

STAFF REPORT

CASE NUMBER: VAC2018-00006 - City Vacation of plated railroad easement on property zoned LI Limited Industrial

OWNER/APPLICANT: Chad Caro with Caro Properties (Agent) | ChasLynn LLC (Applicants)

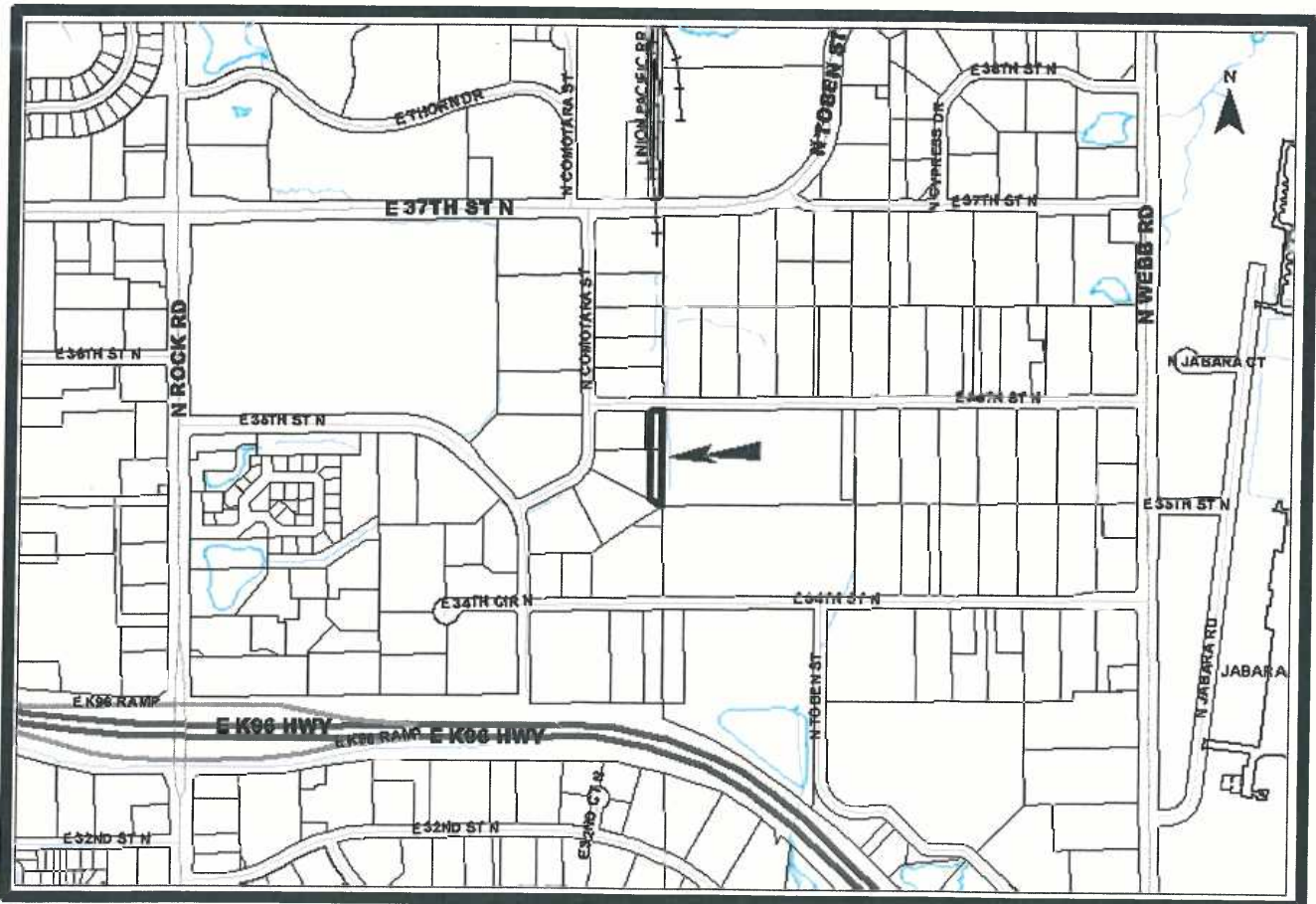
LEGAL DESCRIPTION: The east 60.00 foot Railroad Easement, lying within Lot 7; and the east 97 feet of Lot 6, Comotara Industrial Park Second Addition and addition to Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the south side of 35th Street North and east of Comotara Drive (3540 Comotara Drive).

REASON FOR REQUEST: To remove the railroad easement to allow for building expansion.

