

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 11, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00035 - REQUEST TO VACATE PLATTED 30-
FOOT BUILDING SETBACK LOCATED NORTH OF 31ST
STREET SOUTH AND WEST OF SENECA (3143 S.
MILLWOOD)**
(District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of platted 30-foot building setback.

MAPC Recommendation: Approve vacation of platted 30-foot building setback. (unanimous)

Background: The applicant is requesting consideration to vacate the 30-ft building setbacks along the street frontage of south 31st Street and Diane Street. The 30-ft building setback is referred to in the plat text (Gene Douglas Matlock Addition, recorded 06-11-1953) as "Building Line Notes...Building line to be 30-ft from all frontages", there are no exceptions in the text to this note. The 30-ft building line is shown on all frontages of all lots but Lot 14, which is the apparent source of an existing encroachment. The applicant, USD 259, is proposing expansion of Kelly Elementary School, with a new building going up on the south 31st Street side and a paved parking lot going in on the Diane Street side. There is currently an existing encroachment (building) on the south 31st Street side from a previous expansion of the school. The proposed expansion will line up with this building from the previous expansion. This encroachment is 23-ft into the 30-ft building setback. There is an existing gravel parking lot and ingress /egress on the Diane Street side that will be paved over. This parking lot and drive encroaches 25-ft into the 30-ft setback. Parking lots are not allowed within front setbacks or any part of a require street side setback in zoning districts RR Rural Residential through MH Manufactured Housing; the applicant's property is zoned SF-5 Single Family Residential.

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 necessary signatures.

SEP 19 2001

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**IN THE MATTER OF THE VACATION OF
PLATTED 30-FOOT BUILDING SETBACK**

**GENERALLY LOCATED
NORTH OF 31ST STREET SOUTH AND WEST
OF SENECA**

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) **Case No. VAC2001-00035**
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MORE FULLY DESCRIBED BELOW

NOW on this 11th day of September, 2001, comes on for hearing the petition for vacation filed by Wichita Public Schools, USD 259, praying for the vacation of the following described platted 30-foot building setback, to-wit:

The 30-ft building setback on Lot 14 Block F, Gene Douglas Matlock Addition along the 31st Street South frontage and the 30-ft building setback on along Diane Street frontage Lots 6,7,8 & 9, Block F, Gene Douglas Matlock Addition, along the Diane Street frontage.

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 2, 2001, 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 platted 30-foot 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. Any relocation or reconstruction of utilities made necessary by this vacation is the responsibility of the applicant. All improvements shall be to City Standards.
6. The vacation of the platted 30-foot building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of September 2001, ordered that the above-described platted 30-foot 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.

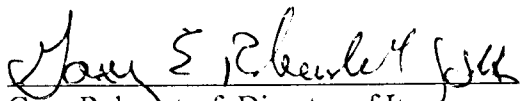
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



GLENN

30TH

DIANE

MILLWOOD

FERN

31ST

