CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

February 12, 2025

Juan Lopez
2380 N. Richmond Ave.
Wichita, KS 67204

BHC
Attn: Matthew Tucker
165 S. Rock Island Ave., Ste. 150
Wichita, KS 67202

Ref: VAC2024-00056: Vacation request in the City of a portion of a platted setback; generally located less than 200 feet south of the intersection of West Columbine Lane and North Richmond Ave. (2380 North Richmond).

Dear Applicant,

At the **Tuesday, February 11, 2025**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Current Plans
Division Manager

Wichita-Sedgwick County Metropolitan Area Planning Department

January 10, 2025

Juan Lopez
2380 N. Richmond Ave.
Wichita, KS 67204

BHC
Attn: Matthew Tucker
165 S. Rock Island Ave., Ste. 150
Wichita, KS 67202

Ref: VAC2024-00056: Vacation request in the City of a portion of a platted setback; generally located less than 200 feet south of the intersection of West Columbine Lane and North Richmond Ave. (2380 North Richmond).

Dear Applicant,

At the **Thursday, January 9, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a wall easement and utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.

(3) All improvements shall be according to City Standards and at the applicants' expense.

(4) Per MAPC Policy Statement #7, all conditions are to 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.

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, February 11, 2025.** 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.

Sincerely,

Philip Zevenbergen
Current Plans
Division Manager

Document #: 2025-004873
Date Recorded: 02/28/2025 12:04:15 PM
Pages: 2 Recording Fee: 0.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

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 WITHIN ONE-QUARTER MILE NORTH OF WEST 21ST STREET NORTH AND ONE-HALF MILE WEST OF NORTH AMIDON AVENUE	)	**VAC2024-00056**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 11th day of February 2025, comes on for hearing the petition for vacation filed by Juan Lopez (owner) praying for the vacation of a portion of a platted building setback, to wit:

Portion of a platted building setback to be vacated:
Vacating a portion of the 30-foot front yard setback adjacent to Richmond Avenue, in Lot 1, Block 4, Benjamin Hills 2nd Addition, Wichita Sedgwick County, Kansas; more particularly described as the South 39 feet of the North 47 feet of the East 15 feet of said setback, containing 582.5 square feet more or less.

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 and at www.wichita.gov/LegalNotices on December 19, 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 building 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 building setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of February 2025, ordered that the above-described portion of a platted building 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:

Paul Leeker, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

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	)	
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Lily Wu, Mayor, City of Wichita

ATTEST:

Paul Leeker, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

McClatchy

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	620514	Print Legal Ad-IPL02086590 - IPL0208659	MAPC/BZA Jan. 9, 2025	$73.33	2	61 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 December 18, 2024
(One Time Only)
MAPC/BZA January 9, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 9, 2025, 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, 2nd 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. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00080: Variance request in the City to reduce the side and rear setbacks to 0 feet to build a two-car garage on the rear half of the property, generally located on the east side of North Dellrose, within 100 feet south of East 2nd Street North (240 North Dellrose).

CON2024-00259: Conditional Use request in the City to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the north side of East Gilbert Street, within 400 feet west of South Armour Drive (7310 East Gilbert Street).

CON2024-00273: Conditional Use request in the City to permit a drinking establishment on property zoned CBD Central Business District located at the northwest corner of East Waterman Street and South Hydraulic Avenue (1640 E Waterman).

CON2024-00275: Conditional Use request in the City to allow a Tavern and Drinking Establishment on property zoned LI Limited Industrial District, generally located on the northeast corner of East 35th Street North and North Oliver Avenue.

CUP2024-00046: CUP Amendment request in the City to amend CUP DP-86 to allow an off-site billboard, generally located on the west side of North Seneca Street, north of I-235 (4121 North Seneca Street).

VAC2024-00054: Vacation request in the City of platted access control; generally located on the east side of North Rock Road and within 200 feet north of East 35th Street North (3718 North Rock Road).

VAC2024-00055: Vacation request in the City for a portion of platted front setbacks; generally located on the north side of North Reece Street and within 650 feet south of West 21st Street North.

