



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

January 14, 2025

Andrew & Emily Mettman
1046 S. Bedford Terrace
Wichita, KS 67202

Ref: VAC2024-00051: Vacation request in the City to vacated the north 40-foot platted setback along vacated portion of Wilshire Terrace of Lot 9, Block 7, Windsor Park Addition, generally located approximately one-third mile east of South Greenwich Road and on-third mile north of East Harty Street (1046 S. Bedford Terrace).

Dear Applicant,

At the **Tuesday, January 14, 2025**, meeting of the Wichita City Council, the above-referenced vacation request received final approval.

This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen
Current Plans
Division Manager



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

December 13, 2024

Andrew & Emily Mettman
1046 S. Bedford Terrace
Wichita, KS 67202

Ref: VAC2024-00051: Vacation request in the City to vacated the north 40-foot platted setback along vacated portion of Wilshire Terrace of Lot 9, Block 7, Windsor Park Addition, generally located approximately one-third mile east of South Greenwich Road and on-third mile north of East Harty Street (1046 S. Bedford Terrace).

Dear Applicant,

At the **Thursday, December 12, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a wall easement and utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of 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.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (5) 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.

VAC2024-00051: Vacation request in the City to vacated the north 40-foot platted setback along vacated portion of Wilshire Terrace of Lot 9, Block 7, Windsor Park Addition, generally located approximately one-third mile east of South Greenwich Road and on-third mile north of East Harty Street (1046 S. Bedford Terrace).

Page 2

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, January 14, 2025**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen".

Philip Zevenbergen
Current Plans
Division Manager



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

**IN THE MATTER OF THE VACATION OF A PLATTED
STREET SIDE SETBACK**

**GENERALLY LOCATED APPROXIMATELY ONE-THIRD
MILE EAST OF SOUTH GREENWICH ROAD AND ONE-THIRD
MILE NORTH OF EAST HARRY STREET**

VAC2024-00051

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 14th day of January 2025, comes on for hearing the petition for vacation filed by Andrew and Emily Mettman (owner) praying for the vacation of a portion of a platted setback, to wit:

Portion of a Platted Setback to be vacated:

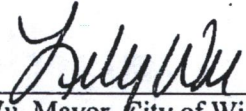
Vacating the North Portion of the Platted 40-Foot Building Setback Along the Vacated Portion of Wilshire Terrace on Lot 9, Block 7, Windsor Park Addition, Wichita, Sedgwick County, Kansas.

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:

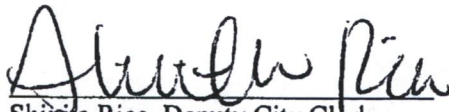
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on November 18, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted street side setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner 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 portion of a platted street side setback should be approved.

January 14, 2025
VAC2024-00051

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of January 2025, ordered that the above-described portion of a platted street side setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.


Lily Wu, Mayor, City of Wichita

ATTEST:


Shimita Rice, Deputy City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

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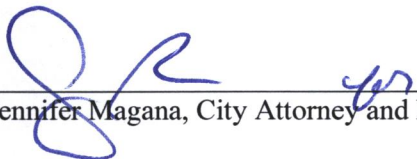
ATTEST:



Shinita Rice, Deputy City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

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MORE FULLY DESCRIBED BELOW

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Lily Wu, Mayor, City of Wichita

ATTEST:



Shinita Rice, Deputy City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	612665	Print Legal Ad-IPL02045660 - IPL0204566	OFFICIAL HEARING NOTI	\$126.18	2	75 L

Attention: Mandy Hebert
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on November 20, 2024
(One Time Only)

MAPC/BZA December 12, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 12, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00075: Variance request in the City to reduce minimum building separation from three feet to one foot for raised beam hot tub on property zoned SF-5 Single-Family Residential, located one-third mile east of West Webb Road and one-half mile north of East 21st Street North (9023 E Woodspring Street).

BZA2024-00077: Variance request in the City to allow a temporary 2,120-square-foot wall graphic on the east elevation of a property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street (100 East English).

