

STAFF REPORT

CASE NUMBER: VAC2022-00022- Request in the City to vacate a portion of platted complete access control

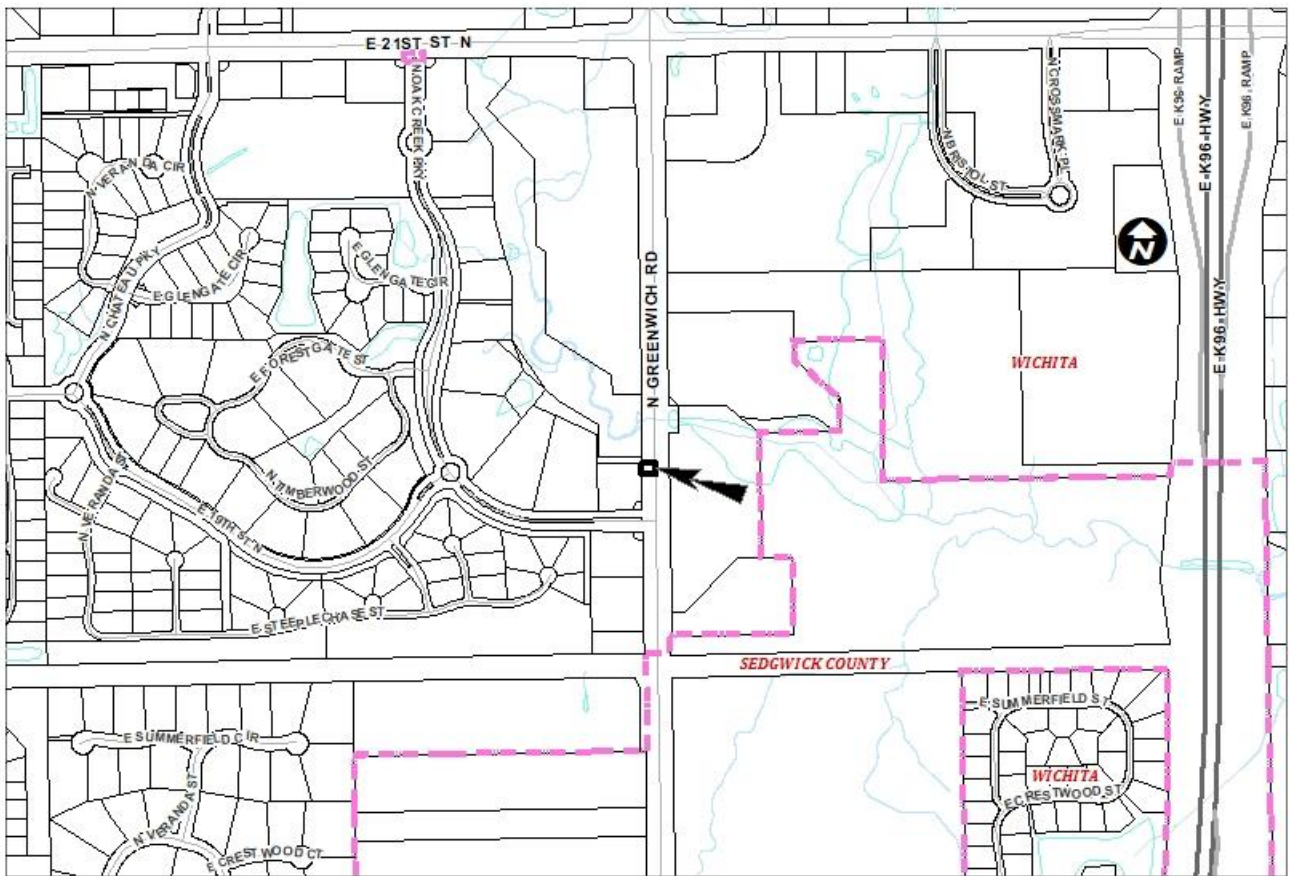
APPLICANTS: Kenton Schoonover (applicant), SPT Architecture, Renae Slusser (Agent)

LEGAL DESCRIPTION: Generally described as vacating a portion of platted complete access control located in the northeast corner of Lot 5, Block 1, Oak Creek 4th Addition (see attached legal)

LOCATION: Generally located approximately one-third of a mile south of East 21st Street North, on the northwest corner of North Greenwich Road and North Oak Creek Parkway. (DAB 2)

REASON FOR REQUEST: To add a drive onto North Greenwich Road

CURRENT ZONING: The subject site is zoned LC Limited Commercial with CUP DP-274 overlay. Abutting north properties are zoned LC. Adjacent east properties are zoned SF-5 Single-Family Residential. Adjacent south properties are zoned LC. Abutting west properties are zoned SF-5.



