

Legislation Text

File #: 2023-5887, **Version:** 1

Public Hearing: Appl. #PL2022-421 - Vacation of Right-of-Way - an alley segment located east of NE Douglas St and south of NE Elm St (adjacent to 105 NE Elm St); Chris and Nicolette Saddler; applicant

Issue/Request:

The applicants own the residence at 105 NE Elm St and request to vacate a 20' wide x 160' long segment of alley right-of-way that abuts their property to the west. The purpose of the vacation request is to revert the public right-of-way back to the abutting private properties on the east and west sides of the alley segment. The vacated right-of-way is absorbed into the abutting private property. The subject alley segment is effectively abandoned from use as part of the public street network. The City maintains the existing 8" sanitary sewer line under the alleyway, but does not maintain the surface of the subject alley segment.

The request for vacation of right-of-way stems from the efforts of the current homeowners of the abutting property at 105 NE Elm St to abate a side yard setback violation created by the previous homeowner as part of a garage addition that was constructed without a building permit. The vacation of the subject right-of-way will result in an additional 10' of property being absorbed by the three (3) abutting properties, including 105 NE Elm St. If the vacation of right-of-way is approved, the applicants will then follow-up with an application to the Board of Zoning Adjustment to request a variance for the remaining 5' of the required 15' minimum side yard setback to allow the garage addition to remain.

A utility easement will be reserved over the entire 20'-wide x 160' long alleyway upon the vacation of the right-of-way in order to cover existing public and private (e.g. Evergy, Spire, AT&T, etc.) utility infrastructure that will remain in place, which includes: overhead electric, gas, telephone and a public 8" sanitary sewer main.

Chris Saddler, Applicant
Hector Soto, Jr., AICP, Senior Planner

Recommendation: With the condition of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

1. An easement shall be retained over the entire 20' wide x 160' long segment of vacated right-of-way to cover the existing public and private infrastructure located within the subject right-of-way.

Committee Recommendation: On a motion by Mr. Benbrook, seconded by Ms. Rader, the Planning Commission unanimously voted on September 28, 2023, to recommend approval of Appl. #PL2022-421 - Vacation of Right-of-Way - an alley segment located east of NE Douglas St and south of NE Elm St (adjacent to 105 NE Elm St); Chris and Nicolette Saddler; applicant.