

Planning Agenda # _____

City of Wichita
City Council Meeting
March 16, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2156 REQUEST TO VACATE
BUILDING SETBACK ON JM OFFICE PARK ADDITION
LOCATED IN AN AREA SOUTH OF 21ST STREET NORTH
AND WEST OF CARMEN
(District I)

INITIATED BY: Metropolitan Area Planning Department *M. K. Hout*
B. H. E.

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 35 foot platted building setback to allow for the construction of a canopy as close as 12 feet to the property line along 21st Street. The canopy is part of the proposed construction of a new hotel on this lot. The Unified Zoning Code allows canopies to protrude eight feet into the zoning setback, which is 20 feet.

A Conditional Use request to allow ancillary parking on two lots south of the hotel was approved by the Planning Commission on February 25th. A variance request was approved by the Board of Zoning Appeals on February 23rd to increase the permitted height of the building to 57 feet.

No one spoke in opposition to this request at the MAPC, and the MAPC voted to approve the vacation.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Close the public hearing; and approve the Vacation Order and authorize the Mayor to sign.

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**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-2156**
SOUTH OF 21ST STREET NORTH AND WEST)
OF CARMEN)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 16th day of March, 1999, comes on for hearing the petition for vacation filed by JM Limited, c/o Charles McAfee, and Abner V. Jackson, praying for the vacation of the following described a portion of a building setback, to-wit:

Commencing at the northeast corner of Lot 1, JM Office Park Addition, Wichita, Sedgwick County, Kansas; thence west 136.474 feet; thence south 12 feet to the point of beginning; thence south 23 feet; thence west 28.00 feet, thence north 23 feet; thence east 28.00 feet 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 on February 19, 1999, which was at least 20 days prior to this 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 a portion of a building setback described herein should be approved, subject to the following condition:

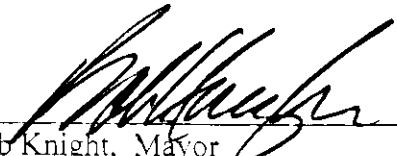
- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of March, 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

