



Sedgwick County  
Register of Deeds - Tonya Buckingham  
Doc.#/Flm-Pg: 30316637  
Receipt #: 2432118  
Pages Recorded: 2

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Cashier: ttepe

Authorized By: *Tonya Buckingham*

Date Recorded: 06/24/2024 02:17:47 PM



**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 ON THE NORTH SIDE OF WEST )  
9<sup>TH</sup> STREET NORTH AND WITHIN ONE-BLOCK EAST OF )  
NORTH TYLER ROAD )**

VAC2024-00019

**MORE FULLY DESCRIBED BELOW**

**VACATION ORDER**

NOW on this 18<sup>th</sup> day of June 2024, comes on for hearing the petition for vacation filed by Hugo Miguel-Castillo (owner) praying for the vacation of a portion of a platted setback, to wit:

Portion of platted setback to be vacated:

Vacating the North 10 feet of the East 33 feet of the West 41 feet of the platted 15-foot setback along the South line of Lot 2, Block 44, Country Acres 2<sup>nd</sup> 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:

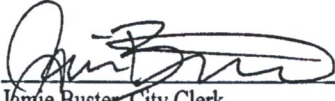
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on April 18, 2024, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of a platted setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner 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 described portion of a platted setback should be approved.

June 18, 2024  
VAC2024-00019

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18<sup>th</sup> day of June 2024, ordered that the above-described portion of a platted setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

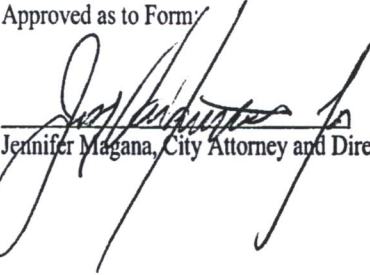
  
Lily Wu, Mayor, City of Wichita

ATTEST:

  
Jamie Buster, City Clerk



Approved as to Form:

  
Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

**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 ON THE NORTH SIDE OF WEST )  
9<sup>TH</sup> STREET NORTH AND WITHIN ONE-BLOCK EAST OF )  
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**VAC2024-00019**

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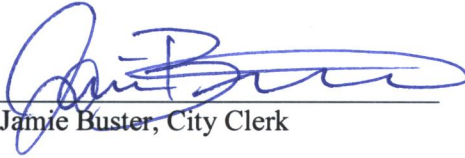
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2. No private rights will be injured or endangered by the vacation of the described portion of a platted setback and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner ought to be 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 described portion of a platted setback should be approved.

June 18, 2024  
VAC2024-00019

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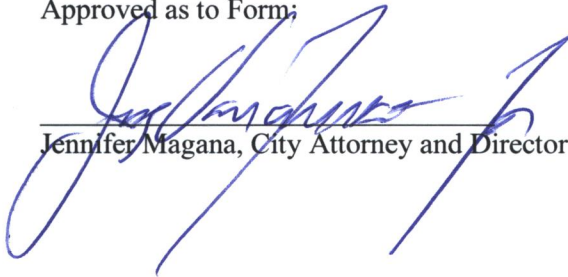
  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

**ATTEST:**

  
\_\_\_\_\_  
Jamie Buster, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law



**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

June 18, 2024

Hugo Miguel-Castillo  
1001 N. Robin Rd.  
Wichita, KS 67212

**Ref: VAC2024-00019:** Vacation request in the City to vacate a portion of a platted street side setback from 15 feet to 6 feet to build a garage, generally located on the northwest corner of West 9<sup>th</sup> Street North and North Robin Rd. (1001 N. Robin Rd.).

Hugo,

At the **Tuesday, June 18, 2024**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP  
Current Plans Division Manager

PZ:IJ



**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

May 24, 2024

Hugo Miguel-Castillo  
1001 N. Robin Rd.  
Wichita, KS 67212

**Ref: VAC2024-00019:** Vacation request in the City to vacate a portion of a platted street side setback from 15 feet to 6 feet to build a garage, generally located on the northwest corner of West 9<sup>th</sup> Street North and North Robin Rd. (1001 N. Robin Rd.).

