



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2006

Dillon Real Estate Co Inc.,
2700 E. Fourth Street
Hutchinson, KS 67501

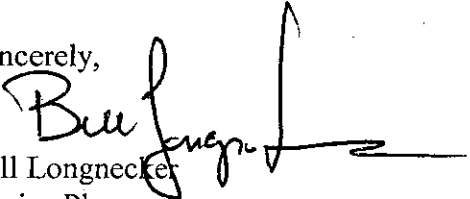
Re: **VAC2005-00038** - Request to vacate a portion of platted access control & platted setback, generally located on the northeast corner of 13th Street North & Greenwich Road

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, January 24, 2006, the Wichita City Council considered the 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 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
PEC, c/o Rob Hartman, 303 S. Topeka, Wichita, KS 67202
Woodlawn 37, LLC, 150 N. Market, Wichita, KS 67202
Dillon Real Estate Co In., Attn: Real Estate Tax # 993, P.O. Box 1608, Hutchison KS 67504
Venture Seven Development, LLC and Gateway Center, LLC, 150 N. Market Wichita, KS 67202
Gateway Center, LLC, 8100 E. 22nd N #1000, Wichita, KS 67226
Gateway Center Addition Master Owner Assoc., 7765 Killarney, Wichita, KS 67206
Wasabi LLC Gateway Center LLC & Venture Seven Development LLC c/o Ivy Yang, 3027 N Gouverneur, Wichita KS 67226
BGB 2 LLC, 8100 E 22nd N #2100-3, Wichita, KS 67226
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov



Register of Deeds - Bill Meek
 DOC #/FLM-PG: 28755981
 Receipt #: 1612517
 Pages Recorded: 3

Recording Fee:

Cashier Initials: KM Authorized By:
 Date Recorded: 2/13/2006 4:30:57 PM



associated with:
 D17757

Approved / Accepted by City Council

This 1-24-06

CITY CLERK'S ORIGINAL
 RETURN TO CITY CLERK

BEFORE THE CITY COUNCIL OF THE

CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

**IN THE MATTER OF THE VACATION OF
 PLATTED ACCESS CONTROL AND A PORTION
 OF THE PLATTED SETBACK**

**GENERALLY LOCATED
 ON THE NORTHEAST CORNER OF THE 13TH
 STREET NORTH - GREENWICH ROAD
 INTERSECTION**

Case No. ~~VAC2005-00038~~

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 24th day of January, 2006 comes on for hearing the petition for vacation filed by Dillon Real Estate, Inc., c/o Richard Russell and Woodlawn 37, LLC, c/o George Laham praying for the vacation of the following described platted access control and a portion of the platted setback, to-wit:

Vacate the platted access control along the west the west lot line of Lots 1 & 2, and along the south lot line of Lots 1, 2, 3 & 4, all in Block 1, all in the Dillon 12th Addition

Vacate a portion of a platted 75-foot building setback along the west property line of Lot 2, Block 1, Dillon 12th 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:

06-0083

1. That due and legal notice has been given by publication as required by law, by publication in The Wichita Eagle on October 27, 2005, 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 above-described platted access control and a platted setback, and the public will suffer no loss or inconvenience thereby.
3. Dedicate by separate instrument a 35' setback along the west property line of Lot 2, Block 1, Dillon 12th Addition, Wichita, Sedgwick County, Kansas, described as the south 80.62-feet and the south 252.41-feet of the north 302.41- feet Lot 2, Block 1, Dillon 12th Addition, Wichita, Sedgwick County, Kansas. Retain the remaining platted 75-foot setback along the west property line of Lot 2, Block 1, Dillon 12th Addition, Wichita, Sedgwick County, Kansas.
4. Dedicate by separate instrument access control to allow a total of one full movement and one right-in/right-out opening along the Greenwich Road frontage of Lot 2, Block 1, Dillon 12th Addition, Wichita, Sedgwick County, Kansas. Retain complete access control along the rest of the Greenwich Road frontage of Lot 2, Block 1, Dillon 12th Addition, Wichita, Sedgwick County, Kansas. Dedicate by separate instrument access control to allow a total of one full movement and two right-in/right-out openings along the 13th Street North frontage of Lots 1, 2, 3, & 4, Block 1, Dillon 12th Addition Wichita, Sedgwick County, Kansas. Retain complete access control along the rest of the 13th Street North frontage of Lots 1, 2, 3, & 4, Block 1, Dillon 12th Addition, Wichita, Sedgwick County, Kansas.
5. In justice to the petitioner(s), the prayer of the petition ought to be granted.
6. 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.
7. The vacation of platted access control and a portion of the platted setback described herein should be approved.

