

STAFF REPORT

CASE NUMBER: VAC2018-00037 – City Vacation of platted reserves, alleys, 20-foot utility easement, partial complete access control along Ida, Orme Street right-of-way and portion of Ida Street right-of-way on property zoned GC and B, generally located east of South Washington Avenue, north of East Indianapolis Street.

APPLICANT: Tap of Kansas Holdings LLC, JD Investments of Wichita LLC (applicants) Kaw Valley Engineering (agents).

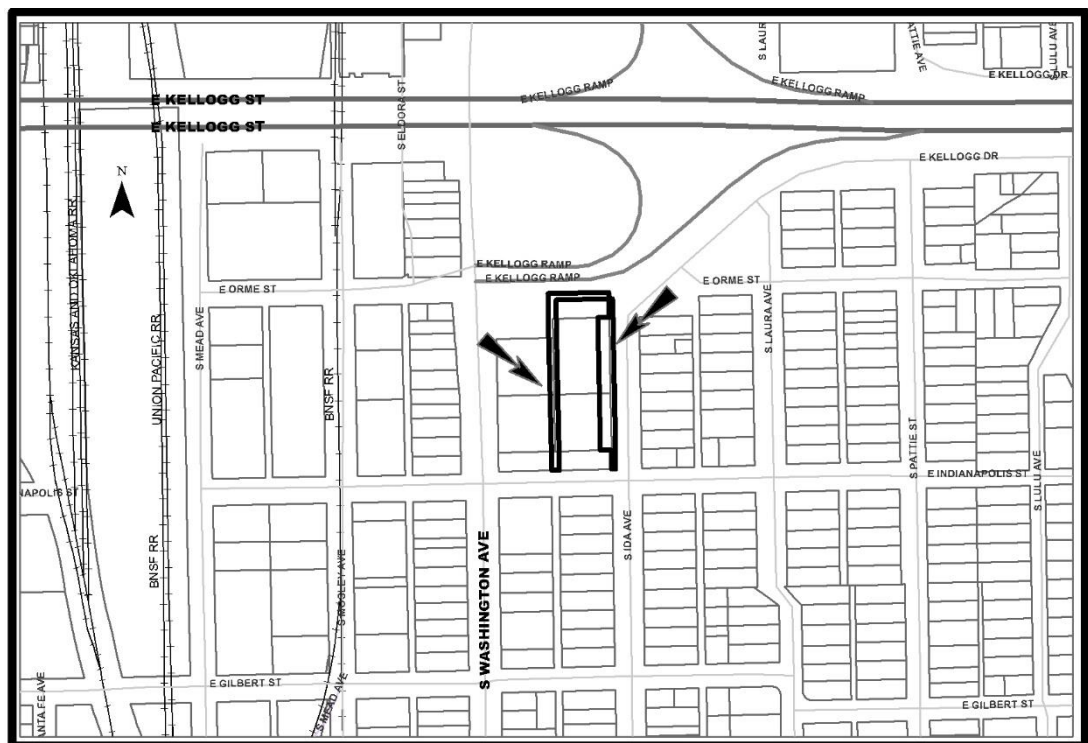
LEGAL DESCRIPTION: See Attachment.

LOCATION: Generally located on the east side of South Washington Avenue and north of East Indianapolis Street. (WCC I)

REASON FOR REQUEST: For future building expansion, improved vehicle circulation, and to add two access points to Ida Avenue.

CURRENT ZONING: Lots 1 and 2 of Chilton’s 600 South Washington Addition are zoned GC General Commercial (GC). Reserve A and Reserve B of Chilton’s 600 South Washington Addition, and Lots 21, 22, 23, 24, 49, 51, 53, 54, & 56 of Wollman’s Addition are zoned B Multiple-Family Residential (B). (ZON2018-00053 to rezone from B Multiple-Family Residential to GC General Commercial case pending).

VICINITY MAP:



BACKGROUND

The applicants are requesting multiple vacations on the platted property owned on the east side of South Washington Avenue between Kellogg and east Indianapolis Street. The subject property is in two subdivisions: the Chilton's 600 South Washington Addition, which was recorded with the Register of Deeds on July 31, 1990, and created two lots and two Reserves for landscaping purposes on the west side of Ida Avenue; and the remnant of Morton Wollman's Addition, what was recorded with the Register of Deeds on June 13, 1885. The applicant owns all of the property in the Chilton's 600 South Washington Avenue Addition. They also own Lots 21 & 23 and portions of Lots 49, 51, & 53, Washington Avenue; and Lots 22 & 24 and portions of Lots 54 & 56, Ida Avenue in Morton Wollman's Addition.