CON2024-00242: Conditional Use to allow Daycare, General on property zoned SF-5 Single-Family Residential District to allow up to 100 children on site, generally located on the north side of East 15th Street North, between North Pershing Avenue and North Oliver Avenue (4640 East 15th Street North).

CUP2024-00030: CUP Amendment to CUP DP-45 to allow Entertainment Establishment in the City for events with entertainment and alcohol associated with a fitness club on Parcel 3B, generally located on the northwest corner of East Central Avenue and North Woodlawn Boulevard (6100 East Central Avenue).

CUP2024-00040: CUP Amendment in the City to CUP DP-194 to allow Entertainment Establishment on Parcel 2B for karaoke, generally located on the east side of North Penstemon Street, within 450 feet north of East 29th Street North (3030 North Penstemon).

CUP2024-00041: CUP Amendment Request in the City to CUP DP-278 to allow Entertainment Establishment in Parcel A, adjust parking requirements, maximum building coverage, and remove architectural controls for Parcels A and C, generally located on the southwest corner of West 29th Street North and North Maize Road.

PUD2024-00024: Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

PUD2024-00025: Zone change request in the City from SF-5 Single-Family Residential to Planned Unit Development to create the Northeast Substation PUD #136 to expand existing electric substation, generally located on the east side of North Woodlawn Boulevard, within one-half mile south of East 21st Street North.

VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshire Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshire Terrace (1046 South Bedford Terrace).

VAC2024-00052: Vacation request in the City to vacate platted access control on property zoned PUD Planned Unit Development #52, generally located on the south side of West MacArthur Boulevard, within 675 feet west of South Meridian Avenue (2611 West MacArthur).

VAC2024-00053: Vacation request in the City to vacate the south 20 feet of a platted utility easement on property zoned PUD Planned Unit Development #122, generally located east of North Hillside Avenue and north of Kansas Highway 254.

ZON2024-00052: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to MF-18 Multi-Family Residential, generally located on the west side of North Doris Street and within 120 feet north of West 2nd Street North (317 & 321 North Doris Street).

ZON2024-00054: Zone Change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential, located on the northeast corner of North Hoover Street and West Robinson Street.

ZON2024-00055: Zone Change in the city from B Multi-Family to LI Limited Industrial, generally located on the west side of Santa Fe Avenue and within 250 feet south of East 13th Street North (1331 North Santa Fe Avenue).

ZON2024-00056: Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District, generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

IPL0204566
Nov 20 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

11/20/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 11/20/2024 to 11/20/2024.

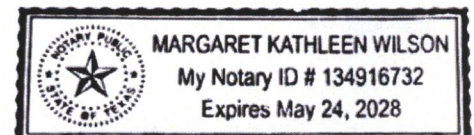
Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 11/20/2024

Margaret K. Wilson

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

METROPOLITAN AREA PLANNING COMMISSION

**AGENDA REPORT NO.
December 12, 2024**

STAFF REPORT

CASE NUMBER: VAC2024-00051 - City Vacation of a platted 40-foot building setback.

