FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 23, 2022

Evans Building
Company Inc.,
Attn: Jeffrey Johnson
5555 N. Larson Rd
Maize, KS 67101

Ref: VAC2022-00023: Vacation request in the City to vacate a portion of platted complete access control on property zoned PUD Planned Unit Development; generally located on the west side of South Seneca Street and within one-quarter mile south of West MacArthur Road (4211 S. Seneca).

Mr. Johnson,

At its regular meeting on Tuesday, November 22, 2022, the Wichita City Council considered the above-referenced request. The action of the City Council was to **APPROVE** subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4421.

Sincerely,

Philip Zevenbergen
Current Plans Division Manager

PZ:kw

cc: James Selenke, 4211 S Seneca, Wichita KS 67217

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 1, 2022

Evans Building
Company Inc.,
Attn: Jeffrey Johnson
5555 N. Larson Rd
Maize, KS 67101

Ref: VAC2022-00023: Vacation request in the City to vacate a portion of platted complete access control on property zoned PUD Planned Unit Development; generally located on the west side of South Seneca Street and within one-quarter mile south of West MacArthur Road (4211 S. Seneca).

Mr. Johnson,

At the Thursday, September 1, 2022, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council 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 City Council for final action.

(2) All improvements shall be according to City Standards and at the applicants' expense.

(3) Vacation of the south 40 feet of the north 65.28 feet of platted complete access control located on and running parallel with the east property line of Lot 1, Block B, Cross Gate Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval includes the requirement to dedicate access control to close the midpoint, 50-foot opening. The applicant shall provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to City Council 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 City Council 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.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **September 15, 2022** (end of the two-week protest period). This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Current Plans Division Manager

PZ:kw

cc: James Selenke, 4211 S Seneca, Wichita KS 67217

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30207288
Receipt #: 2354567
Pages Recorded: 2
Recording Fee: $0.00
Authorized By: Tonya Buckingham
Cashier: BFlowers
Date Recorded: 11/29/2022 02:50:51 PM

BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED COMPLETE ACCESS CONTROL	)	
GENERALLY LOCATED ON THE WEST SIDE OF SOUTH SENECA STREET AND WITHIN ONE-QUARTER-MILE SOUTH OF WEST MACARTHUR ROAD	)	**VAC2022-00023**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 22nd day of November 2022, comes on for hearing the petition for vacation filed by James Selenke (owner), praying for the vacation of the described portion of a platted access control, to wit:

Vacate the south 40.00 feet of the north 65.28 feet of platted complete access control onto South Seneca Street located on the east property line of Lot 1, Block B, Cross Gate Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on August 11, 2022, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described portion of the platted complete access control, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. A dedication of access control describing the realigned complete access control along the east line of Lot 1, Block B, Cross Gate Addition, along with the Vacation Order, shall be recorded with the Sedgwick County Register of Deeds.

6. The vacation of the described portion of the platted complete access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of November, 2022, ordered that the described portion of the platted complete access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS

Brandon J. Whipple, Mayor

ATTEST:

Jamie Buster, City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	301556	Print Legal Ad - IPL0084974		$218.92	3	87 L

Attention: MANDY HEBERT

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on August 11, 2022
(One Time Only)
MAPC/BZA September 1, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 1, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building – 1st Floor Council Chambers – 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2022-00030: Conditional Use request in the City for an Accessory Apartment above a garage located approximately 650 feet south of West Douglas Avenue and on the west side of South Meridian Avenue (201 South Meridian Avenue).

CUP2022-00035: CUP Amendment in the City to the Kiser West CUP DP-254 to permit vehicle sales and display and Vehicle Repair Limited on Parcels 5-7, and adjust cross lot circulation on property zoned LC Limited Commercial located on the west side of North Greenwich and within one-half mile south of East 13th St.