VAC2024-00056: Vacation request in the City to vacate a portion of the 30 foot front yard setback to allow for the creation of a garage addition on property zoned SF-5 Single-Family and located less than 200 feet south of the intersection of W. Columbine Ln. and N. Richmond Ave. (2380 N. Richmond Ave.)

VAC2024-00057: Vacation request in the City to vacate McLean Boulevard right-of-way and drainage facilities on property zoned LI Limited Industrial District, generally located at the intersection of South McLean Boulevard and West 47th Street South.

VAC2024-00058: Vacation request in the City to vacate a 20-foot utility easement and a portion of a 25-foot sewer easement for the development of a multi-family residential building on property zoned PUD #61, generally located on the northwest corner of West Maple Street and North McLean Boulevard.

ZON2024-00057: Zone Change request in the City from SF-5 Single-Family Residential to MF-29 Multi-Family Residential; generally located on the west side of South Handley Street and within 600 feet of South Seneca Street (4301 South Handley Street).

ZON2024-00058: Zone Change request in the City from TF-3 Two-Family Residential District to NR Neighborhood Retail, generally located on the west side of North Chautauqua Avenue and within 150 feet north of East Douglas Avenue (117 North Chautauqua Avenue).

IPL0208659
Dec 18 2024

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

1 insertion(s) published on:
12/18/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth 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 12/18/2024 to 12/18/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/18/2024

Margaret K. Wilson

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

MARGARET KATHLEEN WILSON
My Notary ID # 134916732
Expires May 24, 2028

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

CITY OF WICHITA

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Shinita Rice, Deputy City Clerk

Being first duly sworn, deposes and says:

That Mandy Hebert, Administrative Aide I, from the Planning Department of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. _____ / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 19th day of December 2024.

Signature

SUBSCRIBED AND SWORN to before me this 26 day of December, 2024.

STATE OF KANSAS NOTARY PUBLIC
TIM GOODPASTURE
My Appointment Expires
September 14, 2026

Notary Public

(seal)

City Clerk's Office
Shinita Rice, Deputy City Clerk
City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202
316.268.4529 ext. 2805
www.wichita.gov

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.
January 9, 2025

STAFF REPORT

CASE NUMBER: **VAC2024-00056** - City Vacation of a portion of a platted 30-foot building setback.

APPLICANT: Juan Lopez (applicant)/ BHC (agent)

