

STAFF REPORT

CASE NUMBER: VAC2020-00006 – City vacation of a portion of complete access control to permit one drive on property zoned LI Limited Industrial.

APPLICANT/AGENT: Greenwich Retail Develop, LLC (applicant), Kaw Valley Engineering- Levi Bond (agent)

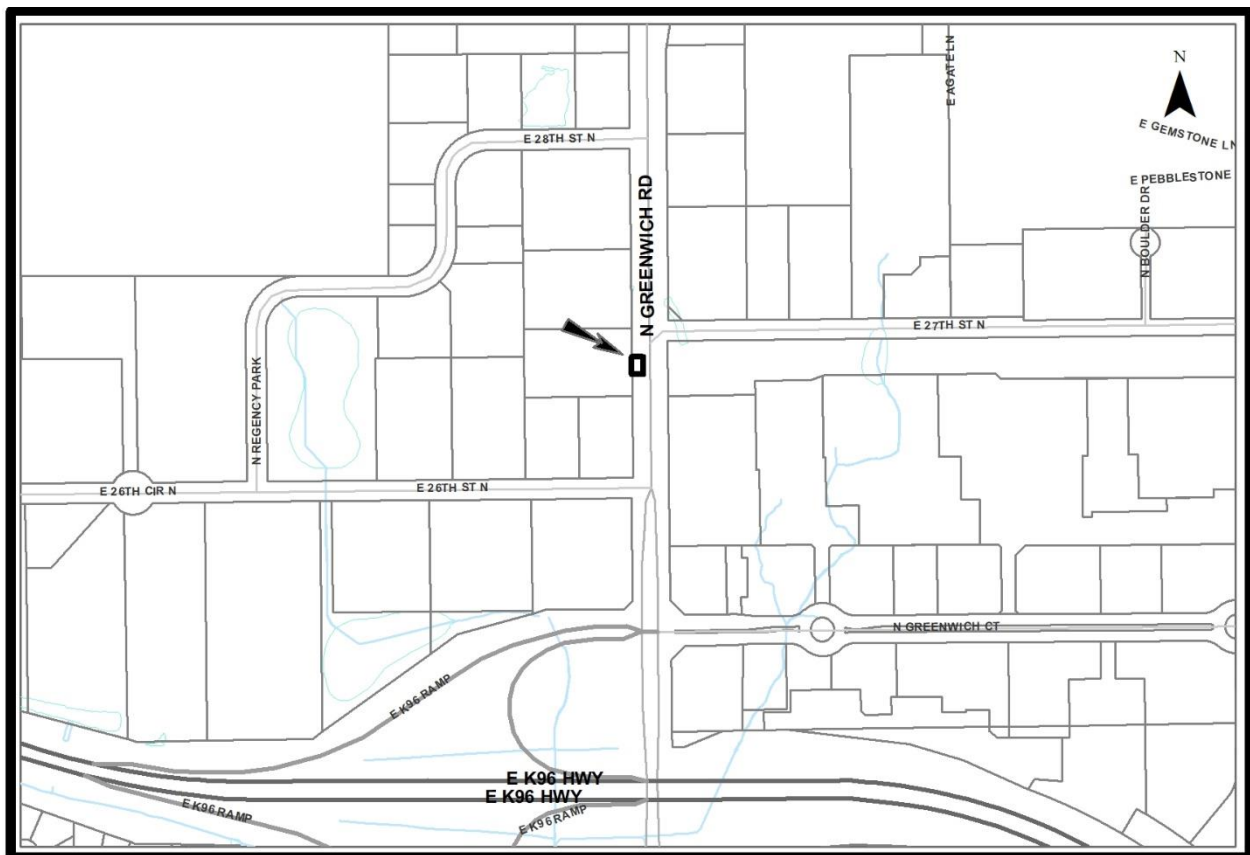
LEGAL DESCRIPTION: Generally described as vacating the north 60 feet of the south 135 feet of Lot 2, Block 1, Regency Park 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the west side of North Greenwich Road and 1,400 feet south of East 29th Street North. (WCC II)

REASON FOR REQUEST: To relocate the permitted drive access.

CURRENT ZONING: The site is zoned LI Limited Industrial.

VICINITY MAP:



The applicant is requesting the vacation of the north 60 feet of the south 135 feet of platted complete access control onto North Greenwich Road located on the east property line of Lot 2, Block 1, Regency Park 2nd Addition. The property is generally located on the west side of North Greenwich and 1,400 feet south of East 29th Street North. As illustrated on the site plan, the request is to relocate the one drive that is permitted by the platted access control further north. The plat permits a 60-foot full movement drive 15 feet north of the south property line. This permitted opening will have complete access control dedicated should this vacation request be approved. The site is currently vacant. The plat shows an additional permitted driveway north of the subject location. A driveway has already been constructed at the north location. The plat indicates that the permitted driveways should be 340 feet apart. If the vacation is approved, that distance from center line to center line is approximately 340. In addition, East 27th Street North travels east from Greenwich and would be off-set from the proposed driveway by approximate 53 feet. There is no requirement for cross lot access from the subject property to the abutting property to the south.