PUD2022-00017: Zone change is the City from TF-3 Two-Family and GC General Commercial to PUD Planned Unit Development to allow combined Office Warehouse and TF-3 land uses in a residential structure; located south of East Douglas Ave and within one block west of South Hillside Ave (3015 E Douglas & 3016 E Oakland)

VAC2022-00022: Vacation request in the City to vacate a portion of platted complete access control on property zoned LC Limited Commercial 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.

VAC2022-00023: Vacation request in the City to permit a 40-foot drive on property zoned PUD Planned Unit Development; generally located on the west side of South Seneca Street and within one-quarter mile south of West MacArthur Road (4211 S. Seneca).

VAC2022-00024: Vacation request in the City to vacate a platted utility easement on property zoned GO General Office with PO270; generally located onehalf mile east of North Woodlawn Blvd, on the north side of K96 Highway.

VAC2022-00025: Vacation request in the City to vacate a portion of complete access control on property zoned LC Limited Commercial with CUP DP-296 to adjust locations of permitted drives; located on the northeast corner of North 119th Street West and West 29th Street North.

ZON2022-00039: Zone change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential; generally located approximately one-block south of West Maple Street, on the east side of South Meridian Avenue (502 South Meridian Avenue).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING.

THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate:
1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov
Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Scott Wadle
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
Fax 316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141
New to GoToMeeting? Get the app now and be ready when your first meeting starts:
https://global.gotomeeting.com/install/651544141

Attend In-Person

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WITNESS MY HAND on August 11, 2022
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0084974
Aug 11 2022

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 08/11/2022

Ending Issue of: 08/11/2022

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 08/11/2022 to 08/11/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 08/11/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
IPL0084974
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
WIC - Wichita Eagle
Final Cost:
218.92
Payment Type:
Account Billed
User ID:
IPL0019064

ACCOUNT INFORMATION

CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
316-268-4529
kgonzalez@wichita.gov
CITY OF WICHITA/PLANNING DEPT

TRANSACTION REPORT

Date
August 8, 2022 3:29:38 PM EDT
Amount:
218.92

SCHEDULE FOR AD NUMBER IPL00849740

August 11, 2022
The Wichita Eagle

PREVIEW FOR AD NUMBER IPL00849740

LEGAL PUBLICATION
OCA 150004
Published in The Wichita Eagle on August 11, 2022
(One Time Only)
MAPC/BZA September 1, 2022
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Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department
Attn. Scott Wadle
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone 316.268.4421
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https://global.gotomeeting.com/join/651544141
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United States: +1 (571) 317-3112
Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141
New to GoToMeeting? Get the app now and be ready when your first meeting starts.
https://global.gotomeeting.com/install/651544141

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WITNESS MY HAND on August 11, 2022
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0084974
Aug 11 2022

<< Click here to print a printer friendly version >>

FILE COPY

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO. 3-3
September 1, 2022

STAFF REPORT

CASE NUMBER: **VAC2022-00023** – Vacation Request in the City to Vacate a Portion of Platted Complete Access Control on Property Zoned PUD Planned Unit Development

OWNER/APPLICANT: James Selenke (applicant), Evans Building Company- Jeffry Johnson (agent)

