



**Wichita-Sedgwick County Metropolitan Area Planning Department**

March 16, 2022

Evans Building Co. Inc.  
PO Box 249  
Maize, KS 67101

K.E. Miller Engineering  
Attn: Kirk Miller  
117 E. Lewis St.  
Wichita, KS 67202

**RE: VAC2022-00036** – A request in the City to vacate a platted 35-foot building setback and a portion of complete access control; Generally located east of Maize Road, on the North side of West MacArthur Road (9801 West York Street).

Dear Applicant;

At its regular meeting on **Tuesday, March 14**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE the vacation request.**

If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,

A handwritten signature in cursive script that reads 'E. Ebach'.

Eryn Ebach  
Associate Planner



## Wichita-Sedgwick County Metropolitan Area Planning Department

February 9, 2023

K.E. Miller Engineering  
Attn: Kirk Miller  
117 E. Lewis St  
Wichita, KS 67202

**Ref: VAC2022-00036:** Vacation request in the City to vacate access control and building setback, generally located on the southwest corner of West York Street and South Norman Street (9801 West York Street).

Mr. Miller,

At the **Thursday, February 9, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was **approved** subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the platted utility easements shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedications 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) 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.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Provide Planning with a legal description of the vacated platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Commission for final action.
- (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 **February 23, 2023**, (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,

Eryn Ebach-Freund  
Associate Planner

cc: Evans Building Co. Inc., PO Box 249, Maize, KS 67101



Cashier: ghunt

Authorized By: *Tonya Buckingham*

Date Recorded: 03/17/2023 03:07:19 PM



**BEFORE THE CITY COUNCIL OF THE  
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

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

**GENERALLY LOCATED ON THE SOUTHWEST )  
CORNER OF WEST YORK STREET AND SOUTH )  
NORMAN STREET )**

**VAC2022-00036**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 14<sup>th</sup> day of March, 2023, comes on for hearing the petition for vacation filed by Evans Building Co. Inc. (owner), praying for the vacation of the described platted building setback and portion of complete access control, to wit:

The platted 35-foot setback and the west 64 feet of the platted complete access control, all located along/parallel to the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition, Wichita, Sedgwick County Kansas, and MacArthur Road.

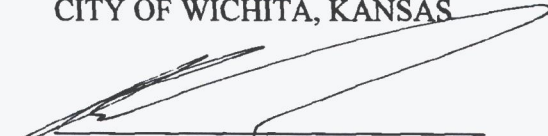
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on January 19, 2023, 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 platted building setback or portion of complete access control and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. 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.


5. The vacation of the described platted building setback and portion of complete access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14<sup>th</sup> day of March, 2023, ordered that the described platted building setback and portion of complete access control are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

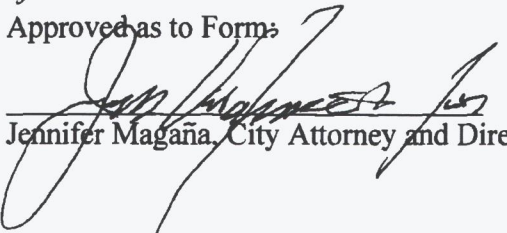
CITY OF WICHITA, KANSAS

  
\_\_\_\_\_  
Brandon J. Whipple, Mayor

ATTEST:

  
\_\_\_\_\_  
Jamie Buster, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

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

**GENERALLY LOCATED ON THE SOUTHWEST )  
CORNER OF WEST YORK STREET AND SOUTH )  
NORMAN STREET )**

**VAC2022-00036**

**MORE FULLY DESCRIBED BELOW )**

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3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. 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.

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CITY OF WICHITA, KANSAS

ATTEST:

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Brandon J. Whipple, Mayor

\_\_\_\_\_  
Jamie Buster, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law



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	370865	Print Legal Ad-IPL01055960 - IPL0105596	OCA 150004	\$167.79	2	100 L

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

### LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on January 19, 2023  
 (One Time Only)

MAPC/BZA February 9, 2023

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, February 9, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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) 268-4421.

CON2022-00055: Conditional Use request in the City to allow Multi-Family density (with ZON2022-00076 to allow TF-3 zoning); located within one-block south of West 31st Street and one-quarter mile west of South Broadway. (3255 South Waco).

CON2022-00056: Conditional Use request in the City to permit a carwash on property zoned GC General Commercial District; generally located on the south-west corner of East Kellogg Drive and South Greenwood Road (11051 East Kellogg Drive).

CON2022-00057: Conditional Use request in the City to an Event Center with live music/entertainment and alcohol (defined as Night Club in the City) on property zoned LC Limited Commercial; located approximately 0.40 miles east of North Hoover Ave and on the south side of West Central Avenue (4925 W Central Ave).

