



METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL — TENTH FLOOR  
435 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421

October 22, 1993

Kelley-Shaw Partnership  
2301 Cedar Court  
Wichita, KS 67223

RE: V-1837; Request to vacate building setback

Gentlemen:

The Metropolitan Area Planning Commission considered the above referenced vacation request, recommended that this vacation be approved, subject to the following conditions:

- A. Any relocation or reconstruction of utilities necessitated by this vacation shall be the sole expense of the applicant.
- B. Applicant shall provide MAPD with sufficient guarantees that either existing sanitary sewer in the area is accessible to this site, or an extension will be necessary. Applicant should contact City Engineering to determine the appropriate amount of guarantees necessary, and the amount and location of public utility easement(s) that will be required for sanitary sewer. If a petition is used, applicant shall provide MAPD with a Certificate of Petitions for processing and recording. As requested by City Engineering, applicant shall provide MAPD with the public utility easement(s) for processing and recording.
- C. Applicants shall grant, by separate instrument, complete access control, except for two openings along the west line of Lot 8 adjacent to Gilda Street, to wit:

complete access control for the north 50 feet of Lot 8, Sunnyside Gardens 3rd Addition, Wichita, Kansas, and complete access control except for one opening for the south 203 feet of the north 253 feet of said Lot 8, and complete access control except for one opening

along the west line of the vacated Kendall Place 60-foot right-of-way adjacent to said Lot 8.

Prior to this case being scheduled for City Council review, applicant shall submit the document granting the above-specified access control to MAPD for processing and recording.

- D. Based upon a request from utility company representative(s), applicant shall contact the appropriate utility companies, prior to development or construction occurring, to determine what additional private utility easements may be required, and request the utility companies inform MAPD of their response. Specifically, applicant should contact Southwestern Bell.

Upon satisfactory completion of all conditions of approval, as specified by the Metropolitan Area Planning Commission, this vacation case will be scheduled for final public hearing before Wichita City Council.

Should you have any questions regarding the disposition of this vacation case, please feel free to contact me at 268-4495.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce G. Peshoff". The signature is stylized and cursive.

Bruce G. Peshoff, J.D.  
Associate Planner

cc: Mike Lindebak, City Engineer  
Steve Anderson (agent)

## STAFF REPORT

**CASE NUMBER:** V-1837

**OWNER/APPLICANTS:** Kelley-Shaw Partnership  
2301 Cedar Court, Wichita, KS 67223

**AGENT:** Steve Anderson  
Rt. 1, Box 196, Whitewater, KS 67154

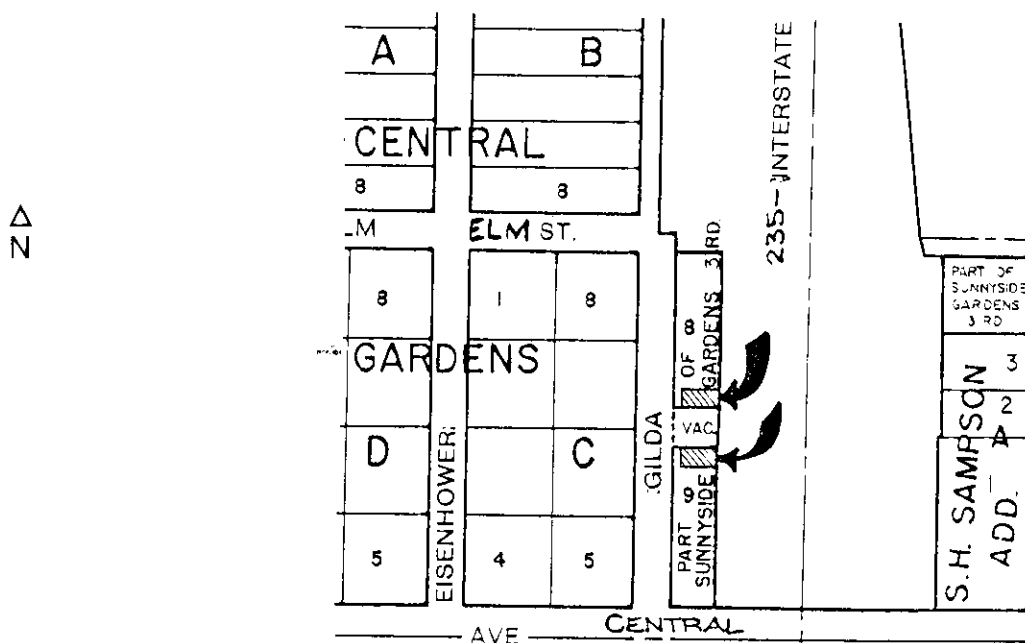
**LEGAL DESCRIPTION:** That portion of building setback described as:  
  
The platted building setback along, parallel to and 30' north of the south line, Lot 8, Sunnyside Gardens 3rd Addition, Wichita, Kansas, except for the west 15' thereof, and the platted building setback along, parallel to and 30' south of the north line, Lot 9, Sunnyside Gardens 3rd Addition, Wichita, Kansas, except for the west 15' thereof.

**LOCATION:** North of Central and west of Hoover

**REASON FOR REQUEST:** Provide additional buildable area

**CURRENT ZONING:** "LC" - Light Commercial

### VICINITY MAP



**STAFF NOTE:** Most of the Addition in which Lots 8 and 9 are located has been acquired and used for I-235 right-of-way. The street located between these lots was vacated in 1963 (V-0232), and later that year, another request was approved vacating all utility easements on these lots (V-0266). However, the associated building setbacks were not explicitly vacated at that time, and consequently still technically encumber the lots. Both of these lots are apparently being served by sanitary sewer via a private service line located on Lot 9.

**STAFF COMMENTS:** Approve the vacation subject to the following conditions:

- (A) Any relocation or reconstruction of utilities necessitated by this vacation shall be the sole responsibility and expense of the applicants.
- (B) Applicant shall grant, by separate instrument, a restrictive covenant for Lots 8 and 9. This covenant will provide that these lots will be considered one tract of undivided land for all development, use and ownership purposes unless or until sanitary sewer is extended or guaranteed to be extended to Lot 8.. Applicant shall provide MAPD with copies of the recorded restrictive covenants.
- (C) Lot 9 currently has one access opening to Central and possibly two access openings to Gilda, though the northern-most of those access points may be located on Lot 8. Applicant shall dedicate complete access control to Gilda from these lots, north of the existing entrances because the area west of Gilda (along the frontages of Lots 8 and 9) is residential the flow of commercial traffic should be minimized, and because these lots are under common ownership for an apparently single purpose. If the northern-most existing entrance is not located on Lot 8, an agreement shall be submitted which assures Lot 8 will have access across Lot 9 to any entrances located on Lot 9.
- (D) City Engineering should be prepared to discuss and comment upon the acceptability of this vacation, and indicate any conditions and guarantees they may require of the applicants.
- (E) Representatives from the utility companies should be prepared to discuss and comment upon the acceptability of this vacation, and indicate any conditions and guarantees they may require of the applicants.