CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

July 2, 2008

Dr. Michael N. Williams
4902 E. 21st Street
Wichita, KS 67208

Re: **VAC2008-00012** - Request to vacate portion of platted complete access control, generally located on the northeast corner of 21st Street North and Oliver Avenue.

Dear Mr. Williams:

At its regular meeting on Tuesday, July 1, 2008, 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
MKEC Engineering Consultants, Inc., 411 N. Webb Road., Wichita, KS 67206
Book To Go, 1748 N. Hillside, Wichita, KS 67214
Extra Space Properties Twenty Six LLC, PTA – EX #586, P.O. Box 320099, Alexandria, VA 22320
JW McFadden Asset Control Company, Inc., 1256 N. Estelle, Wichita, KS 67214
Wayne H. & Kim S. Wong Trusts, 6636 E. Murdock, Wichita, KS 67206
Waye H. & Kim S. Wong Trusts, c/o Taco Tico, Bldg. B #100, 2118 N. Tyler, Wichita, KS 67212
John J & Kathleen J Hart, 4921 E. 21st, Wichita, KS 67208
Wichita Unity Church, 2160 N. Oliver, Wichita, KS 67208

Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28989171
Receipt #: 1692402
Pages Recorded: 2
Cashier Initials: LAS
Authorized By:
Recording Fee: 0
Date Recorded: 7/7/2008 3:44:06 PM

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

Approved / Accepted By City Council
This 7-1-08

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED COMPLETE ACCESS CONTROL	)	
GENERALLY LOCATED ON THE NORTHEAST CORNER OF 21ST STREET NORTH AND OLIVER AVENUE	)	**Case No. VAC2008-00012**
MORE FULLY DESCRIBED BELOW	)	

VAC2008-12

VACATION ORDER

NOW on this 1st day of July, 2008 comes on for hearing the petition for vacation filed by Dr. Michael Williams praying for the vacation of the following described a portion of platted complete access control to-wit:

That part of platted complete access controls on 21st Street North; lying adjacent to Lot 1, Block 1, University Gardens 2nd Addition, EXCEPT the east 30 feet thereof.

Said portion of a platted complete access controls being vacated to allow one right in/out opening described as follows:

A 60.00 foot opening being centered 189.99 feet west of the east line of Lot 1, Block 1, University Gardens 2nd 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 and the Derby Reporter on April 17, 2008, 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 platted complete access control, and the public will suffer no loss or inconvenience thereby.

3. A drive approach certificate will be recorded with the Sedgwick County Register of Deeds. Design standards for the drive will include a pork chop median(s), with a standard, not a roll over curb, around it.

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

5. 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.

6. The vacation of the portion of platted complete access control described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of July 2008 ordered that the above described portion of platted complete 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.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3-2
May 8, 2008

STAFF REPORT

CASE NUMBER: **VAC2008-00012** Request to vacate a portion of platted complete access control

