

STAFF REPORT

CASE NUMBER: VAC2022-00019 - Request in the City to vacate portions of platted complete access control

APPLICANTS: Sean W. Fallis & Barbara Kelly Fallis (owner/applicant)

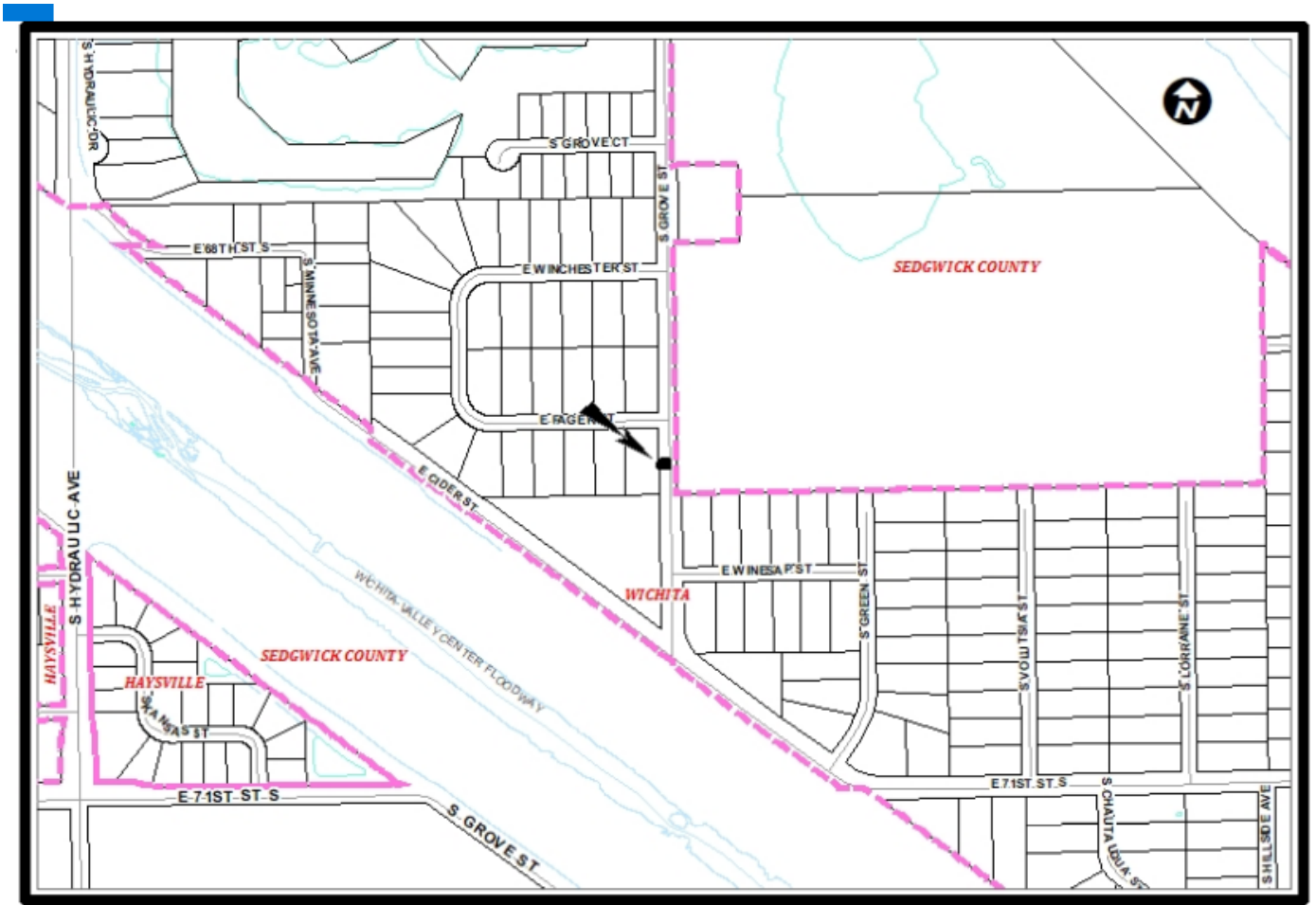
LEGAL DESCRIPTION: Generally described as vacating a portion of the 294.52 feet of platted complete access control on east side of Lot 20, Block 1, Huntington Pointe Addition.

