



The applicant proposes to vacate the north 40 feet of the platted complete access control located on the east property line of the LC Limited Commercial zoned Lot 9, Hampton Square Second Addition. If approved it will provide a right-in - right-out driveway from the subject site onto North Maize Road. An existing old farm driveway is now located where the proposed right-in - right-out driveway will go. North Maize Road is a four-lane principle arterial at this location. The Hampton Square Second Addition was recorded with the Register of Deeds June 17, 2011.

There is no existing driveway located directly east, across North Maize Road, of the proposed driveway. The commercially developed property located east of the site (in the City of Maize) has access onto North Maize Road via public street West Ranch Road, located approximately 190-feet north of the proposed driveway. This property also has access onto North Maize Road through the public street West Havenhurst Street, located approximately 251.56 feet to the south of the proposed driveway. The abutting north property (in the City of Maize) has access onto North Maize Road through West Ranch Road. Both West Havenhurst Street and West Ranch Road are two-lane collector streets with full movement onto North Maize Road.

West Havenhurst Street continues west across North Maize Road as platted on the Hampton Square Second Addition. The Hampton Square Second Addition has a full movement 62-foot wide driveway located 342.17-feet south of West Havenhurst Street and a 60-foot wide right-in - right-out driveway located 277.63-feet south of the just noted 62-foot wide full movement driveway.

The current Subdivision standard for a right-in – right-out driveways is 200 feet between driveways not lined up on the opposite side of arterial, 200 feet from full movement intersections and 400 feet between full movement driveways onto arterial intersections. As proposed the right-in – right-out driveway would be located approximately 190-feet from a full movement interaction to the north, West Ranch Road, and 342.17-feet from a full movement intersection to the south, West Havenhurst Street, onto an arterial intersection. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC.

City Water and an open concrete drainage channel are located in the area of the vacation in the North Maize Road right-of-way. City sewer is located in a platted north-south 20-foot drainage and utility easement on the west side of the subject lot. There are no power poles on the west side of North Maize Road at this location. Brandon Chad is the Every Design Representative for this item and can be contacted at 316-261-6251. Conditions #3, #4 & #5 cover all utilities.

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 September 2, 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 portions 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) Per the approval of the Traffic Engineer, vacate the north 40-feet of platted complete access control along the east side of Lot 9, Hampton Square Second Addition, to provide a right-in - right-out driveway from the subject site onto North Maize

Road. Provide Planning Staff with a legal description of the approved vacated portion of the 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) If needed, provide the Traffic Engineer with a design that would ensure that traffic entering and existing Lot 9, Hampton Square Second Addition would function as right-in – right-out traffic to and from the site onto North Maize Road. Provide Staff with approval by the Traffic Engineer. This must be provided to Planning prior to the case going to Council for final action.

(3) All improvements shall be according to City Standards and at the applicant’s expense, including, but not limited to; (a) the construction of the new drive from the site onto North Maize Road and (b) the continuation of the open concrete drainage channel. Provide Public Works and utilities with a guarantee (approved project/plans) to ensure that these and any other associated improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. 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.

(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 filing with the Sedgwick County Register of Deeds.

(6) As needed, adjust Community Unit Plan overlay, CUP DP-262, to show the approved driveway.

(7) 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 (but not limited to) conditions :

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Attachments:

- Aerial with public utilities & location of proposed driveway
- Exhibit
- Hampton Square Second Addition Access Control, per the plat

VAC2021-00038 – City request to vacate a portion of platted complete access control on LC Limited Commercial zoned property generally located north of West 37<sup>th</sup> Street North on the west side of North Maize Road

September 23, 2021

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