OWNER/AGENT: Dr. Michael Williams MKEC Engineering Consultants c/o Greg Allison

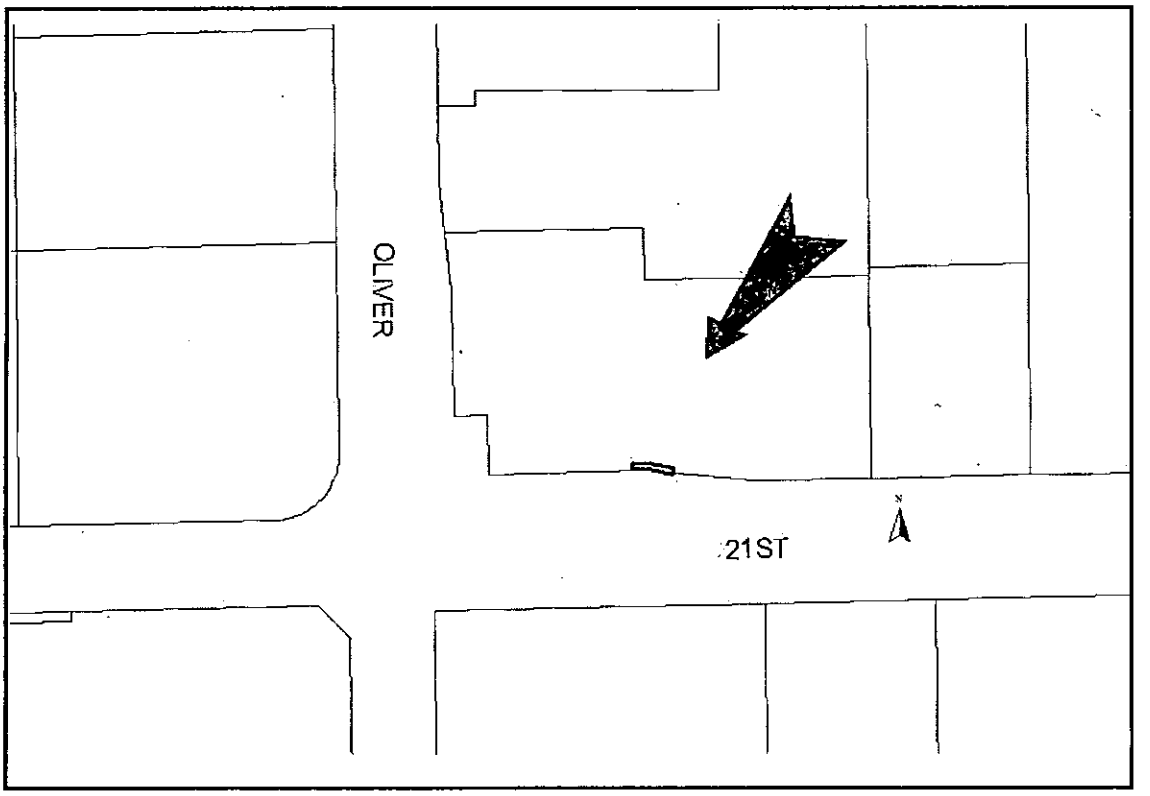
LEGAL DESCRIPTION: Generally described as allowing one (1) 60-foot right turn drive along the site's 21st Street North frontage of Lot 1, University Gardens 2nd Addition, Wichita, Sedgwick County, Kansas (WCC #I)

LOCATION: Generally located at the northeast corner of 21st Street North and Oliver Avenue

REASON FOR REQUEST: Allow an additional opening

CURRENT ZONING: The site and abutting northern and eastern properties are zoned LC Limited Commercial ("LC"), are in CUP DP-8, are not developed, or developed as medical office, strip retail and self-storage. An abutting northern property is zoned SF-5 Single-family Residential ("SF-5") and is developed as a single-family residence. Adjacent southern properties (across 21st) are zoned SF-5 and LC and are developed as a church, an office and a nursing home. Adjacent western properties (across Oliver) are zoned SF-5 and are developed as single-family residences & the WSU golf course.

VICINITY MAP:



The applicant has applied for the vacation of a portion of the platted complete access control along the site's 21st Street North frontage. The applicant is requesting a 60-foot wide right turn only drive onto 21st Street. The site has a platted permitted 30-foot drive located on its east end. The request is associated with a Commercial Lot Split, SUB2008-21, of the subject site: Lot 1, University Gardens 2nd Addition. 21st is classified as a principal arterial and Oliver is classified as a minor arterial. 21st is a paved 4-lane road with center and frontage turn lanes. Oliver is a 4-lane road with a center turn lane. Average traffic trips per day are 19,465 – 22,757 trips along 21st and 16,240 – 14,691 trips along Oliver. The proximity of the proposed drive to the intersection, 189.99-feet, and the existing permitted platted 30-foot access on the site's east side, 129.80 feet are short of the standards for access management. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. The University Gardens 2nd Addition was recorded with the Register of Deeds March 3, 1977.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, the Traffic Engineer, franchised utility representatives and other interested parties, Planning Staff recommends to approve the vacation request 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, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time April 17, 2008 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 the 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 the portion of the platted complete access control described in the petition should be approved with conditions;

(1) Vacate the complete access control as proposed by the applicant, to allow one (1) right in – right out drive all onto 21st Street North, as approved by the Traffic Engineer. Design standards will include a pork chop median(s), with a standard, not a roll over curb, around it. Provide Planning with a legal description of the vacated access control on a Word document, via e-mail.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.

(3) All improvements shall be according to City Standards and at the applicant's expense, including any new driveways from private property onto public ROW and closing of any existing drives. Provide Public Works with a guarantee to ensure that those improvements will be made.

(4) The vacation case will not be in effect until Lot Split 2008-21 has been approved.

(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 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 conditions:

(1) Vacate the complete access control as proposed by the applicant, to allow one (1) right in – right out drive all onto 21st Street North, as approved by the Traffic Engineer. Design standards will include a pork chop median(s), with a standard, not a roll over curb, around it. Provide Planning with a legal description of the vacated access control on a Word document, via e-mail.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.

