

Planning Agenda # _____

**City of Wichita
City Council Meeting
November 14, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00038 REQUEST TO VACATE BUILDING
SETBACK LOCATED AT THE SOUTHWEST CORNER OF
LYNNWOOD AND MONTBELLA.
(District II)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback.

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

Background: The applicants are requesting to vacate 10 feet of a 25-foot building setback for the construction of a single-family dwelling. Approval of this vacation also reduces the zoning setback for this portion of the lot from 20 to 15 feet. A variance approved by the Board of Zoning Appeals is not required (per UZC Section III-E.2e.(4)).

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 maintaining a 25-foot building setback along the northern line of the property, and a restrictive covenant be provided by the applicant specifying development of the property in general conformance with the approved site plan. No written protests have been filed. Pursuant to the MAPC hearing, the required restrictive covenant has been provided.

Legal Considerations: A certified copy of the Vacation Order and restrictive covenant 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 necessary signatures.

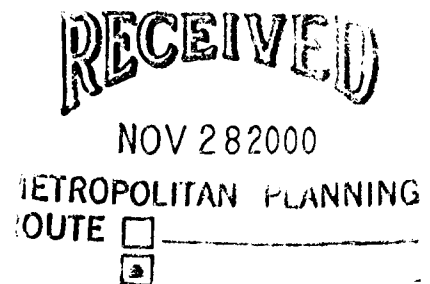
**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
BUILDING SETBACK**

**GENERALLY LOCATED
SOUTHWEST CORNER OF LYNWOOD AND
MONTBELLA**

MORE FULLY DESCRIBED BELOW

Case No. VAC2000-00038



VACATION ORDER

NOW on this 14th day of November, 2000, comes on for hearing the petition for vacation filed by Belle Terre Grand, LC, praying for the vacation of the following described building setback, to-wit:

The west 10 feet of the east 25 feet of lot 39, Block 4, Belle Terre South, an Addition to Sedgwick County Kansas, EXCEPT the north 15 feet thereof.

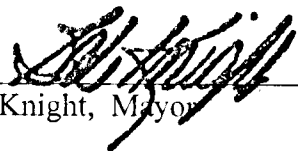
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on August 29, 2000, 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 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 building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of November 2000, 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.



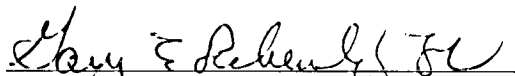
Bob Knight, Mayor

ATTEST:

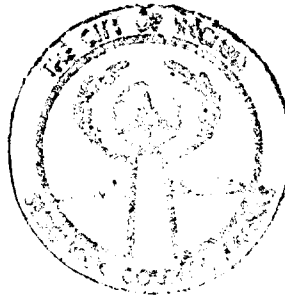


Pat Burnett, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law



Lynnwood

Chelmsford

RES. "F"

Montbella

34.80'

95.25'

25'

Building

Setback

Easement

Utility

20'

126.12'

39

123.69'

Building Setback

25'

10'

130'

38

4

LOT 39, BLOCK 4
BELLE TERRE SOUTH



AREA TO BE VACATED



SCALE: 1" = 30'