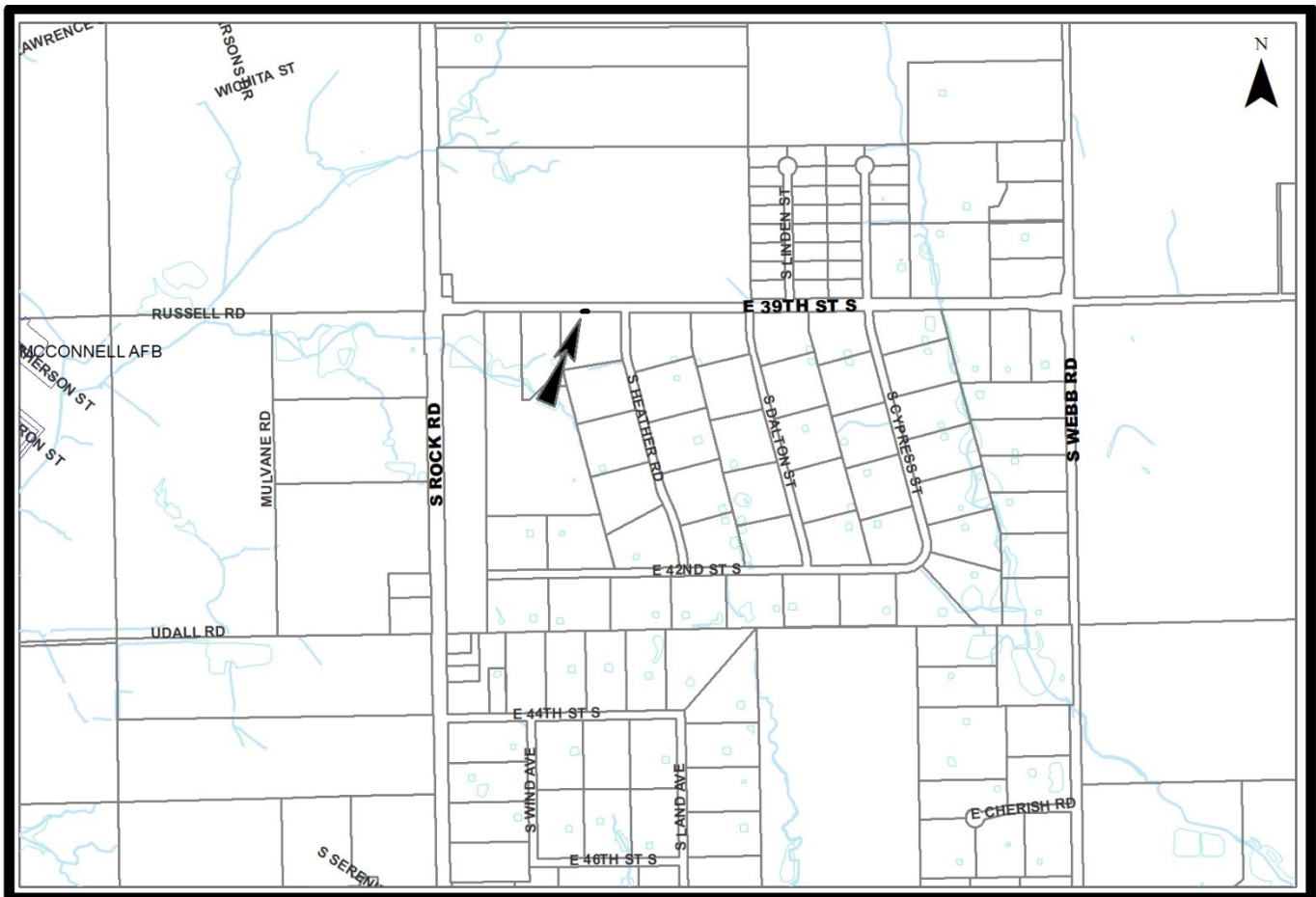


**STAFF REPORT**

- CASE NUMBER:** VAC2019-00025 - County vacation of partial complete access control for an additional driveway.
- OWNER/APPLICANT:** David and Garnett Dixon (owner)
- LEGAL DESCRIPTION:** Generally described as vacating the West 50 feet of the East 320 feet of platted complete access control over and across the North line of Lot 1, Block B, Heather Ridge Addition, Sedgwick County, Kansas.
- LOCATION:** Generally located on the south side of East 39<sup>th</sup> Street South (MacArthur Rd) and ¼ mile east of South Rock Road (4015 S Heather, Derby) (BoCC #V)
- REASON FOR REQUEST:** To allow for one additional driveway onto property.
- CURRENT ZONING:** The site is zoned SF-20 Single Family Residential.
- VICINITY MAP:**



The applicant is requesting vacation of the west 50 feet of the east 320 feet of platted complete access control onto East 39<sup>th</sup> Street South (MacArthur Rd) located on the north property line of Lot 1, Block B, Heather Ridge Addition, Sedgwick County, Kansas. The property is located on the south side of East 39<sup>th</sup> Street South (MacArthur Road) and ¼ mile east of South Rock Road. Currently the site contains one drive onto South Heather Road providing access to the main residence and garage on the property. The new drive off East 39<sup>th</sup> Street South will provide access to a new structure to be built on the rear of the property. The applicant states that the access off of East 39<sup>th</sup> Street is in lieu of constructing a private drive that would traverse his property with access off South Heather Road. Westar and Cox have no objections to this vacation. LaDonna Vaderford is the area representative and can be contacted at 261-6290. County Public Works is opposed to this case stating that it does not meet access management standards for urban or rural arterials. Urban standards are to have 400 feet between access points. Rural standards are to have 600 feet between access points. This access is approximately 310 feet from Heather Road and approximately 395 feet from the private drive to the west. Heather Ridge Addition was recorded December 9, 1988.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County 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 August 1, 2019, 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) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to Board of County Commission 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 Board of County Commission for final action.
- (2) All improvements shall be according to County Standards and at the applicants' expense.
- (3) Vacation of the West 50 feet of the East 320 feet of platted complete access control located on and running parallel with the north property line of Lot 1, Block B, Heather Ridge Addition, is contingent on approval by the Traffic Engineer and the Fire Department. If approved with noted condition provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to Board of County Commission 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 Board of County Commission 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.

