

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 11, 2001**

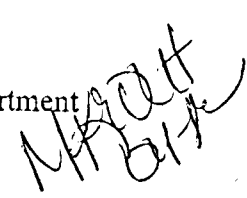
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00029 - REQUEST TO VACATE A PORTION OF A
PLATTED BUILDING SETBACK LOCATED SOUTH OF
TAFT AND EAST OF JULIA.**
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of a portion of a platted building setback.

MAPC Recommendation: Approve vacation of a portion of a platted building setback.
(unanimous)

Background: The applicant is requesting consideration to vacate the 210-ft front building setback on Lot 2, West Kellogg Power Center. The applicant proposes to replace the 210-ft front building setback with a 30-ft setback line. The applicant has applied for an adjustment to CUP DP 221, concurrent with the vacation request, which would allow an increase of the number of buildings allowed on Lot 2 to go from 2 to 4 buildings. A 30-ft setback would allow this expansion of the number of buildings allowed on Lot 2. The parcel to the east (Lot 1, which is part of CUP DP 221) currently has a 35-ft setback. The applicant's request would leave a 5-ft difference between Lot 2's proposed 30-ft setback and Lot 1's 35-ft setback. The applicant noted at the July 12, 2001 SD meeting that the adjustment to CUP DP 221 had been approved.

The owner of Lot 3, West Kellogg Power Center, which abuts on the east filed a written protest to the vacation request noting that they received the "courtesy" notice on the day (July 19, 2001) of the MAPC meeting, when this vacation was to be considered. The MAPC had recommended approval on July 19, 2001, but in consideration of the abutting landowner reconsidered August 23, 2001. The abutting owner's agent submitted a letter and testified at the MAPC hearing that the proposed new area for buildings adjacent to their parking lot would block visibility of the store. The applicant rebutted that the visibility of the store was already blocked by existing buildings and vegetation. The

MAPC again recommended approval at the August 23, 2001 meeting.

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 necessary signatures.

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METROPOLITAN PLANNING
ROUTE 2
**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

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

**GENERALLY LOCATED
SOUTH OF TAFT AND EAST OF JULIA**)

2001-
Case No. VAC2000-00029

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 11th day of September, 2001, comes on for hearing the petition for vacation filed by BA, LLC, c/o Thomas W. Boyd, praying for the vacation of the following described a portion of a platted building setback, to-wit:

The north 175-th of the south 210-ft of Lot 2, West Kellogg power Center, Wichita, Sedgwick County, Kansas, except the west 200-ft thereof.

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 June 28, 2001, 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 platted 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. Retain utility easements in vacated setback and any relocation or reconstruction of utilities made necessary by this vacation is the responsibility of the applicant. All improvements shall be to City Standards.

6. The vacation of a portion of a platted building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of September 2001, ordered that the above-described a portion of a platted 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

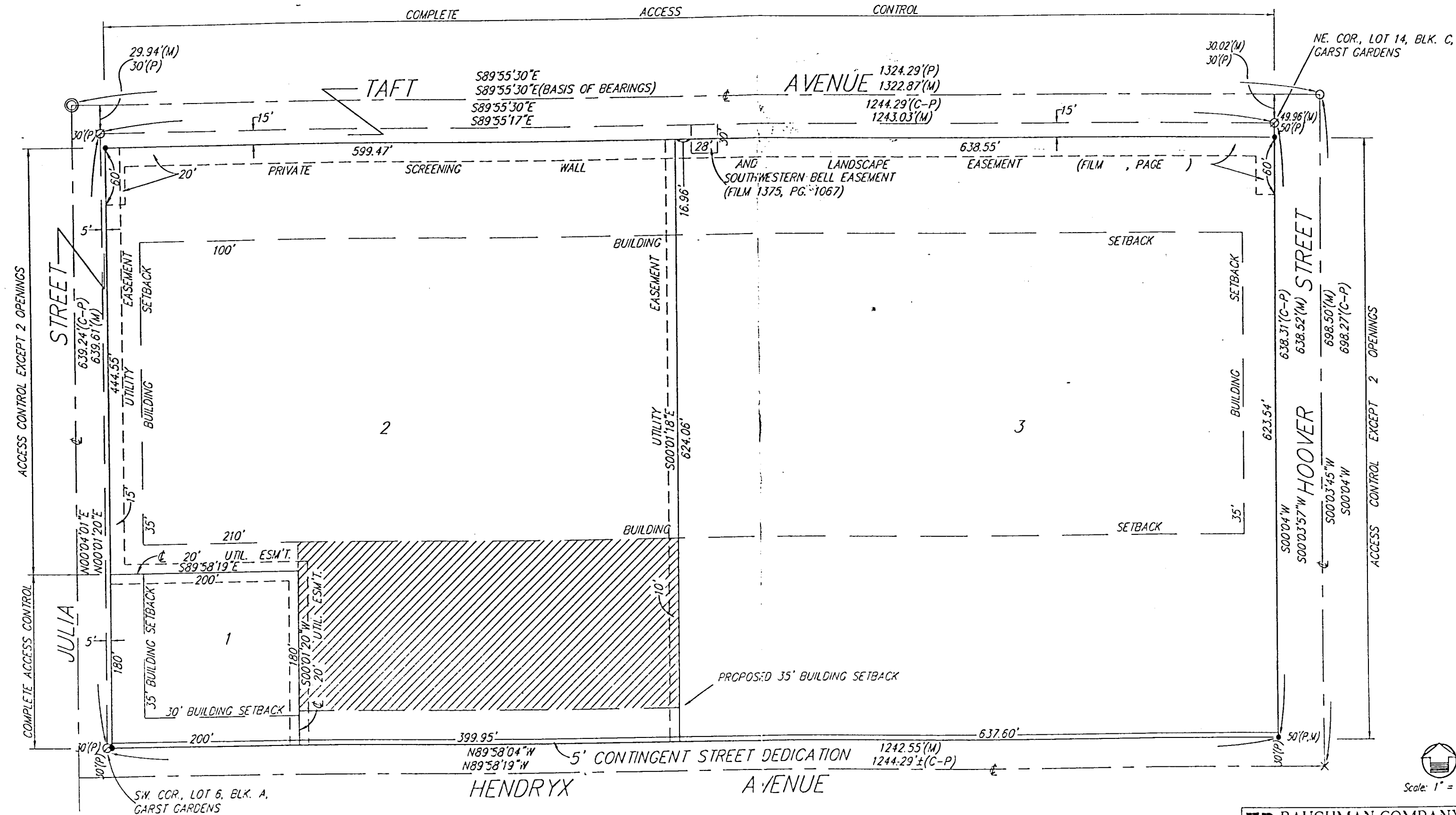


Approved as to Form:



Gary Rebenstorf, Director of Law

Building Setback Vacation Exhibit



 Area to be vacated: 70,000 square feet ±