



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

February 12, 2025

MWCB Rock Road, LLC  
PO Box 45  
Columbus, KS 66725

Kaw Valley Engineering, Inc.  
Attn: Kobe Pietro  
9139 E. 37<sup>th</sup> Street North  
Wichita, KS 67226

**Ref: VAC2024-00054:** Vacation request in the City of platted access control; generally located on the east side of North Rock Road and within 200 feet north of East 35<sup>th</sup> Street North (3718 N Rock Rd.).

Dear Applicant,

At the **Tuesday, February 11, 2025**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen  
Current Plans  
Division Manager



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

January 10, 2025

MWCB Rock Road, LLC  
PO Box 45  
Columbus, KS 66725

Kaw Valley Engineering, Inc.  
Attn: Kobe Pietro  
9139 E. 37<sup>th</sup> Street North  
Wichita, KS 67226

**Ref: VAC2024-00054:** Vacation request in the City of platted access control; generally located on the east side of North Rock Road and within 200 feet north of East 35<sup>th</sup> Street North (3718 N Rock Rd.).

Dear Applicant,

At the **Thursday, January 9, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) A Vacation of the described portion of platted complete access control for one driveway within the North 40 feet of the South 208 feet over and across the west property line of Lot A, Comotara Industrial Park Lot "A" Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Construction of the access shall be right-in/right-out only access drive if constructed at the described location. The right-in/right-out access shall be constructed with a median with enough left turn storage for East 36<sup>th</sup> Street North and prevent left turns into proposed development.
- (2) One full-movement access drive may be approved closer to East 35<sup>th</sup> Street North contingent on approval by the Traffic Engineer and Fire Department. If a full-movement access is desired at an approved location, provide Planning with a revised legal description, describing the location of the full-movement access point. This revised legal must be submitted prior to the application proceeding forward to City Council for final action.
- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicants' expense.

- (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.

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, February 11, 2025**. 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,

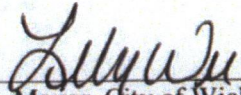


Philip Zevenbergen  
Current Plans  
Division Manager

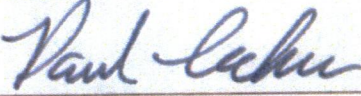


5. The vacation of the described portion of platted complete access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11<sup>th</sup> day of February 2025, ordered that the above-described portion of platted complete access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

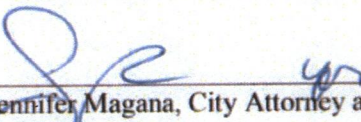
  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

ATTEST:

  
\_\_\_\_\_  
Paul Leeker, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Jennifer Magana, 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 PORTION OF )  
PLATTED COMPLETE ACCESS CONTROL )**

**GENERALLY LOCATED ON THE EAST SIDE OF NORTH )  
ROCK ROAD AND WITHIN ONE-QUARTER MILE SOUTH )  
OF EAST 37<sup>TH</sup> STREET NORTH )**

**VAC2024-00054**

**MORE FULLY DESCRIBED BELOW**

VACATION ORDER

NOW on this 11<sup>th</sup> day of February 2025, comes on for hearing the petition for vacation filed by MWCB Rock Road, LLC (owner) praying for the vacation of a portion of platted complete access control, to wit:

Portion of platted complete access control to be vacated:  
Vacating the North 40 feet of the South 100.86 feet of the platted access control of N Rock Road over and across the West property line of Lot 'A', Comotara Industrial Park Lot 'A' Addition, Sedgwick County, Kansas.

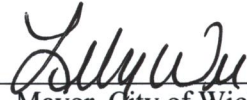
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle and at [www.wichita.gov/LegalNotices](http://www.wichita.gov/LegalNotices) on December 19, 2024, 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 portion of platted complete access control and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petitioner 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.

February 11, 2025  
VAC2024-00054

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11<sup>th</sup> day of February 2025, ordered that the above-described portion of platted complete access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.

