



Wichita-Sedgwick County Metropolitan Area Planning Department

October 4, 2022

Sean W. Fallis &
Barbara Kelly
2315 E. Fager St.
Wichita, KS 67216

Ref: VAC2022-00019: Request in the City to vacate a portion of platted complete access control on SF-5 zoned property generally located approximately seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove and East Fager Streets.

Mr. Fallis & Ms. Kelly,

At its regular meeting on [Tuesday, September 27, 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,

A handwritten signature in blue ink, appearing to read 'Eryn Ebach-Freund'.

Eryn Ebach-Freund
Associate Planner

EE:kw



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

July 07, 2022

Sean W. Fallis &
Barbara Kelly
2315 E. Fager St.
Wichita, KS 67216

Ref: VAC2022-00019: Request in the City to vacate a portion of platted complete access control on SF-5 zoned property generally located approximately seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove and East Fager Streets.

Mr. Fallis & Ms. Kelly,

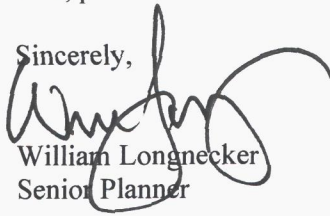
At the Thursday, July 07, 2022, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Approve of the vacation request for one opening onto South Grove Street per the approval of the Traffic Engineer. Provide Planning Staff with a legal description of the approved vacated portions of the platted 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) All improvements shall be according to City Standards and at the applicant's expense, including, but not limited to the construction of the driveway from the site onto North Grove Street. Provide Public Works and utilities with a guarantee (approved project/plans) to ensure that this and any other associated improvements will be made. If the driveway is not being immediately constructed, provide a Drive Approach Certificate, which will be recorded with the Register of Deeds with the Vacation Order. 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.
- (3) No driveways or structures can be located on or over the on-site septic of the subject property.
- (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) 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 **July 21, 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,



William Longnecker
Senior Planner

WL:kw



Sedgwick County
 Register of Deeds - Tonya Buckingham
 Doc.#/Flm-Pg: 30195745
 Receipt #: 2347859
 Pages Recorded: 2
 Recording Fee: \$0.00

Cashier: BFlowers
 Authorized By: *Tonya Buckingham*
 Date Recorded: 09/30/2022 04:11:08 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 APPROXIMATELY)
 ONE-HALF MILE SOUTH OF EAST 63RD STREET)
 SOUTH, MIDWAY BETWEEN I-35 AND K-15, ON THE)
 SOUTHWEST CORNER OF SOUTH GROVE STREET)
 AND EAST FAGER STREET)**

VAC2022-00019

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 27th day of September, 2022, comes on for hearing the petition for vacation filed by the Sean W. Fallis and Barbara Kelly (applicants/owners) praying for the vacation of a portion of platted complete access control, to wit:

Vacate 30 feet of the platted complete access control onto South Grove Street off the east side of Lot 20, Block 1, Huntington Pointe 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:

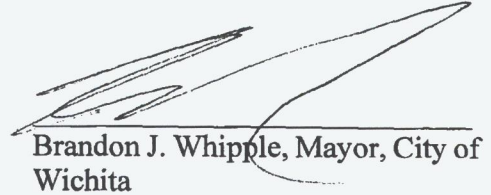
1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on June 16, 2022, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the described portion of platted complete access control and the public will suffer no loss or inconvenience thereby.
3. All improvements shall be to City Standards and at the owner's expense, including but not limited to, construction of a driveway from Lot 20, Block 1, Huntington Pointe Addition

September 27, 2022
 VAC2022-00019

onto South Grove Street.


4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.
6. The vacation of the described portion of platted complete access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 27th day of September, 2022, ordered that the above-described portion of 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 for recording.



