

**STAFF REPORT**

**CASE NUMBER:** VAC2019-00003 - City Vacation of Complete Access Control for One Driveway into Industrial Development.

**APPLICANT/AGENT:** Metal Pros, LLC (applicant), K.E. Miller Engineering, P.A. (agent)

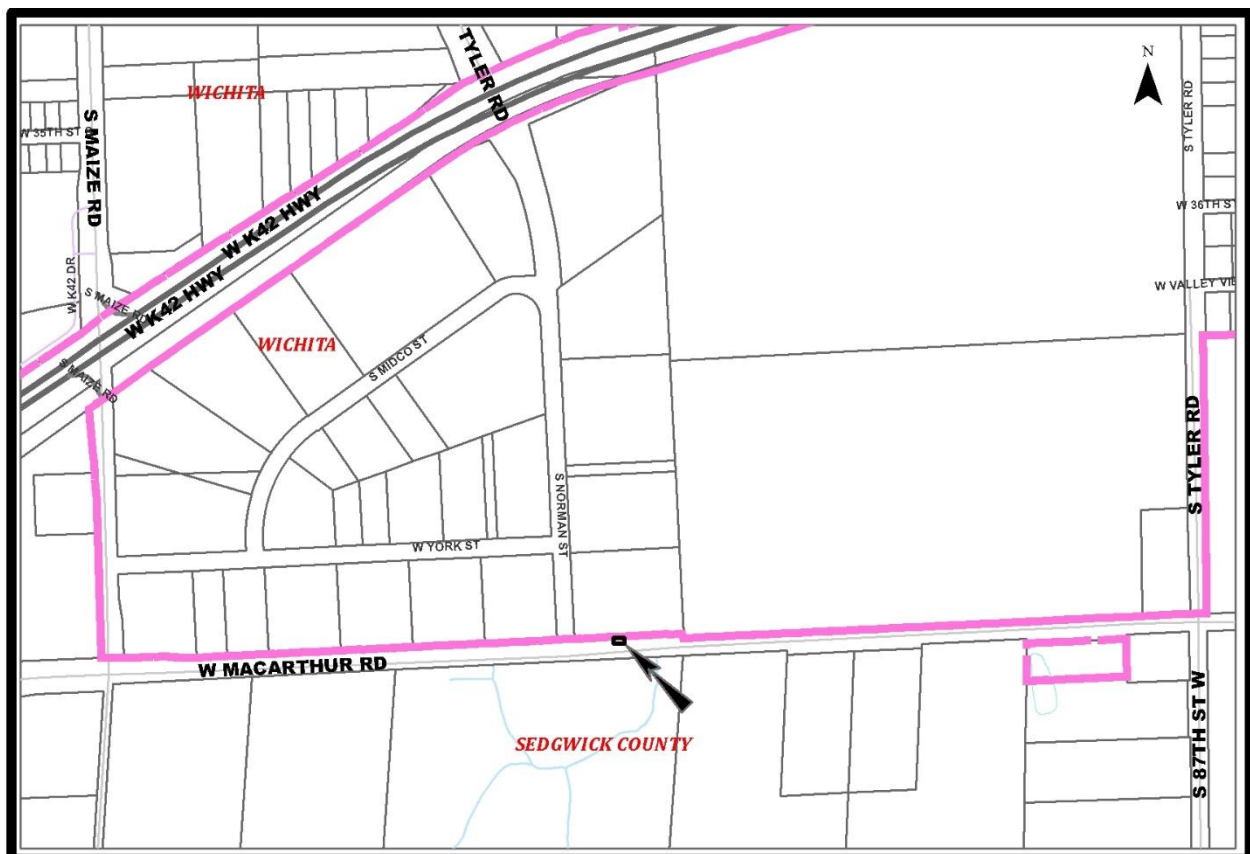
**LEGAL DESCRIPTION:** East 50 feet of the west 230 feet, Lot 2, Block D, Mid-Continent Industrial Park I Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located north of West MacArthur Road approximately 1/2 mile west of South Tyler Road 93900 S Norman) (WCC IV)

**REASON FOR REQUEST:** Allow for one new entrance into Lot 2 from MacArthur Road.

**CURRENT ZONING:** The site and adjacent properties to the north and west are zoned LI Limited Industrial. Adjacent property to the east is undeveloped and zoned SF-5 Single Family Residential. Property to the south is undeveloped and zoned SF-20 Single Family Residential.

**VICINITY MAP:**



The applicant is requesting to partially vacate complete access control of the east 50 feet of the west 230 feet of Lot 2 of the Mid-Continent Industrial Park. Currently, the site has no access drives on West MacArthur Road to the south or South Norman Street to the west. This would be the first and only drive to the property. As shown on the site plan (attached), the applicant intends to construct a drive to access the lot via South Norman Street. The intended use of the site will have vehicles driving through the proposed building, and access onto West MacArthur will aid this vehicle circulation. There are no public utilities in the area to be vacated. Westar has power poles in the area, but has no objections to the vacation. Ennidh Garcia, Area Construction Services Representative is the area representative and can be contacted at 261-6359 for this item. The Mid-Continent Industrial Park I Addition was recorded March 2, 1976.

Sedgwick County Traffic Engineering expressed concerns with providing access along a County Highway with high vehicle speed. Sedgwick County Traffic Engineer and City Traffic Engineering are supportive of a right-in, right-out access drive for this location.

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 March 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 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) Partial vacation of the east 50 feet of the west 230 feet of Lot 2 Mid-Continent Industrial Park I Addition is contingent on approval by the Traffic Engineer and the Fire Department. If approved, 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) The driveway access onto West MacArthur from the subject property shall be constructed as a right-in, right-out per the request of Sedgwick County Traffic and City Traffic Engineering.
- (5) 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 with one abstention.

#### Attachments:

1. Area Map
2. Zoning Map
3. Site Plan Submitted by Applicant