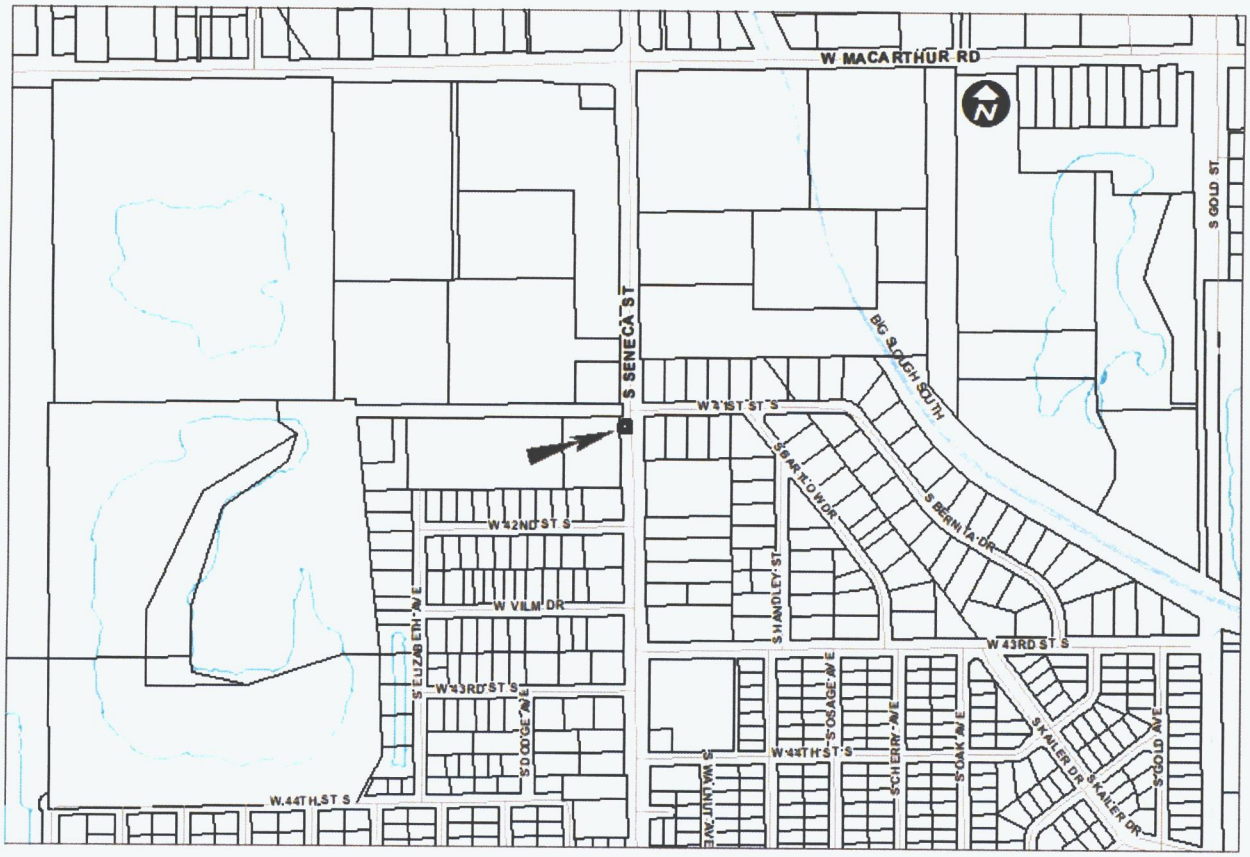
LEGAL DESCRIPTION: Generally described as vacating the south 40 feet of the north 65.28 feet of platted complete access control onto South Seneca Street located on the east property line of Lot 1, Block B, Cross Gate Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the west side of South Seneca Street, within one-quarter mile south of West MacArthur Road.
(WCC IV)

REASON FOR REQUEST: Add a right-in/right-out driveway on the north side of the property.

CURRENT ZONING: The site is zoned PUD Planned Unit Development.

VICINITY MAP:



The applicant is requesting a vacation of the south 40 feet of the north 65.28 feet of platted complete access control onto South Seneca Street located on the east property line of Lot 1, Block B, Cross Gate Addition. The plat permits two access points onto the site. One 50-foot opening is permitted midpoint on the site and one 40-foot opening is permitted on the south property line of the site. The midpoint access point is currently constructed with a driveway. The applicant is proposing one 40-foot, driveway 25.28 feet south of the north property line and an additional 30-foot full access driveway on the south property line (within the platted opening). This will allow truck access along the north part of the site. The existing midpoint driveway does not facilitate efficient truck movement through the site.

City Traffic Engineering has reviewed the request. Though the proposed north driveway does not align with arterial access management standards, City Traffic Engineering is supportive of permitting the drive with the following conditions:

1. It be constructed as a right-in/right-out driveway.
2. The midpoint driveway be closed and access control be dedicated.

The applicant is agreeable to these conditions.