STAFF REPORT

CASE NUMBER: VAC2005-00038 Request to vacate platted access control and a portion of the platted setback

APPLICANTS/OWNERS: Dillon Real Estate, Inc, c/o Richard Russell
Woodlawn 37, LLC, c/o George Laham

AGENT: PEC, c/o Rob Hartman

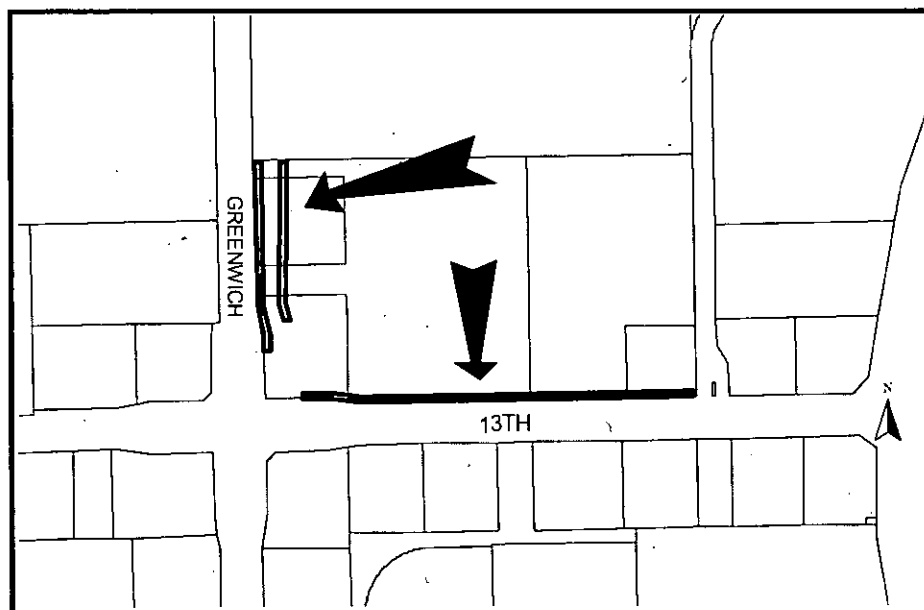
LEGAL DESCRIPTION: Generally described as the platted access control along the west side of Lots 1 & 2, and the south side of Lots 1, 2, 3 & 4, all in Block 1, all in the Dillon 12th Addition, Wichita, Sedgwick County, Kansas and a portion of the platted setback along the west side of Lot 2, Block 1, the Dillon 12th Addition

LOCATION: Generally located on the northeast corner of the 13th Street North - Greenwich Road intersection (District II)

REASON FOR REQUEST: Replace nine (9) platted drives with five (5) drives and reduce platted setback in on a new lot created by a lot split

CURRENT ZONING: The site and adjacent south, east and western properties are zoned "LC" Limited Commercial. Adjacent western and eastern properties are also zoned "GI" General Industrial and "SF-5" Single-family Residential. Abutting northern property is zoned "SF-20" Single-family Residential.

VICINITY MAP:



The applicant has applied for the vacation of the complete access control along the length of its Greenwich Road and 13th Street north frontages. The applicant proposes replacing the existing six (6) drives along its 13th Street North frontage with three (3) drives; two (2) right in/ right out drives and one (1) full movement drive. The applicant also proposes replacing the existing three (3) drives along its Greenwich Road frontage with two (2) drives; one (1) right in/ right out drives and one (1) full movement drive. Spacing of the proposed drives is closer to conformance to the current access control standards. There is platted access control on adjacent west and south properties (The Home Bank & Trust Company Addition and The Gateway Center 2nd Addition), which will be a part of the consideration of the proposed drives. The applicant is also proposing to vacate a portion of a platted 75-foot setback that is generally located on the north 272-feet (starting 50-foot south of its northwest corner) of its Greenwich Road frontage. A proposed lot split of Lot 2 will create a new lot on the north end of the site's Greenwich frontage. The applicant proposes to replace it with a 35-foot setback. The site is part of CUP DP-224, which has two existing lots of a similar size to the new lot and both have 35-foot setbacks along their street frontages; a 35-foot setback is the minimum setback for a CUP. No City water or sewer services are located in the within the proposed vacated portions of setbacks or access control. Comments from franchised utilities have not been received and are needed to determine if they have utilities in the platted setback or the platted access control. There is a platted easement along the site's Greenwich Road frontage. The Dillon 12th Addition was recorded with the Register of Deeds August 15, 1997.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control, per the approval of the Traffic Engineer, and a portion platted setback with conditions.

- 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, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 27, 2005 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted complete access control and a portion of platted setback and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of a portion of the platted complete access control described in the petition should be approved with conditions;

- (1) Vacate that portion of platted access control along the site's Greenwich Road and 13th Street frontage, as approved by the Traffic Engineer. Provide Staff with a metes and bounds description of the location of the new drives by e-mail.