There is a 20-foot utility easement across the subject area. This easement shall be retained. Neither Cox nor Evergy have any objection to this vacation Evergy does have poles and lines in the area. Any relocation of utilities shall be at the applicant's expense. Becky Thompson is the Area Construction Representative and can be contacted at 316-261-6320 with questions about this case. The Regency Park 2nd Addition was recorded August 18, 2004.

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 27, 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 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) Vacation of the north 60 feet of the south 135 feet of platted complete access control located on and running parallel with the east property line of Lot 2, Block 1, Regency Park 2nd Addition is contingent on approval by the Traffic Engineer and the Fire Department. 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
- (2) All improvements shall be according to City Standards and at the applicants' expense.

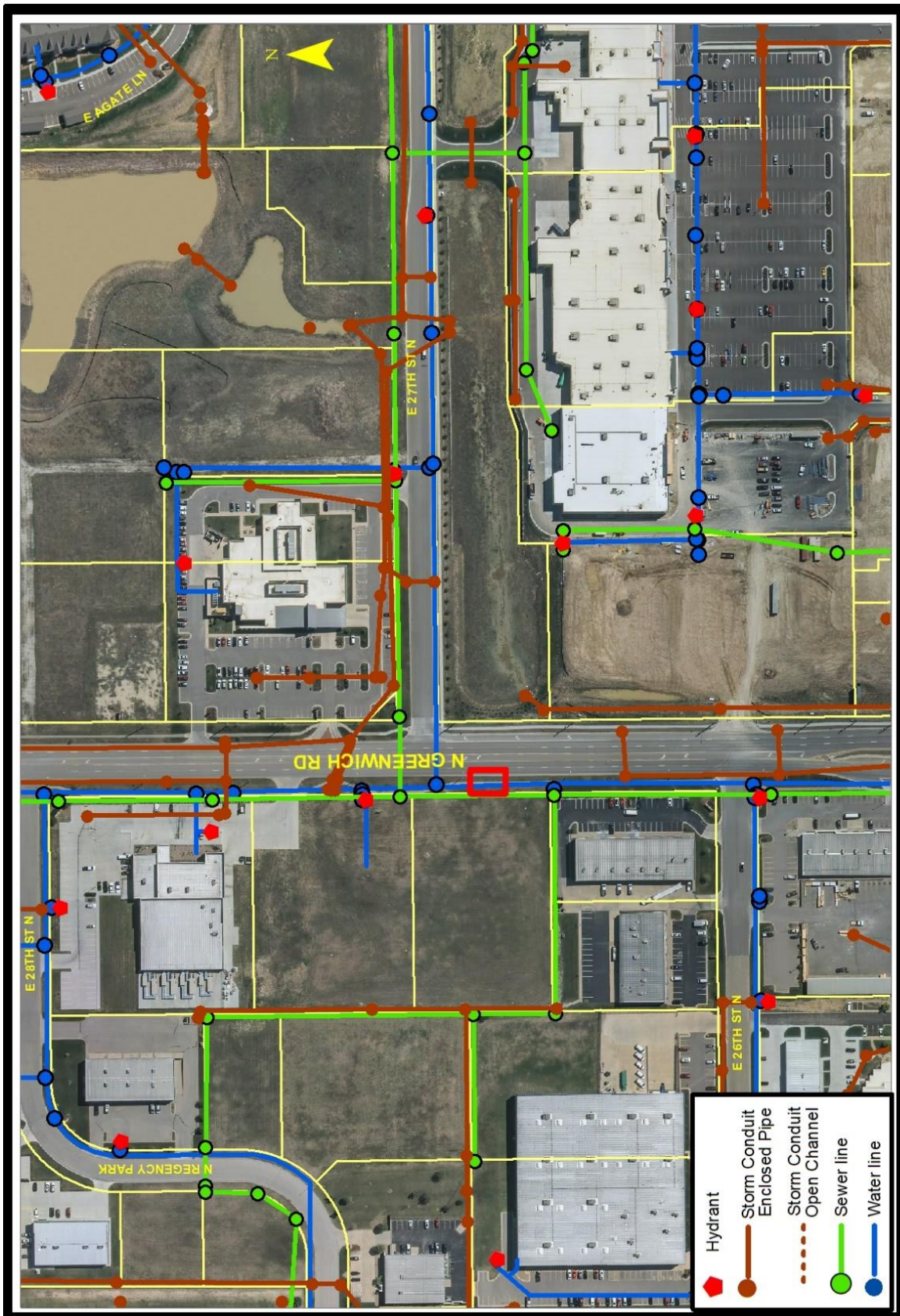
- (3) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds. All to be provided to the Planning Department prior 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.