Brandon J. Whipple, Mayor, City of
Wichita

ATTEST:



Jennie Buster, City Clerk



Approved as to Form:



Jennifer Magana, City Attorney and Director of Law

September 27, 2022
VAC2022-00019



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	275879	Print Legal Ad - IPL0077061		\$221.44	3	88 L

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

LEGAL PUBLICATION

OCA 160004
 Published in The Wichita Eagle on June 16, 2022
 (One Time Only)
 MAPC/BZA July 7, 2022
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, July 7, 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.

CON2022-00019: City Conditional Use request in the City for an accessory apartment in SF-5 Single-Family Zoning; generally located approximately one-quarter mile North of West 13th Street North and within one-half mile East of North Amidon Avenue (1541 North Woodrow Avenue).

CON2022-00020: Conditional Use request in the City for Carwash in LC Limited Commercial within 200 feet of residential zoning; generally located on the East side of South Seneca Street and within one-quarter mile North of West 31st Street South (3028 South Seneca).

CON2022-00021: Conditional Use request in the City to allow Multi-Family density in TF-3 Two-Family Residential zoning (with ZON2022-29, rezoned from SF-5 to TF-3); generally located within one-half mile North of West Central Avenue and two blocks West of North McLean Boulevard (804 North Custer).

PUD2022-00015: Zone Change request in the City from TF-3 Two-Family Residential to PUD Planned Unit Development to modify development standards to permit two non-conforming single-family structures, located within one-block West of South Hillside Avenue and within one-quarter mile South of East Douglas Avenue (302 S. Lorraine).

VAC2022-00018: Request in the City to Vacate a platted alley; generally located South of East 21st Street North and East of North Hydraulic Avenue, between Minneapolis Avenue and Minnesota Avenue.

VAC2022-00019: Request in the City to Vacate a portion of platted complete access control on SF-5 zoned property; generally located seven-tenths of a mile South of East 63rd Street South, midway between I-35 and K-15, on the Southwest corner of South Grove and East Fager Streets.

ZON2022-00015: Request in the City to amend Protective Overlay #359 (ZON2020-00050) for construction of a duplex; generally located within 200 feet North of East 17th Street North and within one-half mile East of North Hydraulic Avenue (1805 North Madison).

ZON2022-00017: Zone change request in the City from SF-5 Single Family Residential to TF-3 Two Family Residential; generally located 225 feet South of 26th Street North and two blocks East of North Hillside Avenue.

ZON2022-00029: Zone change request in the City from SF-5 Single-Family Residential to TF-3 Two Family Residential (with CON2022-00021 for multi-family density) located within one-half mile North of West Central Avenue and within one-quarter mile West of North McLean Boulevard (804 North Custer).

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
 You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on June 16, 2022
 Scott Wadle, Secretary
 WichitaSedgwick County
 Metropolitan Area Planning Commission
 IPL0077061
 Jun 16 2022

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

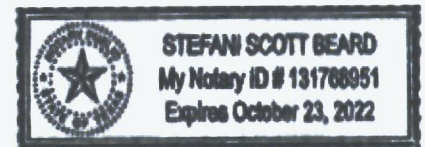
No. of Insertions: 1
 Beginning Issue of: 06/16/2022
 Ending Issue of: 06/16/2022

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 06/16/2022 to 06/16/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 06/16/2022

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



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

STAFF REPORT

CASE NUMBER: VAC2022-00019 - Request in the City to vacate portions of platted complete access control

APPLICANTS: Sean W. Fallis & Barbara Kelly Fallis (owner/applicant)