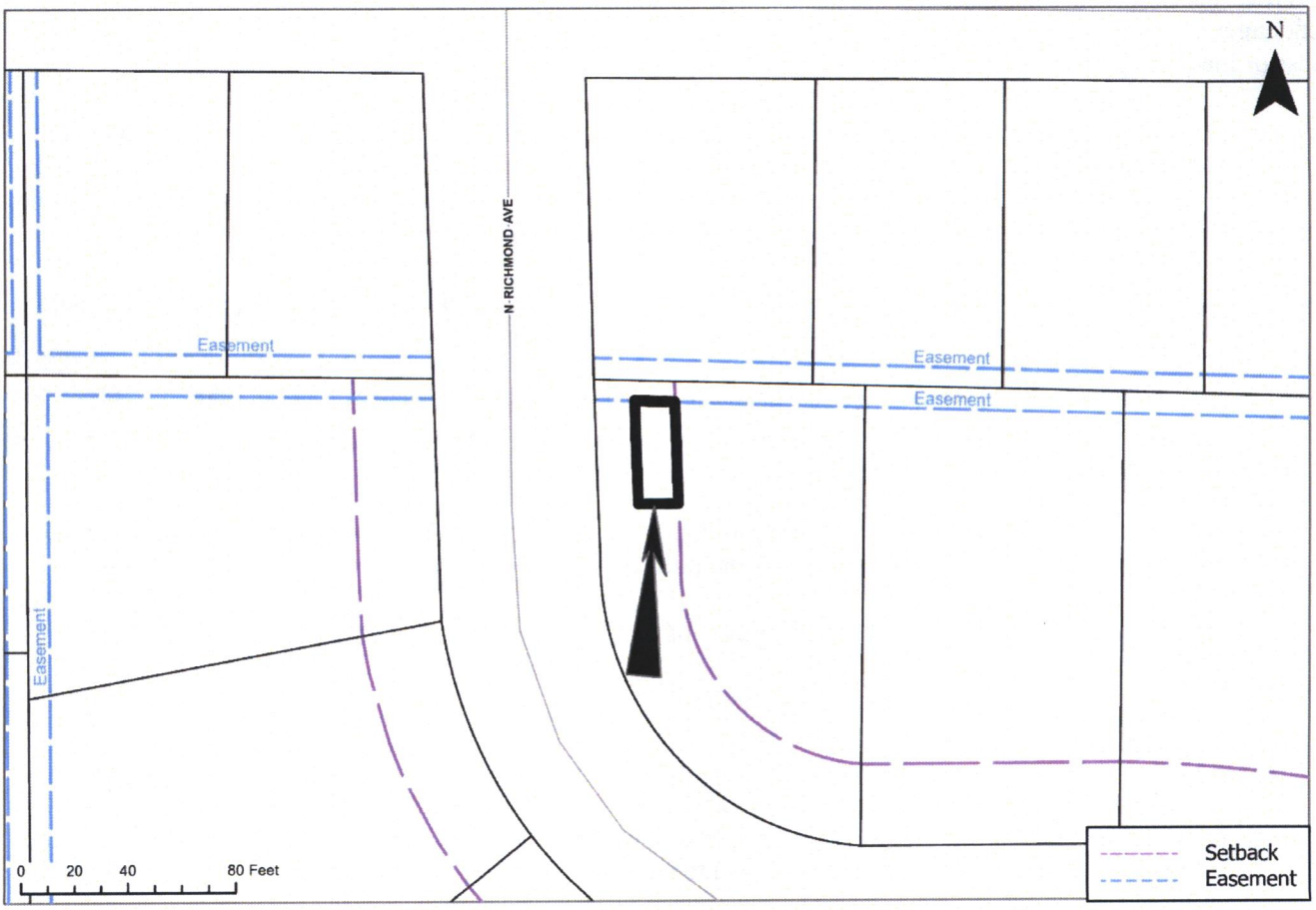
LEGAL DESCRIPTION: Generally described as vacating a portion of the west 15 feet of the platted 30-foot building setback of Lot 1, Block 4, Benjamin Hills 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located within one-quarter mile north of West 21st Street North and one-half mile west of North Amidon Avenue (2380 N. Richmond Ave.). (WCC VI)

REASON FOR REQUEST: To allow for a garage addition.

CURRENT ZONING: The subject site and all abutting sites are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings.

VICINITY MAP:



The applicant proposes to vacate a portion of the west 15 feet of a platted 30-foot front setback on Lot 4, Block 4, Benjamin Hills 2nd Addition (see attached Exhibit and Legal Description). If approved, this will allow the applicant to construct a garage addition on the north side of the existing two-car garage. The proposed garage addition would encroach into the existing setback on the west by a maximum of 15 feet. Lot 4 was created with a curved frontage along North Richmond Avenue. Had it been a standard rectangular lot, the west side setback would be considered the street side setback. At the location the vacation is requested, the property line is not curved and functionally is a street-side. In the SF-5 District, a 30-foot setback is greater than the 25-foot front zoning setback. The zoning street-side setback in the SF-5 District is 15. The requested reduction matches the street-side setback in the SF-5 District.

Wichita Public Works and Utilities, Wichita Traffic Engineering, and Wichita Fire Department do not object to the vacation of the portion of the platted setback. Traffic Engineering indicated the if approved, the proposed garage would not pose any sight obstructions along the curve. Comments from franchised utilities have been received. Cox has no objection to this vacation request. Any relocation of Cox lines or equipment would be at the applicant's expense. Evergy commented that they do not have any objection. There are no lines or equipment in the setback area. However, they do have lines along the north side of the lot. The proposed garage will have to maintain property clearance from these overhead lines. These clearance standards are attached. Eric O'Donnell is the Area Design Representative and can be contacted at 316-261-6359 with questions about this case. The Benjamin Hills 2nd Addition was recorded on November 9, 1953.

