

Planning Agenda # \_\_\_\_\_

**City of Wichita  
City Council Meeting  
October 17, 2000**

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** **VAC2000-00035- REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED AT THE NORTHWEST CORNER OF 47<sup>TH</sup> STREET SOUTH AND BROADWAY.**  
(District IV)

**INITIATED BY:** Metropolitan Area Planning Department *M. Krout*

**AGENDA ACTION:** Planning

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Staff Recommendation: Approve vacation of a portion of a building setback.

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

Background: The Applicant is requesting to vacate 15 feet of a portion of the 75 foot building setback along the southern property line to allow for the construction of fueling facilities for the existing supermarket. This site is part of the Dillon's Commercial C.U.P. {DP-216}. The applicant will be required to submit an Administrative C.U.P. Adjustment to reduce the 75 foot building setback along the southern property line to 60 feet on the C.U.P.

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 submitting an Administrative C.U.P. Adjustment to reduce a portion of the 75 foot building setback along the southern property line on the C.U.P. to 60 feet. 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.

Day

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

RECEIVED

NOV 06 2000

IN THE MATTER OF THE VACATION OF  
A PORTION OF A BUILDING SETBACK

METROPOLITAN PLANNING  
ROUTE

GENERALLY LOCATED  
AT THE NORTHWEST CORNER OF 47<sup>TH</sup>  
STREET SOUTH AND BROADWAY

Case No. VAC2000-00035

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 17<sup>th</sup> day of October, 2000, comes on for hearing the petition for vacation filed by Barton Properties, L.P., c/o Dillon Real Estate Company, Inc., Attention: Richard Russell, praying for the vacation of the following described a portion of a building setback , to-wit:

Vacation of a portion of a 75-foot building setback located in Lot 1, Block 1, Dillon 11th Addition to Wichita, Sedgwick County, Kansas described as follows:

Beginning at a point 75 feet North and 105 feet West of the Southeast corner of said Lot 1; thence West, parallel with the South line of said Lot 1, 25 feet; thence South, parallel with the east line of said Lot 1, 15 feet; thence East, parallel with the South line of Said Lot 1, 25 feet; thence North parallel with the East line of said Lot 1, 15 feet to the point of beginning.

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 a portion of a 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 a portion of a building setback described herein should be approved, subject to the following condition:
  - A) The Applicant shall submit an Administrative C.U.P. Adjustment to reduce a portion of the 75 foot building setback along the southern property line on the C.U.P. to 60 feet.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17<sup>th</sup> day of October 2000, ordered that the above-described a portion of a 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.

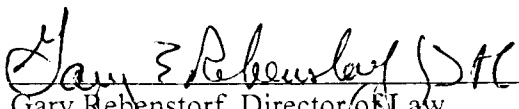
  
\_\_\_\_\_  
Bob Knight, Mayor

ATTEST:

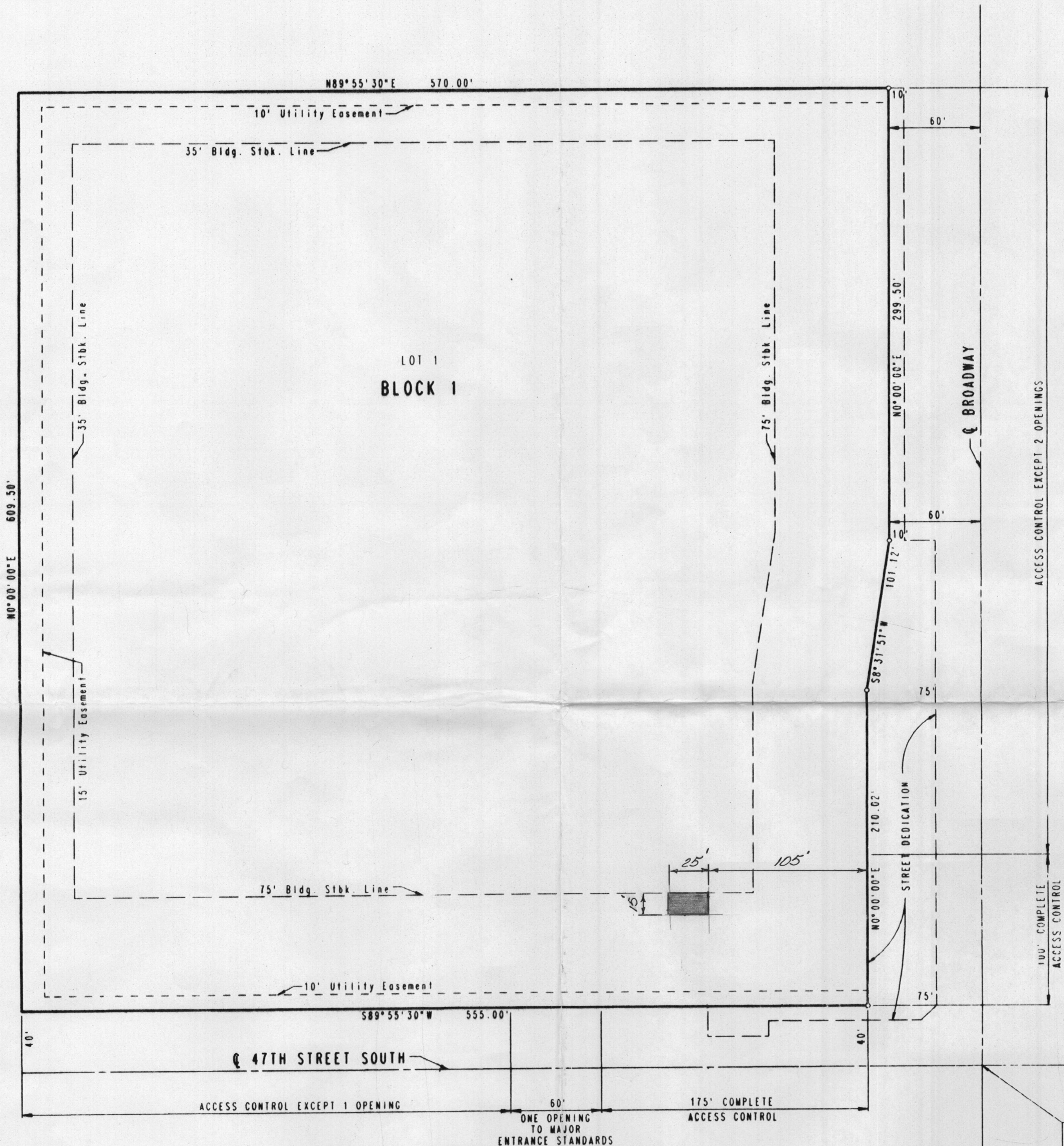
  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

  
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Gary Rebenstorf, Director of Law

DILLON 11TH ADD  
TO WICHITA, SEDGWICK COU



S. E. Corner S. E. 1/4  
Sec. 17, T28S, R1E  
of the 6th P. M.