



Wichita-Sedgwick County Metropolitan Area Planning Department

September 16, 2005

Chris Ruffin
P.O. Box 17087
Wichita, KS 67217

Re: **VAC2005-00011** Request to vacate platted complete access control, generally located north of Harry Street and east of Meridian Avenue on the east side of Saint Clair Avenue.

Dear Mr. Ruffin:

At its regular meeting on Tuesday, September 13, 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
Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220, Cheney, KS, 67205-0220
Tim Austin, Poe & Associates, Inc., 5940 E. Central, Suite 200, Wichita, KS 67206
Schraeder Brothers Construction Inc., 450 S. Greenwood, Wichita, KS 67211
Jarred A & Stephanie K Bliss, 1339 S Everett, Wichita Ks 67213
James A & Sharon K Woomack, 1401 S St Clair, Wichita Ks 67213
Mike Winkle & Robert Winkle, 12620 Tallowood, Wichita Ks 67206
D Lucille Mahon, 2611 Newell, Wichita Ks 67203
Maxine Cook, 1727 N Sedgwick, Wichita Ks 67203
Nancy J Emerson And Harold R & Orma Jean Emerson, 1437 S St Clair, Wichita Ks 67213

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www.wichita.gov

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A
PORTION OF PLATTED ACCESS CONTROL**

**GENERALLY LOCATED
NORTH OF HARRY STREET AND EAST OF
MERIDIAN AVENUE, MORE SPECIFICALLY
NORTHEAST OF THE HARRY STREET - SAINT
CLAIRE AVENUE INTERSECTION**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2005-00011**
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VACATION ORDER

NOW on this 13th day of September, 2005 comes on for hearing the petition for vacation filed by Schrader Brothers Construction, Inc., c/o Thomas A. Schmeidler praying for the vacation of the following described portion of platted access control, to-wit:

Vacate that portion of platted complete access control over and across Lot 2, Block A, the Santa Fe Orient Industrial District 3rd Addition, Wichita, Sedgwick County, Kansas, to allow one drive onto Saint Claire Avenue, that lines up with the east side of the 25-foot wide Lot 52, Stiles & Smith's Addition, Wichita, Sedgwick County, Kansas.

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 March 24, 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 platted access control dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

3. Retain complete access control over and across Lot 2, Block A, the Santa Fe Orient Industrial District 3rd Addition onto Saint Claire Avenue, except for the one approved opening as described in the Vacation Order.

4. No parking of industrial vehicles, trailers or equipment in the proposed parking lot that has approved access onto Saint Claire Avenue. Parking is limited to cars, light duty pick-up type trucks and similar vehicles.

5. In justice to the petitioner(s), the prayer of the petition ought to be granted.

6. 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.

7. The vacation of platted access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of September 2005 ordered that the above-described portion of platted access control 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.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

STAFF REPORT

CASE NUMBER: VAC2005-00011 Request to vacate platted access control

APPLICANTS/OWNER: Schrander Brothers Construction, Inc Chris Ruffin

AGENT: Poe & Associates, Inc., c/o Tim Austin

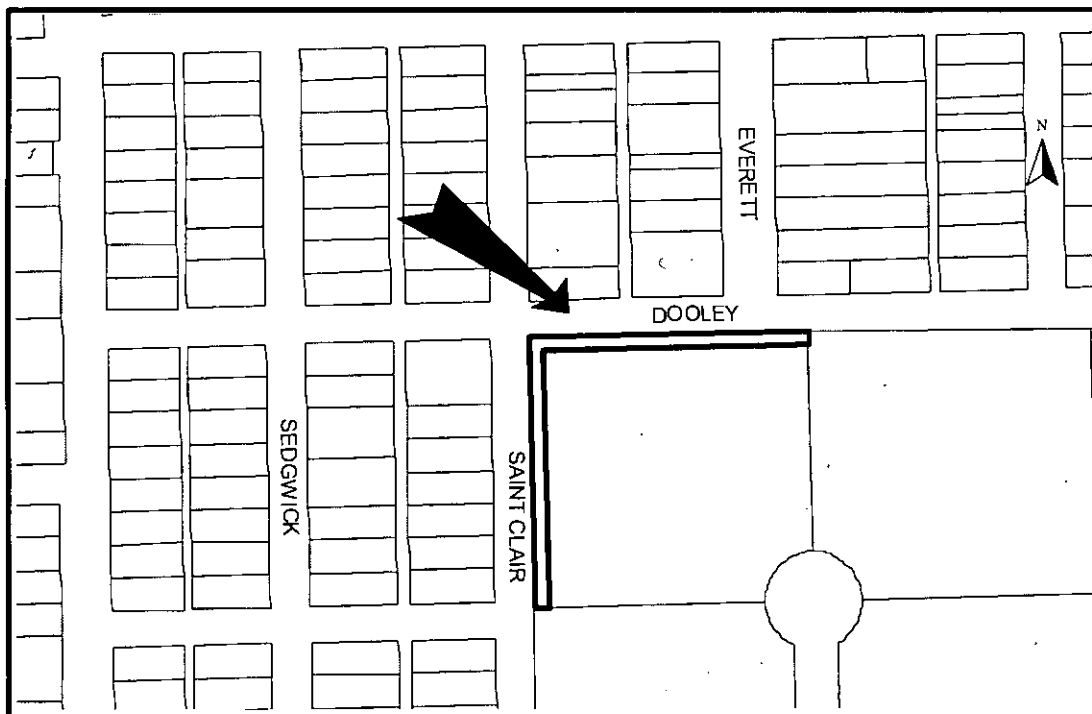
LEGAL DESCRIPTION: Generally described as allowing one drive onto Saint Claire Avenue and one drive onto Dooley Street all off of Lot 2, Block A, the Santa Fe Orient Industrial District 3rd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of Harry Street and east of Meridian Avenue, more specifically northeast of the Harry Street – Saint Claire Avenue intersection.
(WCC District IV)

