

The applicant is requesting the vacation of a portion of a platted north-south alley bisecting the applicant's property north of West Taft Avenue. The property is located on the east side of South West Street and one block north of West Kellogg Avenue (456 S. West Street). The applicant owns property on the east and west sides of the alley. There is a fast food restaurant on the west side and a surface parking lot on the east. The purpose of this vacation is to allow the applicant to reconfigure and build a new side-by-side drive-through across the alley as seen in the attached site plan.

The applicant intends to close the south entrance of the alley and construct a concrete drainage flume from the south side to the midpoint of the property. The north portion of the alley will allow one-way southbound traffic with a turning radius into the property to allow for tractor trailer delivery trucks. The remainder of the property will have a reconfigured parking plan with new trash enclosure. The property originally had a total of 66 parking stalls. With the new configuration, the parking is reduced to 40 stalls, which includes two accessible spaces. The Unified Zoning Code requires one stall per three seats for restaurant uses, and two accessible stalls for parking requirements of 25–50 stalls. The restaurant, itself is also being remodeled and will have 80 seats. This requires the site to have 27 parking stalls. Therefore, the new parking scheme exceeds the requirement.

A sewer line is located in the alley and a 20-foot easement shall be dedicated as part of this vacation. Westar/Every has existing primary and secondary lines in the alley. An easement shall be retained or relocation shall be at the applicant's expense. Ennidh Garcia is the area representative and can be contacted at 316-261-6359 regarding this case. The property is platted as Lots 33 through 45 inclusive, Block 5, Quincy Addition, Wichita, Sedgwick County, Kansas, 1887.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, 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 alley.

- 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 19, 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 alley way right-of-way 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) Dedicate a 20-foot utility easement by separate instrument, with original signatures, for the length of the described portion of the platted vacated alley. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (2) Provide restrictive covenants, with original signatures, binding and tying the vacated described alley right of way to the abutting properties. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

