Wichita-Sedgwick County Metropolitan Area Planning Department

March 8, 2019

Bell Management and Development
310 W Central Ave Ste. 209
Wichita, KS 67202

RE: **VAC2018-00033** City Vacation of front setback and side street setback for building expansion on property zoned LC Limited Commercial, generally located on the north side of West Central Avenue and within a quarter mile west of North Ridge Road (7406 W Central).

Dear Applicant:

At its regular meeting on **February 26, 2019**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Associate Planner

Copies to: MABCD
Brian Frye, Council Member District V
Cory Buchta, CSR District V
Above and Beyond Roofing and Construction; PO Box 129, Haysville, KS 67060

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 29833303
Receipt #: 2102549
Pages Recorded: 2
Recording Fee: $0.00
Cashier: jcrawfor
Authorized By
Date Recorded: 03/07/2019 04:32:39 PM

BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED BUILDING SETBACKS DEDICATED BY SEPARATE INSTRUMENT

GENERALLY LOCATED NORTH OF WEST CENTRAL AVENUE ON THE EAST SIDE OF NORTH COUNTRY ACRES AVENUE **VAC2018-00033**

MORE FULLY DESCRIBED BELOW

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VACATION ORDER

NOW on this 26th day of February, 2019, comes on for hearing the petition for vacation filed by Bell Management and development (owner), praying for the vacation of described portion of a platted building front setback and a portion of a platted building side setback dedicated by separate instrument, to-wit:

A portion of the platted Building Setbacks:
The inside 19.00 feet of the 35.00-foot Building Front Setback lying north of and parallel with the south line of Lot 1, and the inside 25.00 feet of the 35.00-foot Building Side Setback lying east of and parallel with the west line of Lot1, Roberson Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on January 3, 2019, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described portions of the platted building setbacks dedicated by separate instrument and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any

owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described portions of the platted building setbacks dedicated by separate instrument, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 26th day of February, 2019, ordered that the described portions of the platted building setbacks dedicated by separate instrument are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

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METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3-1
January 24, 2019

STAFF REPORT

CASE NUMBER: **VAC2018-00033** - City vacation of front setback and side street setback for building expansion.

APPLICANT/AGENT: Bell Management and Development (applicant/owner), Above and Beyond Roofing and Construction, Rich Bell (agent)

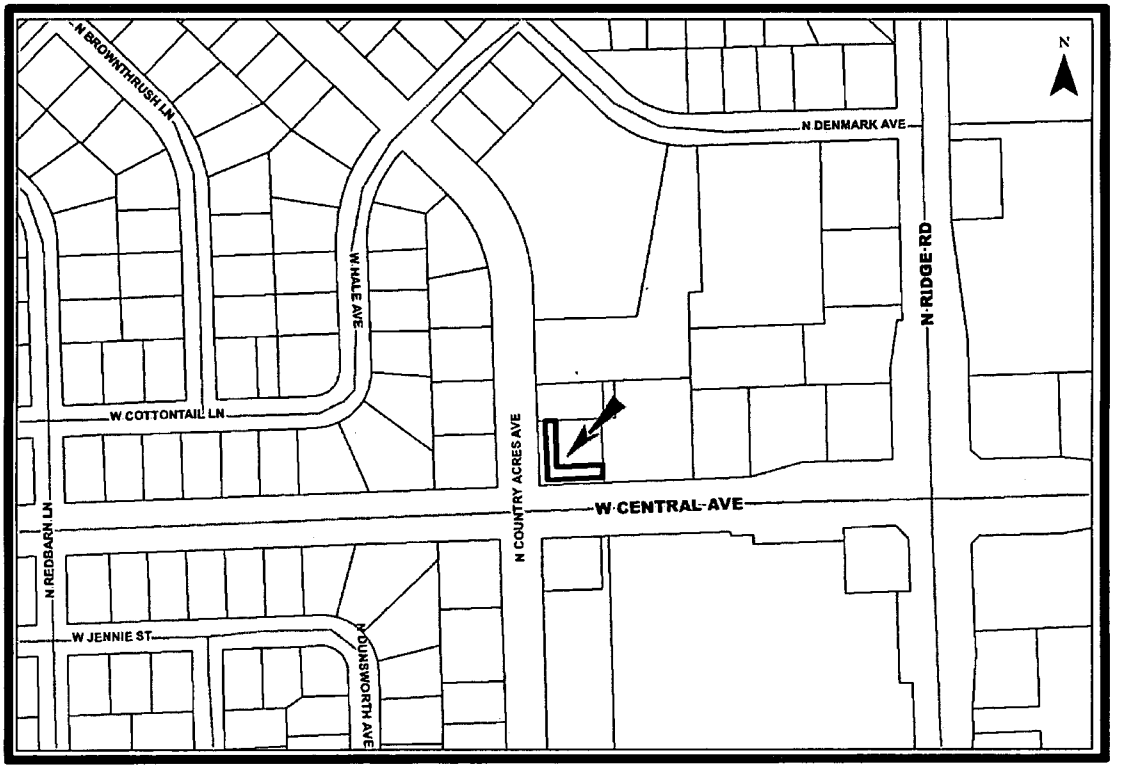
LEGAL DESCRIPTION: Generally described as vacating the inside 19 feet of the platted 35-foot building setback located on the south side, and the inside 25 feet of the platted 35-foot building setback located on the west side of Lot 1, Roberson Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the north side of West Central Avenue and within a quarter mile west of North Ridge Road. (7406 W Central) (WCC #V)

REASON FOR REQUEST: Building expansion to expand existing business.

