

City of Wichita
City Council Meeting
January 13, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00048 REQUEST TO VACATE PORTION OF PLATTED
SETBACKS LOCATED SOUTHWEST OF SENECA STREET –
PAWNEE AVENUE INTERSECTION.
(District IV)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting vacation of the 100-foot and 90-foot setbacks as recorded on the Westway Addition. The Westway Addition was recorded 10-08-1986. This site is also subject to CUP DP-21.

Analysis: The applicant must apply for an adjustment or an amendment to the CUP, depending on the extent of any other proposed changes to the CUP including these setback vacations; the platted 100-foot and 90-foot setbacks are shown on CUP DP-21. The vacation request would leave a 35-foot setback along the Seneca Street and Pawnee Avenue frontages. Approval of the adjustment or an amendment, must be approved before the vacation proceeds to the WCC. Conditions of approval of the adjustment or amendment could effect the vacation of the setbacks. An Administrative Adjustment to reduce the setbacks to 35-feet was issued on November 26, 2003. Current "LC" zoning district setbacks are 20-foot front setback and 15-foot for street side setback. The prevalent setback on this area's non-residential zoning (north to May Street – south to 27th Street South - west to Glenn Avenue – east to the Arkansas River) is 35-feet.

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.

Finanacial Considerations: None

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

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

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JAN 23 2004
METROPOLITAN PLANNING
ROUTE 8

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

**IN THE MATTER OF THE VACATION OF A
PORTION OF PLATTED SETBACKS**

**GENERALLY LOCATED
SOUTHWEST OF THE CORNER OF PAWNEE
AND SENECA**

MORE FULLY DESCRIBED BELOW

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) Case No. VAC2003-00048
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VACATION ORDER

NOW on this 13th day of January 2004, comes on for hearing the petition for vacation filed by NNN Westway Shopping Center LLC, praying for the vacation of the following described portion of a platted setbacks, to-wit:

The south 65-feet of the platted 100-foot building setback line running parallel to the north property line of Lot 1, Block 1, Westway Addition and parallel to Pawnee Avenue, the west 65-feet of the platted 100-foot building setback line running parallel to the east property line of Lot 1, Block 1, Westway Addition and running parallel to Seneca Street and the west 55-feet of the platted 90-foot building setback line running parallel to the east property line of Lot 1, Block 1, Westway and parallel to Seneca Street, as dedicated, Wichita, Sedgwick County, Kansas

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 September 18, 2003, 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 portion of the platted setbacks, 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.

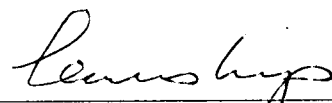
5. The vacation of the portion of the platted setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January 2004, ordered that the above-described portion of the platted setbacks 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.

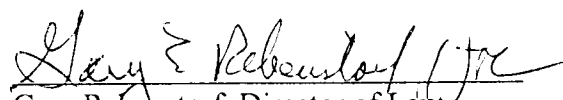
ATTEST:


Karen Schofield, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

S.E. Cor. N.E. 1/4
Sec. 6, T28S, R1E
of the 61st P.M.