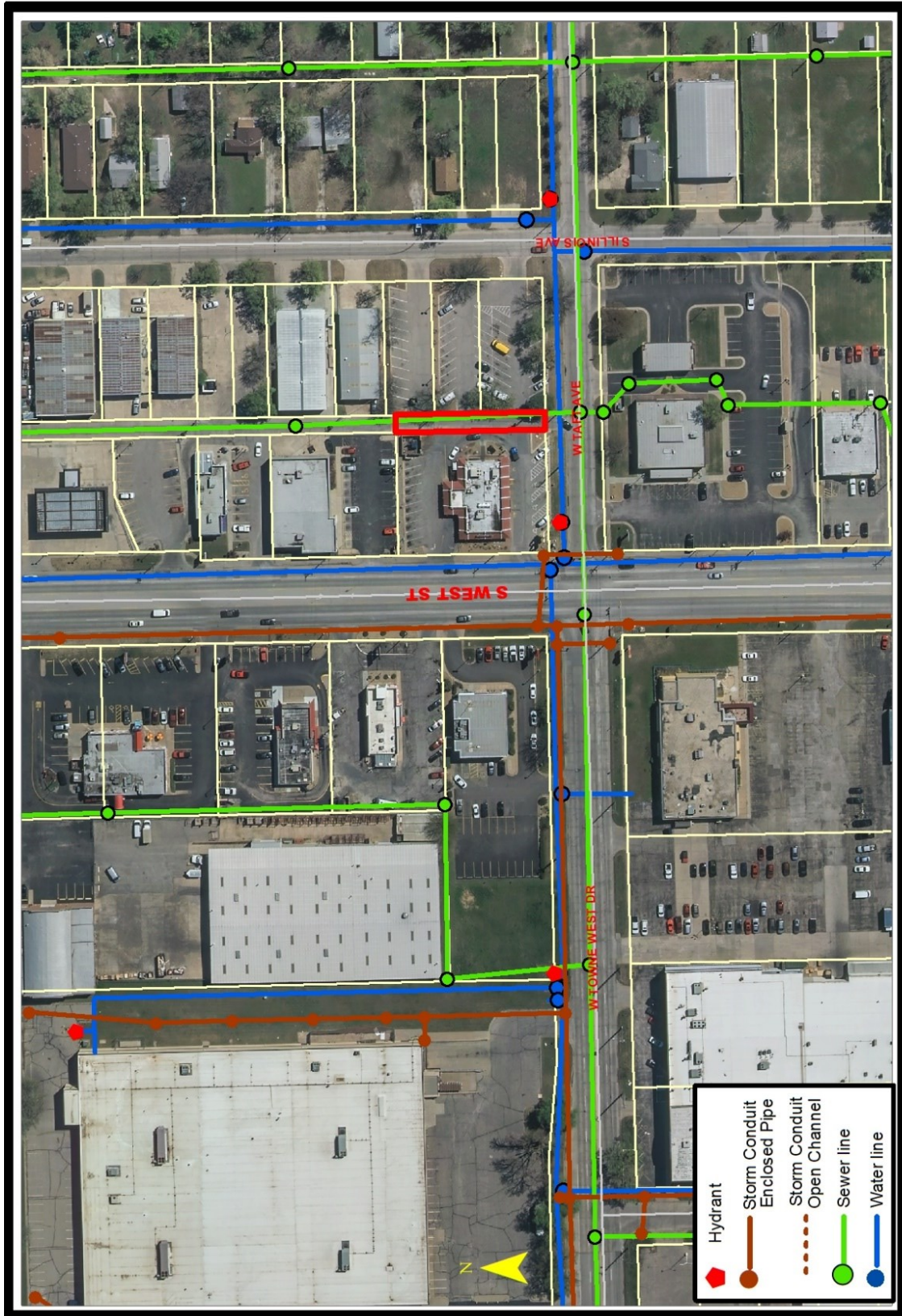
- (3) Provide a cross-lot access easement allowing property to the north access to South Illinois Street and South West Street across the subject property from the portion of the vacated alley that will be retained as a private drive. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) A site plan shall be submitted to Planning for approval by the Planning Director requiring a minimum turning radius of 30.50 feet for turning from southbound in the alley to the west through the parking lot. This site plan shall be submitted to Planning prior the case going to City Council for final action.
- (5) As needed provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (6) All improvements shall be according to City Standards and at the applicants' expense.
- (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.