DEF2022-00013: Amendment to Article 3-102 of the Wichita-Sedgwick County Subdivision Regulations Pertaining to Extraterritorial Subdivision Regulation Authority for Darby.

VAC2022-00036: Vacation request in the City to vacate access control and building setback; generally located on the southwest corner of West York Street and South Norman Street (8801 West York Street).

ZON2022-00076: Zone Change request in the City from SF-6 Single-Family to TF-3 Two-Family to bring an existing duplex into compliance and build additional duplexes (with CON2022-00055 for multi-family density); located within one-block south of West 31st Street and one-quarter mile west of South Broadway (3255 S Waco).

ZON2022-00077: Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development; generally located on the northeast corner of North 63rd Street South and South Clifton Avenue.

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.

Options to participate (see below):  
 1) Participate virtually  
 2) Attend in-person at the Ronald Reagan Building  
 3) Submit comments ahead of time

Participate Virtually  
 Topic: Wichita-Sedgwick County Metropolitan Planning Commission  
 Time: 1:30 PM  
 Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=e0k3bW0ySjE5bnFJOTDFYV0xPjV0bXpVbDkxUT09>  
 Meeting ID: 408 986 6967  
 Passcode: 094136

One tap mobile  
 +16699006833,4089866967#...094136# US (San Jose)  
 +17193594580,4089866967#...094136# US  
 Meeting ID: 408 986 6967  
 Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc25codb1>  
 Attend In-Person  
 You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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 (316-268-4464) by 5pm, 3 days prior to the meeting.

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](mailto: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 316.268.7764

WITNESS MY HAND on January 19, 2023  
 Scott Wadle, Secretary  
 WichitaSedgwick County  
 Metropolitan Area Planning Commission  
 PLO105596  
 Jan 19 2023

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

1 insertion(s) published on:  
 01/19/23

STATE OF KANSAS)

SS

County of Sedgwick)

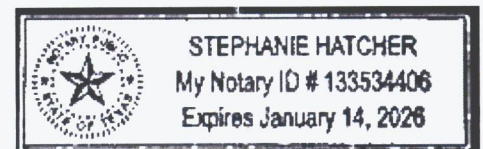
Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper 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 01/19/2023 to 01/19/2023.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 01/19/2023

Stephanie Hatcher

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!

# KU basketball bench struggles in key moments vs. K-State

BY SHEYASA LADHA  
sladha@kstar.com

**MANHATTAN**  
Kansas basketball coach Bill Self had no choice. Star KU freshman Graydey Dick had committed his fifth and final foul with 1:31 left in overtime on Tuesday at Bramlage Coliseum.

Dick sauntered over to the bench and joined fellow starters KJ Adams and Kevin McCullar, who had also fouled out.

As K-State forward Keyontae Johnson sank both free throws to tie the score at 80-all, Kansas' lineup at game point looked bizarre.

The lineup featured point guards Dajuan Harris and Bobby Pettiford, combo guard Joseph Yesufu, forward Jalen Wilson and center Zach Clemence.

The trio of Pettiford, Yesufu and Clemence has averaged 15.7, 12.4 and 5.7 minutes per game, respectively, this year.

Self hasn't trusted his bench all season long. Often, KU plays only seven or eight players in its rotation. When bench players play, it's usually for dire situations ... or in garbage time. Kansas ranks 343rd in the country in bench minutes percentage (22.7%), per KenPom.

On Tuesday, it finally caught up with the Jayhawks.

The trio struggled in the clutch moments in Kansas' 83-82 overtime loss to K-State at Bramlage Coliseum.

They combined for only seven points while shooting 3-for-7 from the floor.

On the game's final play, KU had the ball down one (83-82) with 11 seconds left. Coming off a timeout, Pettiford in-



BICH SUGG / SUGG@KSTAR.COM

KU coach Bill Self pleads with his team during the first half of Tuesday night's Big 12 Conference game at Bramlage Coliseum. KSU beat KU 83-82 in overtime.

bounded the ball to Harris. Harris then drove, but the Wildcats collapsed onto him and the KU guard lost the ball. Harris dove on the floor to try to regain possession, but Ismael Massoud came away with the ball as the clock expired.

"We talked about what exactly to do," Self said of the final play. "Bobby's never thrown it in side-out (meaning in a sideline-out-of-bounds setting). When we called timeout with (11 seconds) left in overtime, we didn't get the ball to the guy we wanted to."

