

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 3, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2180 - REQUEST TO VACATE A PORTION OF A BUILDING
SETBACK LOCATED NORTH OF 21ST STREET AND EAST OF
TYLER.
(District V)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

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 the 30 foot building setbacks along the western (to 10 feet), southern (to 20 feet) and southeastern (to 25 feet) property lines to allow for the construction of self-storage units. This is part of the Westwind II Commercial C.U.P., which was amended in 1998 to split Parcel 4 into two parcels and to permit self-storage units on the newly created parcel.

The amendment to the C.U.P. reduced the building setbacks on the C.U.P. as the applicant is requesting to vacate on the plat, except that the southeastern setback was approved at 30 feet. An administrative adjustment has been approved to reduce the building setback along the southeastern property line to 25 feet on the Westwind II Commercial 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 adjustment to reduce the 30 foot building setback along the southeastern property line on the C.U.P. to 25 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 Mayor to sign.

Aug 1

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

IN THE MATTER OF THE VACATION OF	)	
PORTION OF BUILDING SETBACK	)	
	)	
	)	
GENERALLY LOCATED	)	Case No. V-2180
NORTH OF 21ST STREET AND EAST OF TYLER	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 3rd day of August, 1999, comes on for hearing the petition for vacation filed by Security Self-Storage, c/o Bill Ard, praying for the vacation of the following described portion of a building setback, to-wit:

The east 20 feet of the west 30 feet of the south 175 feet; together with the north 10 feet of the south 30 feet; together with the northwestern 5 feet of the southeastern 30 feet of Lot 3, Westwind 5th Addition, Wichita, Sedgwick County, Kansas.

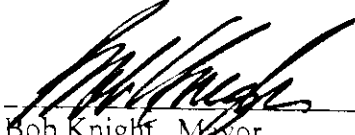
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on June 1, 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 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 the portion of a building setback described herein should be approved, subject to the following condition:

- A) The applicant shall submit an administrative adjustment to reduce the 30-foot building setback along the southeastern property line on the C.U.P. to 25 feet.
- 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 3rd day of August 1999, 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:


Gary Rebenstorf, Director of Law

TYLER ROAD N01°28'06"E

 $1'' = 6$

● = #4 Baughman Rebar
 ○ = #4 Baughman Rebar
 □ = #5 Fox Rebar Four
 △ = #4 S.R.B. Rebar Four
 X = 1/2" Iron Pipe Four
 Ø = 3/4" Iron Pipe Four