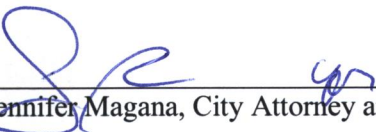
  
\_\_\_\_\_  
Lily Wu, Mayor, City of Wichita

ATTEST:

  
\_\_\_\_\_  
Paul Leeker, City Clerk



Approved as to Form:

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



The Beaufort Gazette  
 The Belleville News-Democrat  
 Bellingham Herald  
 Centre Daily Times  
 Sun Herald  
 Idaho Statesman  
 Bradenton Herald  
 The Charlotte Observer  
 The State  
 Ledger-Enquirer

Durham | The Herald-Sun  
 Fort Worth Star-Telegram  
 The Fresno Bee  
 The Island Packet  
 The Kansas City Star  
 Lexington Herald-Leader  
 The Telegraph - Macon  
 Merced Sun-Star  
 Miami Herald  
 El Nuevo Herald

The Modesto Bee  
 The Sun News - Myrtle Beach  
 Raleigh News & Observer  
 Rock Hill | The Herald  
 The Sacramento Bee  
 San Luis Obispo Tribune  
 Tacoma | The News Tribune  
 Tri-City Herald  
 The Wichita Eagle  
 The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	620514	Print Legal Ad-IPL02086590 - IPL0208659	MAPC/BZA Jan. 9, 2025	\$73.33	2	61L

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

MHEBERT@wichita.gov

**OCA 150004**  
**Published in The Wichita Eagle on December 18, 2024**  
**(One Time Only)**  
**MAPC/BZA January 9, 2025**  
**OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on Thursday, January 9, 2025, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. Full notice can be found at [www.wichita.gov/LegalNotices](http://www.wichita.gov/LegalNotices).

BZA2024-00080: Variance request in the City to reduce the side and rear setbacks to 0 feet to build a two-car garage on the rear half of the property, generally located on the east side of North Dellrose, within 100 feet south of East 2nd Street North (240 North Dellrose).

CON2024-00259: Conditional Use request in the City to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the north side of East Gilbert Street, within 400 feet west of South Armour Drive (7310 East Gilbert Street).

CON2024-00273: Conditional Use request in the City to permit a drinking establishment on property zoned CBD Central Business District located at the northwest corner of East Waterman Street and South Hydraulic Avenue (1640 E Waterman).

CON2024-00275: Conditional Use request in the City to allow a Tavern and Drinking Establishment on property zoned LI Limited Industrial District, generally located on the northeast corner of East 35th Street North and North Oliver Avenue.

CUP2024-00046: CUP Amendment request in the City to amend CUP DP-86 to allow an off-site billboard, generally located on the west side of North Seneca Street, north of I-235 (4121 North Seneca Street).

VAC2024-00054: Vacation request in the City of platted access control; generally located on the east side of North Rock Road and within 200 feet north of East 35th Street North (3718 North Rock Road).

VAC2024-00055: Vacation request in the City for a portion of platted front setbacks; generally located on the north side of North Reece Street and within 650 feet south of West 21st Street North.

VAC2024-00056: Vacation request in the City to vacate a portion of the 30 foot front yard setback to allow for the creation of a garage addition on property zoned SF-5 Single-Family and located less than 200 feet south of the intersection of W. Columbine Ln. and N. Richmond Ave. (2380 N. Richmond Ave.)

VAC2024-00057: Vacation request in the City to vacate McLean Boulevard right-of-way and drainage facilities on property zoned LI Limited Industrial District, generally located at the intersection of South McLean Boulevard and West 47th Street South.

VAC2024-00058: Vacation request in the City to vacate a 20-foot utility easement and a portion of a 25-foot sewer easement for the development of a multi-family residential building on property zoned PUD #61, generally located on the north-west corner of West Maple Street and North McLean Boulevard.

ZON2024-00057: Zone Change request in the City from SF-5 Single-Family Residential to MF-29 Multi-Family Residential; generally located on the west side of South Handley Street and within 600 feet of South Seneca Street (4301 South Handley Street).

ZON2024-00058: Zone Change request in the City from TF-3 Two-Family Residential District to NR Neighborhood Retail, generally located on the west side of North Chautauqua Avenue and within 150 feet north of East Douglas Avenue (117 North Chautauqua Avenue).

IPL0208659  
 Dec 18 2024

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

1 insertion(s) published on:  
 12/18/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose 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 12/18/2024 to 12/18/2024.

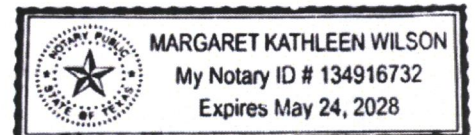
*Mary Castro*

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

DATED: 12/18/2024

*Margaret K. Wilson*

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!



**AFFIDAVIT OF PUBLICATION**

State of Kansas, Sedgwick County, ss:

Shinita Rice, Deputy City Clerk

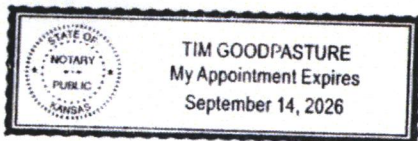
Being first duly sworn, deposes and says:

That Mandy Hebert, Administrative Aide I, from the Planning Department of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, [www.wichita.gov/LegalNotices](http://www.wichita.gov/LegalNotices), which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. \_\_\_\_\_ / Resolution No. \_\_\_\_\_ is a true copy thereof and was published on such website beginning on the 19<sup>th</sup> day of December 2024.