"Then at the end we tried to run some fake stuff just to throw the ball to J-Will on the block, and I thought he was open. Bobby makes the safe play and throws it to 'Juan. But he's never been in that situation before. I really don't know what you can say at game point like that to three guys that hadn't been out there before. I mean, they've just got to play. We practice stuff, but they haven't been out there in those situations before."

The lack of experience wasn't the only issue, though. KU's most viable scoring option behind

Wilson — and possibly the next two — sat on the bench.

Everyone in the arena knew the primary option would be Wilson for the final shot, and the Wildcats wisely put extra attention on him. The minute Harris received the ball and began to drive, it was a win for K-State.

The other options didn't inspire much confidence. Earlier in regulation, with 1:21 left in a tie game, Clemence received a pass in the post and went up for the bucket. K-State guard Marquis Nowell stole the ball and converted the other way.

Perhaps one plausible option would've been Yesufu. As Harris drove, Yesufu was open in the corner. Still, putting the ball in a player's hands who averages 3.8 points per game is a tall order.

Despite a tough loss, Wilson didn't make any excuses.

"It's very difficult fouling out like that," Wilson said. "No matter who's out there, we've got to find a way to come out with a win and have success."



JEREMY DAVIS / KCMC VISUALS / COURTESY

Senior guard Marcus Zeigler helped the Wichita Heights boys basketball team defeat Kapaua Mt. Carmel for the first time since 2019 in Tuesday's 51-36 win.

## FROM PAGE 18 CITY LEAGUE

ing two defenders. "When you have guys who have been part of state championship success, they're pretty mature, and they understand there are many ways to win a game."

Sure enough, right out of halftime Zeigler passed ahead to Williams on a fastbreak for a layup and foul. A minute later, Zeigler again found Williams in transition for a bucket. A four-point halftime advantage was stretched to 31-18 before Kapaua had to call timeout to regroup.

Williams, a promising recruit in the class of 2024, scored all 16 of his team-high points in the second half, while adding 14 rebounds, five assists and a block in a complete performance. Zeigler added eight points, six re-

forth by Williams, Zeigler, Okon, Holt, Amalachi Wilkins (five blocks), Jordan Alford and Chase Robinson.

"These were two of the best defensive teams in the state of Kansas and baskets were hard to come by," Auer said. "We knew it was going to be a low-scoring game and we made some plays on defense that allowed us to finally get some transition buckets in the second half. It was a great team effort and a heck of a City League battle."

Taylor Eldridge: 316-268-6270, @tayloreldridge

These were two of the best defensive teams in the state of Kansas and baskets were hard to come by," Auer said. "We knew it was going to be a low-scoring game and we made some plays on defense that allowed us to finally get some transition buckets in the second half. It was a great team effort and a heck of a City League battle."

Taylor Eldridge: 316-268-6270, @tayloreldridge

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**Legals**

**LEGAL PUBLICATION**  
Published in The Wichita Eagle Thursday January 19, 8:00 AM  
FORMAL BID - 23014  
Sealed bids will be received in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, prior to 10:00 A.M. on Friday, February 3, 2023. "Request for Formal Bid" forms MUST be used to submit your bid unless you are submitting your bid on our website at: <https://selfservice.archiva.com> using your secure login/password. HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION  
Interior & Exterior Modifications of Twelve (12) Single Family Homes AS PER PLANS AND SPECIFICATIONS  
F.O.B. - Wichita, Kansas

Bids will be opened after 10:00 a.m. in the Board Room, 1st Floor, City Hall, 455 North Main, Wichita, Kansas.  
A PRE-BID CONFERENCE Due to the ongoing pandemic conditions this meeting will only be held through written questions, clarifications or modifications submitted to Jason Brogdon at [jbrogdon@wichita.gov](mailto:jbrogdon@wichita.gov) no later than 3:00 PM on Friday, January 20, 2023. The purpose of the meeting will be to answer questions from vendors regarding the specifications and bid procedure.  
BID SECURITY In the amount of one percent (1%) of the bid MUST be submitted with each bid. Bid Security shall be a Bid Bond written by a Bonding Company approved by the United States Treasury Department and licensed to do business in the State of Kansas. Electronic Bid Security (<https://www.ebid.org>) may have the Bid Bond submitted to the City Purchasing Manager prior to bid opening. Bid Bond envelopes must be marked "BID BOND ENCLOSED", reference the formal bid number and the due date.  
PERFORMANCE BOND FORMS, included in the bid package are to be used. In the amount of one hundred percent (100%) of the contract must be furnished by the successful vendor.  
LABOR & MATERIAL PAYMENT BOND FORMS, included in the bid package are to be used, running to the State of Kansas in a sum not less than the total of the contract, must be furnished by the successful vendor.  
The material and/or work to be purchased and/or performed under this contract on a project assisted under a program providing direct Federal Financial Assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3, of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701-1709).  
This project is governed by Davis-Bacon and Related Acts. All contractors and subcontractors must comply with all aspects of General Wage Decision Number KS2022002 (02/25/2022) for residential construction.  
Dated at Wichita, Kansas, this 11th day of January 2023  
Melinda A. Walker  
Purchasing Manager

