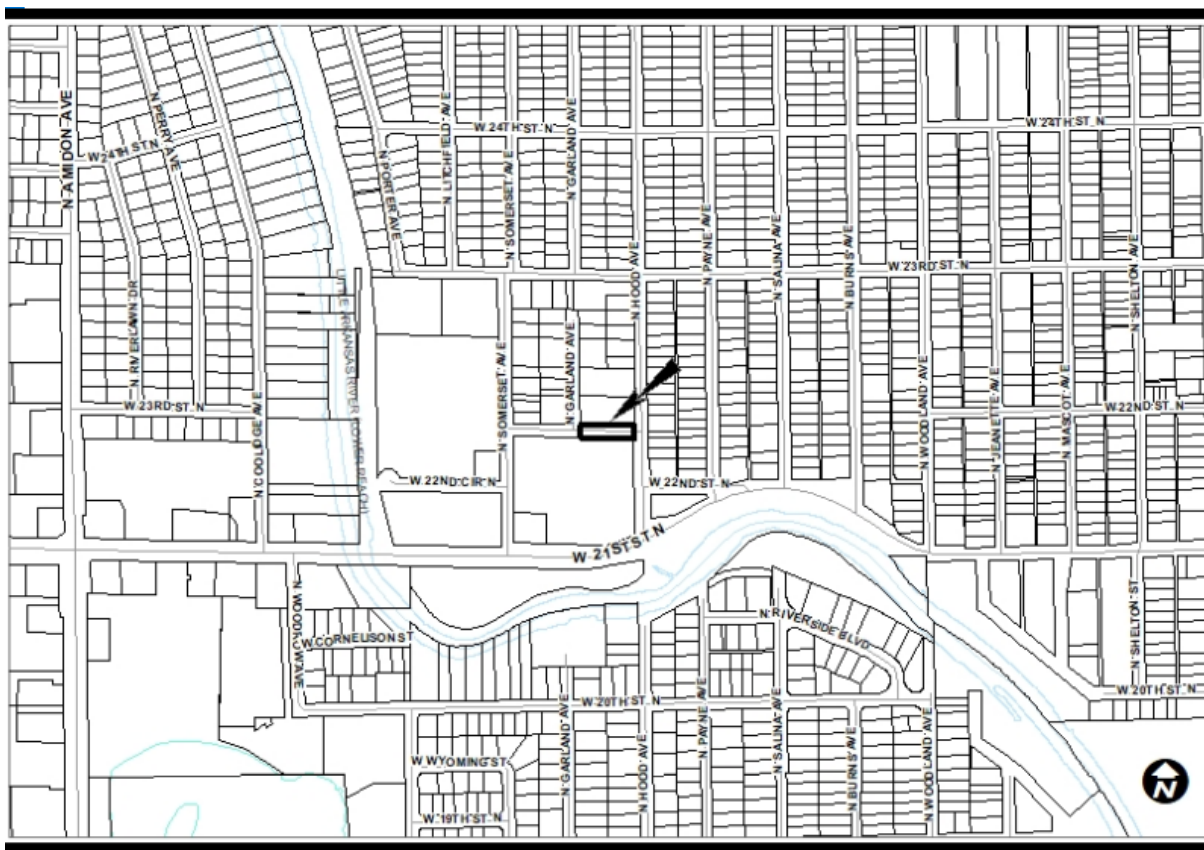


**STAFF REPORT**

- CASE NUMBER:** VAC2022-00009 - Request in the City to vacate a portion of a platted public street right-of-way.
- APPLICANTS:** Nuot Nguyen & Li Ngoc Thi Nguyen (applicants) KE Miller Engineering, PA, c/o Kirk Miller (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the platted 60-foot wide (x) 254-foot long portion of West 22<sup>nd</sup> Street North abutting the west side of North Hood Avenue, the south side of Lot 27, Guthrie’s Subdivision, the north side of Lot 1, Block 1, WF Farah 3<sup>rd</sup> Addition & the east side of North Garland Avenue, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located a block north of West 21<sup>st</sup> Street North, two blocks east of the Little Arkansas River, between North Garland & North Hood Avenues. (City District VI)
- REASON FOR REQUEST:** Revert undeveloped public street right-of-way to private property associated with development of self-storage (ZON2022-00025 & CUP2022-00017)
- CURRENT ZONING:** This section of West 54<sup>th</sup> Street North is paved public street ROW right-of-way. Abutting north and adjacent east and west properties are zoned SF-5 Single-Family Residential. The abutting south property is zoned LC Limited Commercial.
- VICINITY MAP:**



