

Planning Agenda # _____

City of Wichita
City Council Meeting
July 13, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2173 - REQUEST TO VACATE A PORTION OF A
BUILDING SETBACK LOCATED NORTH OF 21ST STREET
AND EAST OF GREENWICH.
(District II)

INITIATED BY: Metropolitan Area Planning Department *McGraw*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a building setback.

MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

Background: The applicant is requesting to vacate a portion of a 100-foot building setback to allow the construction of a bank. As part of the rezoning of this property in 1995, a Protective Overlay required a 100-foot building setback from 21st Street North, and a 100-foot setback was platted. An administrative adjustment to the Protective Overlay to reduce the setback from 100 feet to 20 feet for temporary structures and 100 feet to 50 feet for all permanent structures has been approved. The vacation of the building setback will match the setback on the Protective Overlay.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant complying with all requirements of the administrative adjustment. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

Dupl

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

IN THE MATTER OF THE VACATION OF	)	
A PORTION OF A BUILDING SETBACK	)	
	)	
	)	
GENERALLY LOCATED	)	Case No. V-2173
NORTH OF 21ST STREET AND EAST OF	)	
GREENWICH	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 13th day of July, 1999, comes on for hearing the petition for vacation filed by Luxury Development Partners, Inc., c/o Bill Warren, praying for the vacation of the following described a portion of a building setback, to-wit:

The north 80 foot of the south 100 foot building setback of the following tract: The south 240 feet of the east 240 feet of the east 230 feet of Lot 1, Block 1, the Manhattan Addition to Sedgwick County Kansas, containing 55,200 square feet.

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:

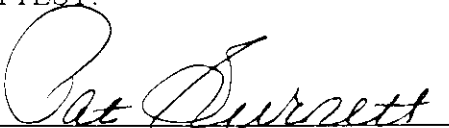
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on June 1, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a building 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.
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.

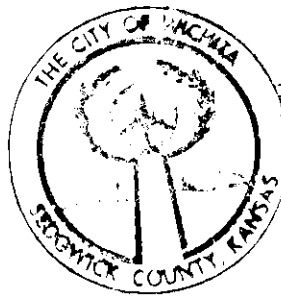
5. The vacation of the a portion of a building setback described herein should be approved, subject to the following condition:

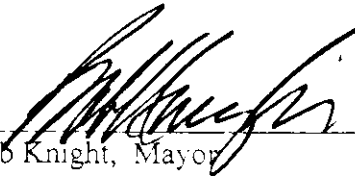
- A) The applicant shall comply with all requirements of the administrative adjustment.
- B) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of July 1999, ordered that the above-described a portion of a 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.

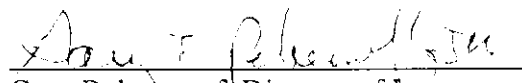
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

GREENWICH RD

THE

MANHATTAN

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ADDITION



KENSINGTON

GARDENS

21 ST ST NO