In particular, the applicant has requested the vacation of the following:

1. The 20-foot north/south utility easement in the middle of Lots 1 and 2 of Chilton's 600 South Washington Avenue Addition.
2. The 20-foot platted alley abutting Lots 21, 22, 23, & 24 along with the portion abutting Lots 49-55 odd and 54-56 even in the Morton Wollman's Addition.
3. The platted Reserve A and Reserve B of Chilton's 600 South Washington Avenue Addition, which are reserved for landscape purposes in the plat.
4. Vacate the complete access controls along Ida Avenue on the Chilton's 600 South Washington Avenue Addition, and substitute permitting two new openings onto Ida Avenue.
5. Vacate the west 10 feet of the street right-of-way for South Ida Avenue along that street in the Chilton's 600 South Washington Avenue Addition and the west 10 feet of street right-of-way for South Ida Avenue abutting Lots 22, 24, 54, & 56, Ida Avenue of Morton Wollman's Addition.
6. Vacate the south 16.06 feet of Orme Street right-of-way abutting Lot 56 of Morton Wollman's Addition.

As noted above, the intent of these requests are to accommodate further redevelopment of the entire subject property. The issue of new access to Ida Avenue has been discussed with Public Works and there is not support for new access points in this area for a commercial activity. The properties along the east side of Ida Avenue are zoned B Multiple-Family Residential (B), however single-family homes are constructed and have been well maintained. Further, it is this fact that was the basis for the creation of the platted Reserves dedicated for landscaping in the Chilton's 600 South Washington Avenue Addition in 1990.

The character of the area is also set by the properties to the south across Indianapolis Street, which are zoned GC General Commercial. The property on the southwest corner of Ida Avenue and Indianapolis Street also has a Protective Overlay (PO-43), which also established a 30-foot landscape reserve along Ida Avenue with designation of higher landscaping requirements, along with other restrictions dealing with mitigation requirements to soften impacts to the single-family residential development to the east.

Westar and Cox Communications has lines in the proposed vacate area. Relocation is already underway. James Walburn is the area representative and can be contacted at 316-260-7491.

Based upon information available prior to the public hearing and reserving the right to adjust the recommendation based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, staff recommends the following actions for the separate requested vacation actions:

