

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 2, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2146 REQUEST TO VACATE A PORTION OF A 75 FOOT BUILDING SETBACK LOCATED IN AN AREA WEST OF ROCK ROAD AND SOUTH OF ROCKHILL. (District II)**

INITIATED BY: Metropolitan Area Planning Department *NKLait*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of 75 foot building setback.

MAPC Recommendation: Approve vacation of 75 foot building setback. (unanimous)

Background: The applicant is requesting to reduce the 75 foot platted building setback along Rockhill to 25 feet, to allow for the construction of an office complex on these four lots. An administrative adjustment has been filed by the applicant to reduce the building setback on the Community Unit Plan. The applicant withdrew the request to vacate the utility easement between the Subdivision Committee hearing and the MAPC hearing.

Public Works, Traffic Engineering, Subdivision Committee and MAPC have reviewed and approved this request.

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. 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.

STAFF REPORT

CASE NUMBER: V-2146 Request to vacate a building setback and utility easement

OWNER/APPLICANT: Darrel Rolph (Owner) and Clifford Nies (Contract Purchaser)

AGENT: Baughman Co. c/o Russ Ewy

LEGAL DESCRIPTION: A) Building Setback --

A portion of a 75-foot building setback for the north 75 feet of Lots 1-4, Brad Boone Addition, Wichita, Sedgwick Sedgwick County, Kansas, except the north 25 feet thereof.

B) Utility Easement --

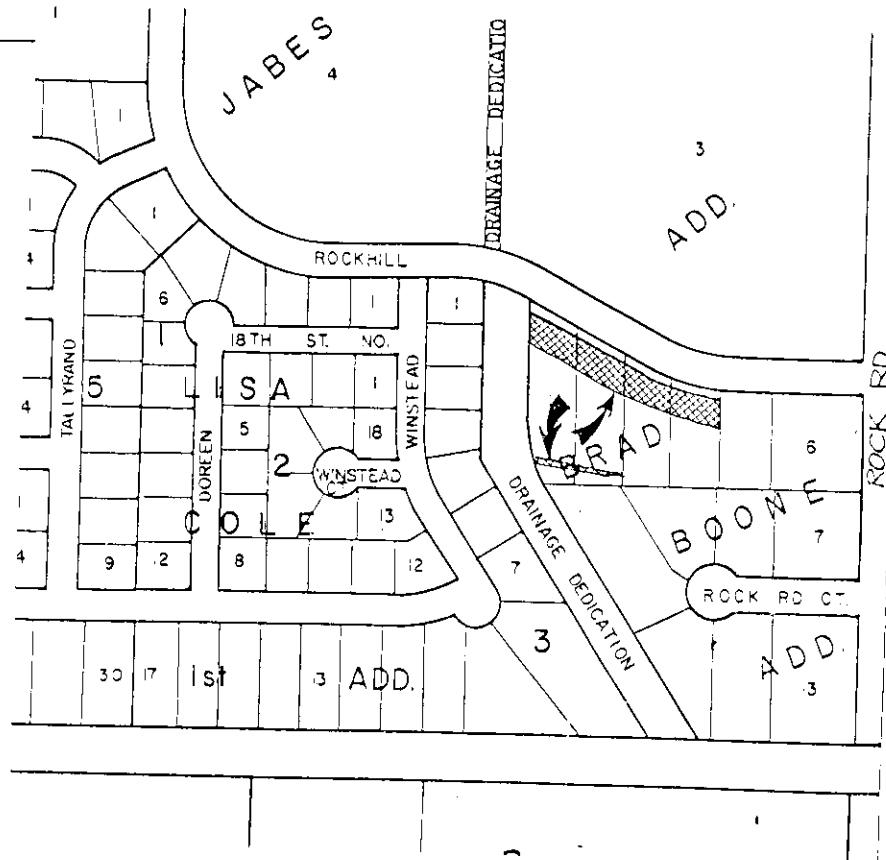
A portion of a Utility Easement commencing at the southeast corner of Lot 2, Brad Boone Addition, Wichita, Sedgwick County, Kansas; thence N⁰33'13"W, 20 feet for a point of beginning; thence S89°26'47"W, 51.23 feet; thence N85°44'05"W, 123.03 feet to a point on the easterly line of a 10-foot Utility Easement; thence along said 10-foot Utility Easement having a curve to the right with a radius of 240.00 feet, chord length of 4.17 feet, chord bearing of N27°4'00"W, and $\Delta = 00^{\circ}59'46''$; thence S85°58'36"E, 176.24 feet to the point of beginning.

LOCATION: Located west of Rock Road, south of Rockhill.

REASON FOR REQUEST: To allow for the construction of an office complex

CURRENT ZONING: "GO" General Office

VICINITY MAP:



The applicant is requesting to vacate a portion of a 75 foot building setback and a utility easement to allow for the construction of an office complex on these four lots. An administrative adjustment has been filed by the applicant to reduce the building setback from Rockhill on the Community Unit Plan.

The applicant has withdrawn the request to vacate the utility easement, and have subsequently asked that the request be heard by the Planning Commission on February 11th.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

- 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, by publication in the Daily Reporter of notice of this vacation proceeding one time on January 15, 1999, which was at least 20 days prior to this public hearing.
 - 2. That no private rights will be injured or endangered by the vacation of the above-described vacation of a platted utility easement, 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.
- B. Therefore, the vacation of the portion of the building setback described in the petition should be approved, subject to the following conditions:
 - 1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

The Subdivision Committee did not make a recommendation on this request.