Hugo,

At the **Thursday, May 23, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

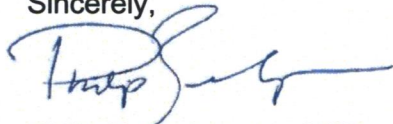
- (1) Vacate the described portion of the platted street side setback. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

All of the above conditions have been completed. This case will be scheduled for final action by the Wichita City Council **July 2 2024**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

**VAC2024-00019:** Vacation request in the City to vacate a portion of a platted street side setback from 15 feet to 6 feet to build a garage, generally located on the northwest corner of West 9<sup>th</sup> Street North and North Robin Rd. (1001 N. Robin Rd.).

Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", written over a faint circular stamp.

Philip Zevenbergen, AICP  
Current Plans Division Manager

PZ:IJ



The Beaufort Gazette  
 The Belleville News-Democrat  
 Bellingham Herald  
 Centre Daily Times  
 Sun Herald  
 Idaho Statesman  
 Bradenton Herald  
 The Charlotte Observer  
 The State  
 Ledger-Enquirer

Durham | The Herald-Sun  
 Fort Worth Star-Telegram  
 The Fresno Bee  
 The Island Packet  
 The Kansas City Star  
 Lexington Herald-Leader  
 The Telegraph - Macon  
 Merced Sun-Star  
 Miami Herald  
 El Nuevo Herald

The Modesto Bee  
 The Sun News - Myrtle Beach  
 Raleigh News & Observer  
 Rock Hill | The Herald  
 The Sacramento Bee  
 San Luis Obispo Tribune  
 Tacoma | The News Tribune  
 Tri-City Herald  
 The Wichita Eagle  
 The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	542233	Print Legal Ad-IPL01689480 - IPL0168948	OCA 150004	\$191.78	3	76 L

**Attention: MANDY HEBERT**  
 CITY OF WICHITA/PLANNING DEPT  
 271 WEST THIRD ST., 2ND FL, SU 203  
 WICHITA, KS 67202

MHEBERT@wichita.gov

**OCA 150004**  
**Published in The Wichita Eagle on April 18, 2024**  
**(One Time Only)**  
**MAPC/BZA May 9, 2024**  
**OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on Thursday, May 9, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

**BZA2024-00014:** Variance request in the City to eliminate parking lot screening requirement for south parking lot of new Patrol East Police Station on property zoned TF-3 Two-Family Residential, located on the south side of East Lincoln St and within one-block west of South Edgemoor St (5215 E. Lincoln).

**BZA2024-00019:** Variance Request in the City to reduce interior side setback from 6 feet to 6 inches to bring a shed into conformance, generally located on the west side of North Gentry Drive and within one-quarter mile south of East 25th Street North (2425 North Gentry Drive).

**CON2024-00020:** Conditional Use Amendment in the City to modify the existing CON2012-00021 and CU-523 to allow outside music/dancing and modify hours of operations, located approximately 700 feet east of Tyler Rd and north of 21st Street North (8558 West 21st Street North).

**CUP2024-00011:** Community Unit Plan in the City to create the Yellowstone Commercial CUP (with ZON2024-00020 for LC zoning) to allow for the development of a commercial development, located on the southeast corner of South 119th Street West and West Pawnee Avenue.

**PUD2024-00005:** Zone Change request in the City from GI General Industrial to PUD Planned Unit Development to permit a gravel surface under existing outdoor storage area and drive aisles; generally located within one-quarter mile south of East 37th Street North and on the east side of North Ohio Avenue (3518 North Ohio).

**PUD2024-00006:** To create and establish a PUD for the construction of a new substation; generally located south of East 9th Street, west of North Hillside Avenue and east of Chautauqua Avenue (3001 East Mossman Avenue).

**PUD2024-00007:** Zone Change request in the City from GC General Commercial to PUD Planned Unit Development to permit use of the site for outdoor display/sale but allow a gravel surface and adjust screening requirements; located on the north side of West Kellogg and within one-half mile west of South 135th Street West.

**VAC2024-00019:** Vacation request in the City to reduce platted street side setback from 15 feet to 6 feet to build a garage; generally located on the northwest corner of West 9th Street North and North Robin Road (1001 North Robin Road).