Signature

SUBSCRIBED AND SWORN to before me this 16 day of December 2024



(seal)

Notary Public

**City Clerk's Office**

Shinita Rice, Deputy City Clerk

City Hall • 13<sup>th</sup> Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529 ext. 2805

[www.wichita.gov](http://www.wichita.gov)

**STAFF REPORT**

**CASE NUMBER:** VAC2024-00054 – Request to vacate a portion of platted complete access control.

**OWNER/APPLICANT:** MWCB Rock Road, LLC (applicant); Kaw Valley Engineering, Inc. (agent).

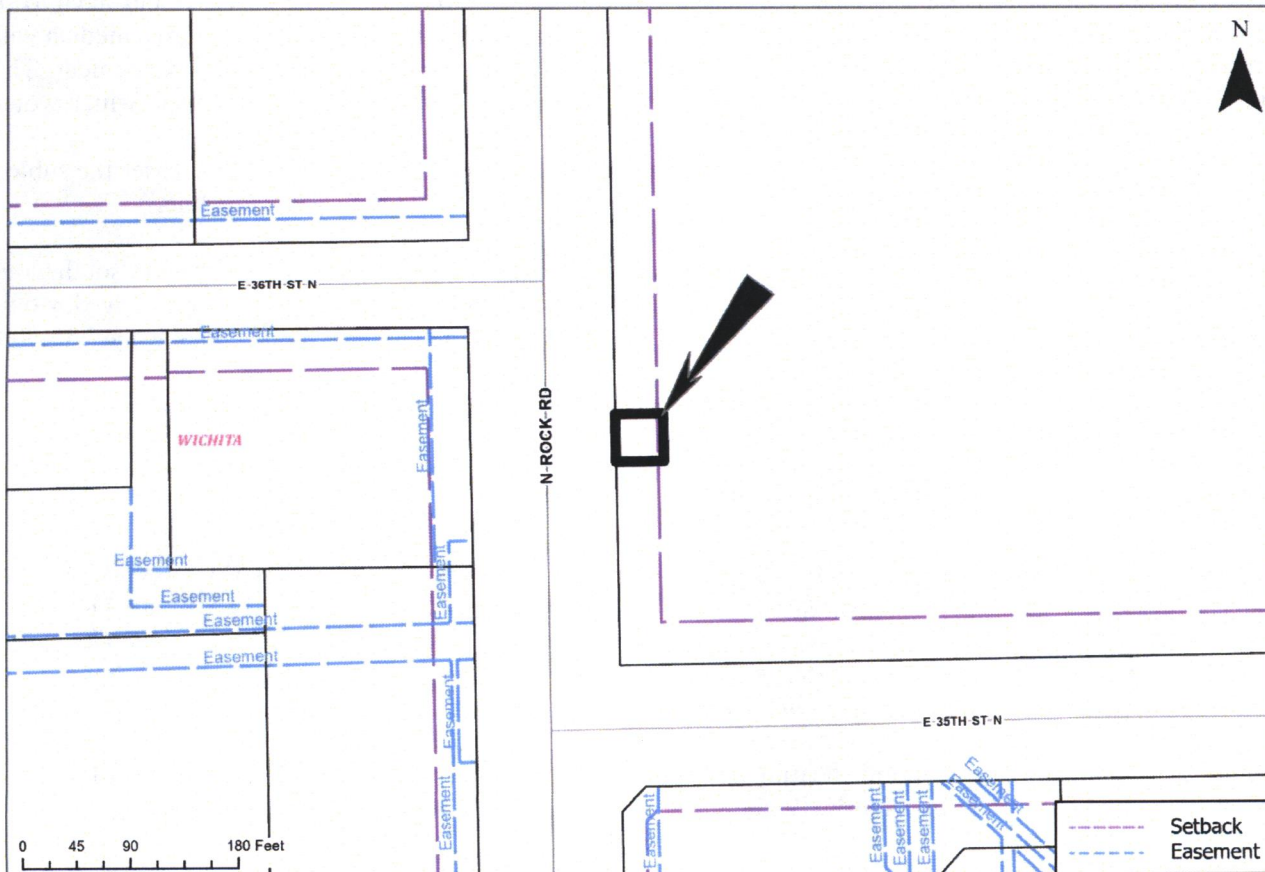
**LEGAL DESCRIPTION:** Generally described as vacating complete access control to permit one opening within the the North 40 feet of the South 208 feet along North Rock Road over and across the West property line of Lot A, Comotara Industrial Park Lot “A” Addition, Wichita, Sedgwick County, Kansas.