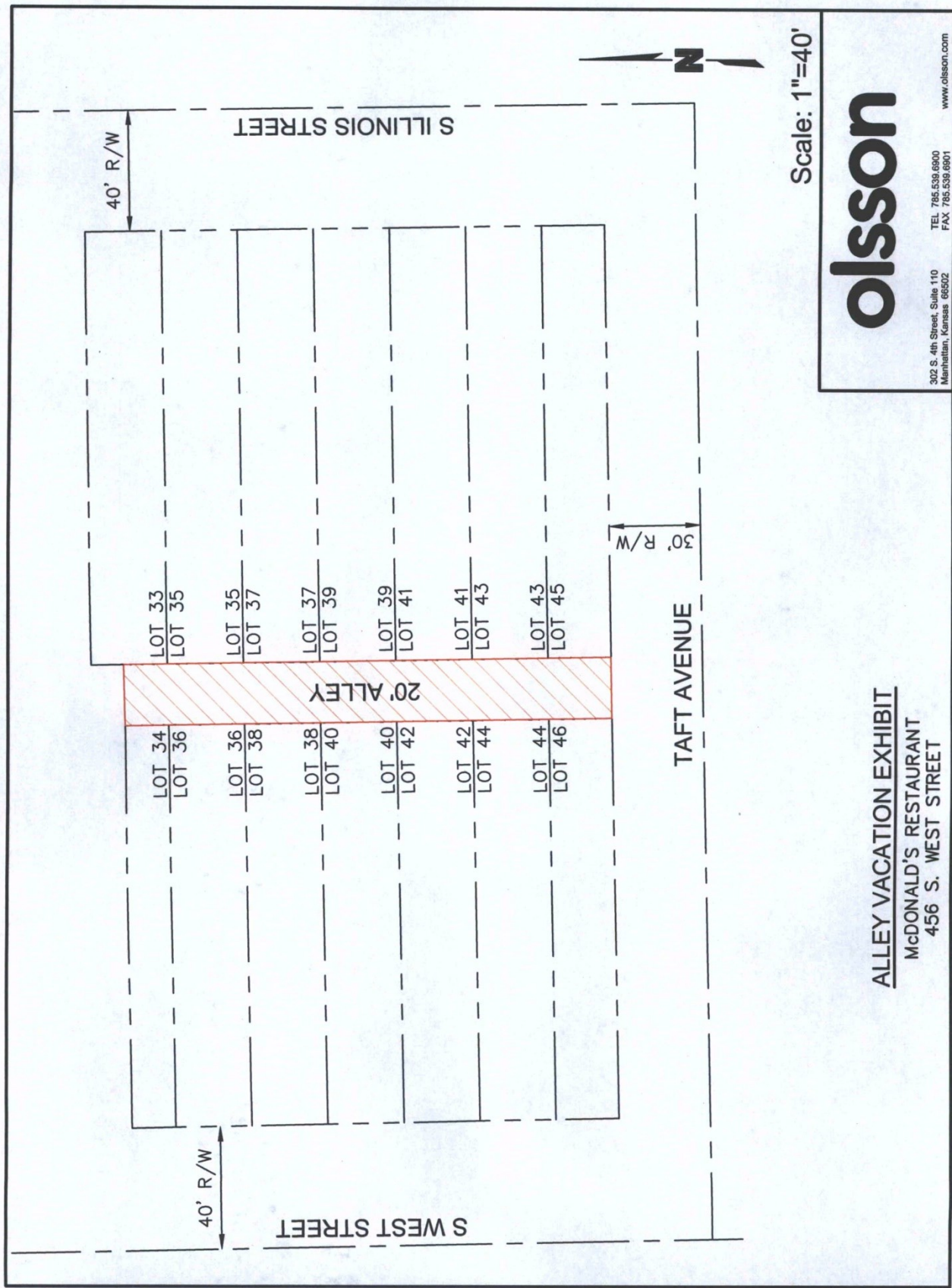
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Area Map
2. Vacation Exhibit
3. Site Plan