CURRENT ZONING: Site and adjacent properties to the east and south (across West Central Avenue) are zoned LC Limited Commercial. Adjacent properties to the west (across Country Acres Avenue) are zoned SF-5 Single Family. Adjacent property to the north is partially zoned LC Limited Commercial and SF-5 Single Family.

VICINITY MAP:



The applicant proposes to vacate the inside 19 feet of the platted 35-foot building setback located on the south side of the property and the inside 25 feet of the platted 35-foot building setback located on the west side of Lot 1, Roberson Addition. The lot is zoned LC Limited Commercial. If approved, the request would reduce the platted building setback to 16 feet on the south and 10 feet on the west. The Unified Zoning Code's (UZC) minimum front setback standard for the LC zoning district is 20 feet and the minimum street side setback is 10 feet. The applicant's request does exceed the minimum front setback by 4 feet for LC zoning. The applicant's request to reduce the side set back does not exceed the minimum. There are no public utilities located in the proposed vacation areas. Westar has no existing facilities in the platted setback being vacated. Richard Aitken is the area representative and can be contacted at 261-6734 for this item. The Roberson Addition was recorded with the Register of Deeds November 14, 1966.

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 setbacks.

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 January 3, 2019, 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 setbacks on the south and west sides 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 legal descriptions of the approved vacated portions of the platted setbacks 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.

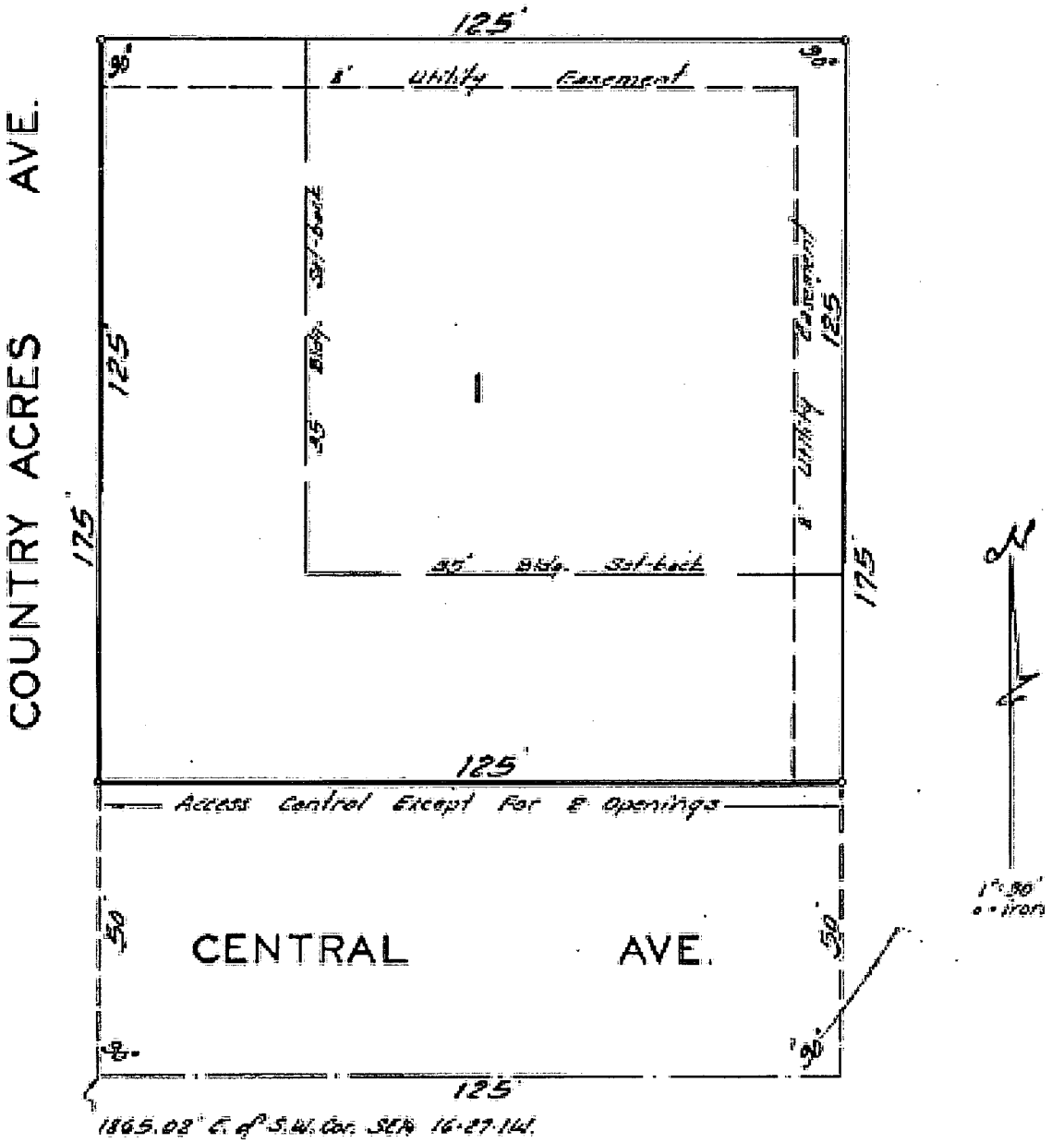
(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.