1. The 20-foot north/south utility easement in the middle of Lots 1 and 2 of Chilton’s 600 South Washington Avenue Addition. **APPROVE** the vacation of the easement as requested, provided the applicant shall provide Publics Works with a Private Project for the sewer line located in the current 20-foot utility easement by separate instrument. This must be provided to Public Works prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds; and, the applicant shall dedicate a 20-foot wide temporary utility easement covering the sewer line by separate instrument, with original signatures, for the length of the platted vacated utility easement until the Private Project is submitted.. 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. The 20-foot platted alley in the Morton Wollman’s Addition. **APPROVE** the vacation of the alley subject to the applicant providing Publics Works with a Private Project for the sewer line located in the current 20-foot alley by separate instrument. This must be provided to Public Works prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds; and, the applicant shall dedicate a 20-foot wide temporary utility easement covering the sewer line by separate instrument, with original signatures, for the length of the platted vacated alley until the Private Project is submitted.. 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. The platted Reserve A and Reserve B of Chilton’s 600 South Washington Avenue Addition, which are reserved for landscape purposes in the plat. **APPROVE** the vacation of these Reserve’s subject to the establishment of a Protective Overlay outlined in the request to rezone this property to GC General Commercial as discussed in Case No. ZON2018-00053.
 4. Vacate the complete access controls along Ida Avenue on the Chilton’s 600 South Washington Avenue Addition, and substitute permitting two new openings onto Ida Avenue. **DENY** the request to allow two new opening along Ida Avenue. All existing drives along Ida shall be closed. Complete access control shall be extended south to include Lots 22 ad 24 and north to include Lots 54 and 56 in the Wollman’s Addition and the 16.06 feet of Orme Street right-of-way EXCEPT for the allowance of a controlled, emergency access at the existing drive located at the intersection of Ida Avenue and Kellogg Drive.
 5. Vacate the east 10 feet of the street right-of-way for South Ida Avenue along that street in the Chilton’s 600 South Washington Avenue Addition and the east 10 feet of street right-of-way for South Ida Avenue abutting Lots 22, 24, 54, & 56, Ida Avenue of Morton Wollmans’ Addition. **APPROVE** the vacation as requested, subject to the applicant reconstructing the sidewalk at the new right-of-way line along Ida Avenue to City Standards and at the expense of the applicant.
 6. Vacate the south 16.06 feet of Orme Street right-of-way abutting Lot 56 of Morton Wollman’s Addition. **APPROVE** the vacation as requested subject to the provision of dedicated easements by separate instrument should any utilities be located in the subject area or relocation of the utilities to City Standards and at the owner’s expense.
- 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 February 28, 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 previously described areas 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. The applicant shall dedicate a 10-foot sidewalk and utility easement along South Washington Avenue by separate instrument, with original signatures, abutting platted Lots 21 & 23 and the portions of Lots 49, 51, & 53 as legally described, Washington Avenue, in Morton Wollman's Addition and Lots 1 and 2 in Chilton's 600 South Washington Addition. This must be provided to Planning prior to 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 restrictive covenants, with original signatures, binding and tying the vacated described portion of Orme Street 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.
4. The applicant shall dedicate complete access control along South Ida Avenue by separate instrument, with original signatures, abutting Lots 22, 24, 54 and 56, Morton Wollman's Addition and the described portion of the requested vacation of East Orme Street right-of-way with the exception of one controlled, emergency access opening for the existing drive located at the intersection of Ida Avenue and Kellogg Drive. The gate shall remain closed and locked at all times, and the drive shall be used only in the case of emergency by the Fire Department for additional access to the property.
5. Design of the locked gate for the described emergency access drive shall be approved by the Planning Director and the Fire Marshall and shall be installed within 90 days of the approval of ZON2018-00053.
6. 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.
7. All improvements shall be according to City Standards and at the applicants' expense.
8. 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 has taken final action on the request and the vacation order and all required documents have been provided to the City 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.

Application Area:

Lots 21, 23, Washington Ave, and Lots 22, 24 Ida Ave., Wollman's Addition, City of Wichita, Sedgwick County Kansas