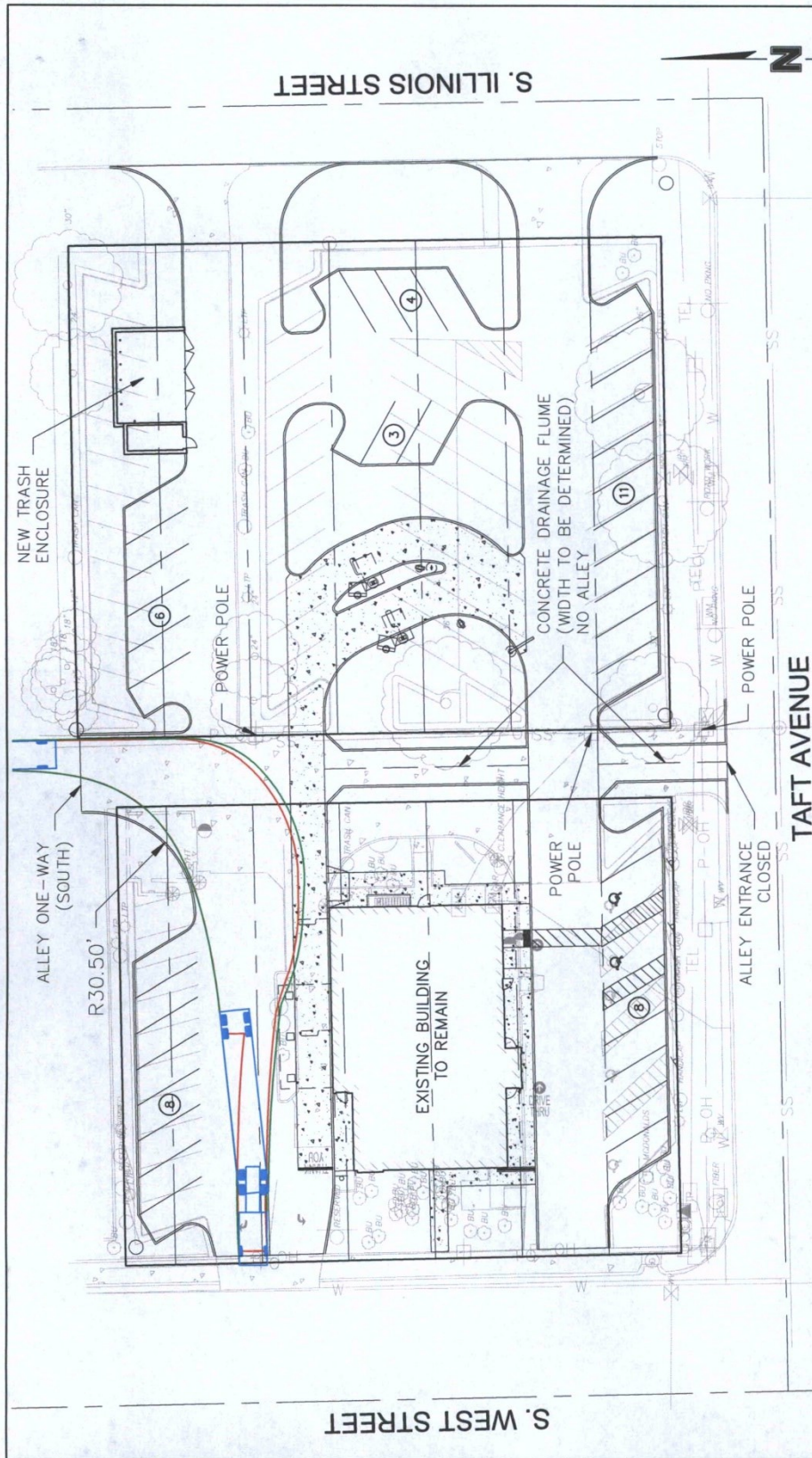


Scale: 1"=40'

olsson

ALLEY VACATION EXHIBIT
McDONALD'S RESTAURANT
456 S. WEST STREET

302 S. 4th Street, Suite 110
Manhattan, Kansas 66502
TEL: 785.539.6900
FAX: 785.539.6901
www.olsson.com
DATE: 8/16/19
USER: cchase
DWC: F:\2018\1001-1500\018-1403\01-Design\Exam\1903\1903-01-Design\1903-01-Design.dwg



456 S. WEST STREET - WICHITA, KS

CONCEPT 1
 EXISTING BUILDING TO REMAIN
 TRUCK TEMPLATE: WB-67

PROPOSED PARKING:
 38 STANDARD PARKING STALLS
 2 ACCESSIBLE PARKING STALLS
 40 TOTAL PARKING STALLS

EXISTING PARKING:
 62 STANDARD PARKING STALLS
 4 ACCESSIBLE PARKING STALLS
 66 TOTAL PARKING STALLS

Scale: 1"=40'

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302 S. 4th Street, Suite 110
 Manhattan, Kansas 66502
 TEL: 785.539.6900
 FAX: 785.539.6901
 www.olson.com

DWG: F:\2019\1001-1500\018-1400\40-Design\Kansas\SSS\Site\Title\CONCEPT-1.dwg
 DATE: 1/7/19 USER: akcrae

LEGAL DESCRIPTION (ALLEY VACATION):

A TRACT OF LAND BEING A PORTION OF THE ALLEY LOCATED IN BLOCK 5, QUINCY ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 46, SAID BLOCK 5;

THENCE NORTH 160 FEET TO THE NORTHEAST CORNER OF THE SOUTH 14.3 FEET OF LOT 34, SAID BLOCK 5; THENCE EAST 20 FEET TO A POINT ON THE WEST LINE OF LOT 33, SAID BLOCK 5, SAID POINT BEING 14.3 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 33; THENCE SOUTH 160 FEET TO THE SOUTHWEST CORNER OF LOT 45, SAID BLOCK 5;

THENCE WEST 20 FEET TO THE POINT OF BEGINNING. CONTAINS 3,200 SQUARE FEET, 0.07 ACRES, MORE OR LESS.