(3) All improvements shall be according to City Standards and at the applicant's expense, including any new driveways from private property onto public ROW and closing of any existing drives. Provide Public Works with a guarantee to ensure that those improvements will be made.

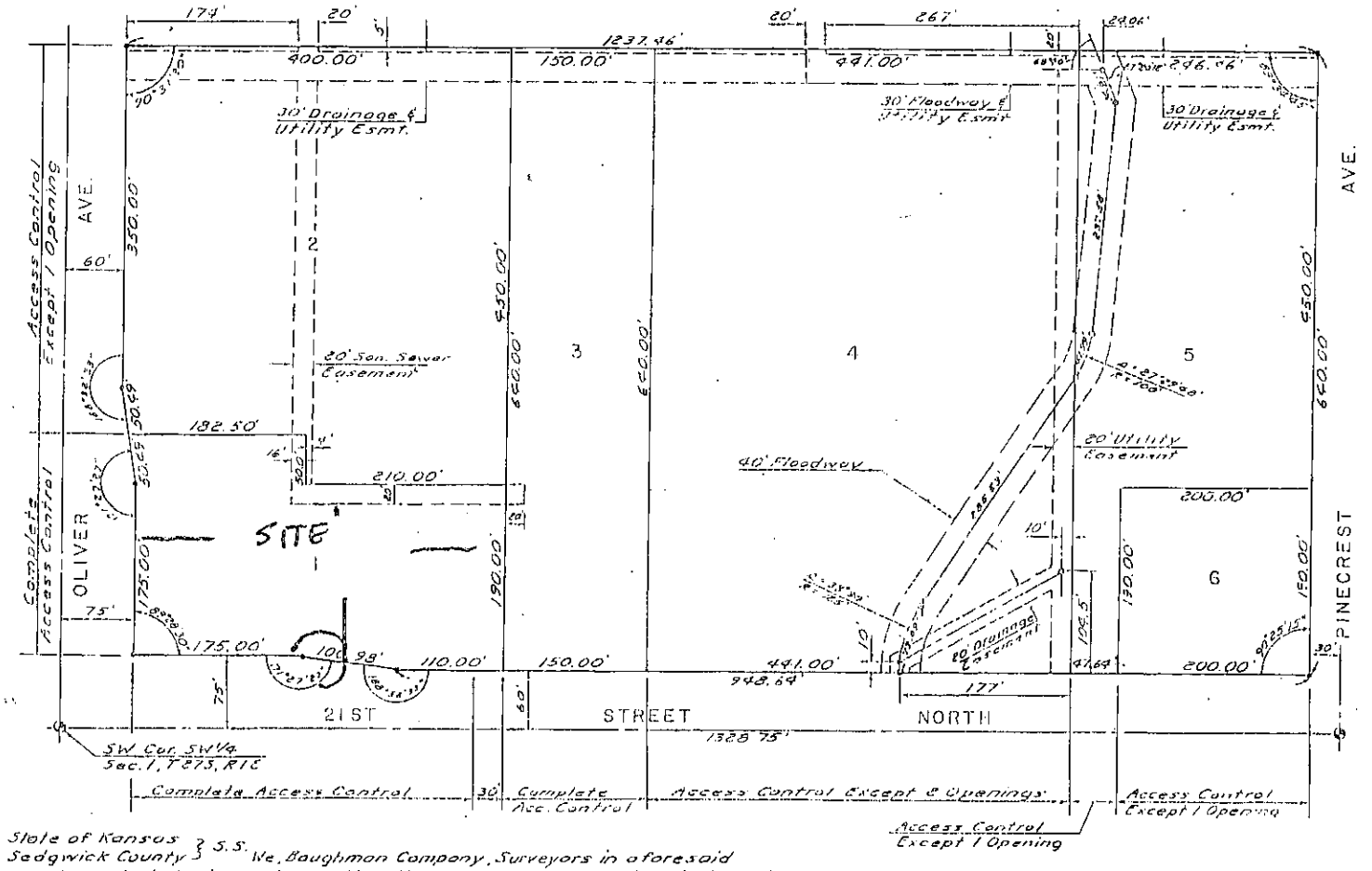
(4) The vacation case will not be in effect until Lot Split 2008-21 has been approved.

(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 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.