**VAC2024-00020:** Vacation request in the City to vacate a portion of a platted alley for future development, located south of West Douglas Avenue and within one-block west of South Clara Street (alley located between 5009 and 5015 West Douglas Avenue).

**VAC2024-00021:** Vacation request in the city to vacate a portion of a 20-foot utility easement; generally located south of East 37th Street North and east of North Saint Francis Street.

**ZON2024-00020:** Zone Change request in the City from SF-5 Single-Family Residential to LC Limited Commercial (with CUP2024-00011); generally located on the southeast corner of South 119th Street West and West Pawnee Avenue.

**ZON2024-00021:** Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Multi-Family Residential; generally located on the east side of South 119th Street West and within one-quarter mile south of West Pawnee Avenue.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

- Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 3rd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.
- Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Department staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.  
 Email: Planning@wichita.gov  
 Mailing Address:  
 Wichita-Sedgwick County Metropolitan Area Planning Department  
 Attn: Scott Wadle  
 271 W. 3rd Street – Suite 201  
 Wichita, KS 67202  
 Phone: 316.268.4421  
 Fax: 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)  
 The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on April 18, 2024  
 Scott Wadle, Secretary  
 Wichita-Sedgwick County  
 Metropolitan Area Planning Commission  
 IPL0168948  
 Apr 18 2024

In The STATE OF KANSAS  
 In and for the County of Sedgwick

1 insertion(s) published on:  
 04/18/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 04/18/2024 to 04/18/2024.

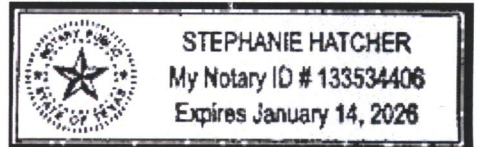
*Mary Castro*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 04/18/2024

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!

STAFF REPORT

**CASE NUMBER:** VAC2024-00019 - City vacation of a portion of platted street side setback.

**APPLICANTS:** Hugo Miguel-Castillo (applicants/owners)

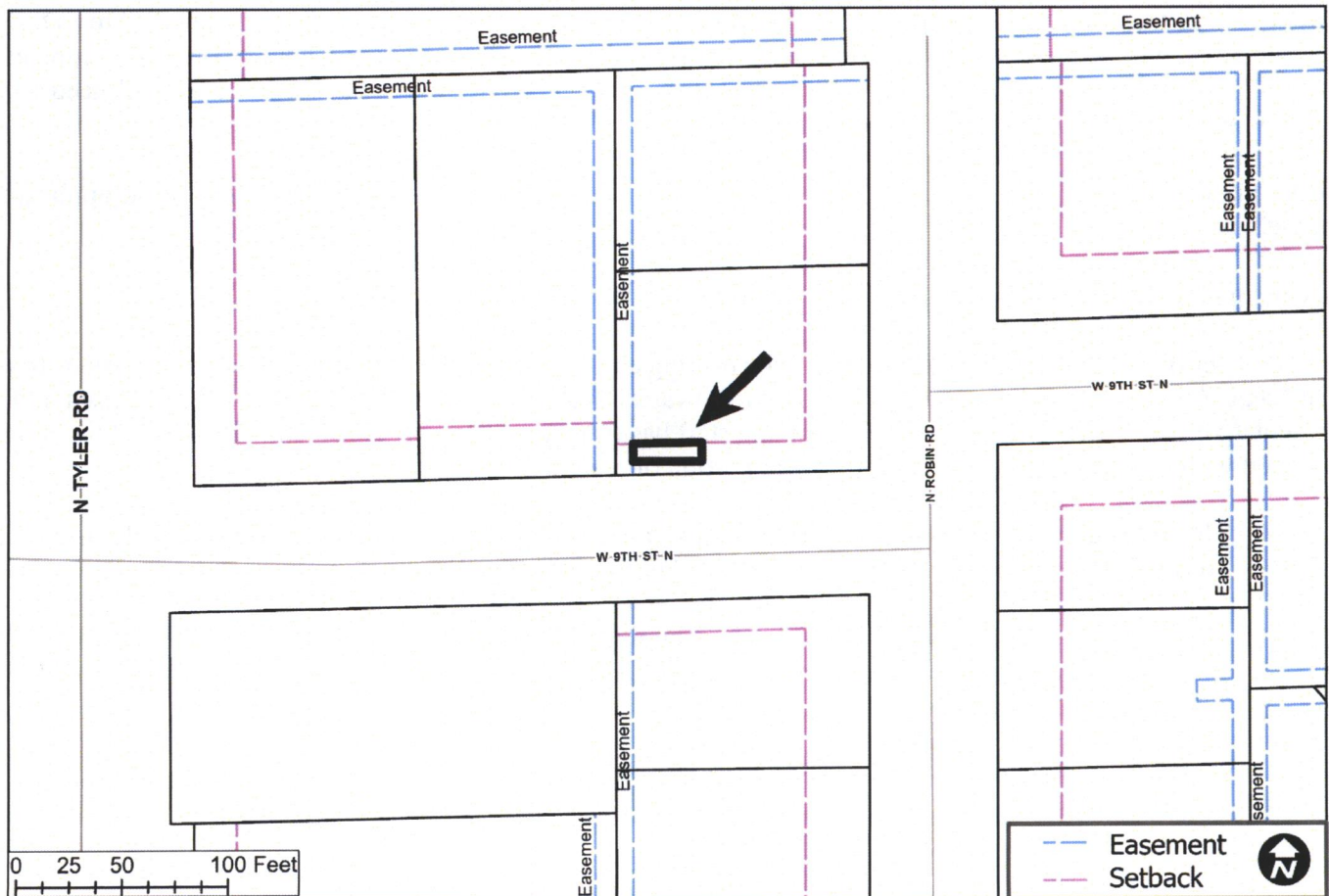
**LEGAL DESCRIPTION:** Platted 15-ft setback on Lot 2, Block 44 Country Acres 2<sup>nd</sup> Addition