The applicant proposes to vacate the north 50.9 feet of platted complete access control located on the east property line of the undeveloped corner site, Lot 5, Block 1, Oak Creek 4th Addition, to permit a right-in/right-out drive onto North Greenwich Road. The subject site is located on the northwest corner of North Greenwich Road and North Oak Creek Parkway. The site is zoned LC Limited Commercial with Community Unit Plan overlay CUP DP-274. The Oak Creek 4th Addition was recorded July 26, 2007, with the Sedgwick County Register of Deeds.

Per the plat full movement access onto the subject site is from the abutting south North Oak Creek Parkway. At this location North Oak Creek Parkway is a two lane local street with a full curb, and a landscaped median at this location. A break in the landscaped median allows full movement to and from the subject site onto North Oak Creek Parkway, as shown on the applicant's exhibit. Subdivision drive location/separation standards do not apply to local streets.

Complete access control is platted along the subject site's west property line, permitting no drives onto North Greenwich Road from the subject site (See attachment 2, Excerpt from Oak Creek 4th Addition). At this location, North Greenwich Road is a four lane arterial street, with a center turn lane, and a planted median strip with a full curb. There is no break in the median strip that would allow a full movement drive at the proposed location. The proposed drive would allow right-in – right out traffic to the subject site.

The proposed 50.9-foot drive would be located on the east side of North Greenwich Road, approximately 155 feet north) of the North Oak Creek Parkway – North Greenwich Road intersection (see attachment 3, site plan).

The 16.53-acre SF-5 Single-Family Residential zoned Spilled Wine Addition is located east of the subject site across North Greenwich Road; recorded December 19, 2013. This subdivision has two lots (9.39-acres total) and two reserves (7.14-acres) that are developed with two single-family residences, accessory structures, and multiple retention ponds.

Per the plat, the Spilled Wine Addition is permitted three drives onto North Greenwich Road along its 1,403.39 feet of street frontage. The existing permitted south most drive is located approximately 400 feet south of the North Oak Creek Parkway – North Greenwich Road intersection, which has been noted as the location subject site's full movement access. This south most Spilled Wine drive is located approximately 555 feet south of the proposed right-in – right-out drive. North Greenwich Road's planted median strip with a full curb prevents cross access conflict with the proposed right-in – right-out drive with the Spilled Wines other two permitted drives. One of those permitted drives appears to be located across from the North Oak Creek Parkway – North Greenwich Road intersection. However, existing development on these properties indicates this drive is unlikely to be constructed. The north most drive is located approximately 530 feet north of the proposed drive.

A permitted drive is located approximately 324 feet north of the proposed right-in – right-out drive on the same side of North Greenwich Road. A platted reserve separates those drives. A permitted drive is located approximately 555 feet south of the proposed right-in – right-out drive on the same side of North Greenwich Road. This drive lines up with the Spilled Wine plat's noted south most drive

The current Subdivision standards require a 200-foot minimum offset for drives not lined up on opposite sides of arterials and not having conflicting left turns, 400-foot spacing for full-turning movement drives on the same side of the street, and a 400-foot setback from arterial intersections for the first full-turning movement driveway. Article 10- 104 of the Subdivision Regulations, Modification of Design Criteria, states that the MAPC may modify design criteria. The proposed right-in -right-out drive meets those standards as aided by North Greenwich Road planted median strip with a full curb at this location.

Existing power poles and lines, and city water are located in this section of the North Greenwich Road right-of-way. City sewer is located in the 25-foot platted utility and drainage easement along the south property line. Gas service is located in the 20-foot platted utility easement along the east property line. Sidewalks run parallel to the site's south and east property lines on the north side of North Oak Creek Parkway and the west side of North Greenwich Road, respectively. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described area. Conditions #3, #4, and #5 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

