

STAFF REPORT

CASE NUMBER: VAC2021-00008 - City vacation of a portion of complete access control for an egress driveway out of a proposed carwash.

OWNER/APPLICANT: SPDR WEBB, LLC (applicant), K.E. Miller Engineering (agent)

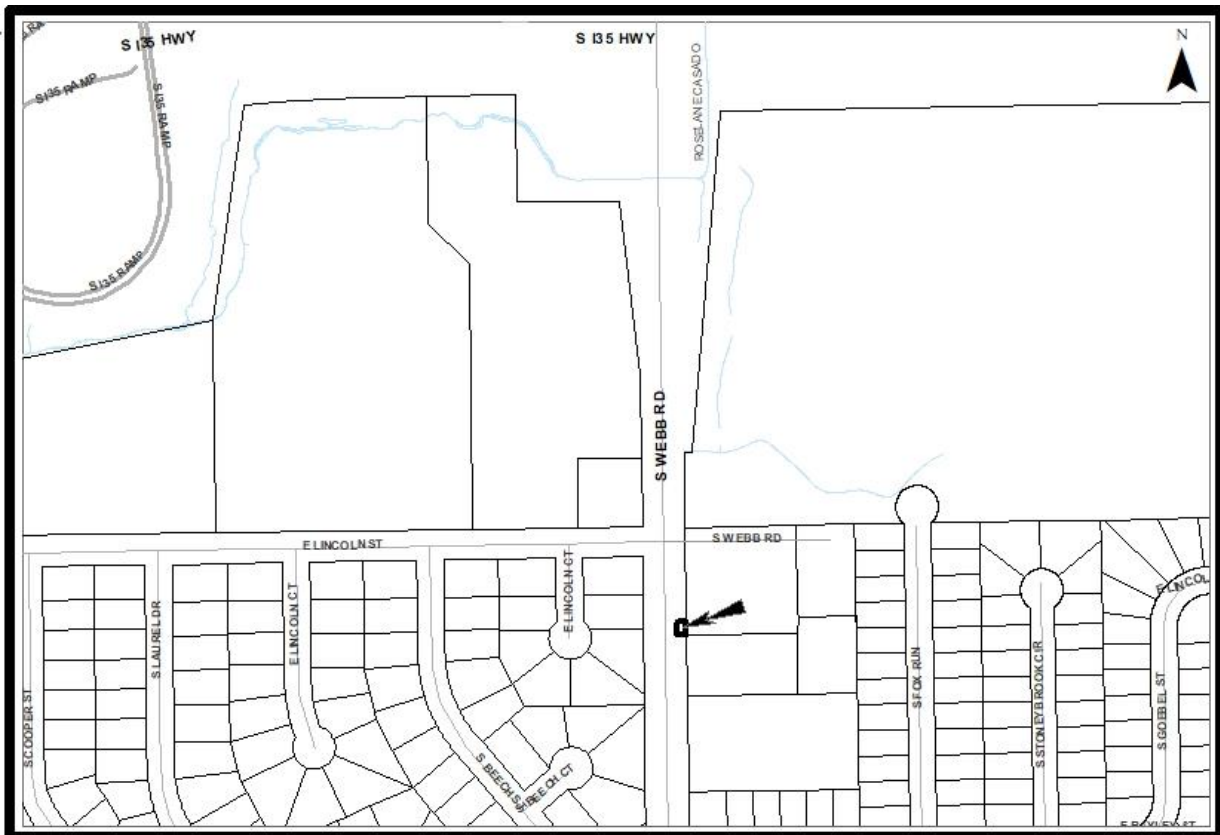
LEGAL DESCRIPTION: Generally described as vacating the south 30 feet of the north 48.02 feet of Webb Road Access Control of Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of south Webb Road and south of East Lincoln Street. (WCC II)

REASON FOR REQUEST: To permit an egress driveway for a proposed carwash (CON2021-00007).

CURRENT ZONING: The site and properties east and south are zoned LC Limited Commercial with PO #3. Abutting properties to the north are zoned SF-5 Single Family Residential. Adjacent properties to the west are zoned TF-3 Two Family Residential.

VICINITY MAP:



The applicant is requesting the vacation of the south 30 feet of the north 48.02 feet of platted complete access control onto South Webb Road located on the west property line of Lot 1, Harrison Park 3rd Addition. Currently the site has access via an access easement on the north side of the subject lot. The purpose of the request is to permit an egress driveway for a proposed carwash (CON2021-00007). The carwash requires an amendment to PO #3 governing the site which prohibits carwashes. It also requires a conditional use because it is within 200 feet of residential zoning. The two cases are being heard concurrently. Ingress to the carwash facility will be from the north off of the access easement.

Wichita Traffic Engineering is not in favor of providing a full movement drive access off of South Webb Road because of its close proximity to the signalized intersection at East Lincoln Street and the proximity to the existing drive that serves the laundry mat. A full movement drive at this location does not meet the City's Access Management Standards because it is less than 200 feet away from another drive and less than 400 feet away from an intersection. However, Traffic Engineering is supportive of a right-in/right-out only access drive. If this drive approach is approved at the proposed location, Public Works and Utilities has a concern with the depth of the Southern Star Gas Main. Public Works will require the drive to be built to City standards with no design exceptions. Finally, there cannot be any signs placed in the gas easement unless approved by Southern Star. Evergy has existing poles in the right-of-way along Webb. Cox's lines are on Evergy's Poles. Neither have any objection to the request. If there is any conflict with the poles and the construction of the proposed drive, any relocation of poles is at the applicant's expense. The Harrison Park 3rd Addition was recorded May 31st, 2002.

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 25, 2021, 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) The approval of VAC2021-00008 is contingent upon the approval of CON2021-00007—Conditional Use application to amend Protective Overlay #3 and Conditional Use to permit a carwash. If this case is not approved, than this vacation application shall be considered null and void.
- (2) Vacate the south 30 feet of the north 48.02 feet of platted complete access control located on and running parallel with the west property line of Lot 1, Harrison Park 3rd Addition. The new drive access shall be constructed as a right-in/right-out only driveway.
- (3) 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.

VAC2021-00008 – City request to vacate a portion of complete access control for an egress driveway out of a proposed carwash

March 18, 2021

Page 3

- (4) 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.
- (5) All improvements shall be according to City Standards and at the applicants' expense.
- (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 per staff recommendations.

Attachments

1. Aerial Map
2. Site Plan

