

**STAFF REPORT**

**CASE NUMBER:** VAC2021-00015 - City request to vacate a portion of platted complete access control

**APPLICANT/AGENT:** EPC Real Estate Group, c/o Austin Bradley (owner/applicant), Baughman Company PA (agent)

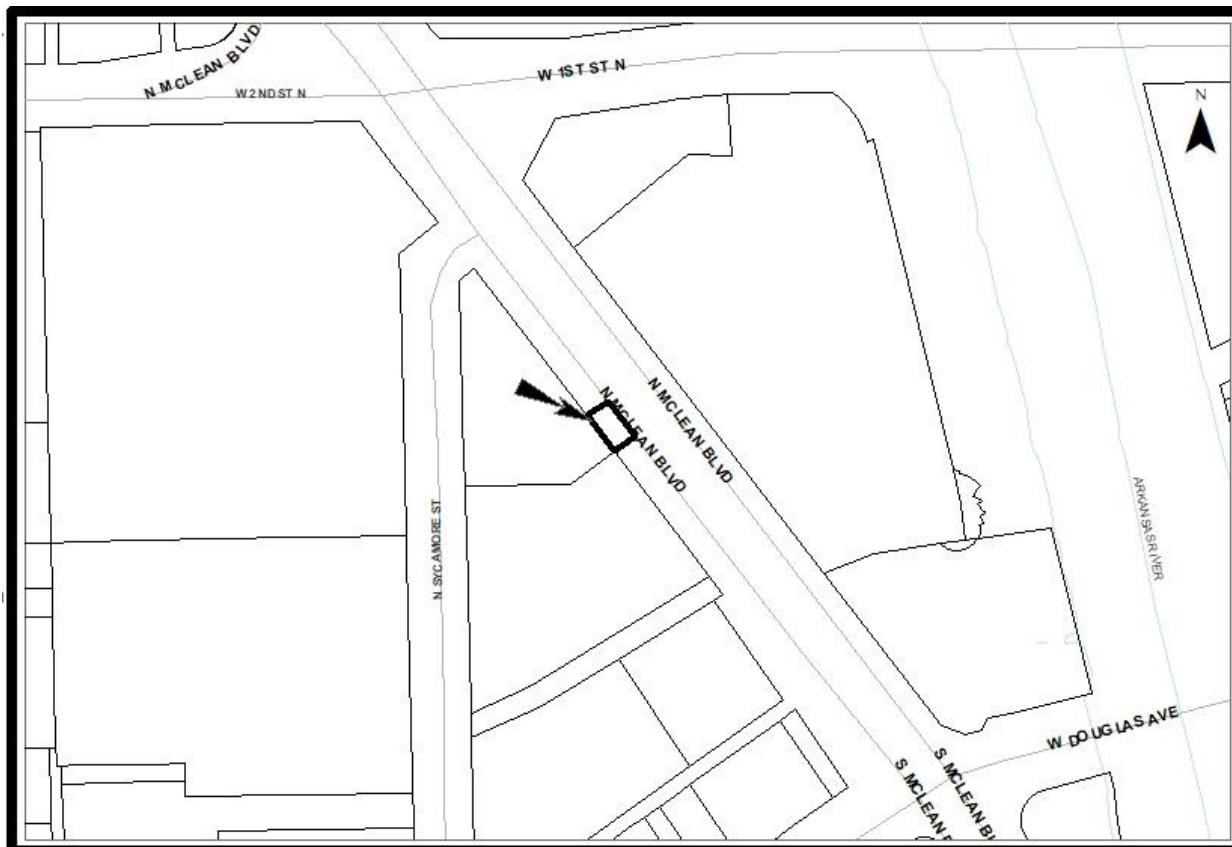
**LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted complete access control located on the south 60 feet of Lot 2, Block 1, Delano Hotel Addition, Wichita, Sedgwick County, Kansas (see attached legal)

**LOCATION:** Generally located north of West Douglas Avenue, on the southwest corner of North McLean Boulevard and North Sycamore Street (WCC #VI)

**REASON FOR REQUEST:** Allow a drive onto North McLean Boulevard Avenue.

**CURRENT ZONING:** The site and adjacent west (across North Sycamore Street) and east (across North McLean Boulevard) properties are zoned CBD Central Business District. Adjacent north properties (across West 1<sup>st</sup> Street) are zoned LC Limited Commercial and CBD.

**VICINITY MAP:**



The CBD Central Business District zoned subject site, Lot 2, Block 1, Delano Hotel Addition, is located on the southwest corner of North McLean Boulevard and North Sycamore Street. The applicant proposes to vacate the south 60 feet of platted complete access control on the subject site to allow a right-in right-out driveway onto North McLean Boulevard. At this location McLean Boulevard is a four lane arterial with a raised landscaped median strip that allows only south bound vehicular traffic right-in - right-out access onto the site. There is no platted access control on the subject site's North Sycamore Street frontage. Sycamore Street is a two lane local street at this location.

The Sycamore Street – McLean Boulevard intersection is located approximately 245.33 feet north of the proposed driveway. The McLean Boulevard – West 1<sup>st</sup> Street intersection is located approximately 487 feet north of the proposed driveway. Access Management Guidelines for Driveway Placement requires 200 feet of separation for the first right-in – right-out driveway from an intersection. The request meets that standard. There is an existing full movement driveway located 143.09 feet south of the proposed driveway located on the south abutting Lot 1, Block 1, Delano Hotel Addition. A cut in the raised landscaped median strip allows full movement onto McLean off of Lot 1. The subject site, Lot 2, Block 1 and the south abutting Lot 1, Block 1, all in Delano Hotel Addition have the same owner. Cross lot access is provided between the two lots.