**LOCATION:** Northwest corner of West 9th Street North and North Robin Road (1001 North Robin Road).

**REASON FOR REQUEST:** To permit the construction a detached garage.

**CURRENT ZONING:** The site and properties on the north, south across West 9<sup>th</sup> Street North, and east across North Robin Road are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. Property adjacent to the west is zoned TF-3 Two-Family Residential and is developed with a duplex dwelling.

**VICINITY MAP:**



The applicant is requesting the vacation of a portion of a platted 15-foot street side setback on property located at the northwest corner of West 9th Street North and North Robin Road. The property is addressed 1001 North Robin Road. The purpose of this request is to construct a 32.5-foot by 28-foot (910 square feet) detached garage. The corner lot property is platted with a front building setback of 30-feet along North Robin Road and with a street side building setback of 15-feet along West 9<sup>th</sup> Street North. The proposed garage is to be constructed 10-feet into the 15-foot platted setback along West 9<sup>th</sup> Street North, resulting in a 5-foot setback. The applicant states that the proposed garage will be accessed via North Robin Road.

The Unified Zoning Code sets the minimum street side setback in the SF-5 zoning district at 15-feet, which is the same as the platted setback. Without the platted setback, the applicant would have had to obtain a variance from the Board of Zoning Appeals. With an Administrative Adjustment, a zoning setback at this location could be adjusted by up to 50 percent, resulting in 7.5-foot setback, if the total area of the garage encroachment was 300 square feet or less. However, the proposed total area of the garage encroachment will be 325 square feet, with a resulting building setback 5-feet. The proposed garage encroachment will not negatively impact the surrounding area.

There are no public utilities in the described setback. There is an 8-foot Utility Easement located along the west property line in which the applicant will need to ensure that the proposed garage will not encroach.

Evergy has reviewed this vacation request and we have no objection and we do not have equipment in the setback, but we do have an OH primary line located just to the east of the area. The new garage will need to maintain proper clearance from that line per Evergy Service Standards, forwarded to applicant. Eric O'Donnell, Area Design Representative, will be the contact for this vacation request and any project associated with it. He can be contacted at (316) 261-6359. Standard language will apply; Any relocation or removal of existing Evergy will need to be discussed and will be at the applicant's expense.

Cox has no objections to this vacate. Cox has aerial lines on Evergy poles. Any relocation will be at the applicant's expense.