When determining a recommendation to be made to the Metropolitan Area Planning Commission (MAPC), the Subdivision and Utility Advisory Committee should consider the legal findings that are required to be made by the MAPC and Governing Body in order to grant the request. These findings are detailed in the subsequent MAPC report. In particular, the Committee should consider whether any private rights will be injured or endangered by recommending approval of the vacation request, and whether or not the public will suffer any loss or inconvenience thereby.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 the 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 December 19, 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 building 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) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the described portion of a wall easement and utility easement shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.

(2) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.

(3) All improvements shall be according to City Standards and at the applicants' expense.

(4) Per MAPC Policy Statement #7, all conditions are to 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

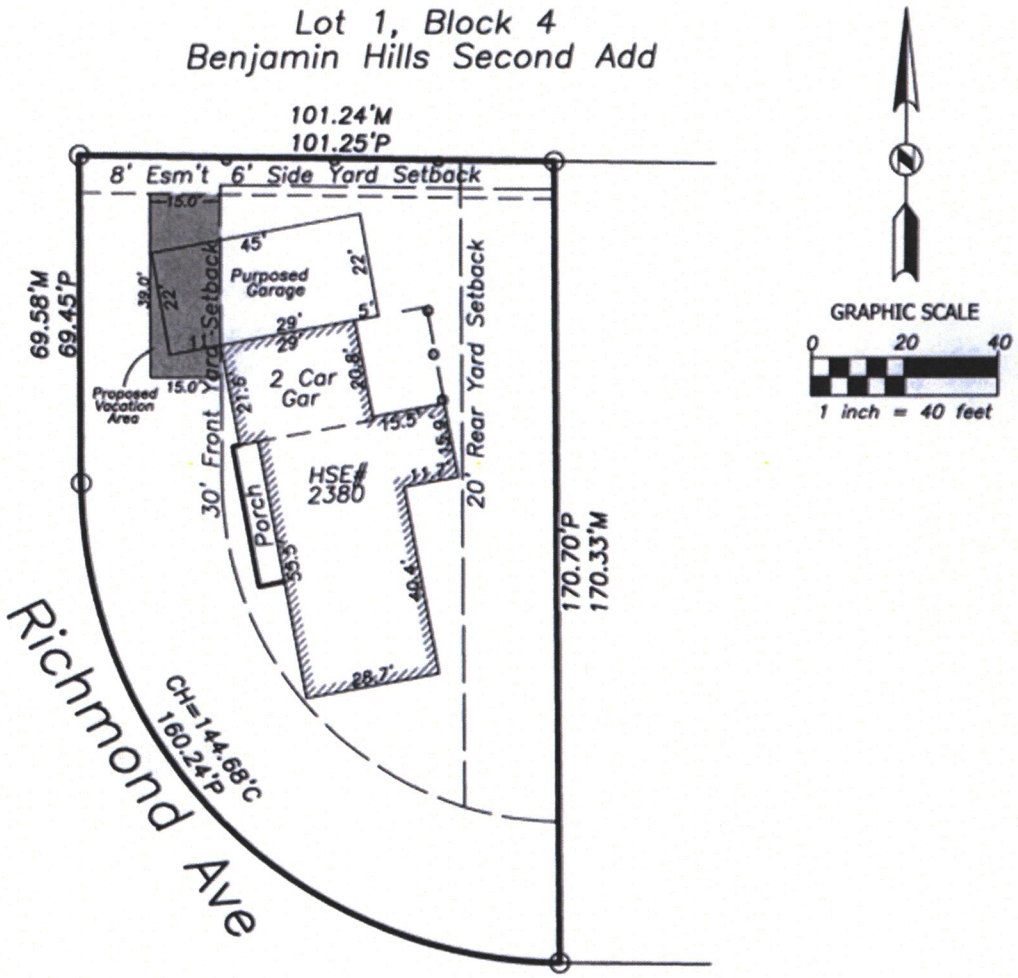
Attachments:
1) Aerial Map
2) Vacation Exhibit
3) Evergy Clearance Design Standards