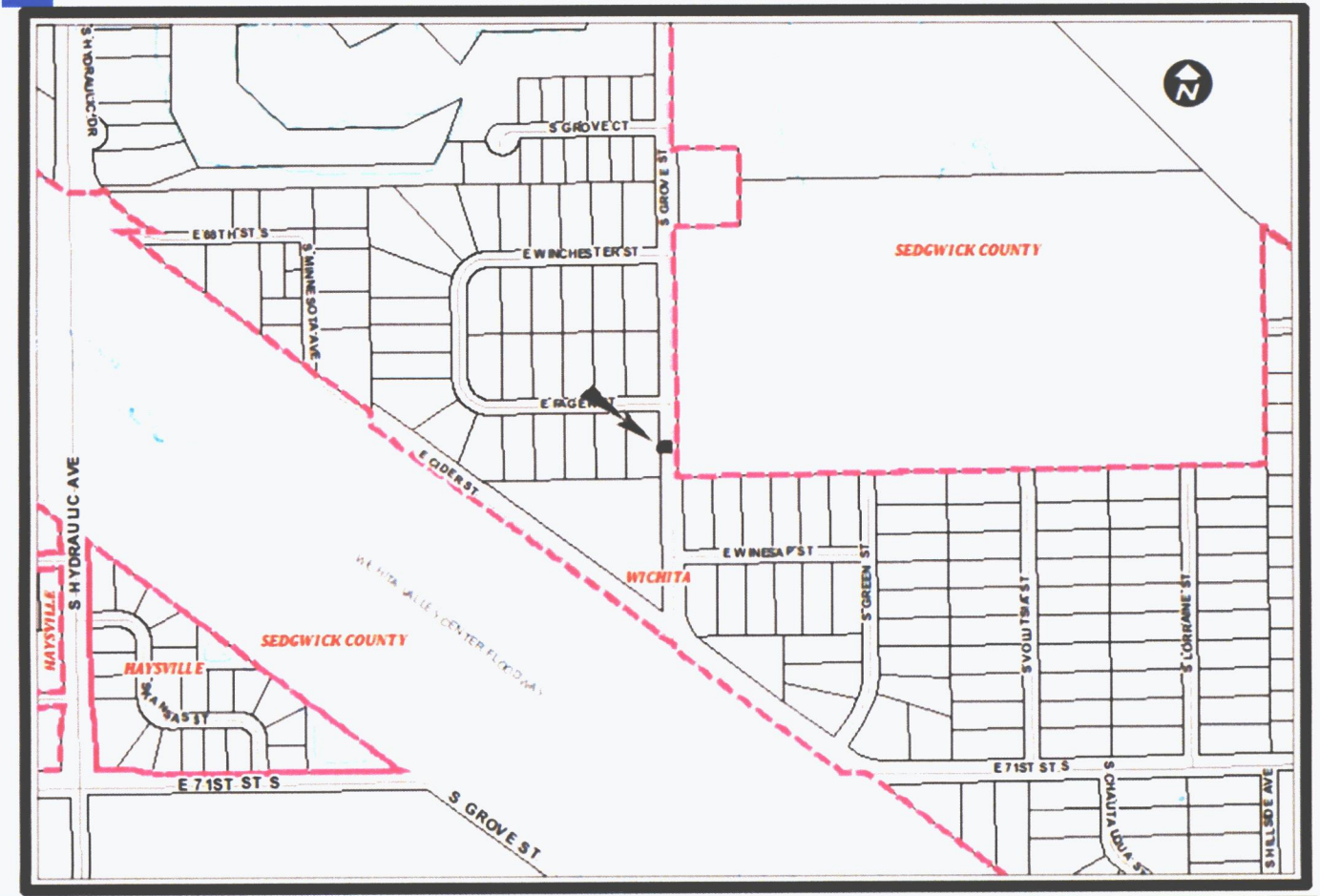
LEGAL DESCRIPTION: Generally described as vacating a portion of the 294.52 feet of platted complete access control on east side of Lot 20, Block 1, Huntington Pointe Addition.

LOCATION: Generally located seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove Street & East Fager Street (2315 East Fager Street District III)

REASON FOR REQUEST: To allow one driveway onto North Grove Street

CURRENT ZONING: The subject site, abutting south and adjacent southeast properties are zoned SF-5 Single-Family Residential. East adjacent property is zoned RR Rural Residential with CON2004-00033 overlay. Adjacent north properties are zoned SF-5. Abutting west and adjacent northwest properties are zoned MH Manufactured Housing.