CURRENT ZONING: The site is zoned LI Limited Industrial

VICINITY MAP:



The applicant is requesting the vacation of a platted railroad easement on the easternmost 60 feet of the properties addressed 3552 North Comotara Street and 3540 N Comotara Street. The purpose for this request is to allow building expansion to occur. The northern property is currently developed with a wireless communications facility and the southern property has a warehouse-office use developed on site.

The applicant has stated that the railroad easement was platted but the railroad has never occupied the site since platting occurred. There is also a ten foot platted utility easement on the easternmost ten feet of the parcels that is not being requested for vacation.

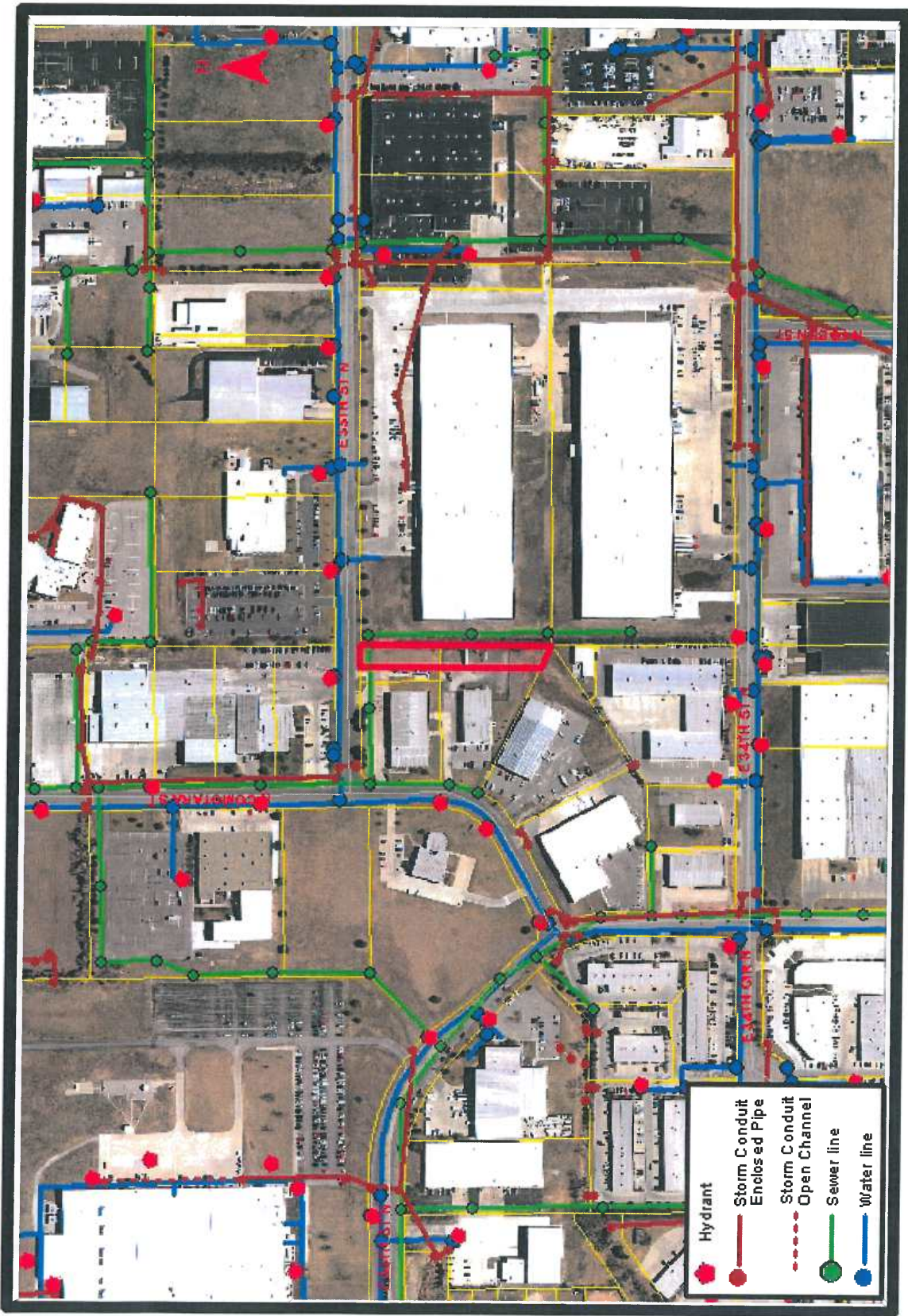
Westar has indicated that they have lines in said utility easement. Comments from other franchised utilities have not been received and are needed to determine if they have utilities located within the subject area. The Comotara Industrial Park 2nd Addition was recorded 15 December 1977.

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/Stormwater, 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 portion of the platted complete access control.