The Country Acres 2<sup>nd</sup> Addition was recorded with the Register of Deeds June 21, 1955.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, planning staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted building setback.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
  1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time April 18, 2024, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of the platted street side yard setback and that the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the described portion of the platted street side setback. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
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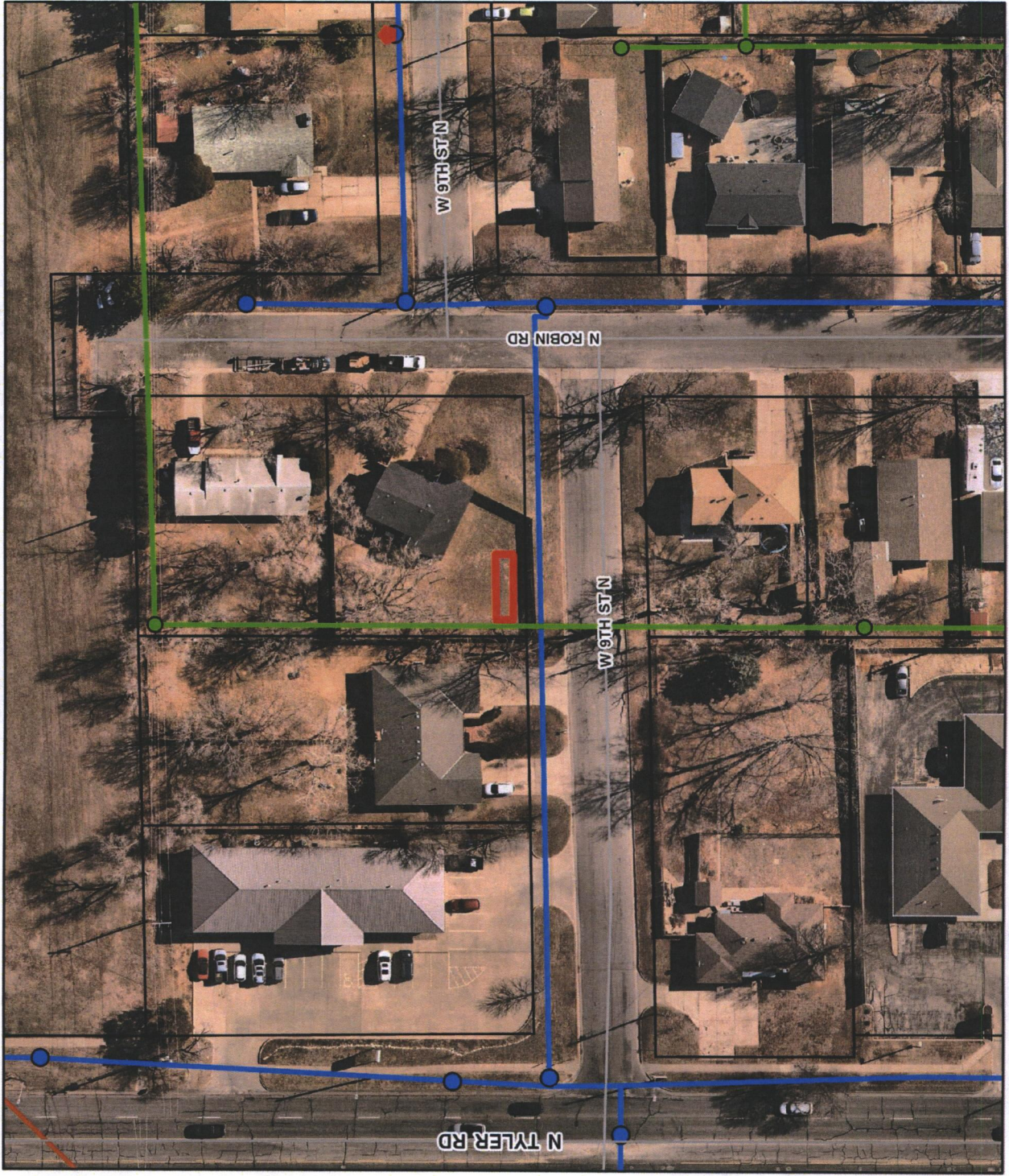
#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