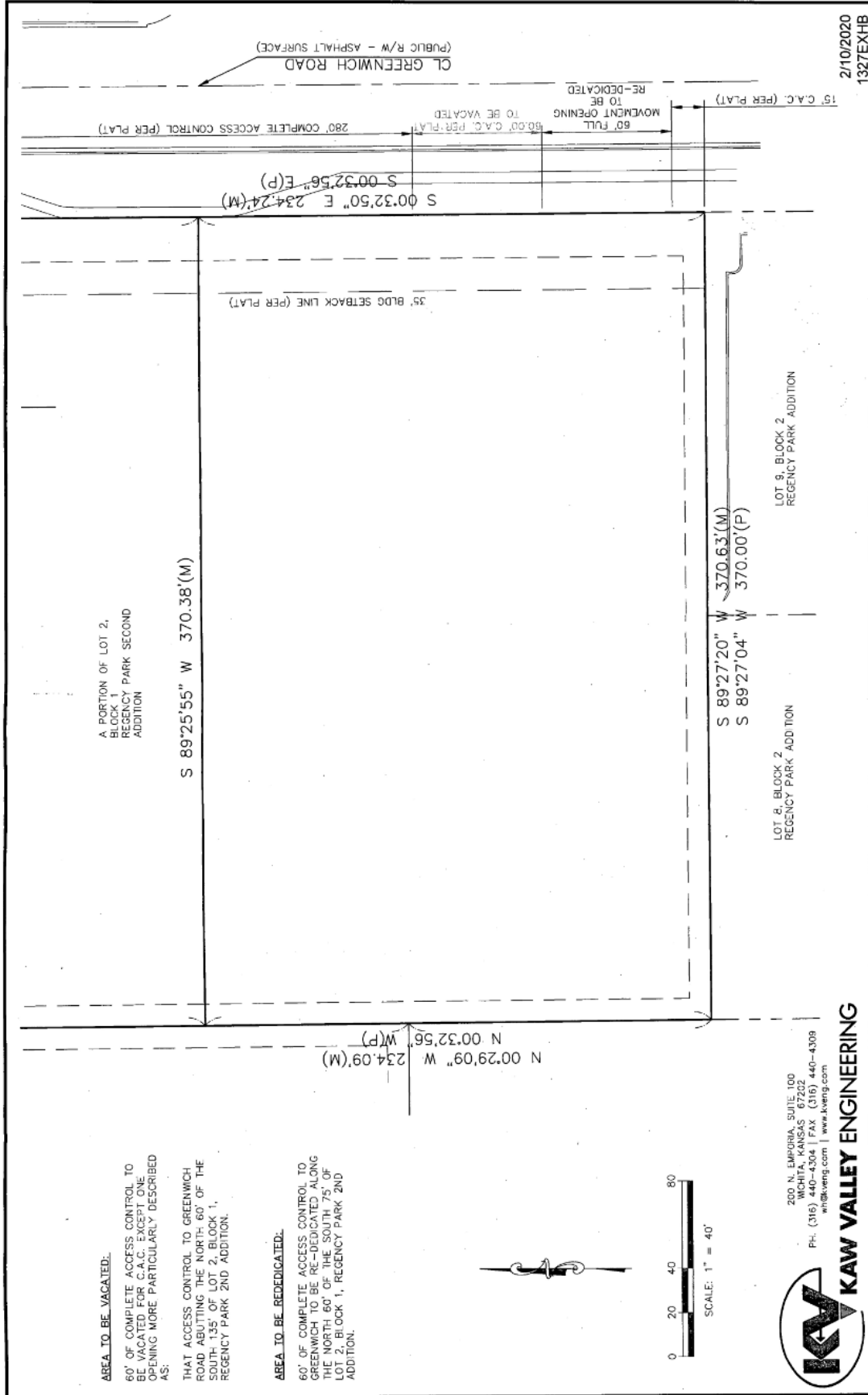
SUBDIVISION COMMITTEE’S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