- (2) Vacate that portion of the 75-foot setback as described and replace it with a 35-foot setback. Provide Staff with a metes and bounds description of the location of the new setback by e-mail. Adjust the setbacks in the CUP to reflect the new setbacks
- (3) Both the vacation of the access control and the setback are contingent upon approval of the proposed Lot Split.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (5) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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:

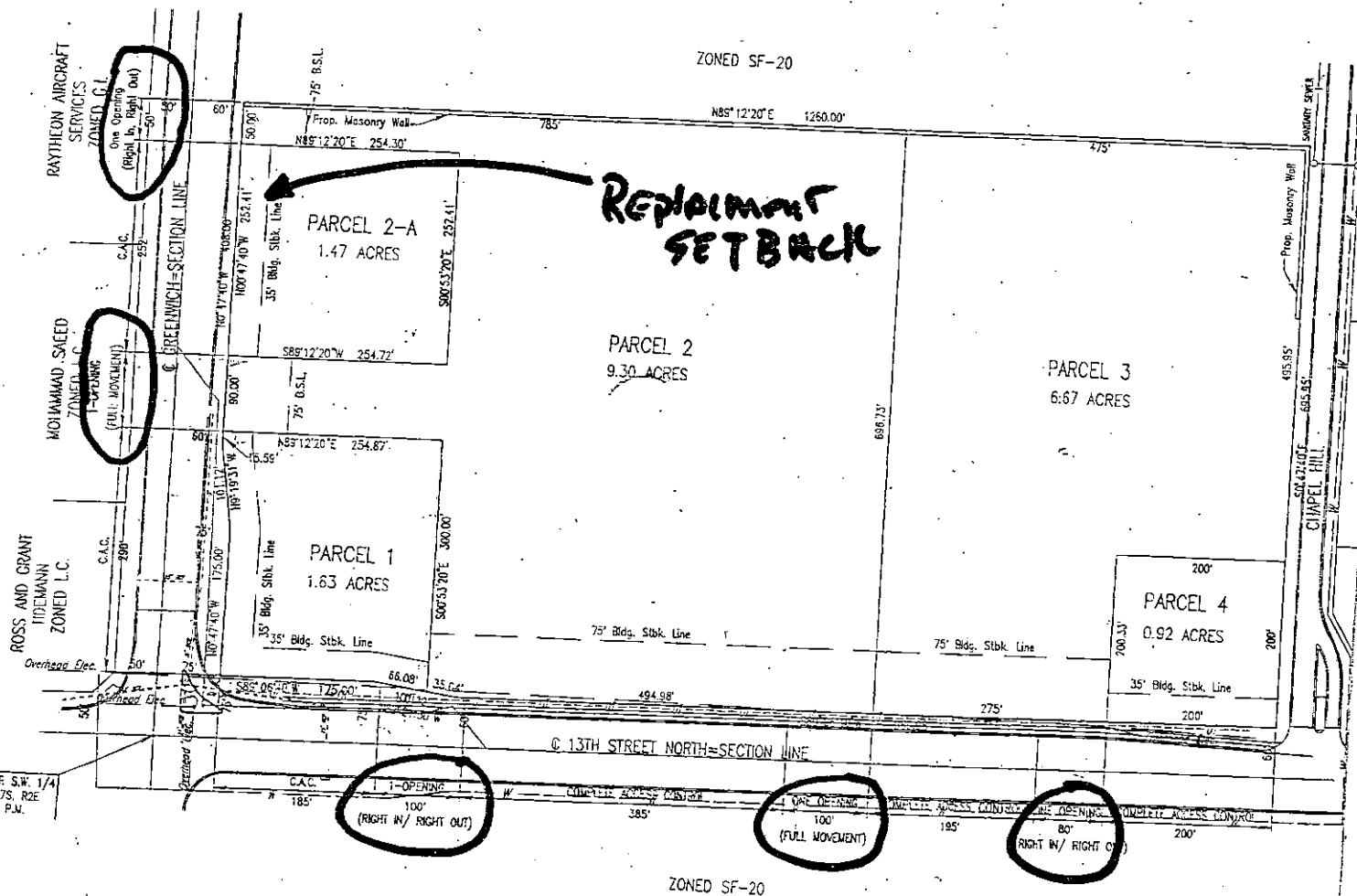
The Subdivision Committee recommends approval subject to the following conditions;

- (1) Vacate that portion of platted access control along the site's Greenwich Road and 13th Street frontage, as approved by the Traffic Engineer. Provide Staff with a metes and bounds description of the location of the new drives by e-mail.
- (2) Vacate that portion of the 75-foot setback as described and replace it with a 35-foot setback. Provide Staff with a metes and bounds description of the location of the new setback by e-mail. Adjust the setbacks in the CUP to reflect the new setbacks
- (3) Both the vacation of the access control and the setback are contingent upon approval of the proposed Lot Split.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (5) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (6) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request 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.

DILLONS 13TH AND GREENWICH C.U.P. DP-224

REPLACEMENT ACCESS CONTROL
35-F+ & SET BACK



Proposed

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Leavick
137A

