

City of Wichita  
City Council Meeting  
August 17, 2004

Agenda Report No. \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** VAC2004-00021 Request to vacate a portion of a platted setback, generally located northeast of the 53rd Street North – Meridian Avenue intersection. (District VI)

**INITIATED BY:** Metropolitan Area Planning Department *JS*

**AGENDA:** Planning (Consent) *by*

---

**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve (unanimously).

**Background:** The applicant proposes to vacate a portion of a platted 40-foot setback, as platted on Lot 2, Block 1, Leewood Heights 3<sup>rd</sup> Addition. The Leewood Heights 3<sup>rd</sup> Addition was recorded with the Register of Deeds on August 14, 1979.

**Analysis:** A Conditional Use, CON2003-00046, for a car wash on the site was approved by the MAPC at their January 22, 2004, meeting. The applicant's site plan for CON2003-00046 proposed to place three vacuum - trash islands within the platted 40-foot setback, which runs parallel to Meridian Avenue. Section III-E.2.e. of the Unified Zoning Code does not permit vacuum - trash receptacles to be located within the required setback because vacuum - trash islands are considered structures. The applicant was instructed to apply for a vacation to reduce the platted setback where the vacuum - trash islands encroached into it. The subject property's platted 40-foot setback is 20 feet greater than what the UZC requires for the "LC" zoning district, which is what the site is zoned. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. 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.

RECEIVED

AUG 18 2004

METROPOLITAN PLANNING  
ROUTE 9 \_\_\_\_\_

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

**IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED SETBACK )**

**GENERALLY LOCATED )  
NORTHEAST OF THE 53<sup>RD</sup> STREET NORTH - )  
MERIDIAN AVENUE INTERSECTION )**

**Case No. VAC2004-00021**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 17<sup>th</sup> day of August, 2004 comes on for hearing the petition for vacation filed by Zach's Car Wash, LLC c/o Grant Wood, praying for the vacation of the following described portion of a platted setback, to-wit:

That part of Lot 2, Block 1, Leewood Heights 3<sup>rd</sup> Addition, Sedgwick County, Kansas described as follows: Commencing at the SW corner of said Lot 2, thence N00<sup>00</sup>'00"E along the west line of said Lot 2, 10.00 feet to a deflection corner in said west line; thence N08<sup>31</sup>'51"W along the west line of said Lot 2, 7.00 feet for a point of beginning; thence continuing N08<sup>31</sup>'51"W along the west line of said Lot 2, 70.78 feet; thence N90<sup>00</sup>'00"E, 40.45 feet to a point on the 40 foot building setback line as platted in said Leewood Heights 3<sup>rd</sup> Addition; thence S08<sup>31</sup>'51"E along said 40 foot building setback line, 70.78 feet; thence N90<sup>00</sup>' 00"W, 40.45 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 May 20, 2004, 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 portion of a platted 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 the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17<sup>th</sup> day of August 2004 ordered that the above-described a portion of a platted 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.

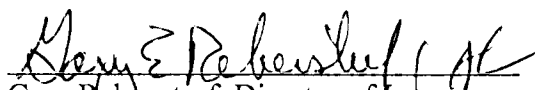


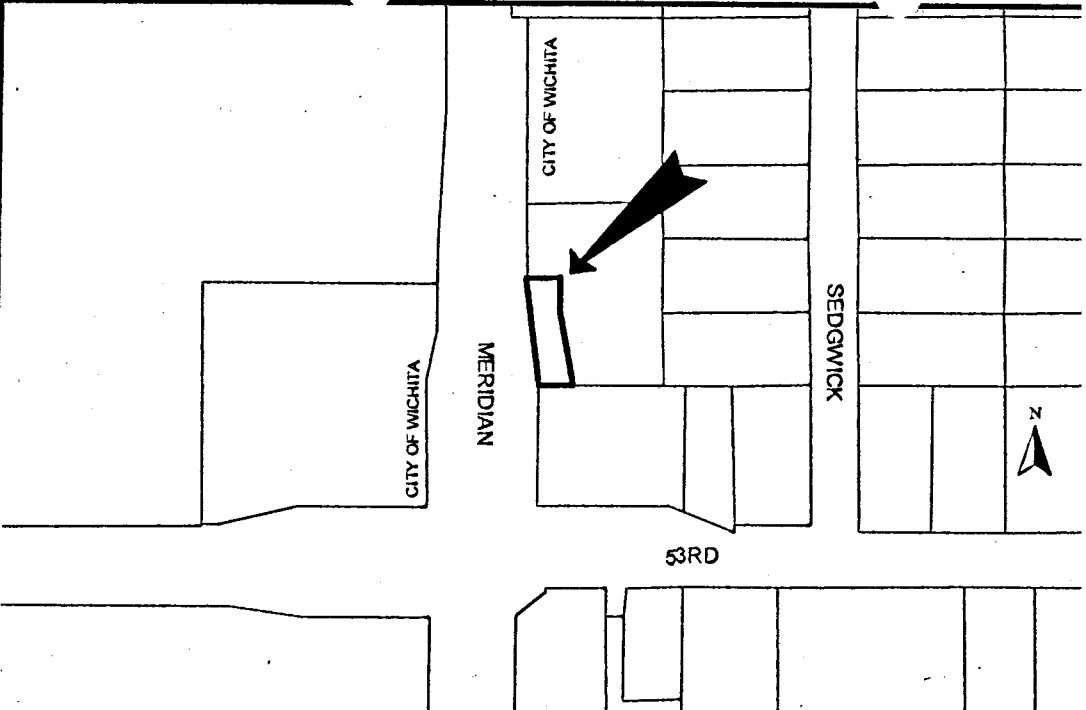
ATTEST:

  
Karen Sublett, City Clerk

  
Carlos Mayans, Mayor

Approved as to Form:

  
Gary Rebenstorf, Director of Law



CITY OF WICHITA

MERIDIAN

CITY OF WICHITA

SEDGWICK

53RD



