

Agenda Item No. _____

City of Wichita
City Council Meeting
July 20, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00029 Request to vacate a portion of platted setbacks, generally located northeast of the 21st Street North – Greenwich Road intersection. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent) JLS

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting vacation of 50-feet of the platted 100-foot building setback that runs parallel to the Greenwich Road ROW on the west side of Lot 1, and 50-feet of the platted 100-foot setback that runs parallel to the 21st Street North right-of-way on the south side of Lot 1, all in Block 1, the Manhattan Addition. The Manhattan Addition was recorded January 14, 1997.

Analysis: All the setbacks run parallel to street right-of-way. The Unified Zoning Code standard for a front yard setback for the subject site's "LC" zoning district is 20-feet, with a minimum 10-foot street side setback. The applicant's site is 17.91 acres in size. There are no other 100-foot setbacks at this intersection, including the 13.35 acre, Lot 1 of the Kensington Gardens Addition, which has 35-foot setbacks.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

Financial 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.

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

**IN THE MATTER OF THE VACATION OF
PORTIONS OF PLATTED SETBACKS**

**GENERALLY LOCATED
NORTHEAST OF THE 21ST STREET NORTH -
GREENWICH ROAD INTERSECTION**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2004-00029**
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VACATION ORDER

NOW on this 20th day of July, 2004 comes on for hearing the petition for vacation filed by Greenwich Investment Group, LLC, c/o Steve Barrett, praying for the vacation of the following described portion of platted setbacks

50-feet of the platted 100-foot setback that runs parallel to the Greenwich Road ROW on the west side of Lot 1, and 50-feet of the platted 100-foot setback that runs parallel to the 21st Street North ROW on the south side of Lot 1, all in Block 1, the Manhattan Addition, Wichita, Sedgwick County, Kansas

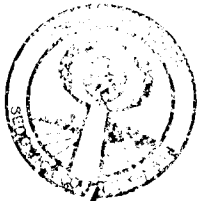
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

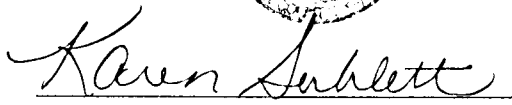
1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on June 3, 2004 at least 20 days prior to the public hearing.

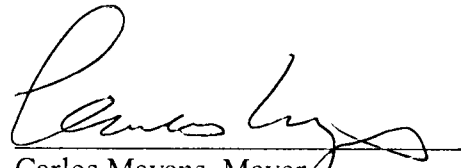
2. No private rights will be injured or endangered by the vacation of the above-described portion of platted setbacks, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation 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 platted setbacks described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of July 2004 ordered that the above-described portion of 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.

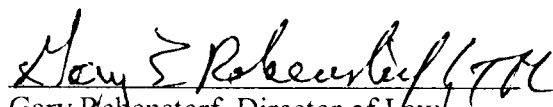
ATTEST:

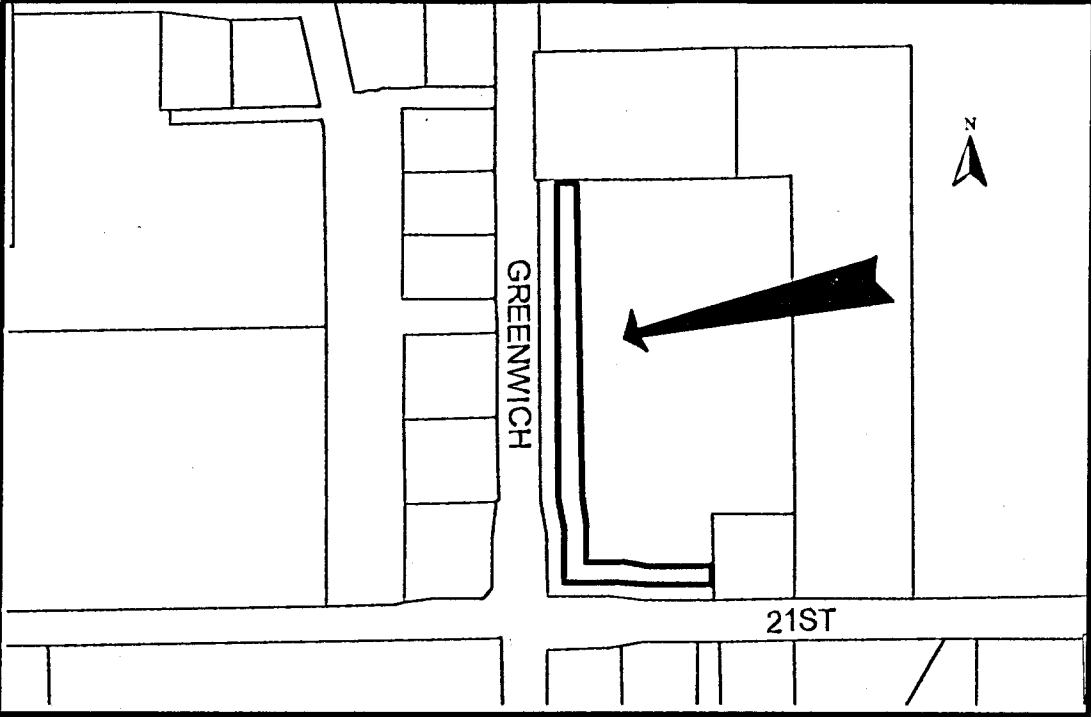



Karen Sublett, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



GREENWICH

21ST