Property to the north is a private driveway that aligns with West 41st Street on the east side of South Seneca Street. The proximity of this intersection provides the most opportunity for vehicular conflict. This conflict will be mitigated with the proposed drive being required to be right-in/right-out only.

Evergy has no objection. They have existing lines and street light equipment in the area of complete access control. Condition #2 covers this equipment. If the applicant needs to relocate any existing services equipment, it will be at their expense. Jeremy Lane, Design Representative for Evergy, can be contacted at 785-508-2703. The Cross Gate Addition was recorded April 18, 2016.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City 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 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 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) As needed provide Planning with dedication of easements by separate instruments with original signatures to go with the Vacation Order to City Council 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 City Council for final action.

(2) All improvements shall be according to City Standards and at the applicants' expense.

(3) Vacation of the south 40 feet of the north 65.28 feet of platted complete access control located on and running parallel with the east property line of Lot 1, Block B, Cross Gate Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Approval includes the requirement to dedicate access control to close the midpoint, 50-foot opening. The applicant shall provide Planning with a dedication of access control by separate instrument with original signatures to go with the Vacation Order to City Council 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 City Council for final action.

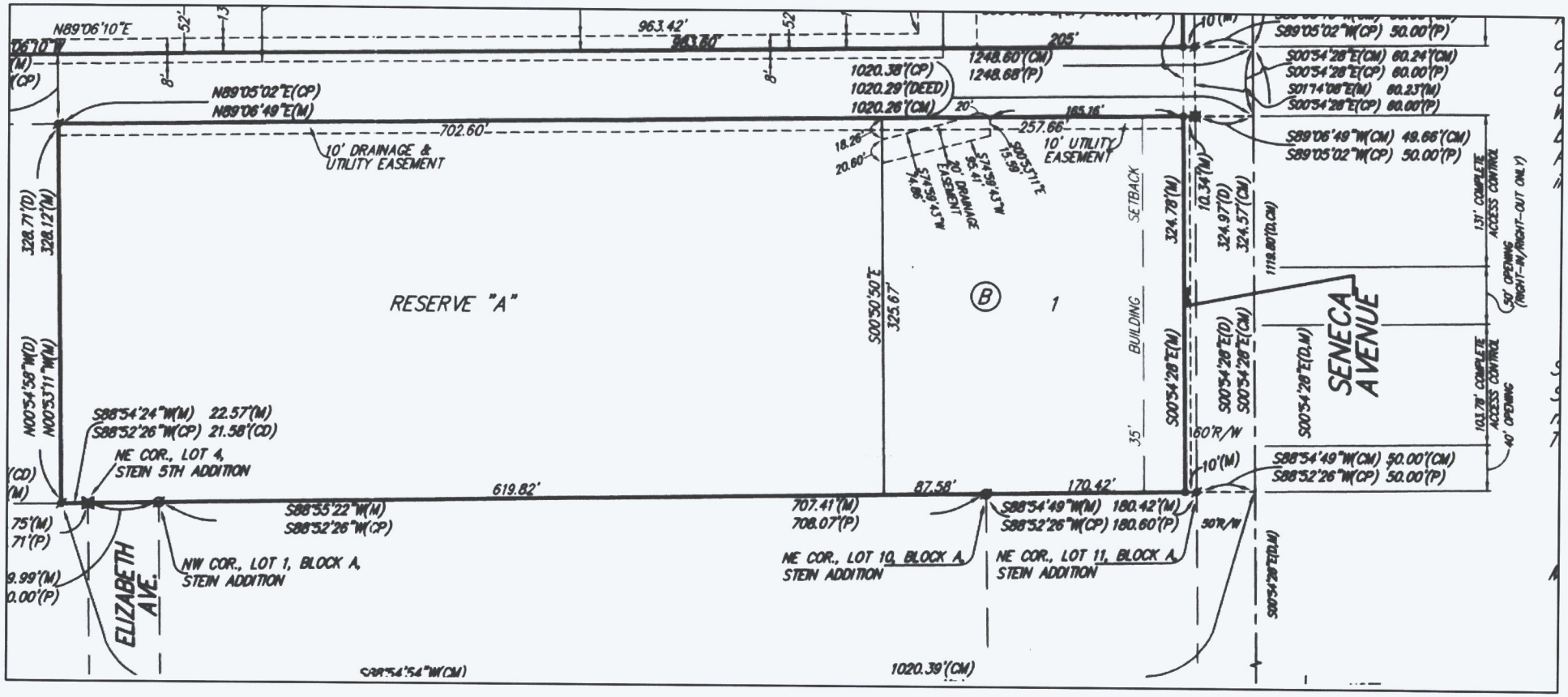
(4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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.

