

**STAFF REPORT**

**CASE NUMBER:** VAC2020-00004 - County vacation of a portion of complete access control to permit one drive on property zoned LI Limited Industrial.

**APPLICANT/AGENT:** Ascension Via Christi Property Services (applicant), PEC c/o Rebecca Mellies (agent)

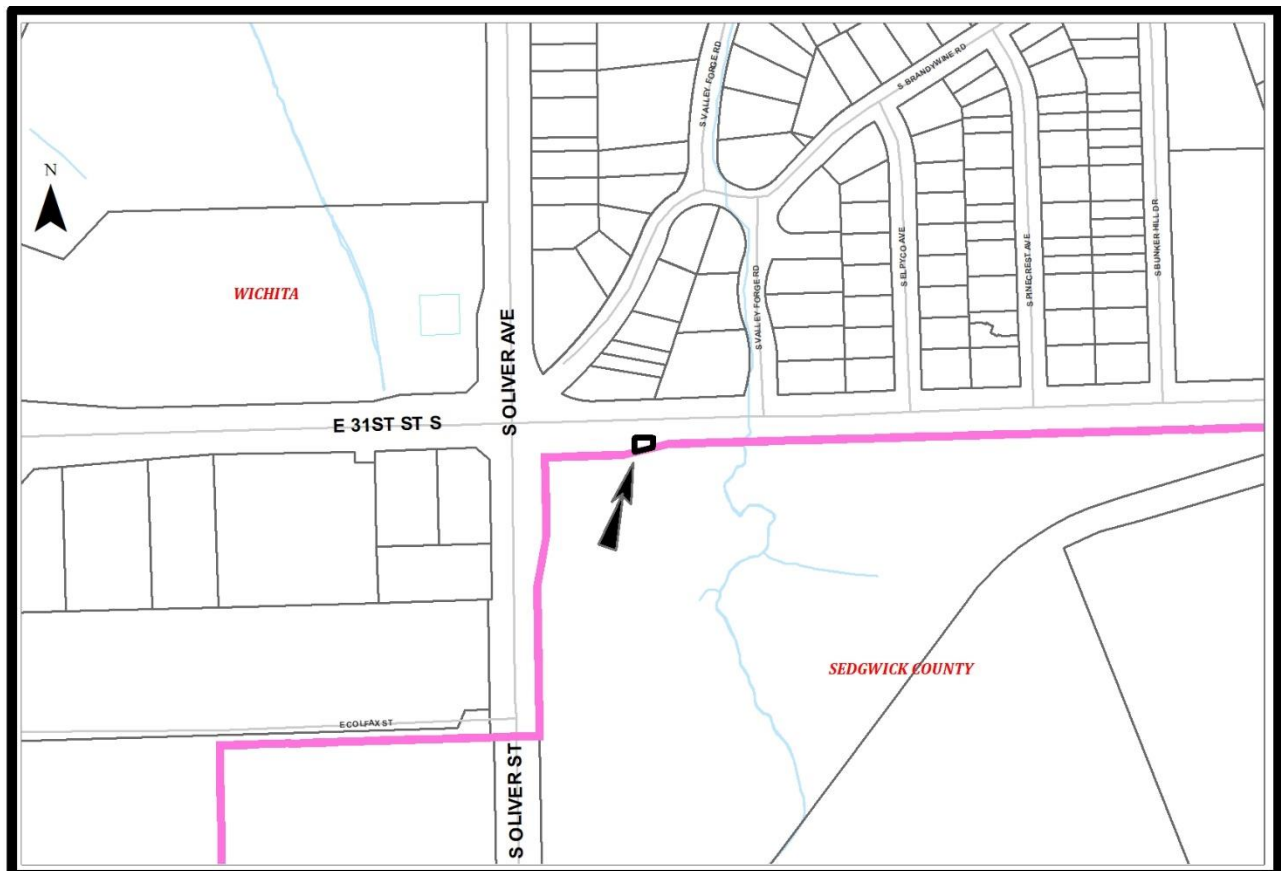
**LEGAL DESCRIPTION:** Generally described as vacating the east 40 feet of the west 240 feet of complete access control, Lot 1, Block A, BMAC Employee Activity Center Addition, Sedgwick County, Kansas.

**LOCATION:** Generally located southeast corner of South Oliver Avenue and East 31<sup>st</sup> Street South. (BoCC 5)

**REASON FOR REQUEST:** To construct a driveway for future medical clinic.

**CURRENT ZONING:** The site is zoned LI Limited Industrial.

**VICINITY MAP:**



The applicant is requesting the vacation of the east 40 feet of the west 240 feet of platted complete access control onto East 31<sup>st</sup> Street South located on the north property line of Lot 1, Block A, BMAC Employee Activity Center Addition. Lot 1 is a 22.7 acre site. However, the applicant has submitted a concurrent Lot Split application (LSP2020-00003) to split-off the 3 acre subject site (Parcel 1) in the northwest corner of the property to accommodate the development of a medical clinic. The Lot Split is waiting on a contingent dedication of right-of-way along Oliver, and it has not been finalized. The subject site contains one drive onto East 31<sup>st</sup> Street approximately 100 feet east of the intersection with South Oliver. This driveway provided access to a natural gas meter and regulator site (DR91-1). However, that meter and regulator site is no longer in operation. Therefore, the driveway will be taken out and the curb restored as part of this project. The new driveway will be constructed 200 feet from the intersection. The site plan indicates the presence of a water line in addition to several other utilities located within the right-of-way in the application area. There is also a 35-foot building setback and Gas Service Company Easement along the north property line that shall be retained. Evergy has poles with lines and other facilities near the area subject to this vacation for which relocation is not an option. The applicant indicated they do not anticipate any impact on said facilities with the construction of the drive approach. Shane Price is Evergy's Supervisor of Design Services and can be contacted with any questions about this case. The BMAC Employee Activity Center Addition was recorded June 11, 1981.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, 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 portions of the 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 February 14, 2020, 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 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) Vacation of the east 40 feet of the west 240 feet of platted complete access control located on and running parallel with the north property line of Lot 1, Block A, BMAC Employee Activity Center Addition is contingent on approval by the Traffic Engineer and the Fire Department. It is also contingent upon the perfection of LSP2020-0003. If approved, provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action

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- (2) All improvements shall be according to City Standards and at the applicants' expense.
- (3) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (4) 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 per staff recommendations.

Attachments:

- 1.Aerial Map
- 2.Lot Split Exhibit
- 3.Site Plan