VICINITY MAP:



VAC2022-00019 – Request in the city to vacate portions of platted complete access control on SF-5 zoned property generally located seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove Street and East Fager Street

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The applicant proposes to vacate a portion of platted complete access control on the corner subject site; Lot 20, Block 2, Huntington Pointe Addition; 2315 East Fager Street. The proposed driveways would be 30 feet wide and provide access onto South Grove Street, a north-south, paved, local two-lane street with a posted 40 MPH speed limit. The subject site currently has access onto East Fager Street, which abuts its front yard. East Fager Street is an east-west paved (no curb) local residential street.

All of the lots in the Huntington Pointe Addition that have frontage on South Grove Street are platted with complete access control onto South Grove Street, which abuts those lots' street side yards. There are three drives located north of the subject site on the west side of South Grove Street, none of these properties are located in the Huntington Pointe Addition. A single-family residence located on the east side of South Grove Street has a drive onto South Grove located approximately 1,000 feet northeast of the subject site. This RR Rural Residential zoned property abuts a large sand pit, CON2004-00033 that could be developed with as many 20 single-family residences when sand extraction ceased after a minimum of 10 years; BoCC approved February 3, 2005. The closest driveway onto South Grove Street from the applicant's property is located approximately 185 feet on a south abutting SF-5 zoned tract. The nearest streets, besides East Fager Street, to the subject site are East Winesap Street, located approximately 330 feet southeast, and East Winchester Street located approximately 590 feet north. The Access Management Guidelines do not require minimum separation standards for access onto local streets.

The applicant has also provided a conceptual for a single driveway located approximately 120 feet from their south property line. As shown this driveway would be located approximately 305 feet from the nearest driveway (south abutting SF-5 zoned tract) and approximately 174 feet from the nearest street, East Fager Street.

Power poles and lines are located on the east side of South Grove Street. Power poles and lines are also located along the south side of the subject site. Evergy has no objections to the request. Jeremy Lane is the Evergy Design Representative for this area and can be contacted at 785-508-2703. Conditions #3, and #4 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be negatively impacted by this vacation request, if approved per the conditions of approval.

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 June 16, 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) Approve of the vacation request for one opening onto South Grove Street per the approval of the Traffic Engineer. Provide Planning Staff with a legal description of the approved vacated portions of the platted 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.

VAC2022-00019 – Request in the city to vacate portions of platted complete access control on SF-5 zoned property generally located seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove Street and East Fager Street

July 7, 2022

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(2) All improvements shall be according to City Standards and at the applicant's expense, including, but not limited to the construction of the driveway from the site onto North Grove Street. Provide Public Works and utilities with a guarantee (approved project/plans) to ensure that this and any other associated improvements will be made. If the driveway is not being immediately constructed, provide a Drive Approach Certificate, which will be recorded with the Register of Deeds with the Vacation Order. 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.

(3) No driveways or structures can be located on or over the on-site septic of the subject property.

(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 filling with the Sedgwick County Register of Deeds.

(6) 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 conditions:

(1) Approve of the vacation request for one opening onto South Grove Street per the approval of the Traffic Engineer. Provide Planning Staff with a legal description of the approved vacated portions of the platted 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.

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July 7, 2022

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with the Sedgwick County Register of Deeds.