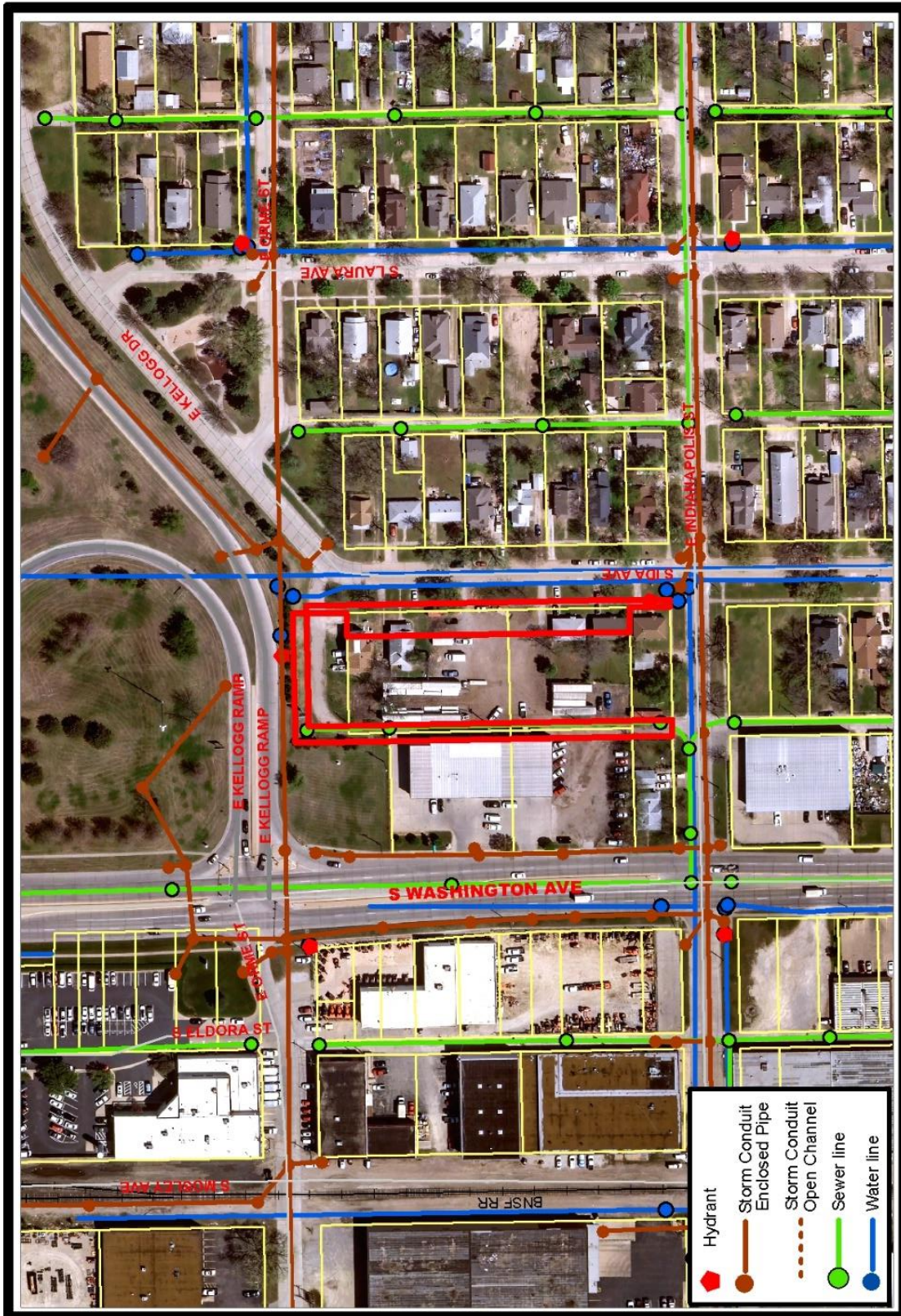
And,

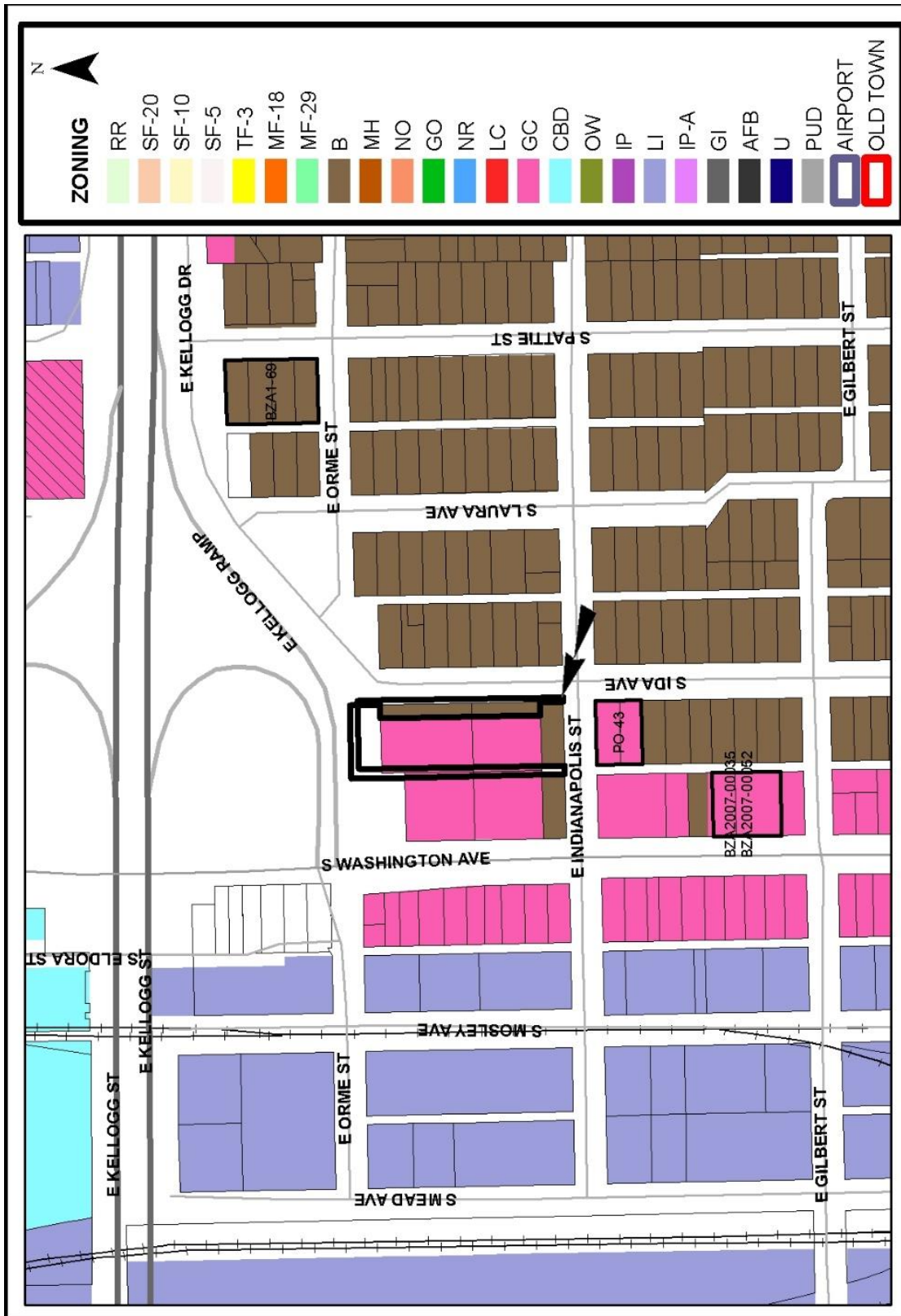
Lots 1 and 2, Block 1, Chiltons 600 S. Washington Addition, City of Wichita, Sedgwick County, Kansas