**ATTENTION**  
A PRE-BID MEETING WILL BE HELD IN  
Due to the ongoing pandemic conditions this meeting will only be held through written questions, clarifications, or modifications submitted to Jason Brogdon at [jbrogdon@wichita.gov](mailto:jbrogdon@wichita.gov) no later than 3:00 PM.  
FRIDAY, JANUARY 27, 2023  
THE PURPOSE OF THE MEETING WILL BE TO REVIEW REQUIREMENTS AND SPECIFICATIONS CONTAINED IN THIS BID PACKAGE AND TO CORRECT ANY ERRORS OR TO MAKE ANY NECESSARY CHANGES  
PL0105870  
Jan 19, 2023

**LEGAL PUBLICATION**  
BIA 18004  
Published in The Wichita Eagle on January 19, 2023  
City of Wichita  
MPC/BZA February 9, 2023  
OFFICIAL HEARING NOTICE  
NOTICE IS HEREBY GIVEN that on Thursday, February 9, 2023, no earlier than 1:30 p.m., in the WichitaSedgwick County Metropolitan Area Planning Commission, located at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202, there will be the following applications: the meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The purpose of the meeting will be to answer questions from vendors regarding the specifications and bid procedure.  
CON2022-00055: Conditional Use request in the City to allow Multi-Family development (with CON2022-00018) on a 1.2-acre (TR-3 zoning), located within one-block south of West 31st Street and one-quarter mile west of South Broadway (3255 South Broadway).  
CON2022-00056: Conditional Use request in the City to permit a carwash on property zoned GC General Commercial District, generally located on the southwest corner of East Kellogg Drive and South Greenwood Road (11501 East Kellogg Drive).  
CON2022-00057: Conditional Use request in the City to allow an Event Center with live music/entertainment and alcohol (defined as Night Club) in the City on property located on the south side of West 10th Street and West Central Avenue (4025 W Central Ave).  
DER2022-00013: Amendment to Article 3-102 of the Wichita-Sedgwick County Subdivision Regulations Pertaining to Extrajurisdictional Subdivision Regulation Authority for Darity.  
VAC2022-00036: Vacant request in the City to vacate access control and building setback, generally located on the southwest corner of West York Street and North Norman Street (6801 West York Street).  
ZON2022-00078: Zone Change request in the City from SF-5 Single-Family to TF-3 Two-Family to bring an existing duplex into compliance and build additional square feet (CON2022-00055) for multi-family density, located within one-block south of West 31st Street and one-quarter mile west of South Broadway (3255 W Broadway).  
ZON2022-00077: Zone Change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District for duplex development, generally located in the northeast corner of North 53rd Street South and South Cifton Avenue.  
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 1 of the WichitaSedgwick County Unified Zoning Code, the same will then be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning the views and interests of 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 per law provided.  
Options to participate (see below)  
1) Participate virtually  
2) Attend in person at the Ronald Reagan Building  
3) Submit comments ahead of time  
Participate Virtually  
Topic: Wichita-Sedgwick County Metropolitan Planning Commission  
Time: 1:30 PM  
Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=akB3bW9lSERfYjJfYjYwYzRlbnRlc0pB>  
V080U105  
Meeting ID: 408 986 6967  
Passcode: 094 136  
One tap mobile  
+1689809833, 4089866967#; \*094 136 US (San Jose)  
+1719354550, 4089866967#; \*094 136 US  
Meeting ID: 408 986 6967  
Passcode: 094 136  
Find your local number: <https://us06web.zoom.us/j/4089866967>  
Attend in person  
You may also participate in the hearing in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. In the 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 questions or comments you wish to present, please contact Planning Department Graphics staff (316-258-4464) by 5pm, 3 days prior to the meeting.  
Submit Comments Ahead of Time  
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Attn: Scott Wade  
271 W. 3rd Street - Suite 201  
Wichita, KS 67202  
Phone: 316.268.4421  
Fax: 316.858.7784  
WITNESS MY HAND on January 19, 2023  
Scott Wade, Secretary  
WichitaSedgwick County Metropolitan Area Planning Commission  
PL0105996  
Jan 19, 2023