**LOCATION:** Generally located on the east side of North Rock Road, within one-quarter mile south of East 37<sup>th</sup> Street North (3718 North Rock Road). (District II)

**REASON FOR REQUEST:** Permit a drive access for future development on new parcel.

**CURRENT ZONING:** The overall subject site is zoned LI Limited Industrial District (LI) and developed with a manufacturing facility. The area near the vacation request is undeveloped. Properties to the east, north, and south are zoned LI and developed with commercial, manufacturing and industrial uses. Properties to the west are zoned LC Limited Commercial District (LC) with CUP DP-195 and developed with commercial retail and restaurants.

**VICINITY MAP:**



The applicant is requesting a vacation of a portion of platted complete access control to permit one, full-movement drive onto the North Rock Road for an area in the southwest corner of Lot A, Comotara Industrial Park Lot “A” Addition. The purpose of the new drive approach is to provide access to the proposed commercial building. The proposed drive would be 40 feet wide. The west line of Lot A restricts access control except for one entrance, which is already constructed approximately equidistance between East 37<sup>th</sup> Street North and East 35<sup>th</sup> Street North. If approved, the proposed full-movement access point would be the following approximate distances away from streets or other access points (distances measured centerline to centerline):

- 337 feet south of the existing full-movement drive entrance to Lot A;
- 132 feet south of East 36<sup>th</sup> Street North (full movements allowed);
- 20 feet south of a full-movement access drive to commercial development on the west side of North Rock Road; and
- 245 feet north of East 35<sup>th</sup> Street North (full movements allowed).

The proposed new drive does not meet the City of Wichita’s Access Management Standards for driveways onto arterial streets. City Access Management Standards require a minimum of 400 feet between full-movement drives. Some distances meet the City Access Management Standards for right-in/right-out drives, which is 200 feet away from a full-movement drive or intersection.

The attached site plan shows the site would have access to an existing drive that would provide connection to East 35<sup>th</sup> Street North, which permits full movements at North Rock Road.

Comments Received:

- Wichita Traffic Engineering
  - o They **object** to a full-movement access at the described location as it would create turning conflicts with the East 36<sup>th</sup> Street North off-set.
  - o They **do not object** to a full-movement access point as far south as possible. There is a stormwater inlet near East 35<sup>th</sup> Street North, which would prevent them from getting to close to East 35<sup>th</sup> Street. Traffic volume on East 35<sup>th</sup> is low and two full-movement drives near each other would likely not have conflicts.
  - o They **do not object** to a right-in/right-out access point at the described location, which would have to be constructed in such a way to prevent left turns. Specifically, Traffic Engineering would require a median with enough left turn storage for East 36<sup>th</sup> Street North and prevent left turns into proposed development. This median would make the drive access across the street (20 feet north) a right-in/right-out as well, which would improve turning movements in the area overall.
- Wichita Public Works and Utilities does not object to this vacation. There is a City water line that crosses the subject vacation area in the North Rock Road right-of-way. Construction of a drive should not impact this line.
- Wichita Fire does not object to the request.
- Everygy does not object to the vacation. They have poles, lines, and underground equipment running north/south along North Rock Road. Any relocation of their equipment would need to be discussed with Everygy and if approved, would be at the applicant’s expense. Steven Chronister is the Area Design Representative and can be contacted at 785-508-2682 about this request.
- Cox does not object to the vacation. They have buried coax and fiber in the area. Any relocation of Cox lines or equipment would be at the applicant’s expense.

The Comotara Industrial Park Lot “A” Addition was recorded January 30, 1974.