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The site is located in the City, generally located a block north of West 21<sup>st</sup> Street North, two blocks east of the Little Arkansas River, between North Garland & North Hood Avenues. The applicants are requesting the vacation of the platted 60-foot wide (x) 254-foot long portion of the paved West 22<sup>nd</sup> Street public street ROW right-of-way that was platted on the WF Farah 3<sup>rd</sup> Addition; recorded August 19, 1966.

The subject platted ROW right-of-way abuts:

- The west side of North Hood Avenue
- The south side of Lot 27, Guthrie's Subdivision. (applicant's property)
- The north side of Lot 1, Block 1, WF Farah 3<sup>rd</sup> Addition. (applicant's property)
- The east side of North Garland Avenue

If approved the vacated ROW would become a part of a proposed self-storage development located on the currently zoned SF-5 Single-Family Residential Lots 27 & 25, Guthrie's Subdivision, which is a parking lot. The vacated ROW would provide controlled access into the proposed self-storage warehouse development. Said lots and the applicant's adjacent south property (Lot 1, Block 1, WF Farah 3<sup>rd</sup> Addition) are part of Community Unit Plan DP CUP-18.

The applicants have applied for a zone change, ZON2022-00025, from SF-5 to GO General Office and CUP2022-00017 an amendment to CUP-18 to allow the proposed self-storage warehouse on the north property/parking lot. According to the applicant the parking lot is underused and has been observed to be in poor condition. A Supplemental Use Regulation requirement for a self-storage warehouse is that it have direct access onto to an Arterial road. Vacating the subject ROW would join the applicant's two properties and provide direct access onto the Arterial 21<sup>st</sup> Street North. ZON2022-00025 & CUP2022-00017 will be considered at the May 19, 2022, MAPC meeting as will this vacation request.

There appears to be no structural encroachments into the subject ROW. A sewer line runs south to north through the subject ROW. Stormwater appears to have equipment in the subject ROW. There are power poles, power lines and equipment in the subject ROW. Evergy has three phase primary lines and equipment on the north side of the subject ROW and single-phase primary equipment and lines going north in the subject ROW. Richard Atkins is the Evergy Design Representative for this area and can be contacted at 316-261-6334. Conditions #1, #2, #3 and #4 cover all utilities.

There is sidewalk located on the both the south and north sides of the subject ROW that will be interrupted/discontinued if the vacation request is approved; pedestrian traffic will be impacted by this request. Although no properties would be denied direct access onto public street ROW if the vacation request is approved, vehicular traffic will be interrupted as noted by several residence of the area.

These residents noted that large trucks use this section of West 22<sup>nd</sup> Street North to get to the loading docks located on the rear of the commercial buildings located on the south side of the ROW. If the subject portion of the ROW is closed the trucks ability to maneuver would be more restricted and could cause blockage for vehicles trying to access the ROW from North Garland Avenue. North Garland Avenue is a dead end street whose only point of access is West 22<sup>nd</sup> Street North. They also stated that local vehicular traffic uses West 22<sup>nd</sup> Street North to get to North Hood Avenue. The North Hood Intersection with West 21<sup>st</sup> Street South provides another local access onto 21<sup>st</sup> besides North Somerset Avenue, located a block west of Garland Avenue. They also noted that local residence use the sidewalks along the ROW and closing off the street would cut them off from North Hood Avenue.

Subdivision Committee **recommended denial** of the request to vacate the subject portion of West 22<sup>nd</sup> Street North. The Subdivision Committee also noted that the applicant could request a waiver of the Supplemental Use Regulation that requires Self Storage Warehouses to have direct access onto an Arterial road, 21<sup>st</sup> Street North.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, 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 West 22<sup>nd</sup> Street North public street right-of-way.