APPLICANT: Andrew & Emily Mettman, 1046 S. Bedford Terrace, Wichita, KS 67202

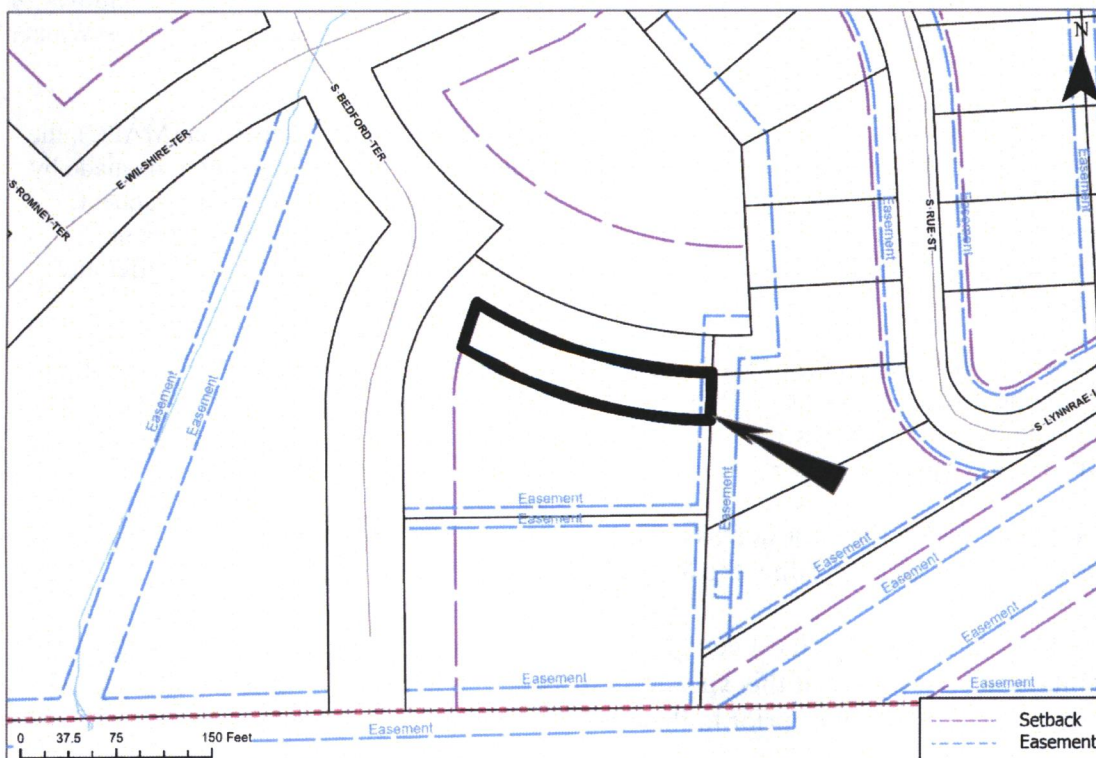
LEGAL DESCRIPTION: Generally described as the North Portion of the Platted 40-Foot Building Setback Along the Vacated Portion of Wilshire Terrace on Lot 9, Block 7, Windsor Park Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located approximately one-third mile east of South Greenwich Road and one-third mile north of East Harry Street (1046 S. Bedford Terrace). (WCC II)

REASON FOR REQUEST: To construct an addition to the existing house and to allow for future development.

CURRENT ZONING: The subject site is zoned SF-5 Single Family Residential and developed with a single-family home. All surrounding properties are zoned SF-5 Single Family Residential.

VICINITY MAP:



The applicant proposes to vacate the north portion of the platted 40-foot building setback along the vacated portion of Wilshire Terrace on Lot 9, Block 7, Windsor Park Addition (1046 S. Bedford Terrace). If approved, this will reduce the platted setback to the required 6-foot interior side setback as established by the SF-5 Single-Family Residential developmental standards.

The purpose of the vacation is to allow for an addition to be constructed to the north of the existing house. The existing structure currently abuts or is within a few feet from the platted 40-foot building setback and does not allow for any expansion to the north. The applicant requests the vacation of the entire 40-foot platted setback to also allow for future development of the property, if desired.

The attached site plan/survey indicates that the 40-foot building setback is vacated. Upon further investigation, it was discovered that the 40-foot setback had not been previously vacated. This portion of Wilshire Terrace right-of-way was vacated in 1958. Along with the vacation of this portion of Wilshire Terrace, the easements and setbacks lines of Lots 2,3,5,6, and 7, Block 4, and Lots 1,2,3,4,5,6, and 7, Block 7 of Windsor Park Addition were also vacated. Lots 1-7, Block 7 of Winsor Park Addition were original platted lots that were located east of the subject property, Lot 9, Block 7. The vacation of easements and platted building setbacks, however, excluded the subject lot or the adjacent property to north.

