



Wichita-Sedgwick County Metropolitan Area Planning Department

July 15, 2005

Hillside Christian Church
8330 E. Douglas
Wichita, KS 67206


VAC2005-00014 - Request to vacate portion of a platted setback, generally located midway between Rock Road and Webb Road, on the north side of Douglas Avenue and east of Tara Lane.

Dear Ladies and Gentlemen

At its regular meeting on Tuesday, July 12, 2005, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Martin Hanney, 1726 S. Hillside, Wichita, KS 67211
Ronald D & Judith A Froman, 8311 E. Huntington, Wichita, KS 67206
Cecil E. Smith, 8325 E. Huntington, Wichita, KS 67206
Naomi Werne, 8329 E. Huntington, Wichita, KS 67206
Monti L. & Karen A. Belot, 8409 E. Huntington, Wichita, KS 67206
Roger E. & Mary E. Zwemke, 8425 E. Huntington, Wichita, KS 67206
Susan S. Neff, 8433 E. Huntington, Wichita, KS 67206
Beatrice F. Darmon, 8509 Huntington, Wichita, KS 67206
John E. Curfman, 8519 E. Huntington, Wichita, KS 67206

publication in The Wichita Eagle on April 7, 2005, 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 the platted 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.

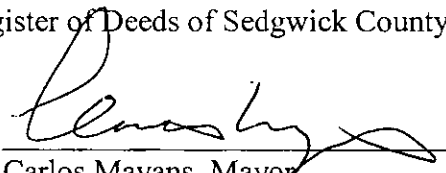
5. The vacation of the portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of July 2005 ordered that the above-described portion of a platted 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:




Karen Sublett, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00014: Request to vacate a portion of a platted setback

OWNER/APPLICANT: Hillside Christian Church

AGENT: Hanney & Associates Architects c/o Martin Hanney

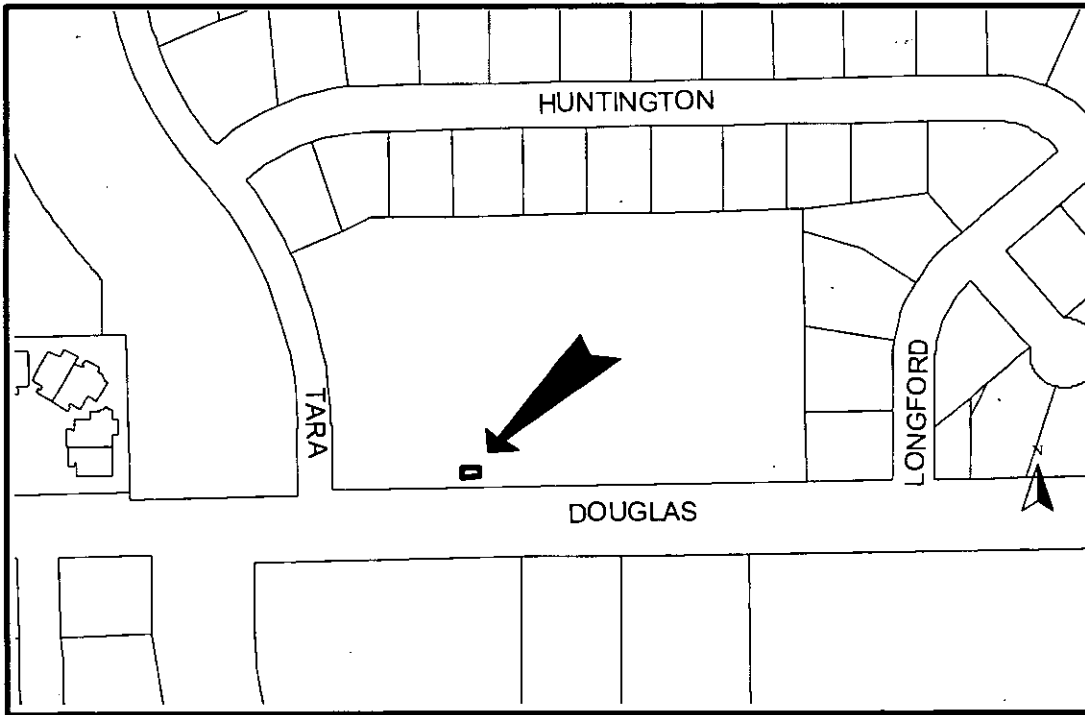
LEGAL DESCRIPTION: A portion of the platted 30-foot front setback on Lot 1, Block 1, The Brookhollow Fourth Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located midway between Rock Road and Webb Road, more specifically on the north side of Douglas Avenue, between Tara Lane and Langford Lane (WCC District II)

REASON FOR REQUEST: Construct a porte cochere

CURRENT ZONING: Subject property and all abutting north and east properties and adjacent south properties are zoned SF-5" Single-family Residential. Adjacent west property is zoned "MF-18".

VICINITY MAP:



The applicant proposes to vacate a portion of the north 10-feet of the platted 30-foot front setback to construct a porte cochere. This will provide a roof projecting over the church driveway, where it goes in front of the entrance to the church, which will provide shelter for members getting in and out their vehicles to get in and out of the church. The UZC's front setback for the "SF-5" zoning district is 25-feet.

If the front setback was not platted the applicant could have applied for an Administrative Adjustment that would allow the setback to be reduced by 20%, i.e. reducing it to 20-feet. There is a single-family residence abutting the east side of the site, which has a platted 15-foot street side yard set back. There is an approximately 270-foot wide drainage easement west of the site. There are no franchised utilities, sewer or water lines within the platted setback, nor are there any platted easements. The Brookhollow Fourth Addition was recorded with the Register of Deeds on October 6, 1975.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted front setback as described in the legal description with the following conditions.

- 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 April 7, 2005 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portions of the platted front setback and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of the platted front setback, described in the petition should be approved with conditions;

- (1) Vacate only that portion of the platted setback where there is an encroachment. The encroachment can be no deeper than 10-feet into the platted 30-foot setback
- (2) Provide staff with accurate legal descriptions of the proposed portion of the vacated setback.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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 conditions:

- (1) Vacate only that portion of the platted setback where there is an encroachment. The encroachment can be no deeper than 10-feet into the platted 30-foot setback.
- (2) Provide staff with accurate legal descriptions of the proposed portion of the vacated setback.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards.
- (5) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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.