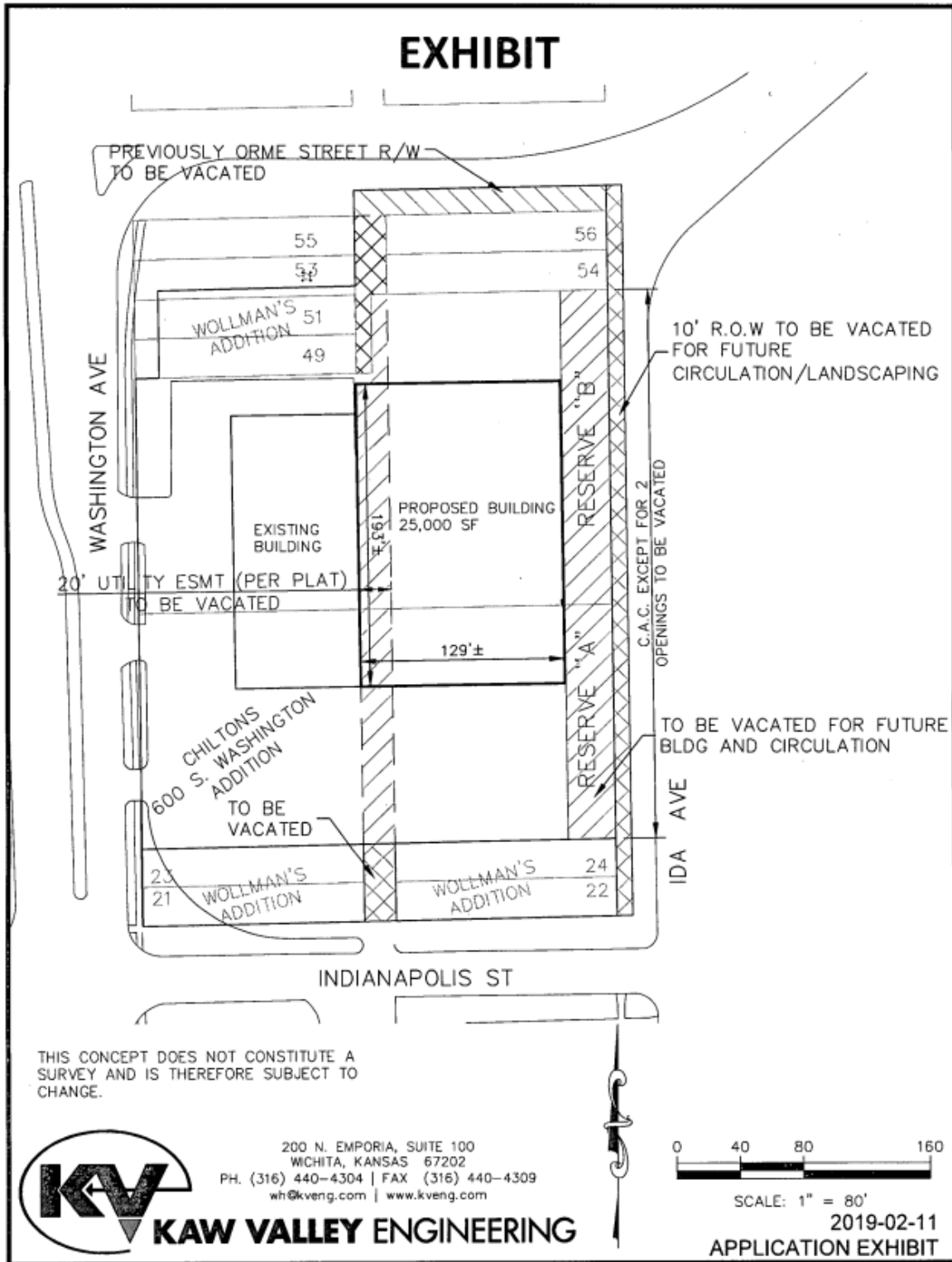
And,

A PORTION OF LOTS 49, 51, 53, 54, 56, PLATTED ALLEY AND ORME STREET, WOLLMAN'S ADDITION TO WICHITA, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF RESERVE "B" OF CHILTONS 600 S. WASHINGTON ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS; THENCE ON AN ASSUMED BEARING OF N 00°46'32" W ON THE PROLONGATED EAST LINE OF SAID CHILTONS 600 S. WASHINGTON ADDITION, 66.06 FEET; THENCE PARALLEL TO THE NORTH LINE OF LOT 2 OF SAID CHILTONS 600 S. WASHINGTON ADDITION, S 88°48'10" W 159.99 FEET; THENCE S 00°51'25" E 60.50 FEET; THENCE PARALLEL TO SAID LOT 2, S 88°38'08" W 124.87 FEET; THENCE S 00°43'29" E 55.59 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE ON THE NORTH LINE OF SAID LOT 2, N 88°38'08" E 135.00 FEET; THENCE ON AN EASTERLY LINE OF SAID LOT 2, N 00°51'25" W 50.00 FEET TO A NORTH CORNER OF SAID LOT 2; THENCE ON THE NORTH LINE OF SAID LOT 2, N 88°48'10" E 149.89 FEET (149.87 FEET PLATTED) TO THE POINT OF BEGINNING.







CHILTONS 600 S. WASHINGTON ADDITION

WICHITA, SEDGWICK COUNTY, KANSAS

State of Kansas) SS We, Baughman Company, P.A., Surveyors in
 Sedgewick County and state do hereby certify that we have surveyed
 and plotted "THE 600 S. WASHINGTON ADDITION", Wichita, Sedgwick
 County, Kansas and that the accompanying plat is a true and
 correct exhibit of the property surveyed, described as and being a
 portion of Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,
 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47
 in Washington, together with the 1/2 of the alley, one foot
 wide adjacent to said Lots and Lots 20, 28, 30, 32, 34, 36, 38, 40,
 42, 44, 46, 35, and 37 on the east together with the 1/2 of the
 alley, one foot wide of said adjacent to said Lots in the 1/2 of the
 block in Wichita, Kansas.
 All being situated in the NE 1/4 of Sec. 28, Twp. 27-S, R-1-E
 of the 6th P.M., Sedgewick County, Kansas.
 The plat being recorded by virtue of K.S.A. 17-112(b).



Baughman Company, P.A.
 Date: March 15, 2018
 William L. Baughman, Surveyor
 William L. Baughman

This plat of "THE 600 S. WASHINGTON
 ADDITION", WICHITA, SEDGWICK COUNTY, KANSAS, has been submitted to
 and approved by the Wichita-Sedgewick County Metropolitan Area Plan-
 ning Commission, Wichita, Kansas.
 Dated this 15th day of July, 1990.

Wichita-Sedgewick County Metropolitan Area Planning Commission
 Acting Chairman
 George B. Stenson
 Secretary
 Marsha S. Abbot



This plat approved and all dedications shown
 herein accepted by the City Council of the City of Wichita, Kansas
 this 15th day of September, 1993.