Wichita Public Works and Utilities, Wichita Traffic Engineering, and Wichita Fire Department do not object to the vacation of the platted setback. Comments from franchised utilities have been received. Cox has no objection to this vacation request. Cox has buried lines along the east edge of the vacation area and any relocation will be at the applicant's expense. Everygy has reviewed this vacation request and have no objection and do not have any items in the area of building set back North 40' platted building setback along the vacated Wilshire Terrace. Abby Brungardt, Area Design Representative, will be the contact for this vacation request and any project associated with it. She can be contacted at (785) 508-2715. Standard language will apply; Any relocation or removal of existing Everygy equipment will need to be discussed and will be at the applicant's expense. The Davis-Walker Addition was recorded on November 2, 1955.

When determining a recommendation to be made to the Metropolitan Area Planning Commission (MAPC), the Subdivision and Utility Advisory Committee should consider the legal findings that are required to be made by the MAPC and Governing Body in order to grant the request. These findings are detailed in the subsequent MAPC report. In particular, the Committee should consider whether any private rights will be injured or endangered by recommending approval of the vacation request, and whether or not the public will suffer any loss or inconvenience thereby.

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 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 November 21, 2024, 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 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a wall easement and utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedication of 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.
- (3) All improvements shall be according to City Standards and at the applicants' expense.
- (4) Provide Planning with a legal description of the vacated portion of the platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Council for final action.
- (5) 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

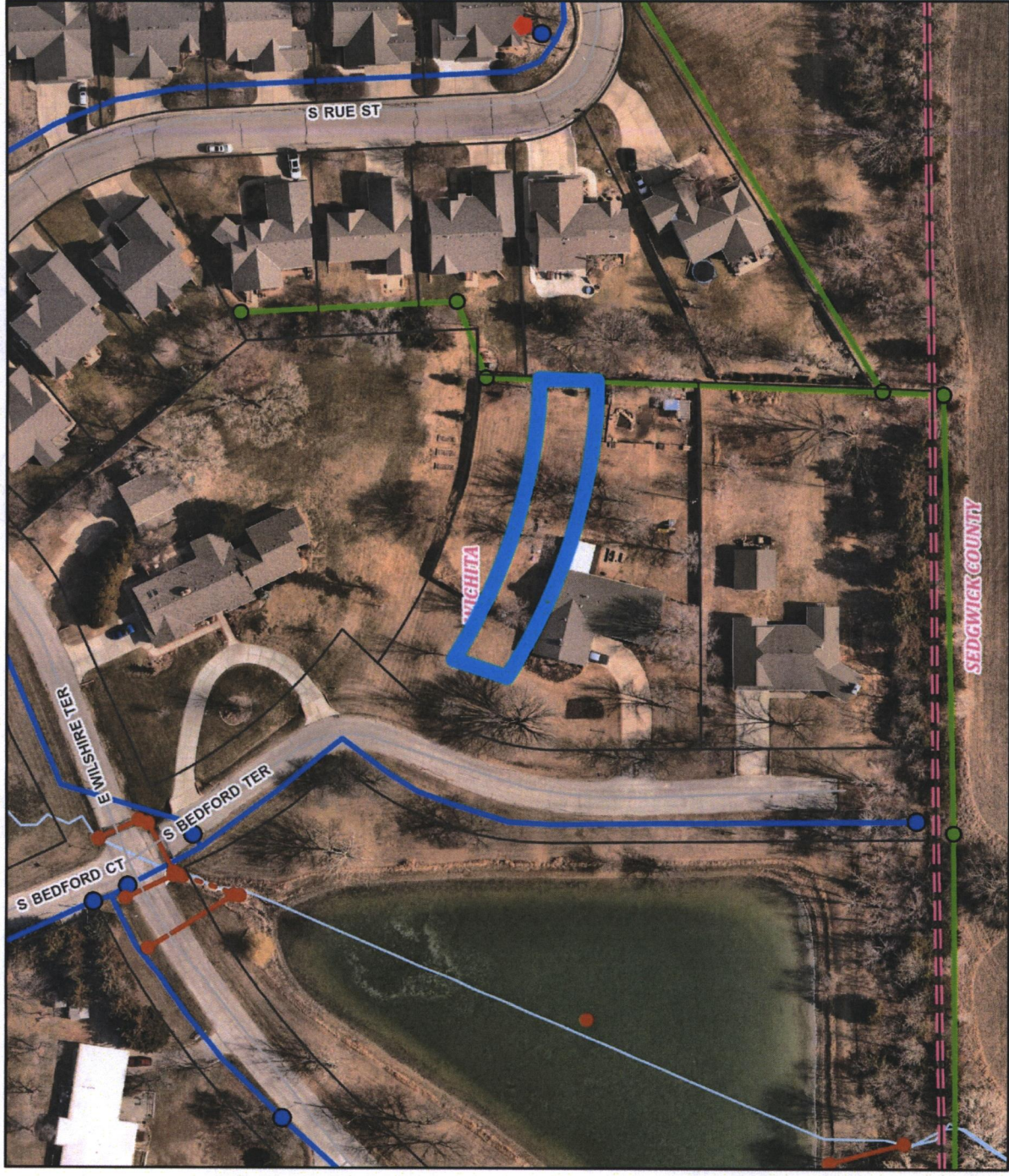
The Subdivision Committee recommends approval per staff recommendations.