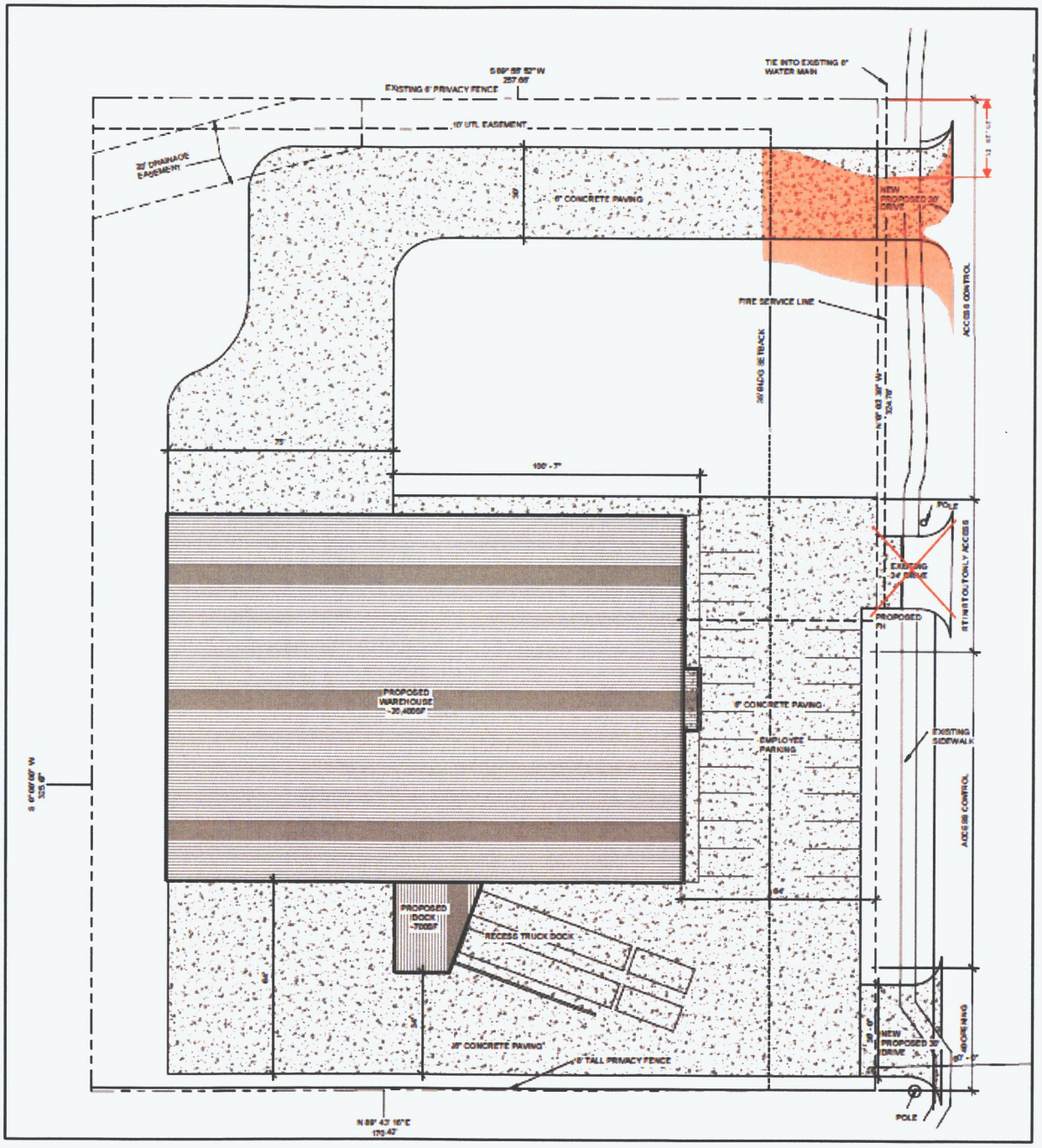
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