UNIVERSITY GARDENS 2ND ADDITION

WICHITA, KANSAS

VAC2008-12



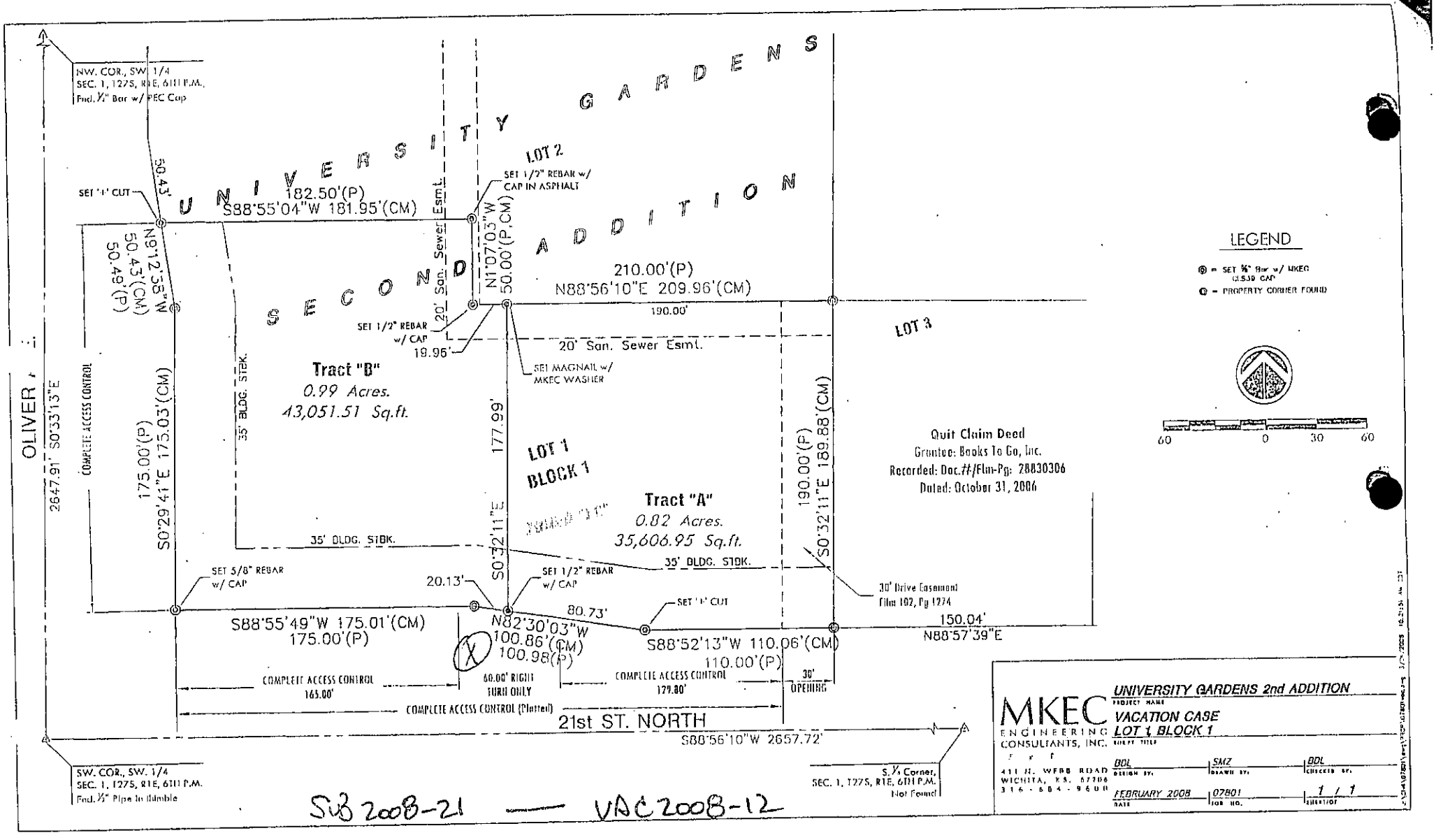
State of Kansas } S.S.
Sedgwick County }

We, Baughmon Company, Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "UNIVERSITY GARDENS 2ND ADDITION", Wichita, Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed, described as a replat of Lots 1, 2 and 8, and part of 21st St. North described as beginning at the SW corner of said Lot 2; thence easterly

This plat of "UNIVERSITY GARDENS 2ND ADDITION," Wichita, Kansas, has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas, Dated this ____ day

Recorded March 3, 1977

D-6-18



SUB 2008-21 — VAC 2008-12

(X) = Proposed drive