LOCATION: Generally located seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove Street & East Fager Street (2315 East Fager Street District III)

REASON FOR REQUEST: To allow one driveway onto North Grove Street

CURRENT ZONING: The subject site, abutting south and adjacent southeast properties are zoned SF-5 Single-Family Residential. East adjacent property is zoned RR Rural Residential with CON2004-00033 overlay. Adjacent north properties are zoned SF-5. Abutting west and adjacent northwest properties are zoned MH Manufactured Housing.

VICINITY MAP:



The applicant proposes to vacate a portion of platted complete access control on the corner subject site; Lot 20, Block 2, Huntington Pointe Addition; 2315 East Fager Street. The proposed driveways would be 30 feet wide and provide access onto South Grove Street, a north-south, paved, local two-lane street with a posted 40 MPH speed limit. The subject site currently has access onto East Fager Street, which abuts its front yard. East Fager Street is an east-west paved (no curb) local residential street.

All of the lots in the Huntington Pointe Addition that have frontage on South Grove Street are platted with complete access control onto South Grove Street, which abuts those lots' street side yards. There are three drives located north of the subject site on the west side of South Grove Street, none of these properties are located in the Huntington Pointe Addition. A single-family residence located on the east side of South Grove Street has a drive onto South Grove located approximately 1,000 feet northeast of the subject site. This RR Rural Residential zoned property abuts a large sand pit, CON2004-00033 that could be developed with as many 20 single-family residences when sand extraction ceased after a minimum of 10 years; BoCC approved February 3, 2005. The closest driveway onto South Grove Street from the applicant's property is located approximately 185 feet on a south abutting SF-5 zoned tract. The nearest streets, besides East Fager Street, to the subject site are East Winesap Street, located approximately 330 feet southeast, and East Winchester Street located approximately 590 feet north. The Access Management Guidelines do not require minimum separation standards for access onto local streets.

The applicant has also provided a conceptual for a single driveway located approximately 120 feet from their south property line. As shown this driveway would be located approximately 305 feet from the nearest driveway (south abutting SF-5 zoned tract) and approximately 174 feet from the nearest street, East Fager Street.

Power poles and lines are located on the east side of South Grove Street. Power poles and lines are also located along the south side of the subject site. Everyg has no objections to the request. Jeremy Lane is the Everyg Design Representative for this area and can be contacted at 785-508-2703. Conditions #3, and #4 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be negatively impacted by this vacation request, if approved per the conditions of approval.

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 platted complete access control.

- 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 June 16, 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 complete access control, 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) Approve of the vacation request for one opening onto South Grove Street per the approval of the Traffic Engineer. Provide Planning Staff with a legal description of the approved vacated portions of the platted complete access control on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.

(2) All improvements shall be according to City Standards and at the applicant's expense, including, but not limited to the construction of the driveway from the site onto North Grove Street. Provide Public Works and utilities with a guarantee (approved project/plans) to ensure that this and any other associated improvements will be made. If the driveway is not being immediately constructed, provide a Drive Approach Certificate, which will be recorded with the Register of Deeds with the Vacation Order. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.

(3) No driveways or structures can be located on or over the on-site septic of the subject property.

(4) 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.

(5) 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 filling with the Sedgwick County Register of Deeds.