REASON FOR REQUEST: Additional access for employees and customers

CURRENT ZONING: The site and the abutting southern and eastern properties are zoned "LI" Limited Industrial. The adjacent northern and western properties are zoned "TF-3" Two-family Residential

VICINITY MAP:



The applicant has applied for the vacation of the complete access control to allow one drive onto Saint Clair Avenue and one drive onto Dooley Street from Lot 2, Block A, the Santa Fe Orient Industrial District 3rd Addition. The applicant has requested the additional access for employee and customer parking lots. The site currently has access onto Harry Street, a two-lane arterial, off of Harry Court. Saint Clair Avenue is a paved residential street. Dooley Street is an unimproved dirt/sand residential street. There are single –family residences across these streets west and north of the subject site. There is a water line located in the Saint Clair Avenue right-of-way (ROW). A sewer line crosses the Dooley Street ROW onto the site. The applicant has provided Staff with a site plan. The Santa Fe Orient Industrial District 3rd Addition was recorded with the Register of Deeds December 27, 1978.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control, per the approval of the Traffic Engineer, with 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, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 24, 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 portion of platted complete access control 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 a portion of the platted complete access control described in the petition should be approved with conditions;

- (1) Vacate that portion of platted access control, as approved by the Traffic Engineer to allow one drive onto Saint Clair Avenue and one drive onto Dooley Street. The drive onto Saint Clair Avenue must line up with the open side yards between Lots 52 & 54, or the open side yard between Lots 56 & 54, whichever is the larger open side yard, all in the Stiles and Smith Addition. The drive onto Dooley Street must line up with South Everett Avenue. Provide Staff with a metes and bounds description of the location of the drives.
- (2) No truck traffic onto the access/drives onto Saint Clair Avenue and Dooley Street. Provide a covenant to be file with the Register of Deeds, which allows no truck and trailer or any other industrial vehicular traffic to use the drives onto Dooley Street and Saint Clair Avenue. Contact Public Works for signs to be posted advertising no truck and trailer or any other industrial vehicular traffic to use the drives onto Dooley Street and Saint Clair Avenue

- (3) Provide a petition for the paving of Dooley Street along the subject site's frontage.
- (4) Provided a site plan showing the proposed development's location and orientation of all buildings, employee/customer parking, truck/trailer parking, circulation and another features on the site. Employee and customer parking will be located along the north and west sides of the site, no truck or trailer parking allowed along the north and west sides of the site, where the employee/customer parking and circulation is located. The site plan will be reviewed and approved by Planning.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (7) Per the 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:

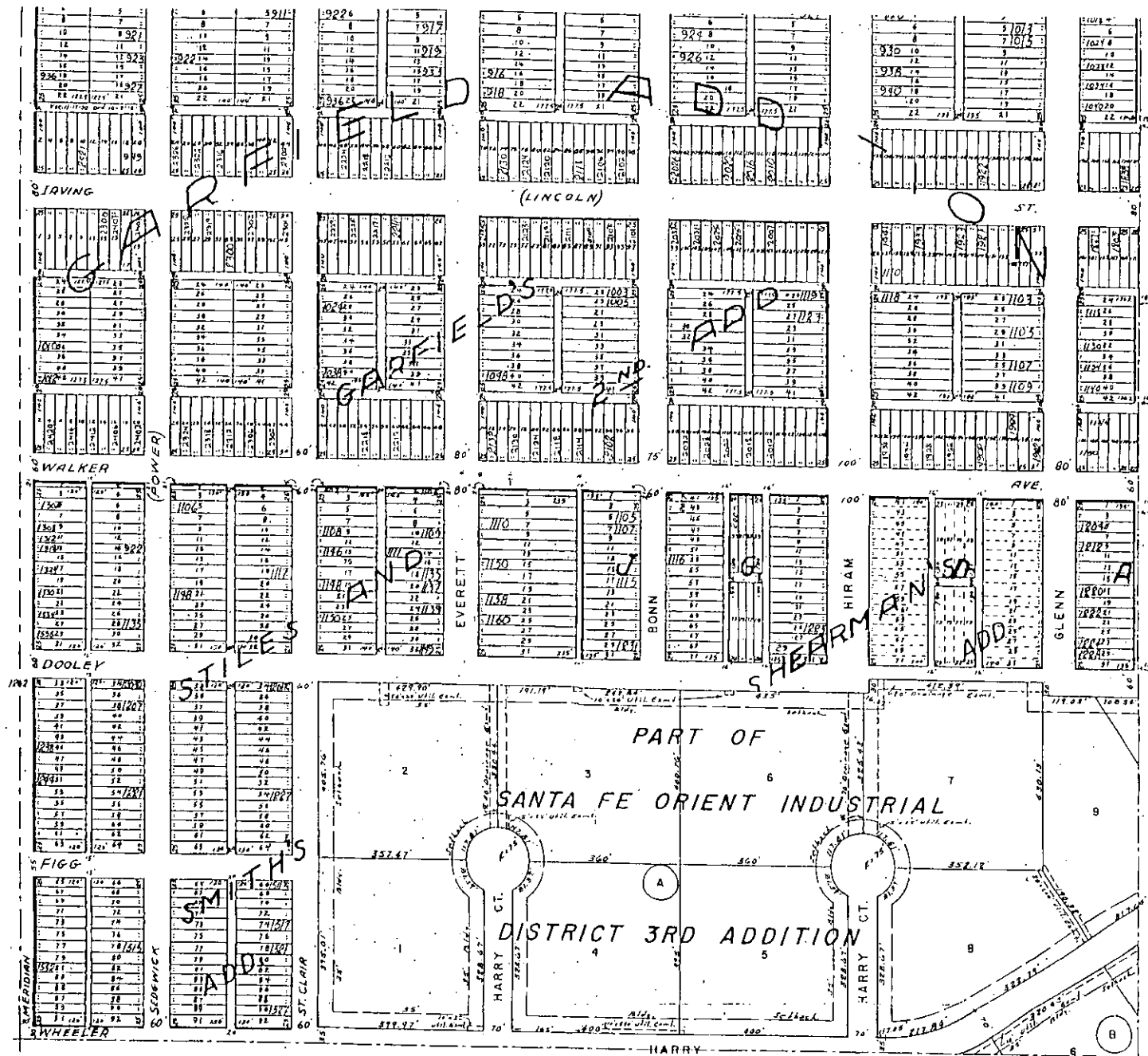
The Subdivision Committee recommends approval subject to the following conditions;

- (1) Vacate that portion of platted access control, as approved by the Traffic Engineer to allow one drive onto Saint Clair Avenue and one drive onto Dooley Street. The drive onto Saint Clair Avenue must line up with the open side yards between Lots 52 & 54, or the open side yard between Lots 56 & 54, whichever is the larger open side yard, all in the Stiles and Smith Addition. The drive onto Dooley Street must line up with South Everett Avenue. Provide Staff with a metes and bounds description of the location of the drives.
- (2) No truck traffic onto the access/drives onto Saint Clair Avenue and Dooley Street. Provide a covenant to be file with the Register of Deeds, which allows no truck and trailer or any other industrial vehicular traffic to use the drives onto Dooley Street and Saint Clair Avenue. Contact Public Works for signs to be posted advertising no truck and trailer or any other industrial vehicular traffic to use the drives onto Dooley Street and Saint Clair Avenue.
- (3) Provide a petition for the paving of Dooley Street along the subject site's frontage.
- (4) Provided a site plan showing the proposed development's location and orientation of all buildings, employee/customer parking, truck/trailer parking, circulation and another

features on the site. Employee and customer parking will be located along the north and west sides of the site, no truck or trailer parking allowed along the north and west sides of the site, where the employee/customer parking and circulation is located. The site plan will be reviewed and approved by Planning.

- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (7) Per the 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.

VAC 2005-11



THIS SHEET PREPARED UNDER SUPERVISION OF
SEDGWICK COUNTY CLERK

VAC 2005-11

DOOLEY

463 ±'

PROPERTY LINE

55' BLDG. SETBACK LINE

WAREHOUSE (6,092 S.F.)

FENCE (PER OWNER)

OFFICE/WAREHOUSE (8,064 S.F.)