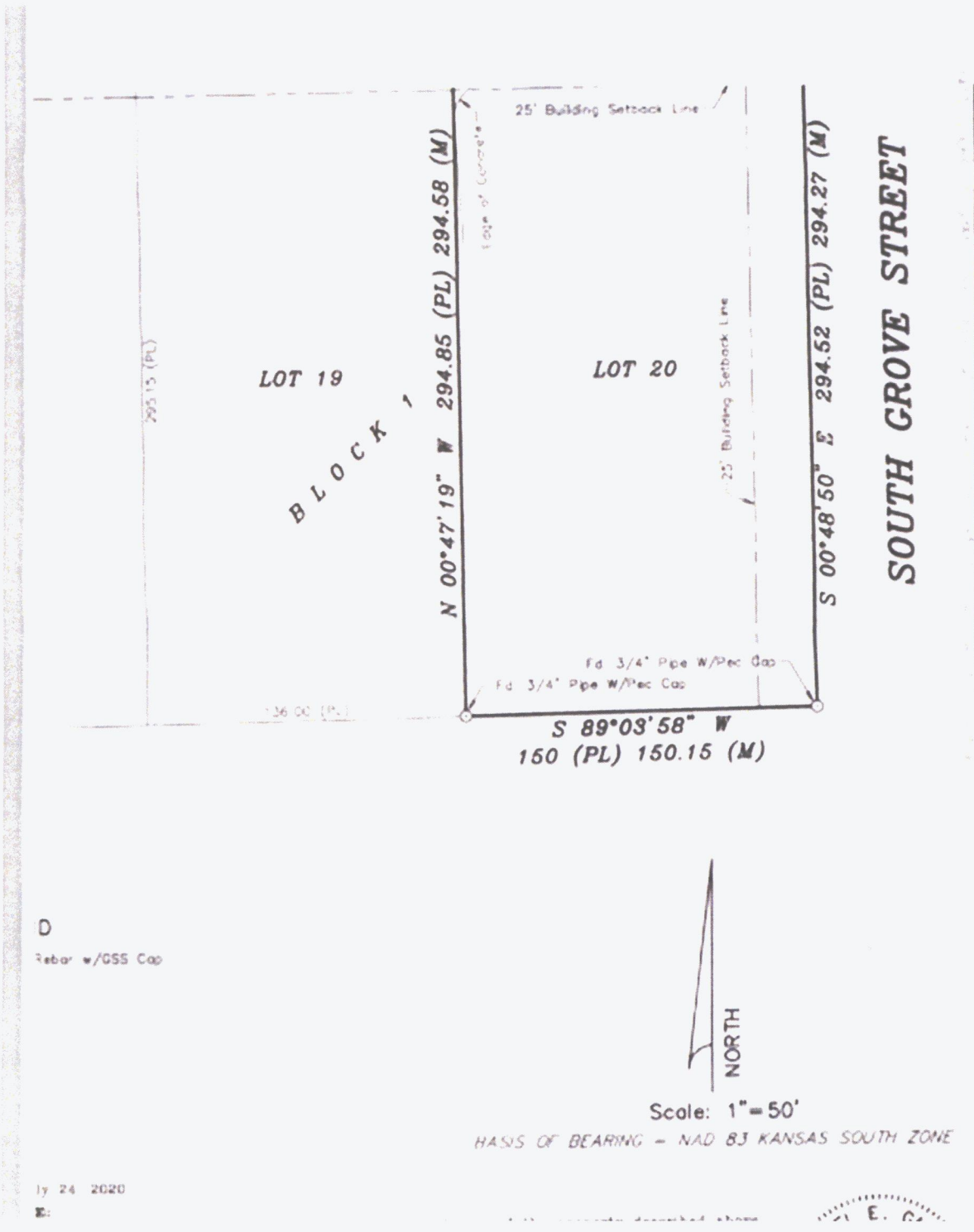
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Attachments:

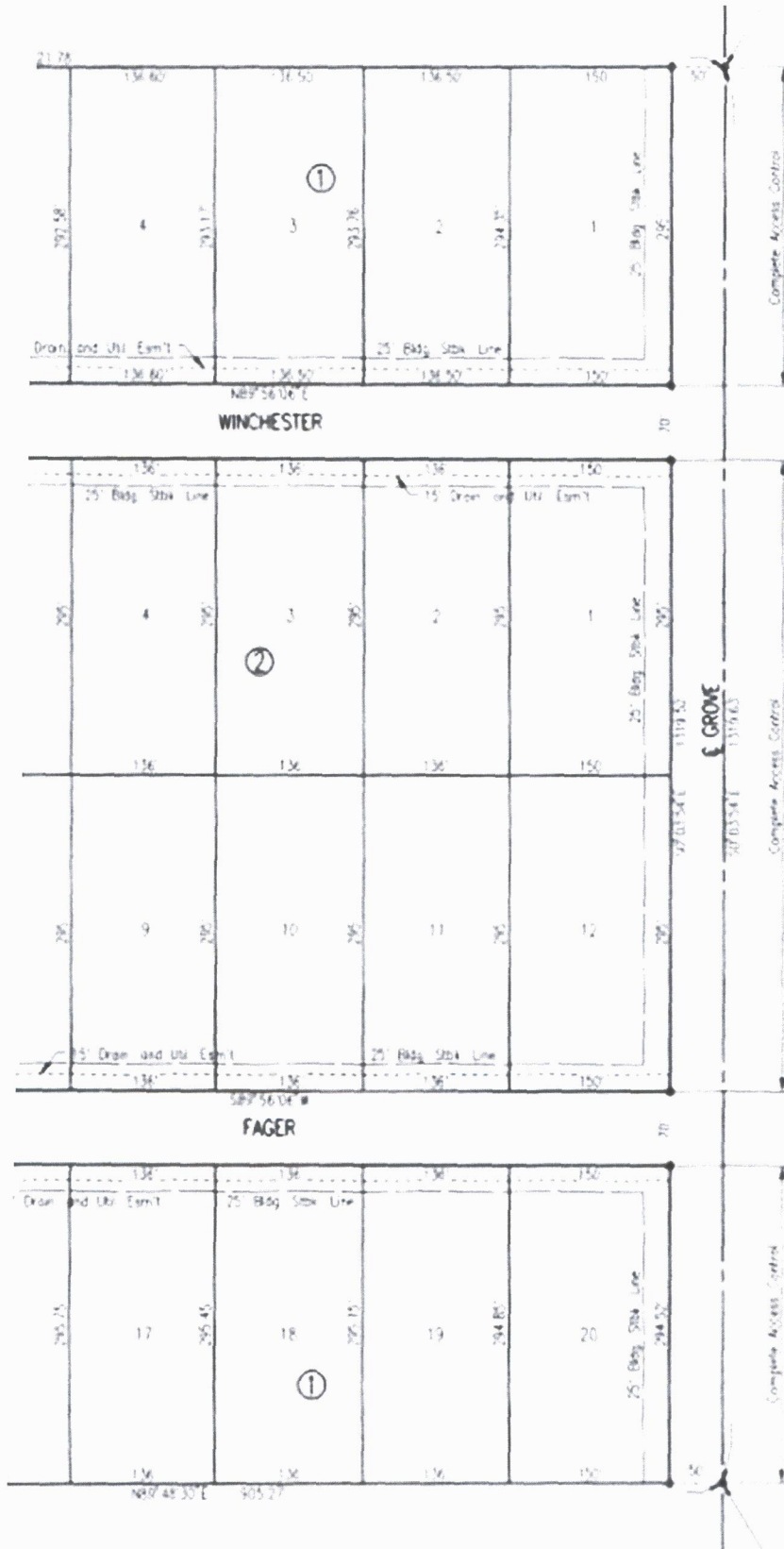
- Aerial with public utilities & location of proposed driveways
- Applicant's concept plan for one-drive way
- Portion of Huntington Pointe Addition showing lots with South Grove frontage and platted complete access control onto South Grove Street
- Google photos of applicant's residence & south end of applicant's property, area of Vacation request



VAC2022-00019 – Request in the city to vacate portions of platted complete access control on SF-5 zoned property generally located seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove Street and East Fager Street
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 July 7, 2022
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● - IRON PIPE SET
 PROJECT E.W. RAILROAD
 STRUCTURE
 CORNER
 E.W. CHECKED TO 4" X 1"
 OVER MONITORIAL
 T7458E

VAC2022-00019 – Request in the city to vacate portions of platted complete access control on SF-5 zoned property generally located seven-tenths of a mile south of East 63rd Street South, midway between I-35 & K-15, on the southwest corner of South Grove Street and East Fager Street
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