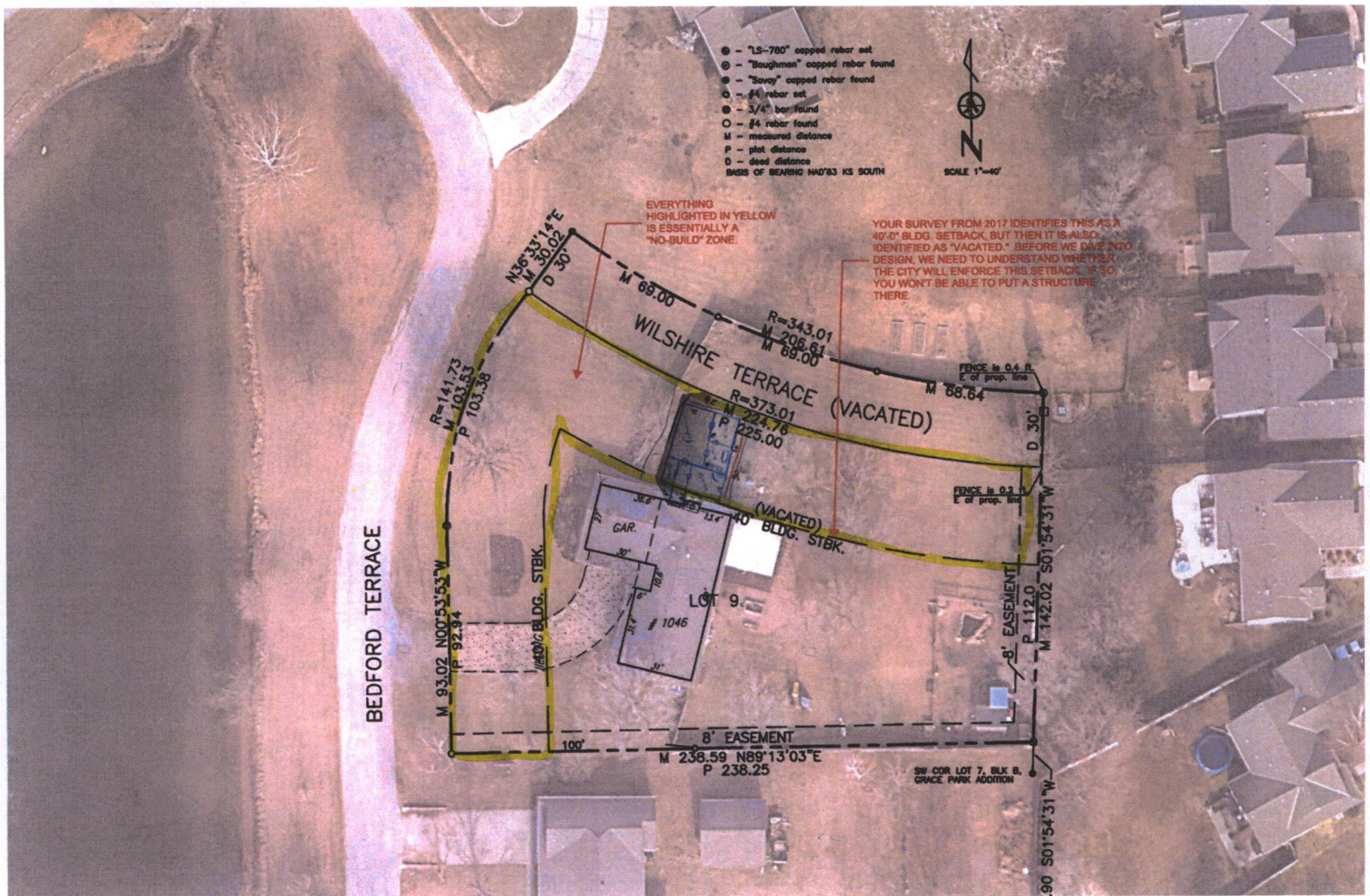
Attachments:

