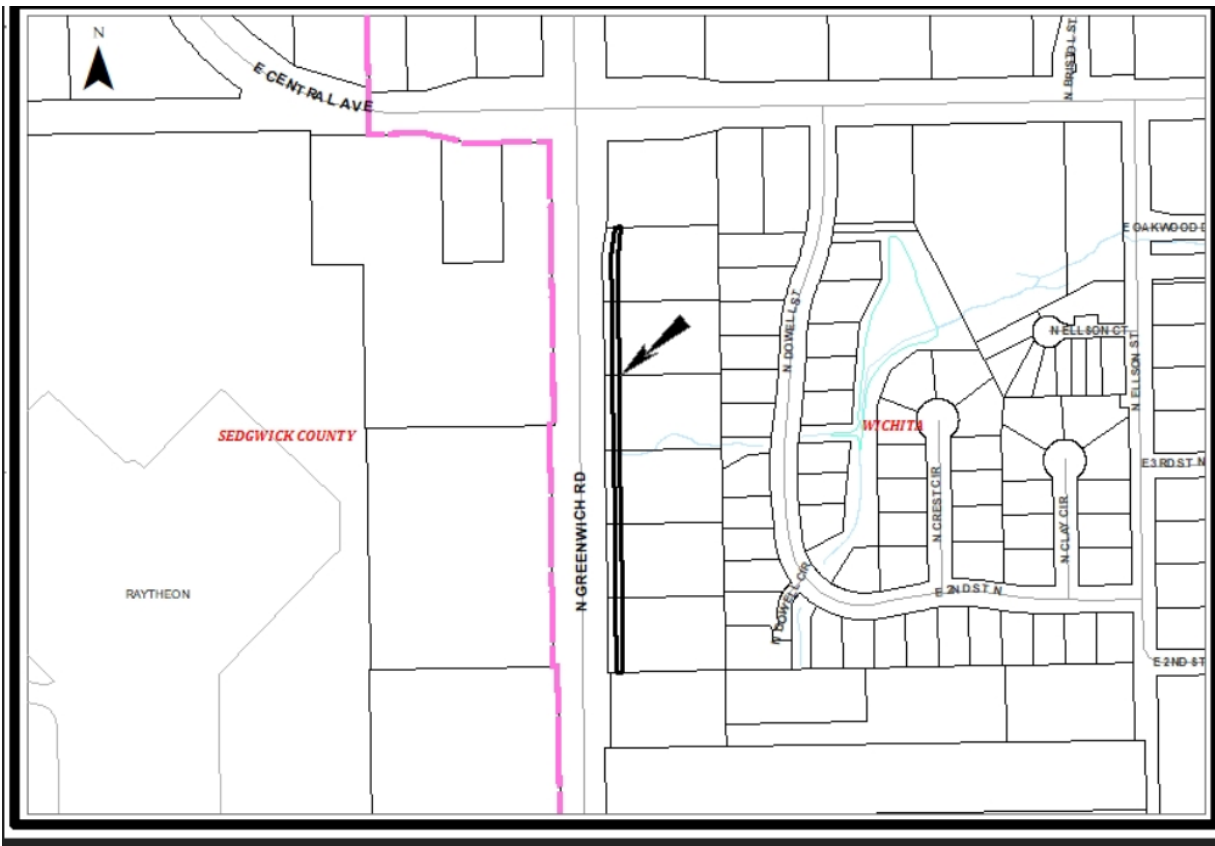


STAFF REPORT

- CASE NUMBER:** VAC2021-00027 - Request to vacate a portion of a platted front yard setback
- OWNER/APPLICANT:** Slawson East Inc., c/o Butch Nuss (owner/applicant) PEC, c/o Rebecca Mellies
- LEGAL DESCRIPTION:** Generally described as vacating the east 15 feet of the platted 35-foot front yard setback located on Lots 2 – 7 inclusive, Block 1, Canyon Properties Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located south of East Central Avenue on the east side of North Greenwich Road (District II)
- REASON FOR REQUEST:** To attract development
- CURRENT ZONING:** The site is zoned Limited Commercial (LC) and is part of CUP Community Unit Plan DP #229 (CUP-229). The abutting south and north properties are zoned LC. Abutting east properties are zoned SF-5 Single-Family Residential (SF-5). The adjacent west property, across North Greenwich Road, is zoned LI Limited Industrial (LI).