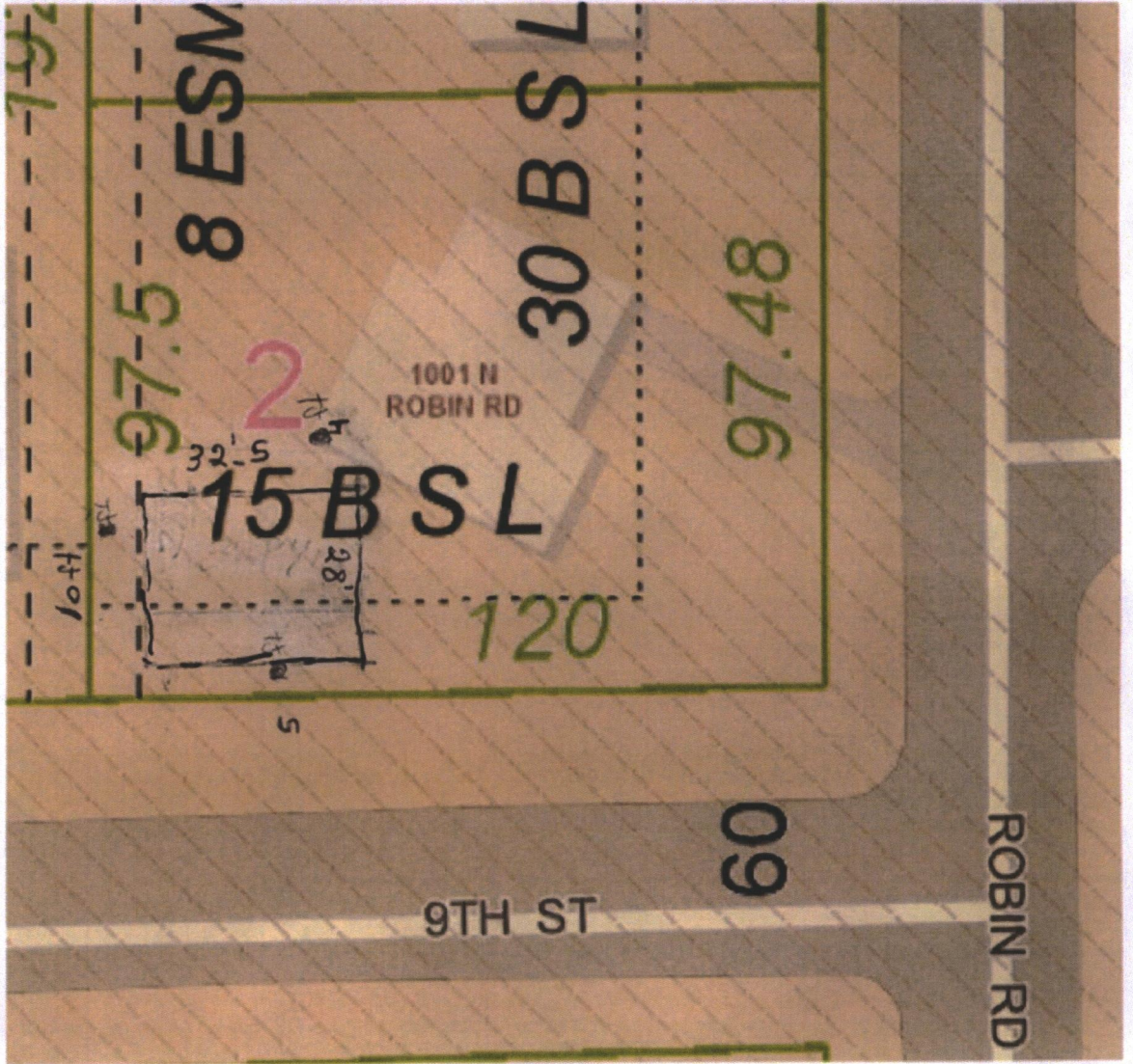
The Subdivision Committee recommends approval per staff recommendations.

Attachments: 1.Aerial Map - 2. Site Plan

# VAC2024-19

- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- ⋯ Open Channel
- Siphon
- ◆ Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains





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