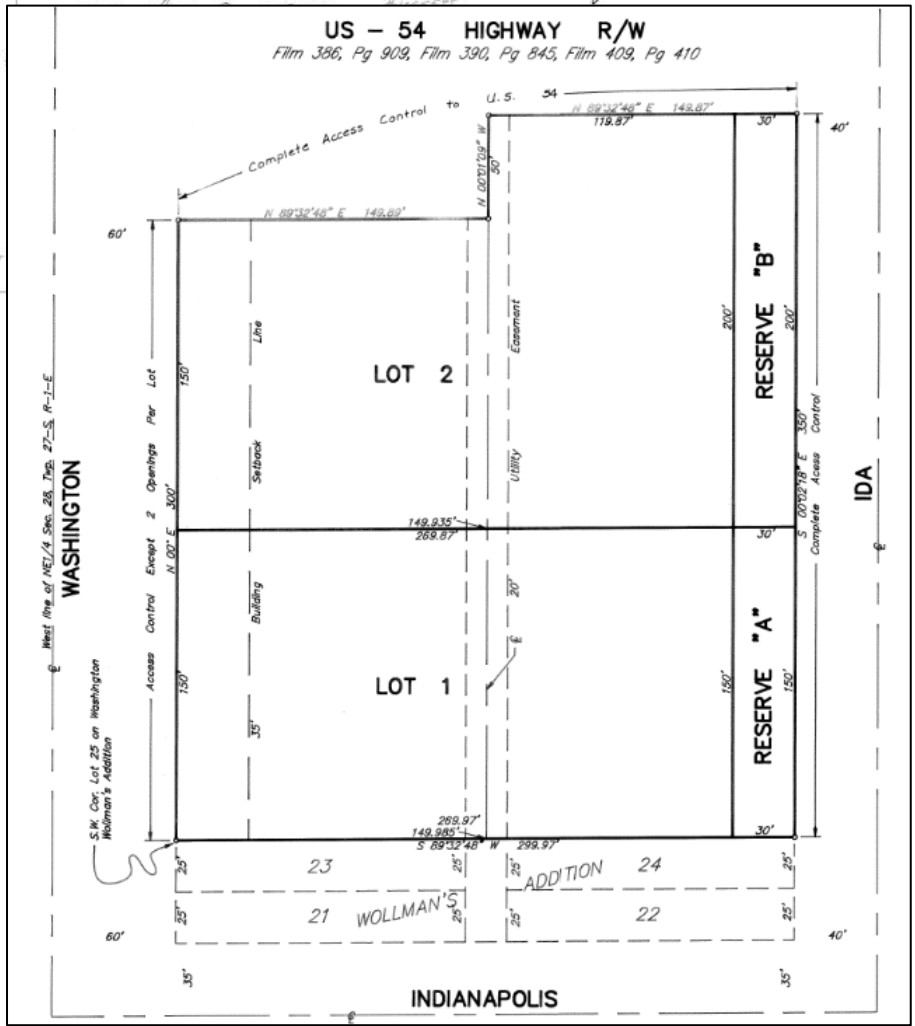
City of Wichita, Kansas
 Mayor
 Bob Knight, Mayor
 Deputy City Clerk
 Paul Bennett



Witness on transfer record this 26th day
 of September, 1993.
 County Clerk
 Don Wright



Know all men by these presents that we,
 the undersigned, have caused the land described in the surveyors
 certificate to be plotted into lots and reserves to be shown on
 "THE 600 S. WASHINGTON ADDITION", Wichita, Sedgewick County
 Kansas. Reserves "A" and "B" are hereby reserved for landscaping
 Reserves "A" and "B" shall be owned and maintained by the owner of Lot 1
 and Reserves "B" shall be owned and maintained by the owner of Lot 2.
 The utility easement is hereby granted for the installation and
 maintenance of all public utilities. An exclusive right of access to
 or from Washington over and across the well line of Lots 1 and 2
 and to or from US-54 Highway right-of-way over and across the
 north line of Lot 2, and to or from the over and across the east
 line of Reserves "A" and "B" are hereby granted to the appropriate
 governing body, provided however that Lots 1 and 2 shall have access
 to Washington of 2 feet from each side as shall be determined by the City
 Engineer of the City of Wichita, Kansas.



WOLLMAN'S ADDITION TO WICHITA

