

Planning Agenda # _____

City of Wichita
City Council Meeting
July 13, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2176 - REQUEST TO VACATE A PORTION OF A
BUILDING SETBACK LOCATED SOUTH OF CENTRAL
AND WEST OF EDMOOR.
(District II)

INITIATED BY: Metropolitan Area Planning Department 

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 the 35-foot platted building setback to allow for the reconstruction of the existing Sonic Drive-in. This would allow for canopies to be 16.5 feet from the right-of-way line. Canopies are permitted to be located five feet into a required front yard-zoning setback. This property is zoned "LC" Limited Commercial, which is required to maintain a 20 foot front yard setback. Therefore, the canopy will comply with the Unified Zoning Code once the vacation is completed.

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.

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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-2176**
SOUTH OF CENTRAL AND WEST OF)
EDGEMOOR)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of July, 1999, comes on for hearing the petition for vacation filed by R & L Carpenter Enterprises, c/o James Willbanks, praying for the vacation of the following described a portion of a building setback, to-wit:

Commencing at the northeast corner of Lot 1, Ronald H. Groves Addition to Wichita, Sedgwick County, Kansas, thence 16.5 feet bearing south to a point, thence 78.0 feet bearing south to the point of beginning, thence 49 feet bearing west to a point thence 18.5 feet bearing south thence 49 feet bearing east to a point, thence 18.5 feet bearing north of 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:

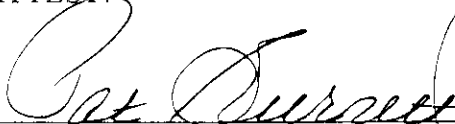
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on June 1, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a building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

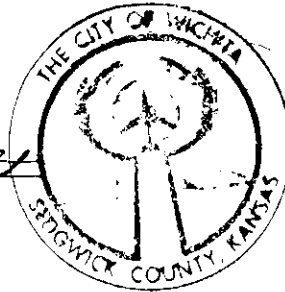
5. The vacation of the a portion of a building setback described herein should be approved, subject to the following condition:

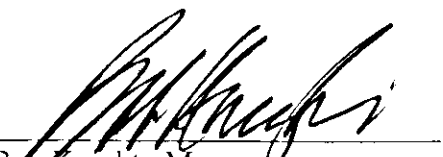
A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

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.

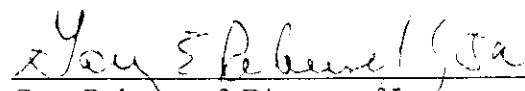
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