112' 0"

FENCE (PER OWNER)

WAREHOUSE (6,092 S.F.)

MAINTENANCE YARD

330.44'

117.81'

HARRY CRT.

381.47'



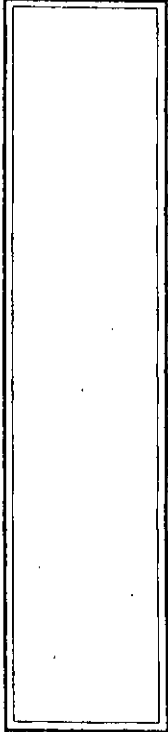
SITE PLAN

1" = 32'-0"

GREENBRIAR S

ROBERT R. RELPH

7117 GREENBRIAR CIR WICH

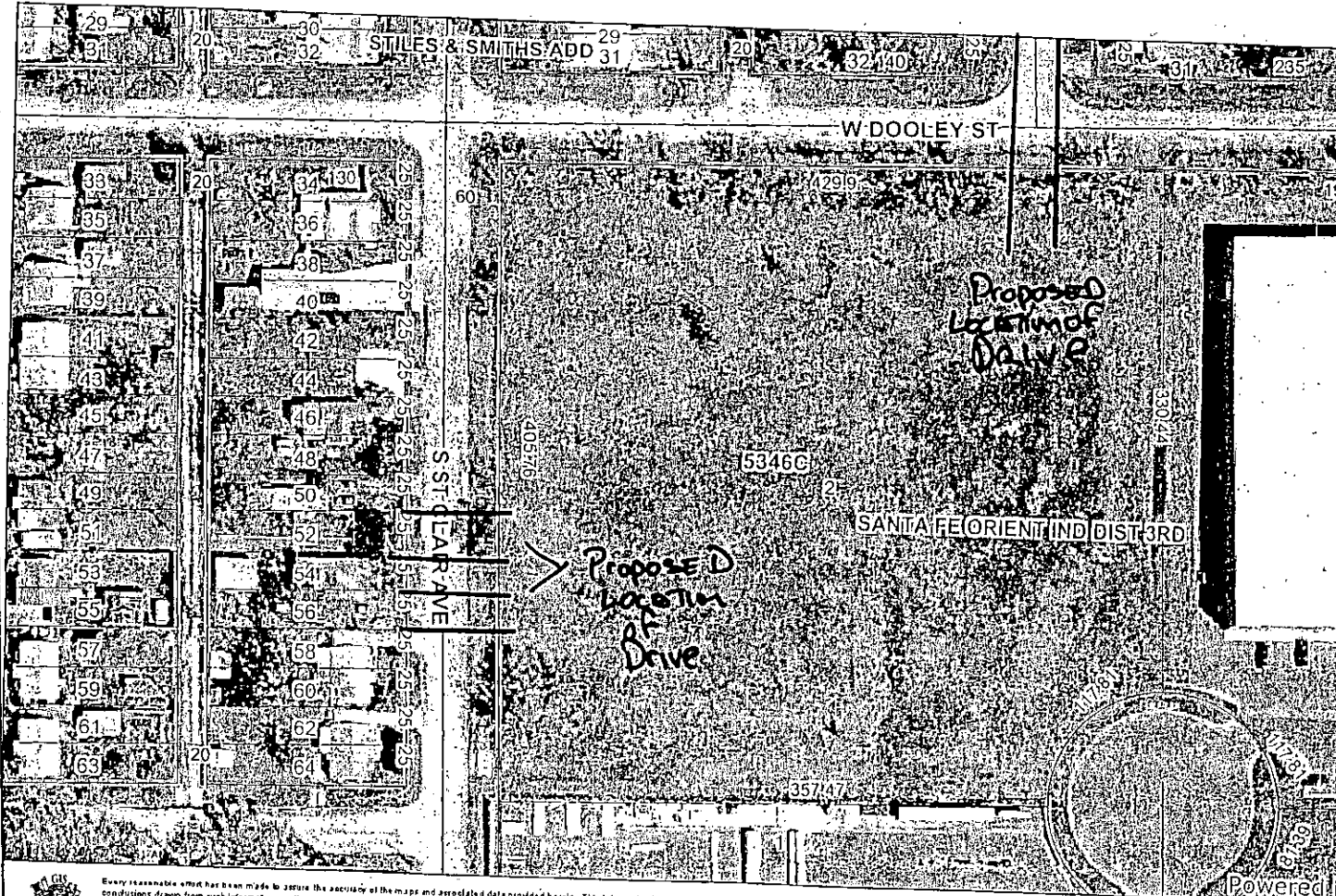


DATE	PURPOSE

SHEET

OF SHEETS

vac2005-11



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