- 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 28, 2022, 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 public street right-of-way, 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) As needed dedicate utility easement(s) by separate instrument(s), with original signatures, to cover all utilities located in the vacated West 22<sup>nd</sup> Street North public street right-of-way. These must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (3) Provide 24/7 approved access for all utilities, Fire, and other public safety organizations onto the vacated ROW.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Provide Planning with an approved legal description of the vacated portion of West 22<sup>nd</sup> Street North on a Word document by E-mail that can be copied and used on the Vacation Order. This must be provided to Planning prior to the vacation case going to City Council for final action.
- (6) Provide a restrictive covenant, with original signatures, binding and tying the described vacated portion of West 22<sup>nd</sup> Street North public street right-of-way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (7) As needed dedicate complete access control along Lots 27 & 25, Guthrie's Subdivision's street frontages on North Hood and North Garland Avenues. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (8) 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 **Denial**.

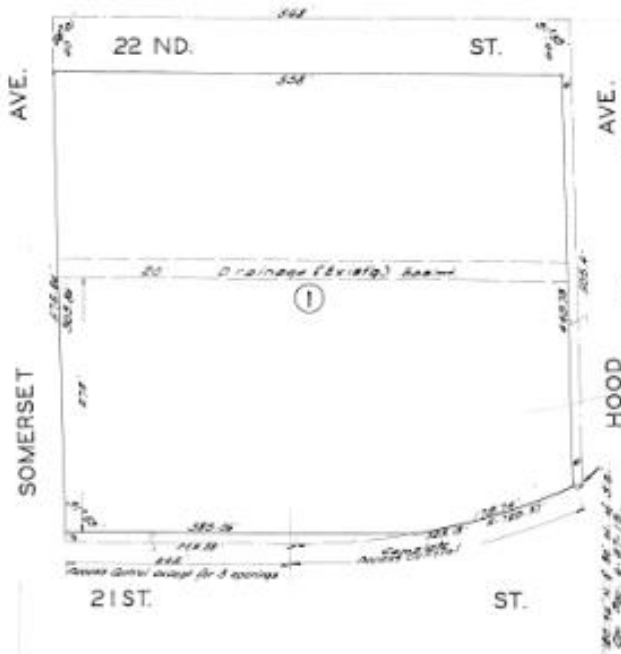
#### Attachments:

- Aerial with water, sewer, and drainage
- WF Farah 3<sup>rd</sup> Addition showing the subject portion of West 22<sup>nd</sup> Street North and the south part of CUP-18
- Quarter section map showing site and immediate area
- Applicants’ exhibit
- Google photos of subject ROW looking west from Hood and east from Garland
- Evergy exhibit



