

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 16, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2152 REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED IN AN AREA NORTH OF 21ST STREET NORTH AND WEST OF MAIZE ROAD. (District V)**

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. K. Kaut
2/18/99*

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 reduce the building setback along Maize Road from 100 feet to 35 feet. This would allow for the construction of a commercial development.

The applicant has also filed a zoning request for lot immediately north of this addition with the intention of combining the two lots into an integrated development plan, and an administrative adjustment to adjust the Protective Overlay on this property.

Through the administrative adjustment, all buildings within 250 feet of Maize Road would be limited to 35 feet in height and shall not exceed 100 feet in depth measured in an east-west direction (perpendicular to Maize Road on Lot 1, Newmarket Square Addition).

At the MAPC's advertised public hearing, the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the site being developed in general conformance with the attached site plan for the eastern 100 feet of the lot.

1784215 # 12

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By

Council

FILM 907 PAGE 0487

This MAR 16 1999

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STATE OF KANSAS } SS
APR 12 3 32 PM '99

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

REGISTER OF DEEDS

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

GENERALLY LOCATED
NORTH OF 21ST STREET NORTH AND WEST
OF MAIZE ROAD

MORE FULLY DESCRIBED BELOW

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Case No. V-2152



MICROFILMED
OF RECORD

VACATION ORDER

Debra M. Heston
Deputy

NOW on this 16th day of March, 1999, comes on for hearing the petition for vacation filed by Newmarket Square Ltd., c/o Jerry Jones, praying for the vacation of the following described>, to-wit:

Request to vacate the 100 foot building setback along Maize Road for Lot 1, Block 1, Newmarket Square Addition, an Addition to Wichita, Sedgwick County, Kansas except the eastern most 35 feet.

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 Daily Reporter of notice on January 15, 1999, 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.

80007
City Clerk.

Vacation Order
V - 2152

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5. The vacation of the a portion of a building setback described herein should be approved, subject to the following conditions:

- A) The site shall be developed in general conformance with the attached site plan (Exhibit A) only along the eastern 100 feet of Lot 1 Newmarket Square Addition. Any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- B) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of March, 1999, ordered that the above-described 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.

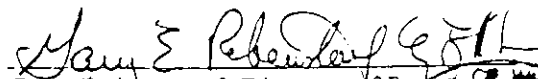
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Pat Burnett City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita this MAR 16 1999
 City Clerk

Newmarket Square

