

**STAFF REPORT**

**CASE NUMBER:** VAC2018-000013 - City Vacation of 20 feet of right-of-way and a 35-foot platted building setback on property zoned LC Limited Commercial.

**OWNER/APPLICANT:** Chris Lee, PBP Management Group INC (Applicants)

**LEGAL DESCRIPTION:** See attached

**LOCATION:** Generally located 1300 feet west of the northwest corner of east 2<sup>nd</sup> Street North and North Grove Drive.

**REASON FOR REQUEST:** To vacate previously dedicated street right-of-way and allow for more useable area.

**CURRENT ZONING:** The site is zoned LC Limited Commercial

**VICINITY MAP:**



The applicant is requesting the vacation of 20 feet of right-of-way and the 35-foot platted building setback on Lot 1, Hampton Addition. The proposed vacation will not impact the function of East 2<sup>nd</sup> Street North. The portion of right-of-way being vacated is vacant ground between the sidewalk and Lot 1.

There are no public utilities located in the vacation area. Westar and Cox Communications have facilities in the vacation area that would need to be retained as an easement or relocated at the applicant's expense. The Hampton Addition was recorded March 5, 1970.

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 right-of-way and 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 May 31, 2018, 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 right-of-way and platted building 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) 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) Provide covenants, with original signatures, binding and tying the vacated described right-of-way to the abutting property. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (3) All improvements shall adhere to City Standards and at the applicants' expense.
- (4) 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.

## **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval per staff recommendations.