**LEGAL PUBLICATION**  
BIA 18004  
Published in The Wichita Eagle on January 19, 2023  
City of Wichita  
MPC/BZA February 9, 2023  
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CITY OF WICHITA/PLANNING DEPT  
 271 WEST THIRD ST., 2ND FL., SU 203  
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Order No.:	370865
Memo Date:	01/19/2023
Bill-To Account:	16399
Sales Rep:	Hayley Martin

Dates	Order No.	Description	Product	Size	Billed Units	Times Run	Net Amount
01/19/2023 - 01/19/2023	370865	Print Legal Ad-IPL01055960 IPL0105596 PO: OCA 150004	WIC-Wichita Eagle Legal   Legals & Public Notices CLS	2 x 100 L	200 L	1	\$167.79

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**STAFF REPORT**

**CASE NUMBER:** VAC2022-00036- Request in the City to vacate a platted 35-foot building setback and complete access control

**APPLICANTS:** Evans Building Co. Inc. (applicant), K.E. Miller Engineering, P.A. (Agent)

**LEGAL DESCRIPTION:** Generally described as vacating the platted 35-foot setback and a portion of the platted complete access control, located parallel to the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition (see attached legal).

**LOCATION:** Generally located east of Maize Road, on the north side of MacArthur Road, on the southwest corner of West York Street and South Norman Street (9801 West York Street).

**REASON FOR REQUEST:** To bring the existing building and drive onto West Macarthur Road into compliance.

**CURRENT ZONING:** The subject property and abutting properties to the north, east, and west are zoned LI Light Industrial District. Abutting property to the south is zoned SF-20 Single-Family Residential District.



The applicant has requested the reprocessing of VAC2009-00022, a request to vacate the platted 35-foot building setback and the platted complete access control generally located on the southwest corner of West York Street and South Norman Street (9801 West York Street). On March 2, 1976, the subject site and all abutting properties were platted as the Mid-Continent Industrial Addition to Wichita, Sedgwick County, Kansas.

The subject site is developed with an office/warehouse and complete access control is platted along the south lot line, permitting no drives onto West MacArthur Road from the property (See attachment 3, Excerpt from Mid-Continent Industrial Addition). The applicant requested a vacation of the platted access control and platted building setback to allow for building expansion and access onto West MacArthur Road.

On July 9, 2009, the Metropolitan Area Planning Commission approved this request subject to the following conditions:

1. Vacate the portion of the platted complete access control along the site's MacArthur Road frontage to allow one 40-foot wide, right in – right out drive, as approved by the County Traffic Engineer. The drive must be located a minimum of 200 feet from the Norman Street – MacArthur intersection, per the Access Management Regulations. Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to Council for final action.
2. Vacate the platted 35-foot setback that runs parallel the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition and MacArthur Road, where the proposed building expansion will be located. Waive or reduce the compatibility setback, where there is a proposed building expansion located within it.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense, including any relocation, rebuilding, or improvements to the drainage culvert located along the site's MacArthur Road side.
4. All improvements shall be according to City/County Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide City/County Public Works with a guarantee to ensure that these improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. 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.
5. Per MAPC Policy Statement #7, all conditions shall 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.

An excerpt of the MAPC meeting minutes regarding this item is attached.

MAPD staff did not receive the required legal description of the proposed drive or a drive approach certificate within a year of the MAPC's approval. Failure to comply with condition #5, MAPC Policy Statement #7, nullified MAPC's recommendation for approval of the request, and it was not forwarded to the governing body for final action. A building permit was issued in error, and in 2013 an addition projecting into the setback was constructed, as well as a drive on to West MacArthur Road. The applicant is now resubmitting the application to bring the improvements into compliance.

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 utility easement and 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 January 19, 2023, 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 platted 35-foot setback and a portion of the platted completed 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. Vacation of the west 64 feet of the platted complete access control located on and running parallel with the east property line of Lot 1, Block A, Mid-Continent Industrial Addition, is contingent on approval by the Traffic Engineer and the Fire Department. The applicant shall 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. 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. 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. Vacation of the west 64 feet of the platted complete access control located on and running parallel with the east property line of Lot 1, Block A, Mid-Continent Industrial Addition, is contingent on approval by the Traffic Engineer and the Fire Department. The applicant shall 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. 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

VAC2022-00036: Request in the City to vacate a platted 35-foot building setback and complete access control, generally located on the southwest corner of West York Street and South Norman Street (9801 West York Street).

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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.