There appears to be no public utilities located in the area of the vacation request. COX has no objection to the request. Evergy has no objection to the request. Evergy does have street light poles and lines in the North McLean right-of-way. Contact information for Evergy is Richard Aitken at 316-261-6334. Condition #2 applies to all public and franchised utilities.

The Delano Hotel Addition was recorded with the Register of Deeds January 13, 2020.

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 a 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 April 1, 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 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) Vacate the described portion of the platted complete access control as approved by the Traffic Engineer and as described in an approved legal description. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going to City Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with letters or E-mails of approval. 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.
- (3) Provide Planning with any required dedications by separate instruments with original signatures for recording with the Register of Deeds. These original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds.
- (4) Per MAPC Policy Statement #7, all conditions shall 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 Sedgwick County Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following (but not limited to) conditions:

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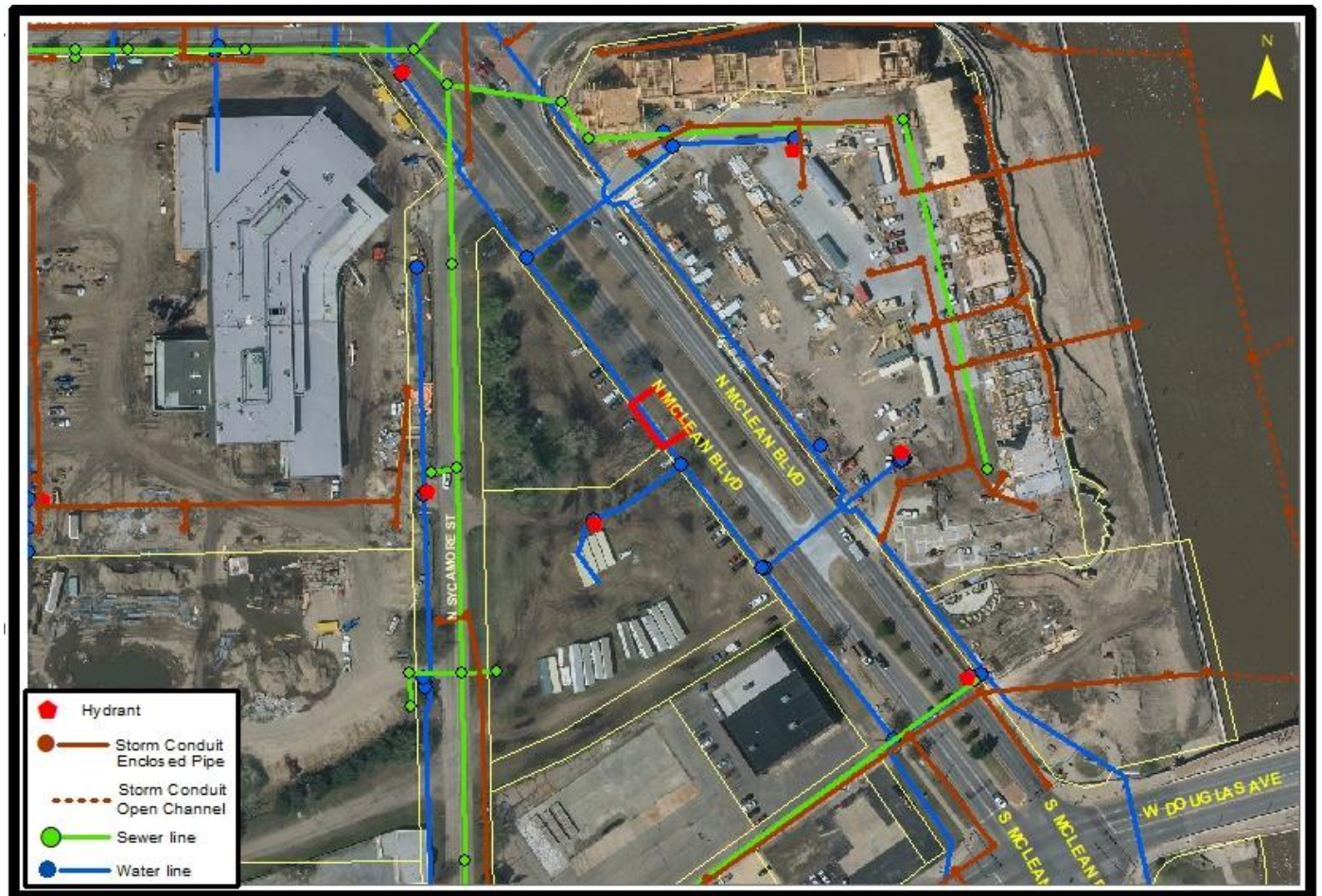
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Attachments

Water, sewer & storm water

Legal description

Site plan



VAC2021-00015 - City request to vacate a portion of a platted complete access control on property generally located north of West Douglas Avenue on the southwest corner of North McLean Boulevard and North Sycamore Street

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**Lot 2, Block 1, Delano Hotel Addition,**  
**Access Control Vacation**  
**Legal Description**

That part of the northeast line of Lot 2, Block 1, Delano Hotel Addition to Wichita, Sedgwick County, Kansas described as commencing at the northeast corner of Lot 2 in said Block 1; thence S36°38'04"E coincident with the northeast line of Lot 2 in said Block 1, 245.33 feet for a point of beginning; thence continue S36°38'04"E coincident with the northeast line of Lot 2 in said Block 1, 60.00 feet for a point of termination, and to the southeast corner of Lot 2 in said Block 1.

