

Planning Agenda # _____

**City of Wichita
City Council Meeting
November 19, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00037 - REQUEST TO VACATE A PLATTED BUILDING SETBACK LINE LOCATED SOUTHWEST OF THE HOOVER STREET - MAC ARTHUR STREET INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA ACTION: Planning

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant is requesting consideration for the vacation of the platted setback as recorded on Lot 1, Block A, Wheatland Commercial Addition. The applicant has applied to rezone, SF-5 to LC (ZON02-59), the south (+) 47-feet of the property LC Limited Commercial to match the rest of Lot 1; Lot 1 is a total of approximately 4.5 acres. The platted setback is irregular in its depth, going from 41.84-feet on its southwest corner to 47.77-feet on its southeast corner. The Wheatland Commercial Addition was recorded with the Register of Deeds 06-28-2001. The zoning of the property was part of a 1958 County initiated rezoning, which created 600-foot (x) 600-foot commercial nodes on selected section line road intersections. The applicant's property is approximately (+) 47-feet longer than the commercial node along Hoover Street at this section line road intersection. The property abutting the south end of the applicant's property, where the proposed vacated setback is located, is zoned SF-5 and developed as 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. There are no conditions attached to this vacation request

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds and retain a 25-foot compatibility setback line, the standard in the Unified Zoning Code.

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

**IN THE MATTER OF THE VACATION)
OF A PLATTED BUILDING)
SETBACK LINE)
)
GENERALLY LOCATED)
SOUTHWEST OF THE HOOVER STREET -)
MAC ARTHUR STREET INTERSECTION)
)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2002-00037

RECEIVED
NOV 26 2002
METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

NOW on this 19th day of November, 2002, comes on for hearing the petition for vacation filed by Gray Development c/o Billy Gray, praying for the vacation of the following described platted building setback line, to-wit:

The platted building setback line on south side of Lot 1, Block A, Wheatland Commercial Addition, that is recorded as 41.84-feet deep on the southwest corner of Lot 1, Block A, Wheatland Commercial Addition and recorded as 47.77-feet deep on the southeast corner of Lot 1, Block A, Wheatland Commercial Addition.

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 October 17, 2002, 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 building setback line, 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. Retain a 25-foot compatibility setback line, per the Wichita-Sedgwick County Unified

Zoning Code.

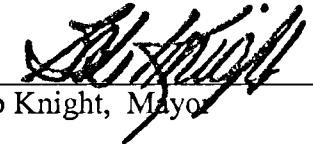
6. The vacation of the platted building setback line described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2002, ordered that the above-described a portion of a platted building setback line 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

MAC ARTHUR

HOOVER

