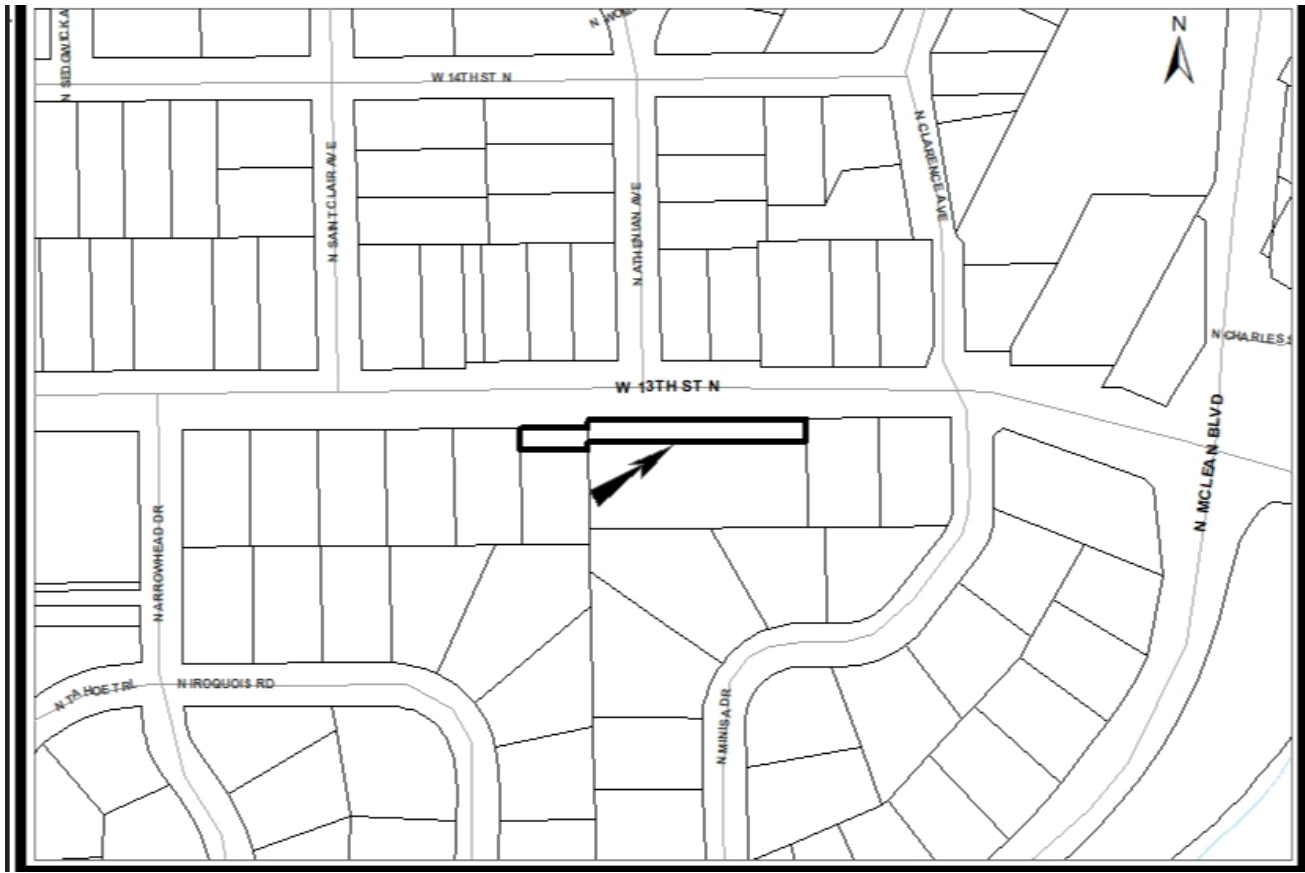


STAFF REPORT

- CASE NUMBER:** VAC2021-00037 - Request to vacate a portion of a platted front yard setback
- OWNER/APPLICANT:** Vintage Faith Church Wichita, c/o Tom Brown (owner/applicant) MKEC, c/o Brian Lindebak
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted 30-foot front yard setback located on Lots 18, 19, & 20, Indian Hills Addition and Lot 1, Block 4, Indian Hills Second Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located west of North McLean Boulevard on the south side of West 13th Street North (District VI)
- REASON FOR REQUEST:** Additional parking for church
- CURRENT ZONING:** The site, the abutting south, east and west properties are zoned SF-5 Single-Family Residential. The adjacent north properties, across West 13th Street North, are zoned SF-5.

VICINITY MAP:



The applicant proposes to vacate a portion of the platted 30-foot front yard setback on the Single-Family Residential (SF-5) zoned Lots 18, 19, & 20, Indian Hills Addition and Lot 1, Block 4, Indian Hills Second Addition. The proposed vacation would allow additional parking for an existing church on the SF-5 zoned subject property. The Indian Hills Addition was recorded with the Register of Deeds September 4, 1951. The Indian Hills Second Addition was recorded with the Register of Deeds August 1, 1952.

The church currently has 32 parking spaces. The capacity for the church is approximately 200 members. The Unified Zoning Code (UZC) requires a minimum of 50 parking spaces for that capacity. The applicant's exhibit shows additional parking in the front and west sides of the subject property for a projected total 61 parking spaces.

The UZC has a minimum 25-foot front yard setback standard for the SF-5 zoning district. If the front yard setback was not platted the applicant could have applied for an Administrative Adjustment that "Permits parking in residential zoning districts to be located within the required front yard setback or street side yard setback but in no case closer to a front or street side property line than eight (8) feet."

Sewer is located in a 16-foot utility easement located in the back yard, south side, of the subject property. Water, drainage, power poles and power lines are located in the West 13th Street North right-of-way. Richard Aitken is Evergy's Design Representative and can be contacted at 316-261-6334 in regards to power poles and power lines. Conditions #2 and #3 cover all utilities.

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/Storm water, 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 portions of the platted 30-foot front yard 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 September 2, 2021, 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 portions of the platted front yard 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) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted 30-foot front yard setback on a Word document, via e-mail, to be used on the Vacation Order. This will establish an eight (8) foot front yard setback for additional parking spaces only as shown on an approved site plan, with dimensions, generally reflecting the exhibit provided by the applicant. These must be provided to Planning prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to City Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities

must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval.

- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds.
- (4) Per MAPC Policy Statement #7, all conditions shall 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 subject to the following (but not limited to) conditions :

- (1) Provide Planning staff with an approved legal descriptions of the vacated portion of the platted 30-foot front yard setback on a Word document, via e-mail, to be used on the Vacation Order. This will establish an eight (8) foot front yard setback for additional parking spaces only as shown on an approved site plan, with dimensions, generally reflecting the exhibit provided by the applicant. These must be provided to Planning prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to City Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to City Council for final action. Provide Planning with letters of approval or E-mails of approval.
- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds.
- (4) Per MAPC Policy Statement #7, all conditions shall 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.

(5)

Attachments:

- Areal showing water, sewer and storm water
- Indian Hills Addition & Indian Hills Second Addition showing site
- Exhibit