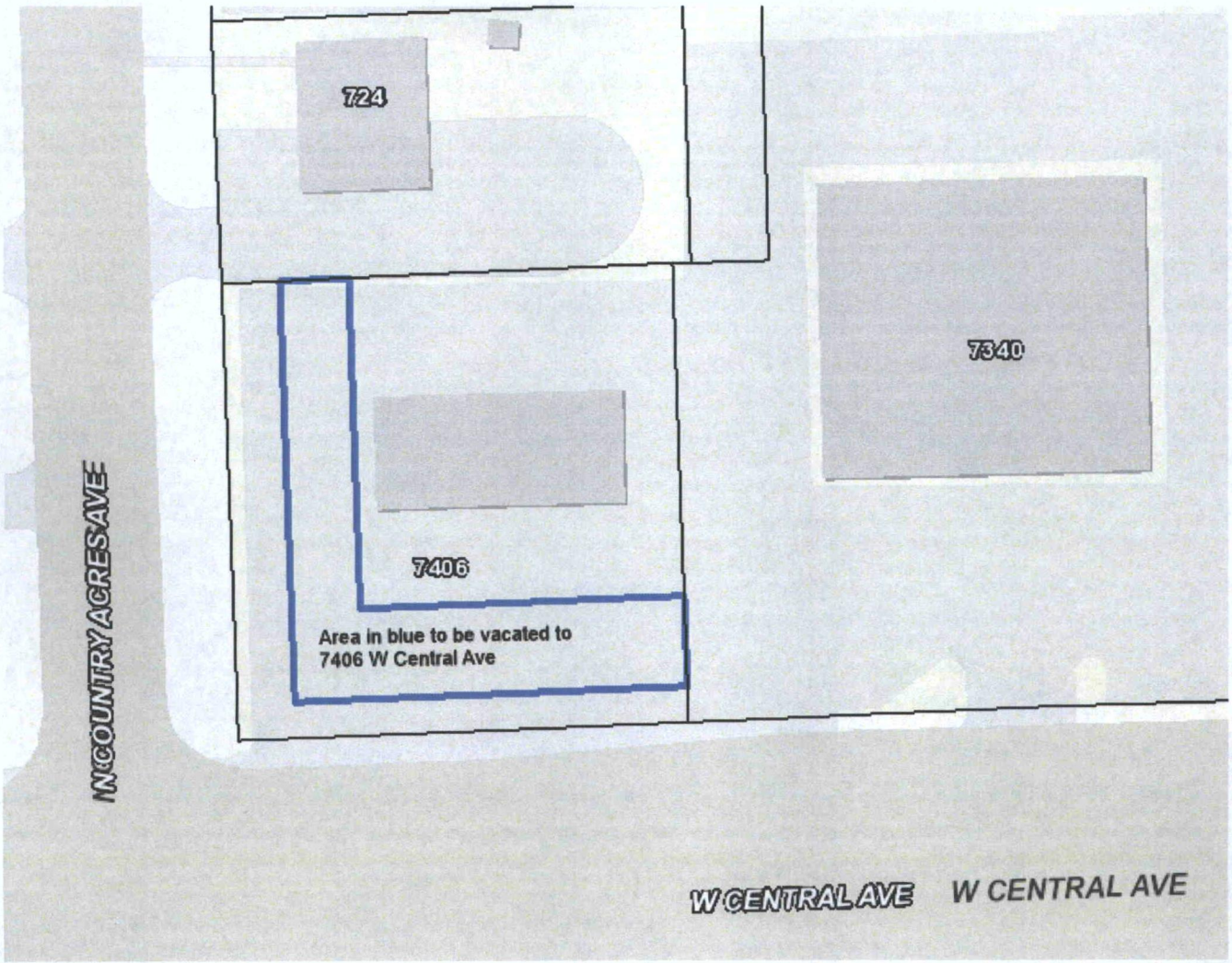
(3) All improvements shall be according to City Standards and at the applicant's expense.

(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

(5) The Subdivision Committee recommends approval per staff recommendations.


125'
30'
30'
8' Utility Easement
35' Bldg. Set-back
8' Utility Easement
125'
125'
175'
175'
35' Bldg. Set-back
125'
Access Control Except For 2 Openings
COUNTRY ACRES AVE.
CENTRAL AVE.
50'
50'
30'
30'
125'
1865.08' E. of S.W. Cor. SE¼ 16-27-14E.
1" Iron


724
7340
7406
Area in blue to be vacated to
7406 W Central Ave
N COUNTRY ACRES AVE
W CENTRAL AVE
W CENTRAL AVE