Aerial Map


VAC2024-56
City Limits
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
W COLUMBINE LN
N RICHMOND AVE
WICHITA

Vacation Exhibit

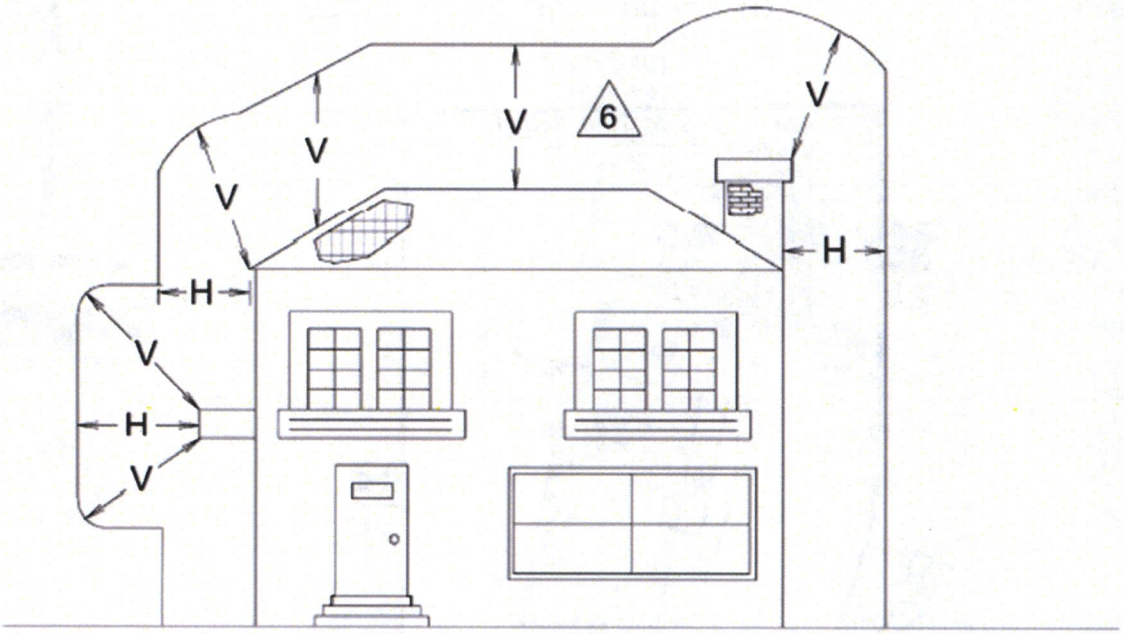
EXHIBIT A



Description: A portion of the 30 foot Front Yard Setback adjacent to Richmond Ave, in Lot 1, Block 4, Benjamin Hills Second Addition, Wichita, Sedgwick County, Kansas; more particularly described as the South 39 feet of the North 47 feet of the East 15 feet of said Setback, containing 582.5 Sq Ft more of less.

evergy

10.28 – Clearances of Conductors Adjacent to Buildings but Not Attached to the Building.



Voltage of Supply Conductors	Horizontal Clearance (H)	Vertical Clearance (V)	Balconies and Flat Roofs
(Volts)	(Feet)	(Feet)	(Feet)
System Neutral Grounded Guys 240,480V Multiplex	5.0	3.5	10.5
240, 480 V Line to Line Open Wire	5.5	11.0	11.5
12,23,34kV Line to Line	7.5	12.5	13.5
69kV Line to Line	8.5	13.5	14.5

NESC Table 234-1

1. Customers, contractors, and their work equipment shall maintain a minimum clearance of 10 feet from the company's power lines. Kansas law requires workers to notify the company when work is necessary at clearance 10 feet or less. K.S.A.66-1709-1716 & OSHA 1910.333(c)(3)(i)(A) Notification shall be made 7 working days ahead of the time when work is to be started. There may be a cost involved to isolate power lines.
2. Table values are absolute minimum in clearances to structures.
3. Clearance requirements are taken from NESC article 234.
4. Voltages specified are line to line.
5. Customer must also follow NEC codes for clearances and service drops attachments.
6. Construction of supply circuits above buildings should be avoided.