

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 15, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1810; Request to vacate platted building setback, generally located south of University and east of Ridge. (District #5).

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a portion of platted building setback, from 30 feet to no less than 15 feet. Applicant intends to construct a detached garage to his single-family house for the storage of his personal vehicles. As part of the review process, nearby property owners (Lots 6 and 7 of block G, Lot 6 of Block F, Lot 8 of Block I, and Lot 1 of Block H - see Vicinity Map on Staff Report, attached) were notified that a vacation was requested. Four of the five notified contacted MAPD and stated their opposition to the vacation request, while one (Lot 8 of Block I) has made no contact with MAPD.

At the *Subdivision and Utility Advisory Committee* meeting, none of the neighbors in opposition attended the meeting, but the *Committee* was informed by staff that there were telephone calls from neighbors opposing the vacation. At the *Metropolitan Area Planning Commission* meeting [see MAPC Minutes, attached], one neighbor attended and spoke against the vacation request. Staff also informed the *Commission* that two other letters [attached] had been received in opposition to the vacation request.

Opposition from the neighbors focused on two issues:

- (1) The area is platted with large lots, with open space between the houses and street rights-of-way. The setback vacation would be the only one in the area, and, considering the size of the proposed garage (32 feet by 32 feet), the garage, and its "encroachment" by 15 feet into the platted building

setback, area would cause it to "stick out" from all other properties in the neighborhood [conforming to the 30-foot setback].

- (2) The applicant has a number of personal vehicles (cars, truck, trailer, boat) on the property (in the driveway), and there was fear that additional parking space will allow the applicant to bring additional [personal] vehicles onto the property.

Planning staff recommended approval of the vacation request because it did not appear the setback vacation was excessive. The proposed garage, at its closest point [see diagram, attached] would remain 15 feet from the street right-of-way, a typical setback for corner lots in most subdivisions. The garage provided an opportunity to store vehicles inside which have been and continue to be legally parked in the applicant's driveway. Other City staff (Office of Central Inspection) has investigated the site, based on neighbor complaints, to determine whether violations, regarding the parking and/or storage of those vehicles, exist. Though OCI found violations on the applicant's property, corrections were made by the applicant, and the site is no longer in violation.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. As in all vacation cases, City Council is being asked to find that no "private rights will be injured or changed [by the vacation of the building setback], and that the public will suffer no loss or inconvenience thereof."

RECOMMENDATIONS/ACTIONS:

Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Order, recording costs to be billed to:

150029-2909.

This 7-13-93

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



IN THE MATTER OF THE VACATION OF
A BUILDING SETBACK

GENERALLY LOCATED SOUTH OF
UNIVERSITY AND EAST OF RIDGE

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

Case No. V-1810

STATE OF KANSAS } SS
SEDOVIC COUNTY }
FILED }
8:00 a M
MAR 21 94 1367525
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 13th day of July 1993, comes on for hearing the petition for vacation filed by Michael R. Thull, praying for the vacation of the following described building setback, to-wit:

That portion of a platted building setback described as:

Beginning at the northeast corner of Lot 8, Block H, Westerlea Village Addition, thence south 30 feet along the east line of Lot 8 to the building setback line, thence west 15 feet along the building setback line to the Point of Beginning, thence northwest 15.81 feet along a bearing of N 71°15'00" W, thence west 25 feet along a line parallel to the north line of Lot 8, thence south 5 feet along a line parallel to the east line of Lot 8 to the building setback line, thence east 40 feet along the building setback line to the Point of Beginning.

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, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 5/26/93 + 6/2/93.
2. No private rights will be injured or endangered by the vacation of the above-described building setback, 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.

8.00

City Clerk

7-13-93 1367525

Vacation Order
V-1810

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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 building setback described herein should be approved.

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 condition upon petitioner:

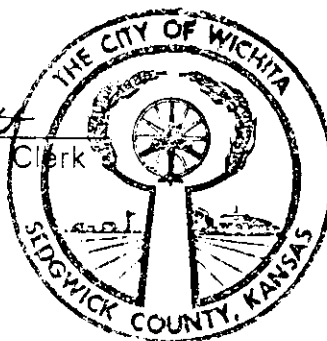
1. No more than six (6) operable personal vehicles owned by petitioner or a member of petitioners household may be parked or stored on the premises at any one time.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of July, 1993, ordered that the above-described building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

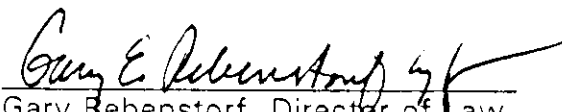

Elma Broadfoot, Mayor

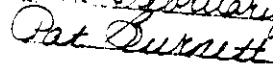
ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, PAT BURNETT, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, this February 18, 1994
 Deputy City Clerk



RIDGE	G		F		DE	E		WESTERLE
	Pineville 6	Colony 7		3000 6		7	6	
UNIVERSITY								
RD.					SCOLLER			RALSTIN
	H		Turner 943-843			J		
	5	4	5	4		5	4	
TAFI								

Application Filed 4/6/93
 S/D Comm. Action 4/29/93
 M.A.P.C. Action 5/6/93

W.C.C. Action _____
 Bd. Co. Co. Action _____
 Order to Vacate Recorded
 March 21, 1994