- 1) Aerial Map
- 2) Site Plan
- 3) Original Subdivision Plat

VAC2024-51

-  City Limits
-  Storm Structures
-  Enclosed Gravity Pipe
-  Force Main
-  Open Channel
-  Siphon
-  Water Hydrants
-  Sewer Manholes
-  Sewer Mains
-  Water Valves
-  Water Mains







**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

November 15, 2024

Andrew Mettman
1046 S. Bedford Terrace
Wichita, KS 67207

Ref: VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshire Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshire Terrace (1046 South Bedford Terrace).

To whom it may concern,

Your request to vacate a portion the above referenced **vacated setback** will be considered by the Subdivision Committee (SD) of the Metropolitan Area Planning Commission (MAPC) at their **Thursday, December 5th, 2024, the meeting will begin at 9:30 a.m.**, allowing participation by attending in-person:

Options to participate:

- 1) **Attend in-person** at the Ronald Reagan Building, 271 W. 3rd Street – 2nd Floor, Room 203, Wichita Kansas 67202.
- 2) **Written comments submitted ahead of time** regarding items on the Subdivision and Utility Advisory Committee Agenda of the Metropolitan Area Planning Commission. The comments received ahead of the submission deadline will be shared with the Subdivision Committee, prior to or during the meeting. Planning Department staff make efforts to share all comments but may not be able to share those received after the deadline. **Please be sure to provide ample time for delivery no later than 5:00 pm, the day before the Subdivision Committee meeting.**
- 3) **If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.**

The MAPC will also consider your request in a public hearing on **Thursday, December 12th, 2024. The meeting will begin at 1:30 p.m. in person (see instructions above).**

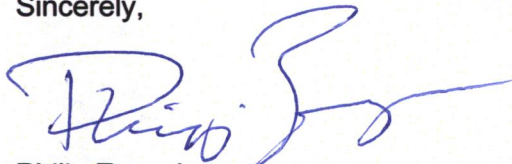
You should attend the on-site location for both of these meetings and expect to address questions about this vacation request. Those neighboring property owners who are receiving a copy of this letter may also attend either the SD meeting or the MAPC public hearing meeting in order to express their views about this vacation request. This notification letter is a policy of the Metropolitan Area Planning Department. Should you have any questions, please feel free to call me at 268-4421.

VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshire Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshire Terrace (1046 South Bedford Terrace).

November 14, 2024

Page 2

Sincerely,



Philip Zevenbergen
Current Plans Division Manager

PZ: JM

VICINITY MAPS