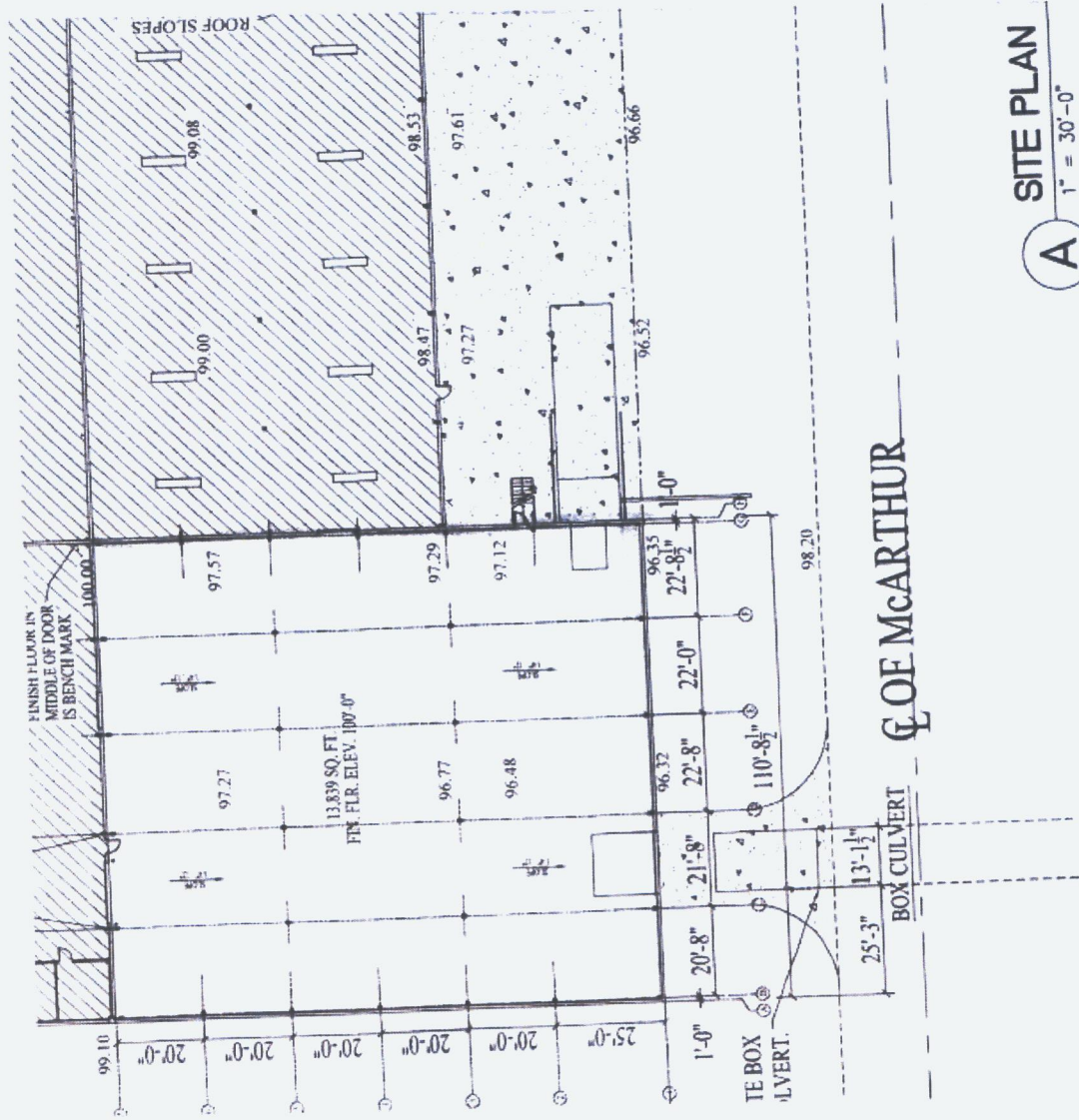
**Attachments:**

1. Aerial Map
2. Site Plan
3. Excerpt from Mid-Continent Industrial Addition.
4. Excerpt from Mid-Continent Industrial Addition showing access controls and building setback.
5. Site Photos
6. Legal Description
7. Excerpt from the July 9, 2009 MAPC Minutes

