

STAFF REPORT

CASE NUMBER: VAC2019-00045 – City vacation request to vacate a portion of platted access control.

APPLICANT/AGENT: Allen Williams (applicant)/ K.E. Miller Engineering (agent).

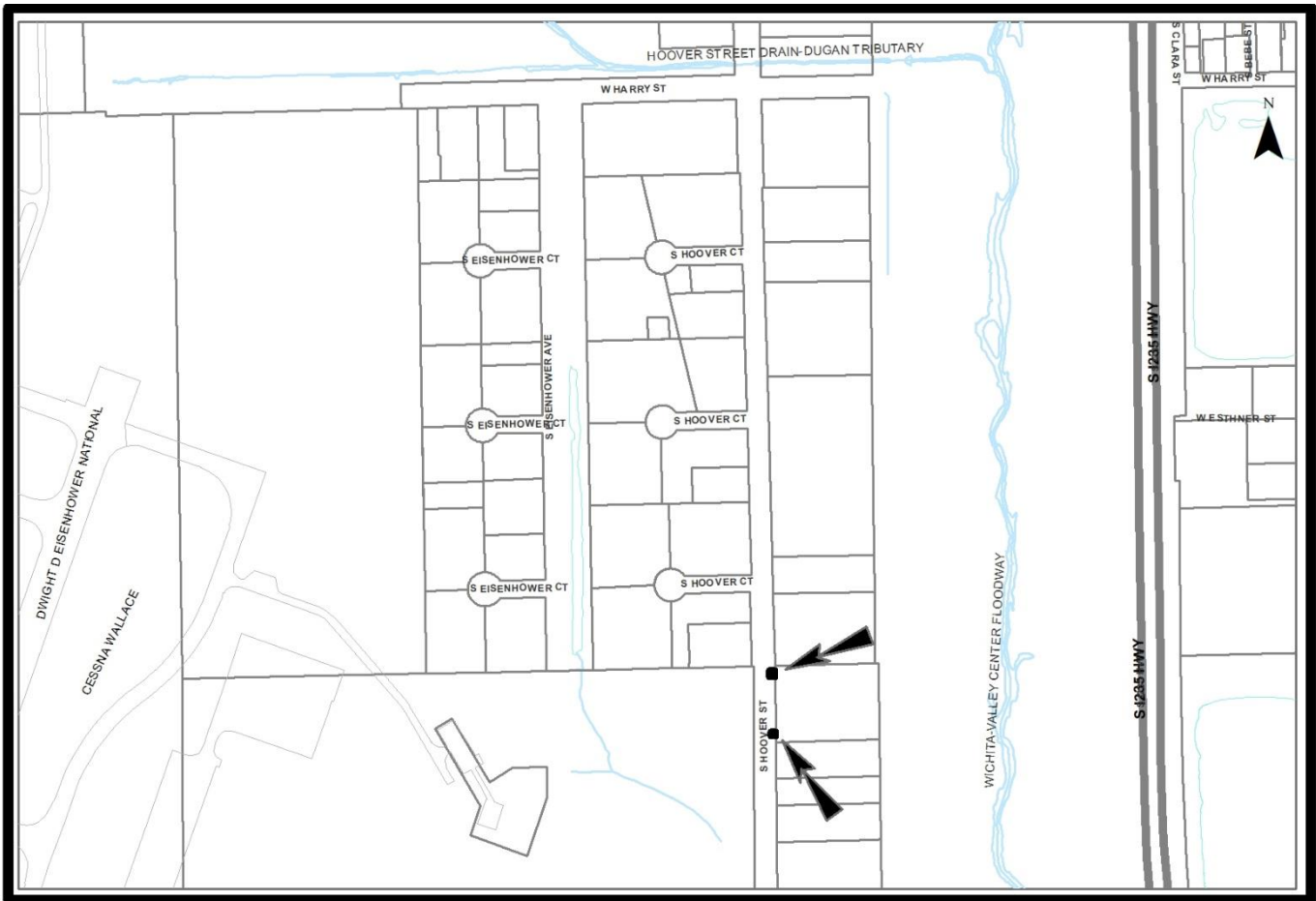
LEGAL DESCRIPTION: See Attached

LOCATION: Generally located on the east side of South Hoover Road and ½ mile south of West Harry Street. (WCC IV)

REASON FOR REQUEST: To move allowed drive locations for access and circulation.

CURRENT ZONING: The site and abutting property to the north and west are LI Limited Industrial. Property to the south is zoned SF-5 Single Family Residential. Property to the east is the M.S Mitchel Floodway (Wichita-Valley Center Floodway).

VICINITY MAP:



The applicant is requesting vacation of a portion of platted access control along the west property line of Lot 1, Block A, Dewitt 5th Addition. The property is addressed as 1948 S. Hoover Road, which is generally located on the east side of South Hoover Road and ½ mile south of West Harry Street. The property was platted with 45 feet of complete access control for the north and south 50 feet of Lot 1 along Hoover Rd. The plat does permit two drives within the center 253 feet. The applicant's request is to change the location of the drive locations for better access and circulation. The request is to vacate 30 feet of platted access control on the north and the south side of Lot 1 for a total of two drives. The north side shall have 29 feet of access control dedicated from the northern part of the drive to the property line. The south side shall have 25 feet of access control dedicated from the southern part of the drive to the property line. In addition, the applicant will then dedicate complete access control for the area between these two drives. Therefore, the property will only have two drives as the plat originally intended.

The site plan shows a structure with 4 loading docks for tractor trailers: two on the north and two on the south side of the building. With this configuration, having access points on the edge of the property is more appropriate than in the middle. The abutting properties to the north and south each have driveways near the abutting property lines. Based on the proximity of these drives, the applicant will be vacating the inside 30 feet of the 50 feet of access control to separate the drives as much as possible. The agent for the applicant indicated that this plan has been submitted and reviewed by the City Engineer.

There is a 10-foot sidewalk and utility easement in the area of this request. This easement shall be retained. Franchise utilities have equipment and lines in/near the area. They do not object to the vacation. Ennidh Garcia is the Evergy area Construction Representative for this case and can be contacted at 316-261-6359 with any questions. The Dewitt 5th Addition was recorded January 4, 2013.

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 December 19, 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 platted 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) Vacate the described portion of complete access control and provide planning with a dedication of access control by separate instrument, with original signatures to go with the Vacation Order. This must be provided to Planning prior to the case going to City Council for final action.
- (2) 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.
- (3) All improvements shall be according to City Standards and at the applicant's expense.

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- (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.

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VACATION OF ACCESS CONTROLS

LEGAL DESCRIPTION of VACATED ACCESS CONTROLS

The South 29 feet of the North 50 foot Complete Access Control along Hoover Road, of Lot 1, Block A, Dewitt 5th Addition to Wichita, Sedgwick County, Kansas; and

The North 20 feet of the South 45 foot Complete Access Control along Hoover Road, of Lot 1, Block A, Dewitt 5th Addition to Wichita, Sedgwick County, Kansas.