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, and 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 August 11, 2022, 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 completed 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 50.9 feet of access control on Lot 5, Block 1, Oak Creek 4th Addition's North Greenwich Road frontage to allow a right-in/right/out drive. The drive shall be constructed to City Standards and at the owner's expense. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to Council for final action.
2. The reconstruction of the sidewalk and the replacement of any right-of-way trees shall be the applicant's responsibility, at the applicant's expense and to City Standards.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to City Council for final action.
4. Provide Planning with any needed easements dedicated by separate instrument 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 filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
5. All improvements shall be according to City Standards and at the applicant's expense.
6. 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 Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

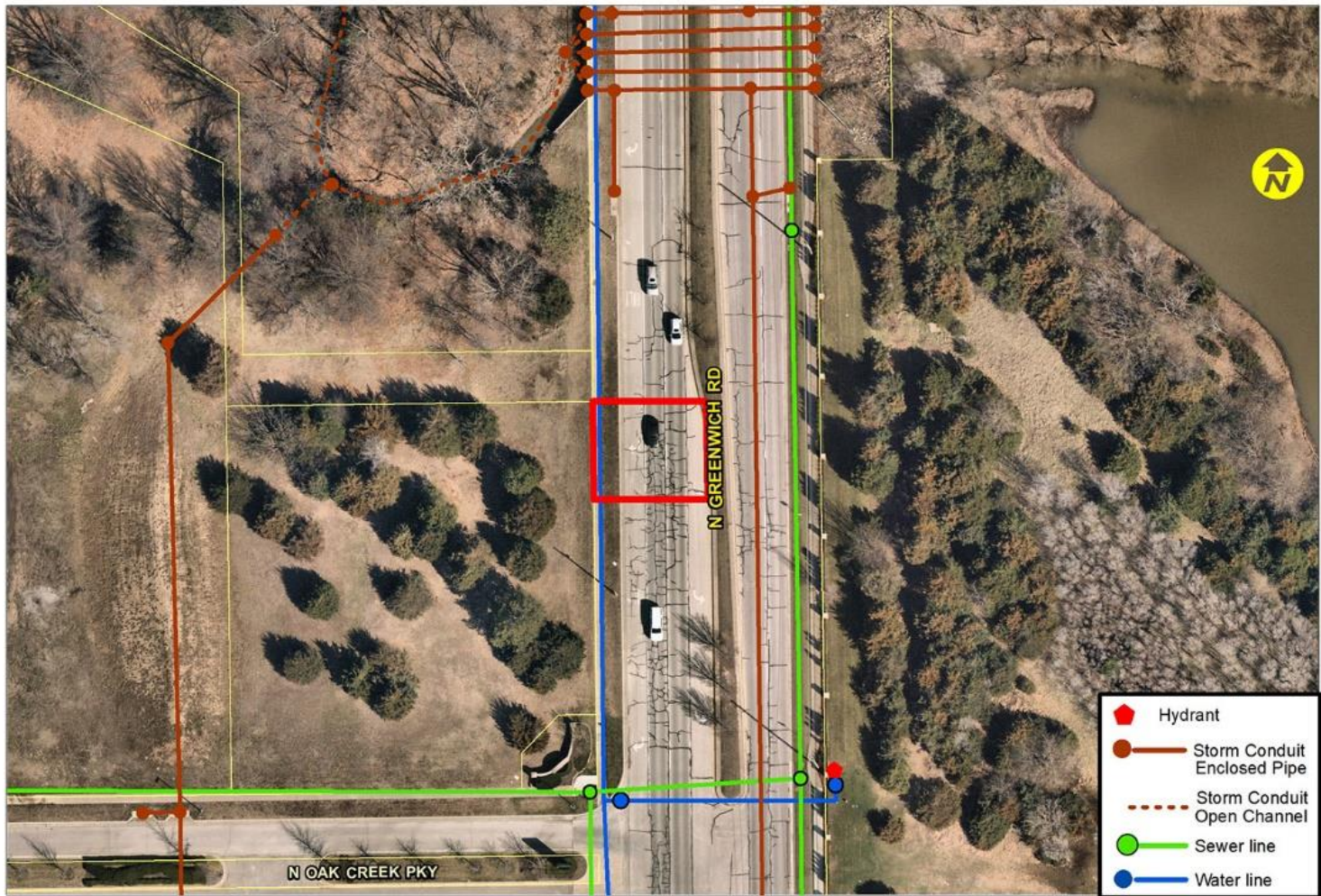
The Subdivision Committee recommends approval subject to the following conditions:

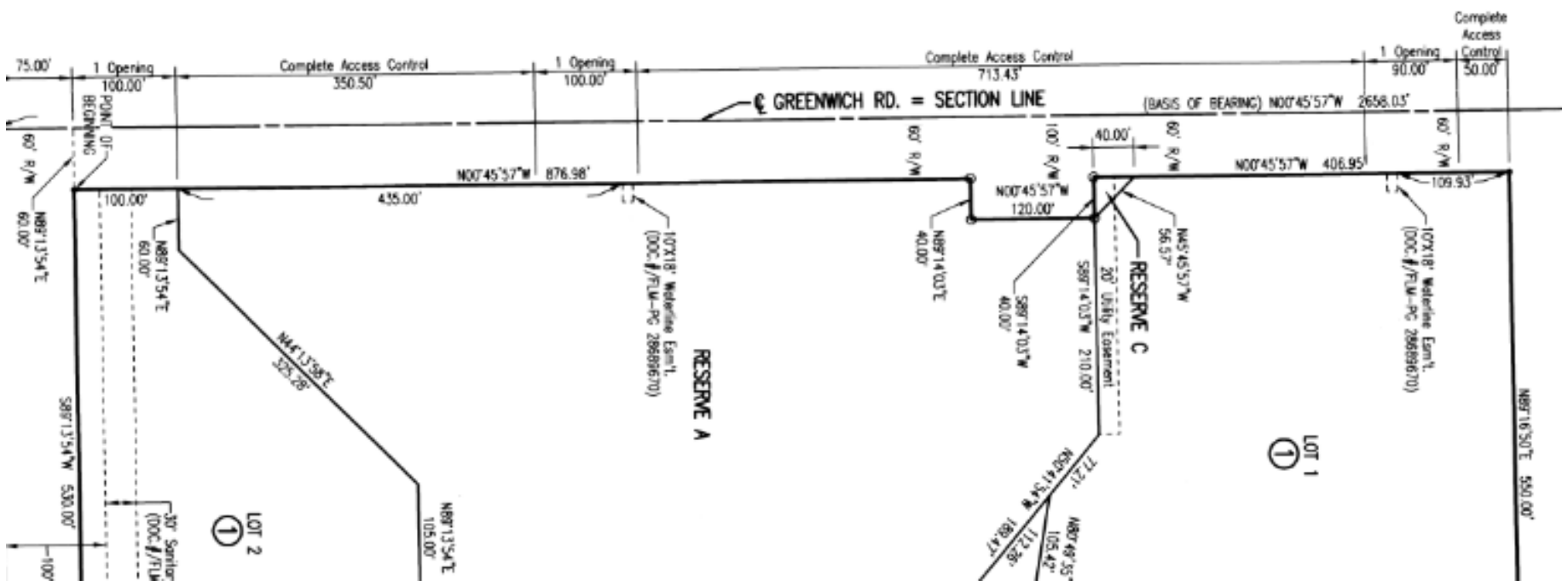
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Attachments:

1. Aerial Map
2. Excerpt from the Oak Creek 4th Addition showing Lot 5, Block 1/subject site
3. Site Plan
4. Excerpt from Spilled Wine Addition showing access controls and openings
5. Site Photos
6. Legal Description







Subject site (facing north)



South of subject site



Southeast of subject site (North Greenwich Road)



West side of subject site fronting North Greenwich Road (facing north)

Legal Description

SURVEYOR'S DESCRIPTION:

A PORTION OF LOT 5, OAK CREEK 4TH, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED BY TRENTON C. HEINEN, PS 1707 ON JULY 11, 2022 AS FOLLOWS:

ALL BEARINGS HEREIN ARE BASED ON A PLATTED BEARING OF S 00° 45'57" E ON THE EAST LINE OF SAID LOT 5, BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE ON THE EAST LINE S 00° 45'57" E A DISTANCE OF 52.00 FEET.

END OF DESCRIPTION

CERTIFICATION:

I, TRENTON C. HEINEN, BEING A DULY LICENSED SURVEYOR UNDER THE LAWS OF KANSAS, HEREBY CERTIFY THAT THIS DESCRIPTION WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND IS CORRECT TO THE BEST OF MY BELIEF AND ABILITY.

(AN ORIGINAL SEAL WITH SIGNATURE IN BLUE INK SIGNIFIES THE CERTIFICATION OF THE ENTIRE FACE OF THIS DOCUMENT AND ALL OF ITS CONTENT)