# W. F. FARHA 3RD. ADDITION

WICHITA KANSAS



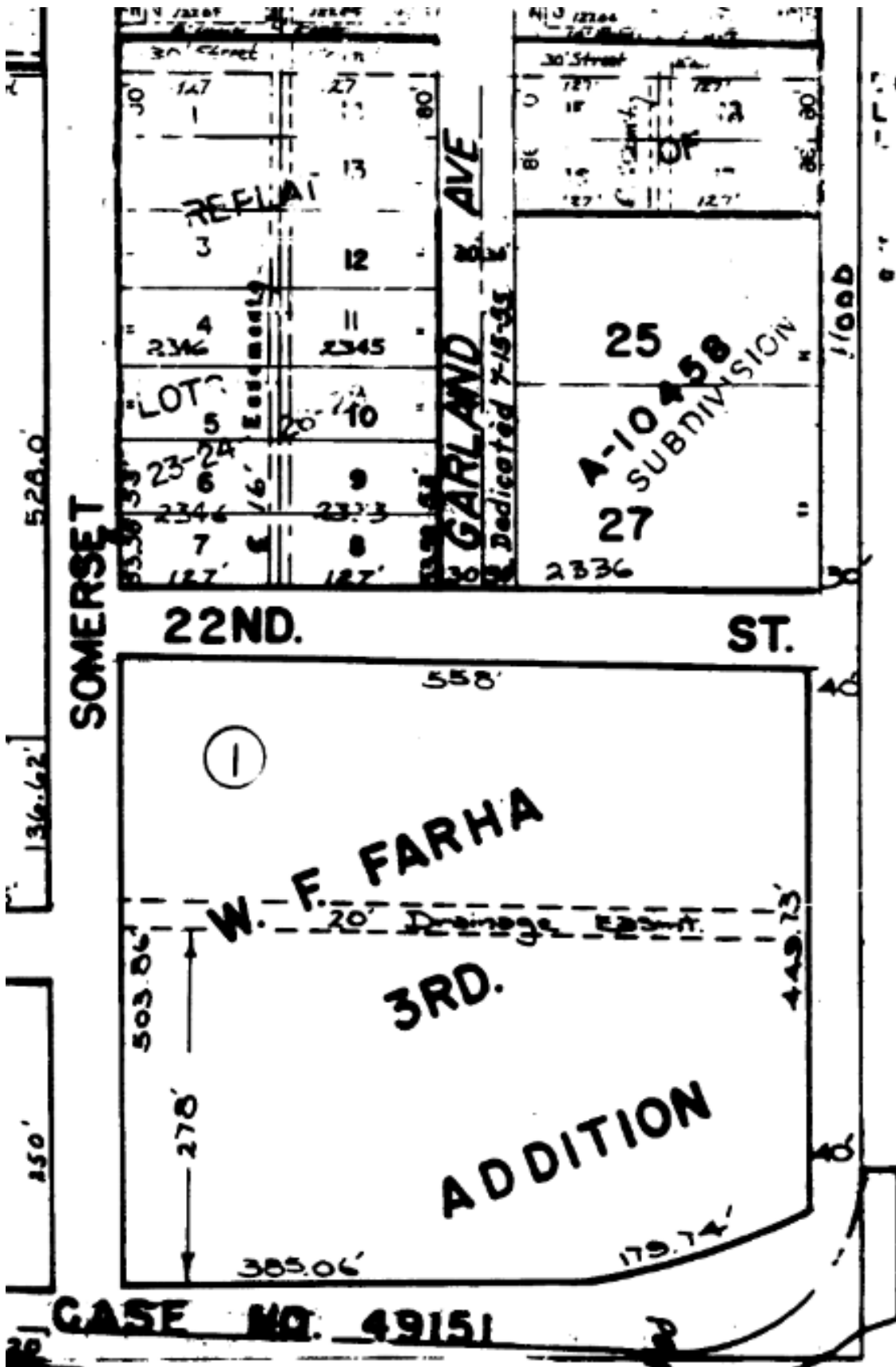
State of Kansas)  
Sedgwick County) S.S. Be it remembered that  
on this 28th day of July 1966, before me  
a notary public in aforesaid county and  
state came William F. Farha and Victoria  
B. Farha, to me known to be the same  
persons who executed the foregoing  
instrument of writing and duly acknowledged  
the execution of the same. In test-  
imony whereof, I have hereunto set my  
hand and affixed my notarial seal the  
day and year above written.

James H. Daugh Notary Public  
My Comm. Exp. Feb. 27, 1967

This plat of "W. F. FARHA  
3RD. ADDITION" Wichita, Kansas, has been  
approved by the Wichita-Sedgwick County  
Metropolitan Area Planning Commission,  
Wichita, Kansas, and is hereby transmit-  
ted to the Board of Commissioners of the  
City of Wichita, Kansas, with the recommen-  
dation that such plat be approved as prop-  
osed dated this 16th day of June, 1966.  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission.

H. W. Kraker Chairman  
C. Buckley Jordan Secretary

State of Kansas >





VAC2022-00009– Request in the City to vacate a portion of a platted public street right-of-way generally located one block north of West 21<sup>st</sup> Street North, to blocks east of the Little Arkansas River, between North Garland & North Hood Avenues

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