(6) 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 approval subject to the following conditions:

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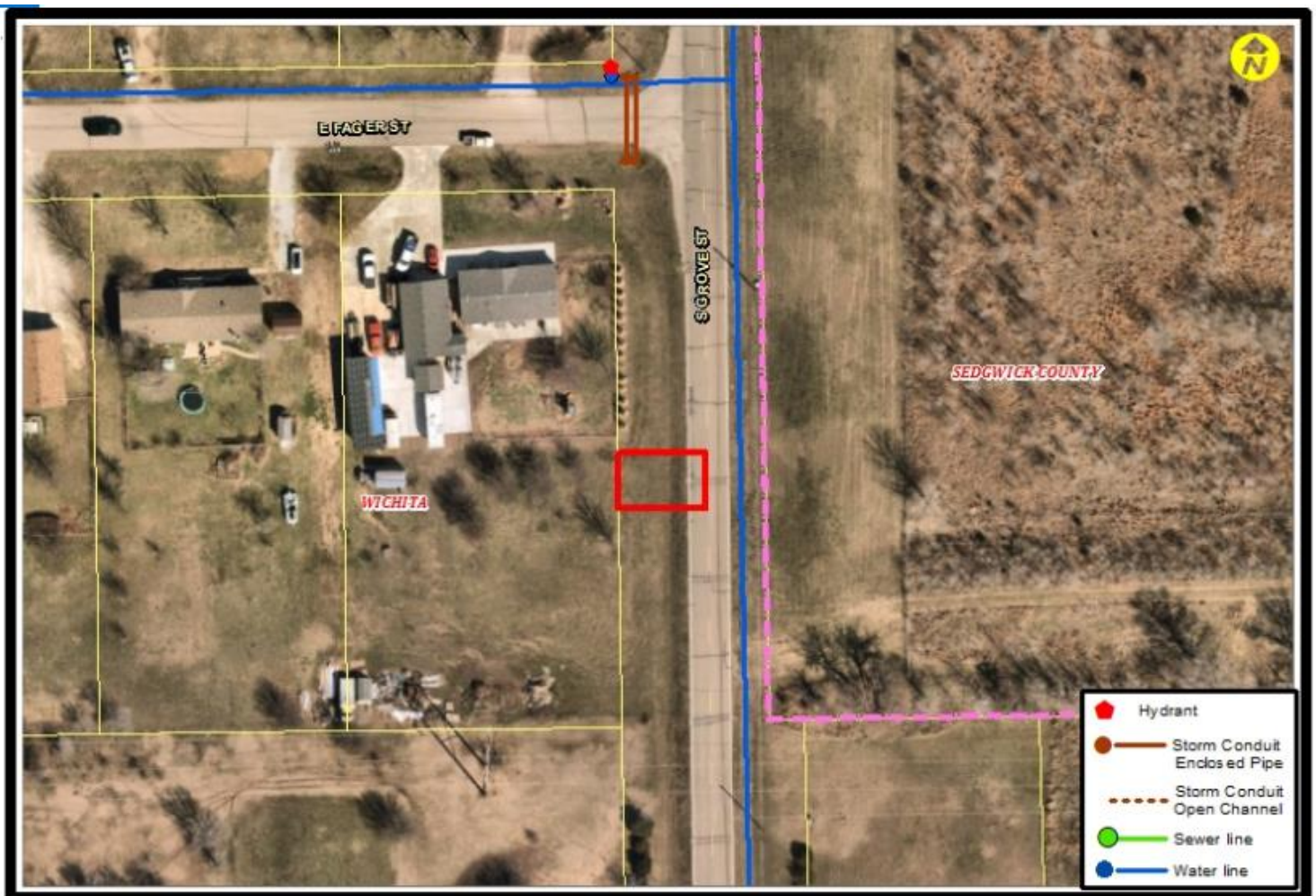
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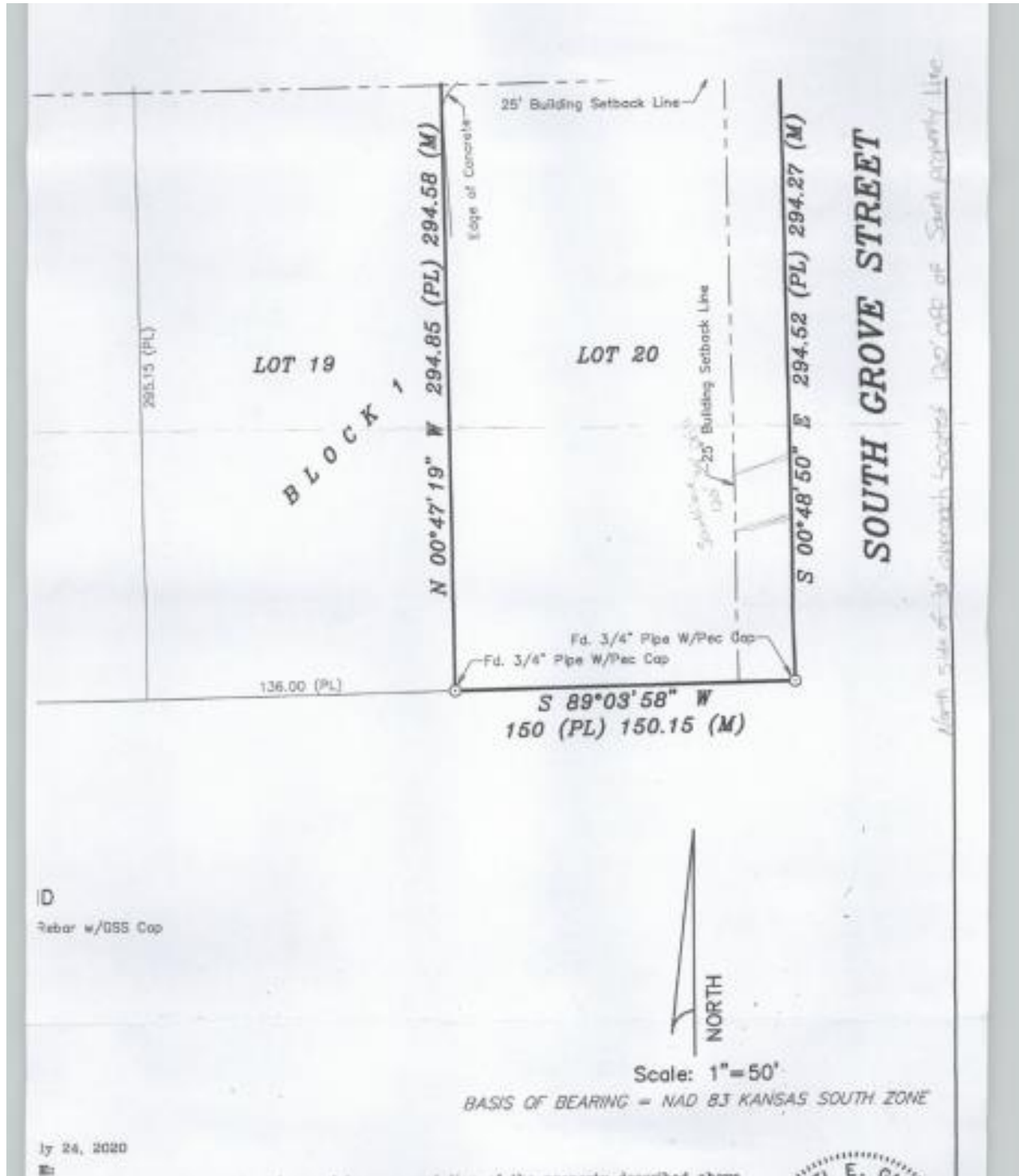
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Attachments:

- Aerial with public utilities & location of proposed driveways
- Applicant's concept plan for one-drive way
- Portion of Huntington Pointe Addition showing lots with South Grove frontage and platted complete access control onto South Grove Street
- Google photos of applicant's residence & south end of applicant's property, area of Vacation request





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