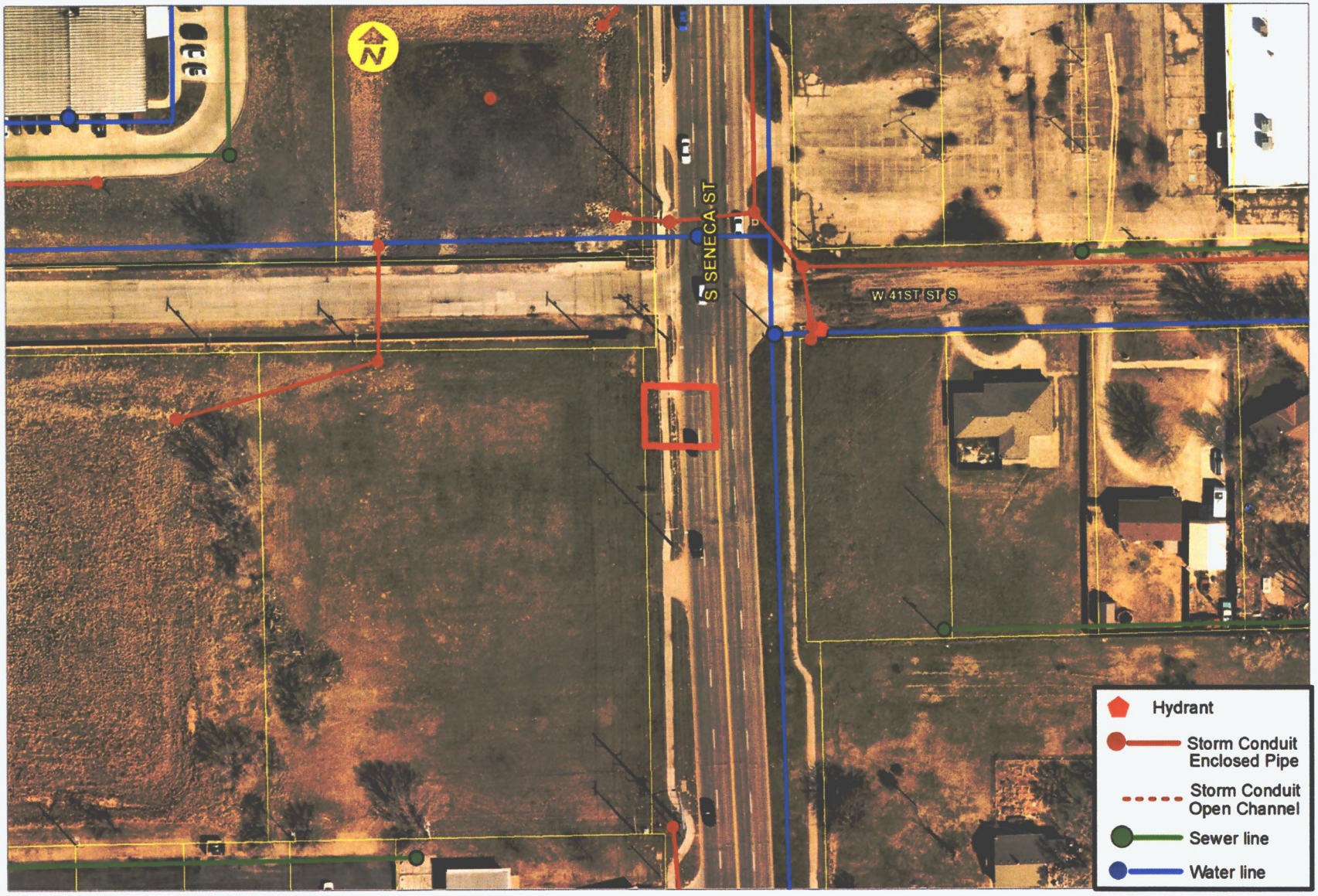
The Subdivision Committee recommends approval per staff recommendations.