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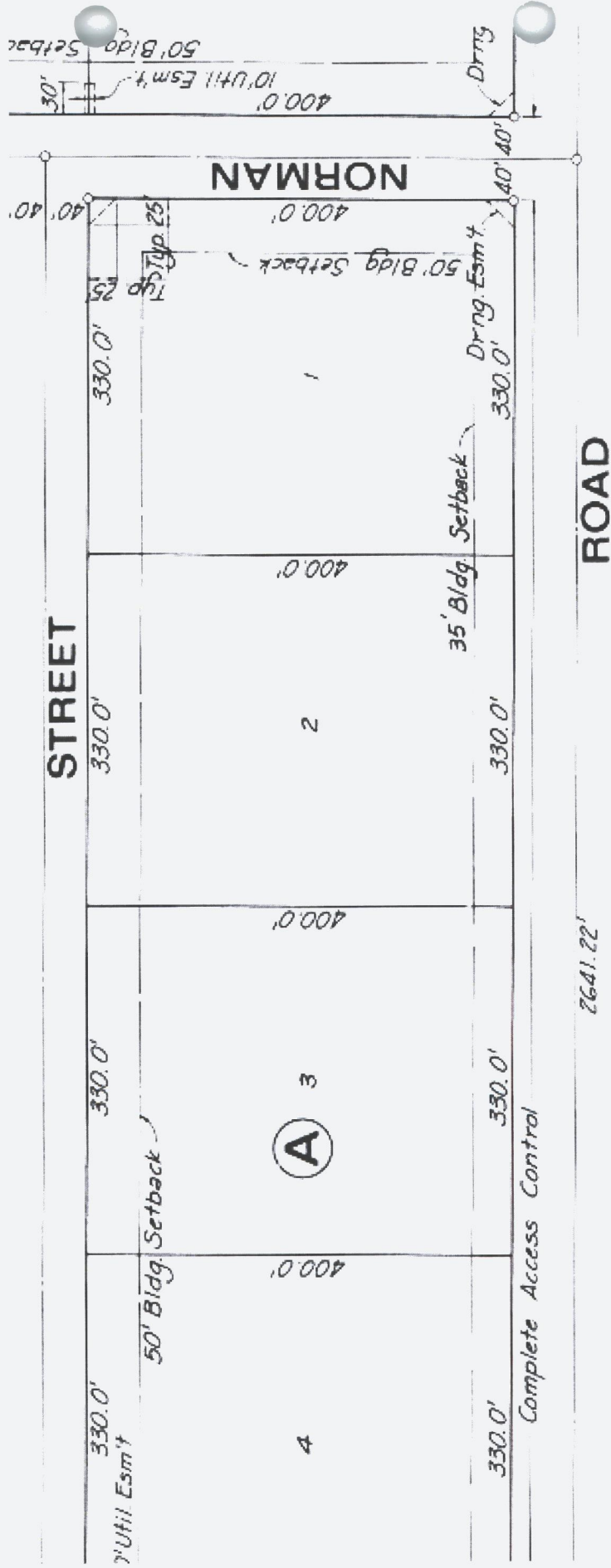
VAC2022-00036: Request in the City to vacate a plated 35-foot building setback and complete access control, generally located on the southwest corner of West York Street and South Norman Street (9801 Wet York Street).  
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**A** SITE PLAN  
 1" = 30'-0"



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The subject site with building addition and drive on to West MacArthur Road.



North of the subject site.

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South of the subject site.



East of the subject site.

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West of the subject site.

**LEGAL DESCRIPTION**

The platted 35-foot setback and the west 64 feet of the platted complete access control, all located along/parallel the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition, Wichita, Sedgwick County, Kansas, and MacArthur Road.

**3-2. VAC2009-22: CITY REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL AND A PLATTED A PLATTED SETBACK**

**OWNER/APPLICANT:** Evans Building Company

**LEGAL DESCRIPTION:** The platted 35-foot setback and a portion of the platted complete access control, all located along/parallel the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition, Wichita, Sedgwick County, Kansas, and MacArthur Road

**LOCATION:** Generally located generally located east of Maize Road, on the north side of Mac Arthur Road, on the southwest side of York & Norman Streets (WCC #IV)

**REASON FOR REQUEST:** For expansion of building and direct access onto MacArthur Road

**CURRENT ZONING:** The subject property and abutting northern, eastern and western properties are zoned LI Limited Industrial ("LI"). Adjacent southern property is zoned SF-20 Single-family Residential ("SF-20").

The applicant proposes to vacate a portion of the site's south, platted complete access control and the platted 35-foot building setback. The applicant proposes to put a 21-foot 8-inch drive onto MacArthur Road. The site is one of six lots located in the Mid-Continent Industrial Addition, which has platted complete access control along these lots' MacArthur frontage. There are no other drives from this plat onto MacArthur. There are no drives located south, across MacArthur, from the site. Subdivision standards s, page 7-20 G: double frontage lots shall not have drives connection local streets to arterials. Per the Subdivision Regulations, I 0 - 104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. Allowing a drive along the site's MacArthur frontage could trigger more requests on this subdivision's Mac Arthur frontage. There are no utilities, manholes, sewer or water lines along the site's MacArthur side. There is a drainage culvert along the site's MacArthur frontage which goes under MacArthur. The Mid-Continent Industrial Addition was recorded with the Register of Deeds March 2, 1976.