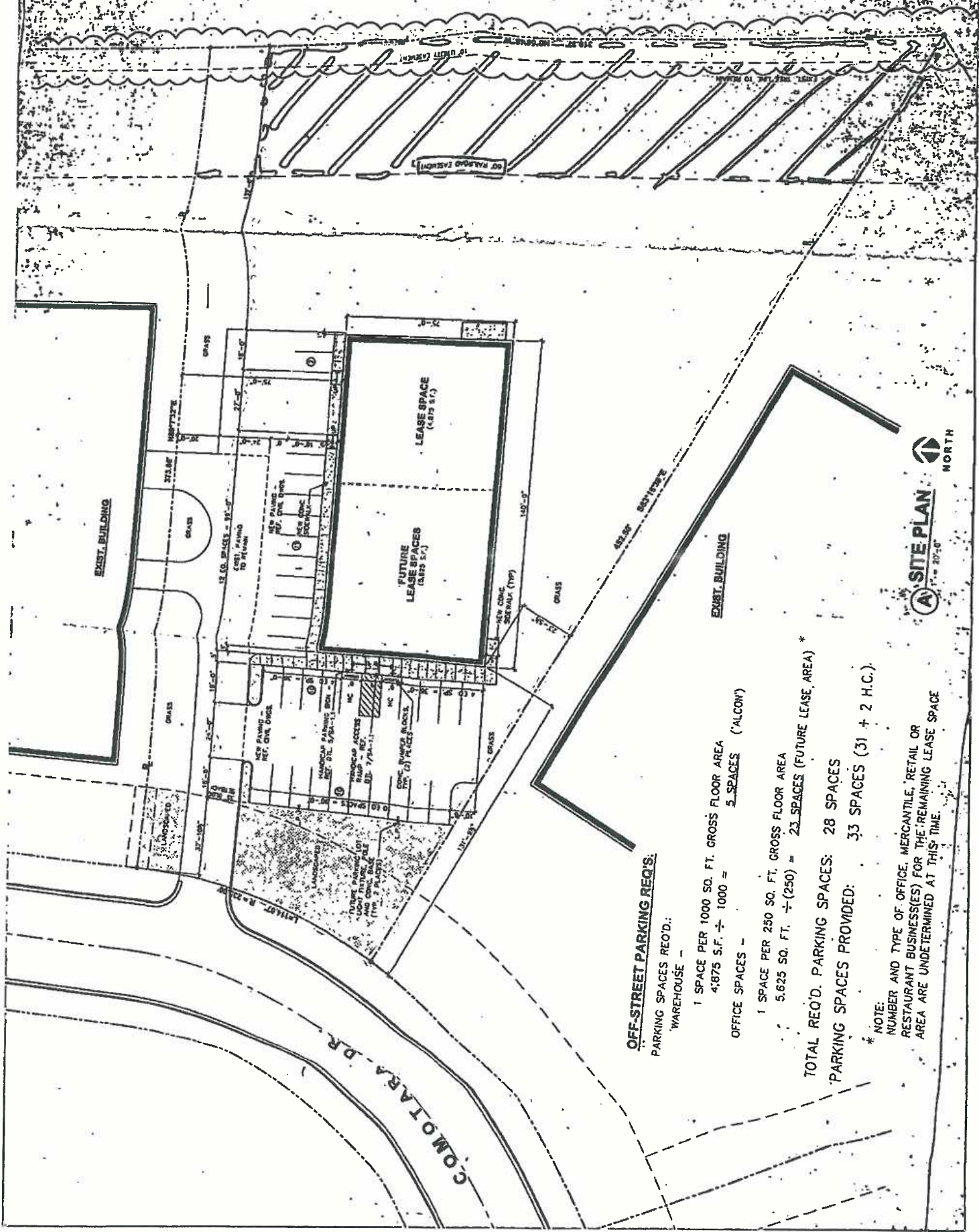
- A. That after being duly and fully informed as to fully understanding the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the platted railroad right of way 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.

The Subdivision Committee recommends approval subject to the following stipulations:

- (1) If needed provide Planning with dedication of utility easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) All improvements shall adhere to City Standards and at the applicants' expense.
- (3) Per MAPC Policy Statement #7, all conditions are to 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.