Attachments:
1. Plat Detail
2. Site Plan
3. Aerial Map
4. Site Photos

Plat Detail


RESERVE "A"
B
1
SENECA AVENUE
ELIZABETH AVE.
BUILDING SETBACK
10' DRAINAGE & UTILITY EASEMENT
10' UTILITY EASEMENT
20' DRAINAGE EASEMENT
702.60'
619.82'
87.58'
170.42'
257.66'
185.16'
205'
963.42'
N89°06'10"E
N89°05'02"E(CP)
N89°06'49"E(M)
S88°54'24"W(M) 22.57'(M)
S88°52'26"W(CP) 21.58'(CD)
NE COR., LOT 4, STEIN 5TH ADDITION
S88°55'22"W(M)
S88°52'26"W(CP)
NW COR., LOT 1, BLOCK A, STEIN ADDITION
NE COR., LOT 10, BLOCK A, STEIN ADDITION
NE COR., LOT 11, BLOCK A, STEIN ADDITION
S88°54'49"W(M) 180.42'(M)
S88°52'26"W(CP) 180.60'(P)
S88°54'49"W(CM) 50.00'(CM)
S88°52'26"W(CP) 50.00'(P)
S89°05'02"W(CP) 50.00'(P)
S00°54'28"E(CM) 60.24'(CM)
S00°54'28"E(CP) 60.00'(P)
S01°14'08"E(M) 60.23'(M)
S89°06'49"W(CM) 49.66'(CM)
S89°05'02"W(CP) 50.00'(P)
S00°50'30"E 325.67'
S00°54'28"E(M)
S00°54'28"E(D)
S00°54'28"E(CM)
60'R/W
50'R/W
10'(M)
324.78'(M)
324.97'(D)
324.57'(CM)
328.71'(D)
328.12'(M)
N00°54'58"W(D)
N00°53'11"W(M)
1020.38'(CP)
1020.29'(DEED)
1020.26'(CM)
1248.60'(CM)
1248.68'(P)
707.41'(M)
708.07'(P)
1020.39'(CM)
13' COMPLETE ACCESS CONTROL
30' OPENING (RIGHT-IN/RIGHT-OUT ONLY)
40' OPENING


TIE INTO EXISTING 8" WATER MAIN
EXISTING 6' PRIVACY FENCE
10' UTIL EASEMENT
20' DRAINAGE EASEMENT
6" CONCRETE PAVING
NEW PROPOSED 30' DRIVE
ACCESS CONTROL
FIRE SERVICE LINE
30' BLDG SETBACK
POLE
EXISTING 34' DRIVE
PROPOSED 7H
RT IN/RT OUT ONLY ACCESS
PROPOSED WAREHOUSE 30,400SF
6" CONCRETE PAVING
EMPLOYEE PARKING
EXISTING SIDEWALK
ACCESS CONTROL
PROPOSED DOCK 700SF
RECESS TRUCK DOCK
6" CONCRETE PAVING
6' TALL PRIVACY FENCE
NEW PROPOSED 30' DRIVE
POLE


N
S SENECA ST
W 41ST ST S
Hydrant
Storm Conduit Enclosed Pipe
Storm Conduit Open Channel
Sewer line
Water line

Looking southwest at site



Looking west at property south of site



Looking west at existing driveway on site



Looking west at drive north of site



Looking east at West 41st Street



Looking east away from site