Per the Unified Zoning Code (UZC), Art. III, Sec. III -E, e. 7; a corner lot shall have a front yard setback along the shorter of its street frontages. In this case the shorter street frontage of the subject site is York Street, which is also the site's mailing address. MacArthur is opposite York and is considered the rear yard. The UZC's minimum rear yard setback for the LI zoning district is zero. However, compatibility setback standards apply to the site's rear yard because it is adjacent, south across MacArthur, to SF-20 zoning; UZC Art. I V, Sec .IV -C. If this was not a platted 35-foot setback, but the UZC's LI zoning district's minimum rear setback, the applicant could have applied for an Administrative Adjustment to waive or reduce the compatibility setback. Considerations for waving the compatibility setback typically includes screening and or landscaping to protect uses in TF-3 Duplex ("TF-3") or more restrictive zoning.

Most of the SF-20 zoned property located south of the site is not developed; there are 5 houses strung along MacArthur in this area. The 2030 Wichita Functional Land Use Guide categorizes the land south of MacArthur as "Employment/industry Center." which is a consideration in regards to waiving or reducing the compatibility setback.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City/County Public Works/Water & Sewer/Storm

July 9, 2009

Considerations (but not limited to) associated with the request to vacate the described platted setback have been identified. Therefore, the vacation of the platted setback described in the petition should be approved with conditions:

- (1) Vacate the south 13 feet of the platted 25-foot setback that runs parallel to the north lot line of Lot 1, Westwind 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas, and 21<sup>st</sup> Street North. The approved legal description of the vacated portion of the platted setback will only be where the proposed expansion of the existing building will be located. Send the approved legal description to Planning on a Word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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) Vacate the south 13 feet of the platted 25-foot setback that runs parallel to the north lot line of Lot 1, Westwind 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas, and 21<sup>st</sup> Street North. The approved legal description of the vacated portion of the platted setback will only be where the proposed expansion of the existing building will be located. Send the approved legal description to Planning on a Word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**MCKAY** moved, **BENTZEN** seconded the motion, and it carried (13-0-1).  
**B. JOHNSON** - Abstained.

Water, franchised utility representatives and other interested parties. Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate a portion of *platted complete access control and the platted setback*.

- 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 18, 2009, 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 described portions of *platted complete access control and the 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.

Considerations (but not limited to) associated with the request to vacate the described portions of *platted complete access control and the platted setback* have been identified, therefore, the vacation of the portions of *platted complete access control and the platted setback* described in the petition should be approved with conditions:

- (1) Vacate the portion of the *platted complete access control* along the site's *MacArthur Road* frontage to allow one 40-foot wide, right in - right out drive, as approved by the *County Traffic Engineer*. The drive must be located a minimum of 200 feet from the *Norman Street - MacArthur* intersection, per the *Access Management Regulations*.
- (2) Vacate the *platted 35-foot setback* that runs parallel the south lot line of Lot 1, Block A, *Mid Continent Industrial Addition and MacArthur Road*, where the proposed building expansion will be located. Waive or reduce the compatibility setback, where there is a proposed building expansion will be located within it. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the *Vacation Order and Vacation Petition*. All provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense, including any relocation, rebuilding, or improvements to the drainage culvert located along the site's *MacArthur Road* side.
- (4) All improvements shall be according to *County/City Standards* and at the applicant's expense, including the new drive from the site onto public ROW. Provide *City/County Public Works* with a guarantee to ensure that these improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the *Register of Deeds*. 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.
- (5) Per *MAPC Policy Statement #7*, all conditions shall 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) Vacate the portion of the platted complete access control along the *site's* MacArthur Road frontage to allow one 40-foot wide, right in - right out drive, as approved by the County Traffic Engineer. The drive must be located a minimum of 200 feet from the Norman Street - MacArthur intersection, per the Access Management Regulations.
- (2) Vacate the platted 35-foot setback that runs parallel the south lot line of Lot 1, Block A, Mid- Continent Industrial Addition and MacArthur Road, where the proposed building expansion will be located. Waive or reduce the compatibility setback, where there *is* a proposed building expansion will be located within it. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense, including any relocation, rebuilding, or improvements to the drainage culvert located along the site's MacArthur Roadside.
- (4) All improvements shall be according to City/County Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide City/County Public Works with a guarantee to ensure that these improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. 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.
- (5) Per MAPC Policy Statement #7, all conditions shall 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.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**HILLMAN** moved, **FARNEY** seconded the motion, and it carried (13-0- 1).  
**B. JOHNSON** - Abstained