

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 19, 2002**

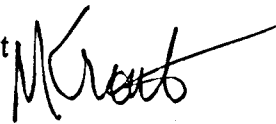
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00001 - REQUEST TO VACATE PLATTED 35-
FOOT BUILDING SETBACK LOCATED NORTHEAST OF
21ST STREET NORTH - RIDGE ROAD INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting the platted 35-foot setback be vacated and replaced with a 28-foot setback to allow for the placement of two (2) vacuum islands for a proposed carwash. A vacuum island is considered a structure by OCI and structures cannot encroach into setbacks. The applicant has worked with the Public Works Traffic Engineering in regards to the circulation of vehicular traffic within the car wash site and the applicant's site plan reflects those efforts. The applicant will have to apply for an adjustment to the CUP to reflect the vacation of the platted 35-ft setback.

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. 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 necessary signatures.

MORE FULLY DESCRIBED BELOW

Case No. VAC2002-00001

RECEIVED

MAR 21 2002

METROPOLITAN PLANNING
ROUTE 1

VACATION ORDER

NOW on this 19th day of March, 2002, comes on for hearing the petition for vacation filed by Prime Shine LLC, c/o Shawn Penner, praying for the vacation of the following described platted 35-foot building setback, to-wit:

Platted 35-foot building setback running parallel to Ridge Road, on the north 100-ft of Lot 2, Tract A, Lake Ridge Commercial 2nd Addition and CUP DP-205 (further referenced on Lot Split 913)

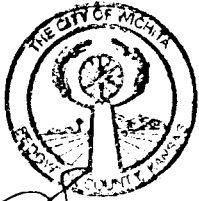
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

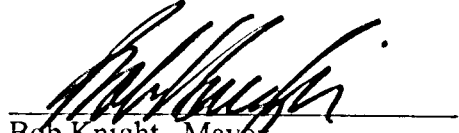
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on January 31, 2002, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted 35-foot building 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 platted 35-foot building setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of March 2002, ordered that the above-described platted 35-foot 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.

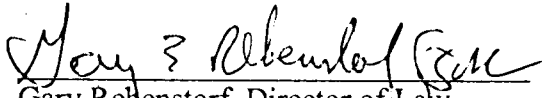
ATTEST:


Pat Burnett, City Clerk

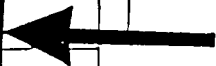
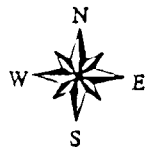



Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

RIDGE



21ST