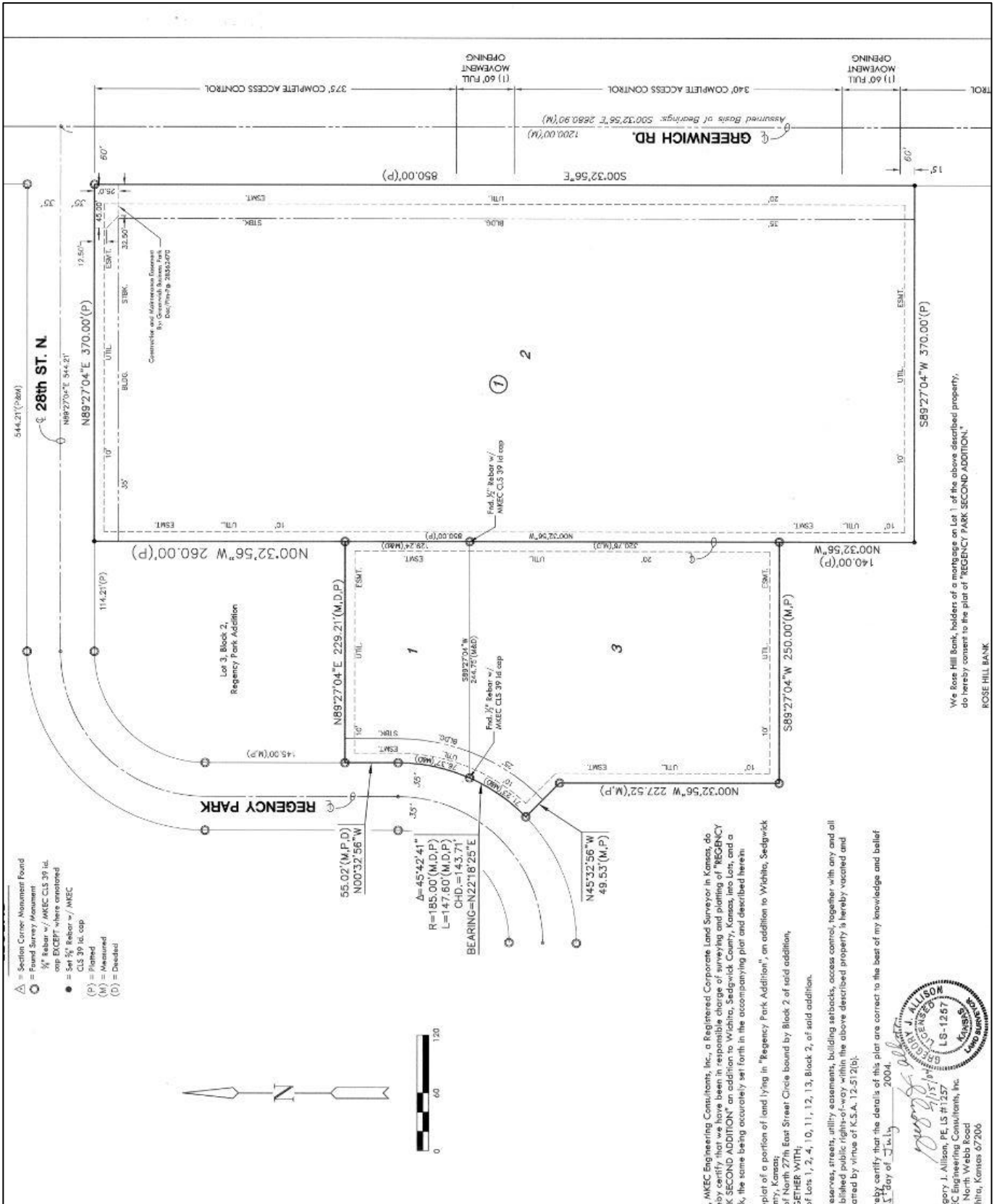
Attachments:

1. Aerial Map
2. Site Plan
3. Plat





2/10/2020
 1327EXHB



We Rose Hill Bank, holders of a mortgage on Lot 1 of the above described property, do hereby consent to the plat of "REGENCY PARK SECOND ADDITION".
 ROSE HILL BANK

NMEC Engineering Consultants, Inc., a Registered Corporate Land Surveyor in Kansas, do hereby certify that we have been in responsible charge of surveying and plotting of "REGENCY PARK SECOND ADDITION" an addition to Wichita, Sedgewick County, Kansas, into Lots, and a Block, the same being accurately set forth in the accompanying plat and described herein.
 A portion of land lying in "Regency Park Addition", an addition to Wichita, Sedgewick County, Kansas, bounded by Block 2 of said addition,
 North 37th East Street Circle bound by Block 2 of said addition,
 Lots 1, 2, 4, 10, 11, 12, 13, Block 2, of said addition,
 reserves, streets, utility easements, building setbacks, access control, together with any and all other public rights-of-way within the above described property is hereby vacated and abandoned by virtue of K.S.A. 12-512(b).
 I hereby certify that the details of this plat are correct to the best of my knowledge and belief as of this day of 11th day of 2004.