VICINITY MAP:



The applicant proposes to vacate the east 15 feet of the platted 35-foot front yard setback on the Limited Commercial (LC) zoned Lots 2 – 7 inclusive, Block 1, Canyon Properties Addition. If approved the request would result in a 20-foot front yard setback. The Canyon Properties Addition were recorded with the Register of Deeds September 4, 1998. The undeveloped subject property is located approximately 200 feet south of East Central Avenue on the east side of North Greenwich Road. The 6.6-acre LC zoned subject property has a nonresidential overlay Community Unit Plan #229 (CUP #229).

The Unified Zoning Code (UZC) has a minimum 20-foot front yard setback standard for the LC zoning district, which matches the applicant's request to reduce the platted 35-foot front yard setback of the LC zoned subject property to 20 feet. As noted the subject property is part of the nonresidential CUP #229. Per the UZC, nonresidential CUPs have a minimum 35-foot front yard setback that may be reduced through the Administrative Adjustment process, if the request complies with the four standards listed on the Administrative Adjustment application. An approved vacation of the platted 35-foot front yard setback would establish the requested 20-foot front yard setback, after which the applicant would need to apply for an Administrative Adjustment to approve the new 20-foot front yard setback and any other changes to the CUP such as the maximum 30 per cent building coverage.

There are no LC zoned properties in the area that have that zoning district's minimum 20-foot front yard setbacks. Other LC zoned properties located around the East Central and North Greenwich Road intersection have platted front yard setbacks ranging from 30 feet to 35 feet. The other CUP in the area, the mixed use CUP-232 located on the northeast corner of the intersection, has a platted 35-foot front yard setback and is developed as a car sales business, three free standing commercial strip buildings and 11 duplexes. Almost all of the LC zoned properties in this area are developed with the subject property being the largest group of undeveloped LC zoned property. The largest development in the area (and one of the largest developments in Wichita-Sedgewick County) is the Limited Industrial (LI) zoned Hawker Beechcraft aircraft manufacturing facility which is located west of the subject site, across North Greenwich Road. The LI zoning district has a 20-foot front yard setback and zero feet for the rear, side yard and street side yard setbacks.

Sewer and storm water are located in a platted 25-foot drainage and utility easement located in the rear, east side of the subject property. There is a platted 20-foot drainage easement located between Lots 5 and 4 of the subject property that will not be impacted by the proposed vacation. Water is located in the North Greenwich Road right-of-way. Evergy has both distribution and transmission poles, line and equipment in the North Greenwich Road right-of-way and has no objections to the request. If the property owner has questions for Evergy they may contact Shane Price at 316-261-6315 or after July 19, 2021 LaDonna Vanderford at 316-261-6290. No utilities have objected to this requests. Conditions #2 and #3 cover all utilities.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Storm water, 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 the platted 35-foot front yard 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 July1, 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 portion of the platted front 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) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted 35-foot front yard setback on a Word document, via e-mail, to be used on the Vacation Order. This will establish a 20-foot front yard setback contingent on approval of an Administrative Adjustment to CUP-229. This must be provided to Planning 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. All improvements shall be according to City Standards and will be at the applicant's expense. 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.
- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.
- (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 subject to the following (but not limited to) conditions :

- (1) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted 35-foot front yard setback on a Word document, via e-mail, to be used on the Vacation Order. This will establish a 20-foot front yard setback contingent on approval of an Administrative Adjustment to CUP-229. This must be provided to Planning prior to the case going to City Council for final action.
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