OFF-STREET PARKING REQ'S:

- PARKING SPACES REQ'D:
 - WAREHOUSE -
 - 1 SPACE PER 1000 SQ. FT. GROSS FLOOR AREA
 - 4,875 S.F. ÷ 1000 =
 - 5 SPACES ('ALCON')
- OFFICE SPACES -
 - 1 SPACE PER 250 SQ. FT. GROSS FLOOR AREA
 - 5,625 SQ. FT. ÷ (250) =
 - 23 SPACES (FUTURE LEASE AREA) *

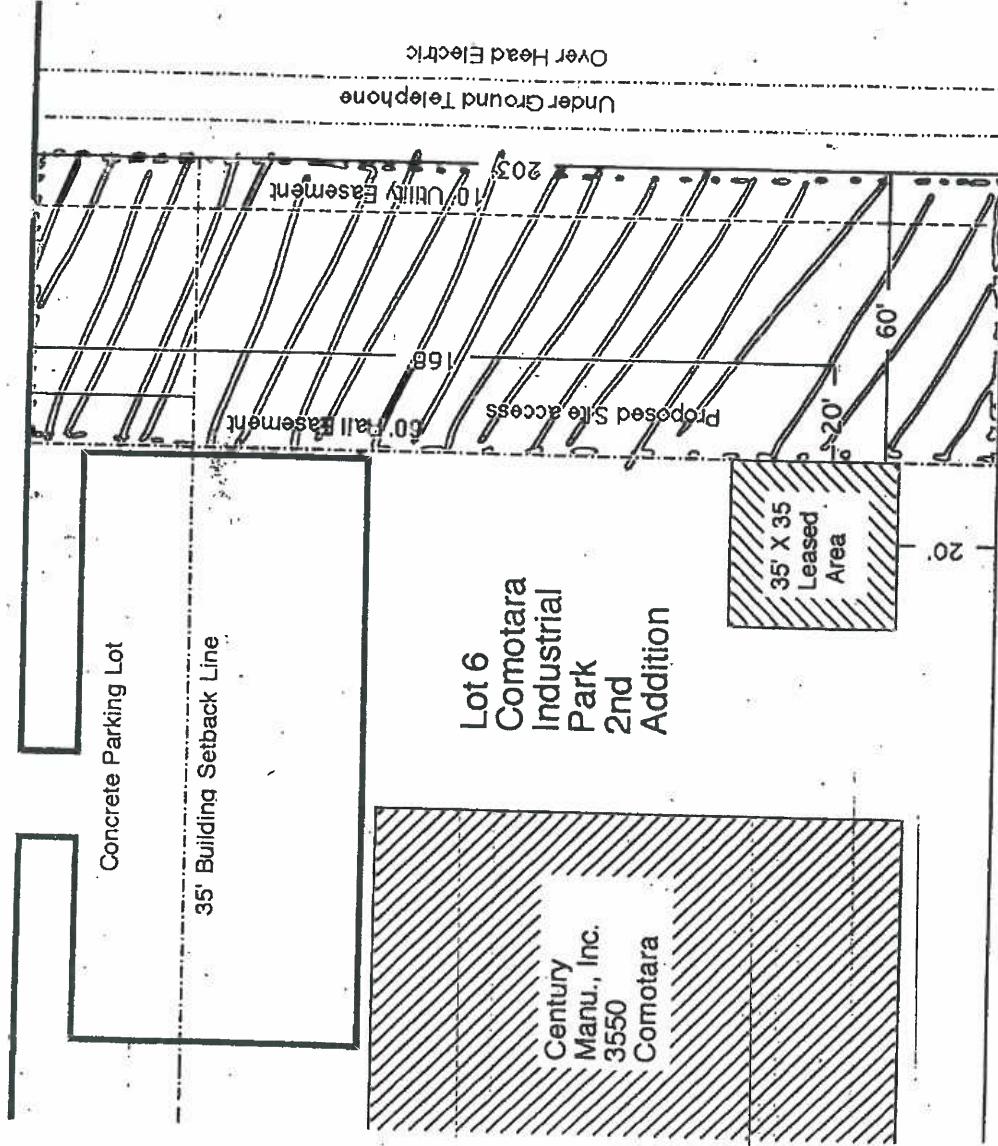
TOTAL REQ'D. PARKING SPACES: 28 SPACES
 PARKING SPACES PROVIDED: 33 SPACES (31 + 2 H.C.)

* NOTE:
 NUMBER AND TYPE OF OFFICE, MERCANTILE, RETAIL OR RESTAURANT BUSINESS(ES) FOR THE REMAINING LEASE SPACE AREA ARE UNDETERMINED AT THIS TIME.



Attached to and made part of that certain Lease Agreement dated 1992 by and between James V. Laubach and Sharon A. Laubach, husband and wife, Lessor and Wichita SMSA Limited Partnership, Lessee.

35th Street North



Scale 1" = 30'

This diagram is for illustration purposes only

CELL CENTER NAME: Comotara
CELL SITE NUMBER: 7020



EXHIBIT "A"
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WICHITA SMSA LIMITED PARTNERSHIP