When determining a recommendation to be made to the Metropolitan Area Planning Commission (MAPC), the Subdivision and Utility Advisory Committee should consider the legal findings that are required to be made by the MAPC and Governing Body in order to grant the request. These findings are detailed in the subsequent MAPC report. *In particular, the Committee should consider whether any private rights will be injured or endangered by recommending approval of the vacation request, and whether or not the public will suffer any loss or inconvenience thereby.*

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 portion 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, 2024, 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 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) Vacation of the described portion of platted complete access control for one driveway within the North 40 feet of the South 208 feet over and across the west property line of Lot A, Comotara Industrial Park Lot "A" Addition, is contingent on approval by the Traffic Engineer and the Fire Department. Construction of the access shall be right-in/right-out only access drive if constructed at the described location. The right-in/right-out access shall be constructed with a median with enough left turn storage for East 36<sup>th</sup> Street North and prevent left turns into proposed development.
- (2) One full-movement access drive may be approved closer to East 35<sup>th</sup> Street North contingent on approval by the Traffic Engineer and Fire Department. If a full-movement access is desired at an approved location, provide Planning with a revised legal description, describing the location of the full-movement access point. This revised legal must be submitted prior to the application proceeding forward to City Council for final action.
- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (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**

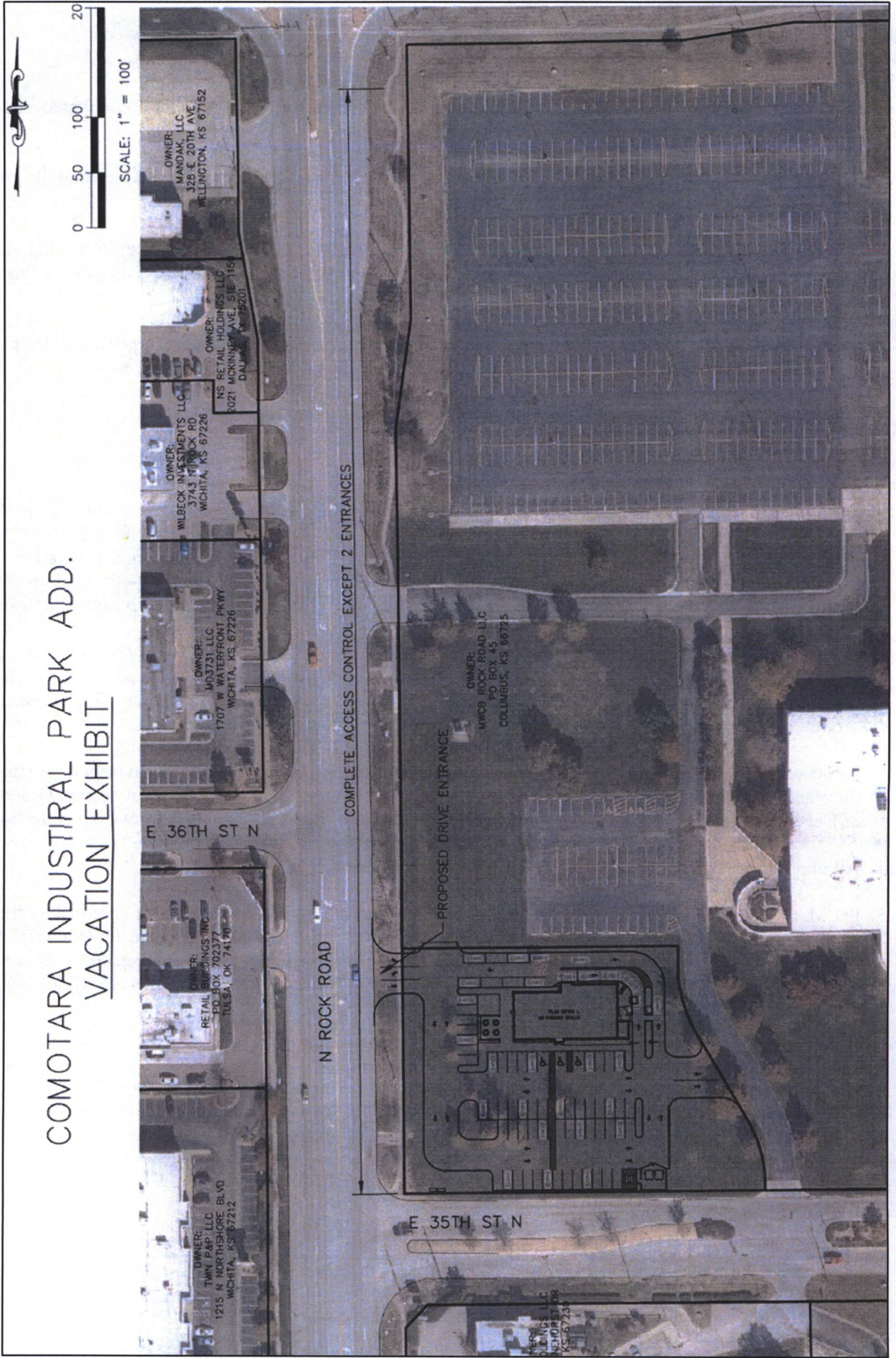
The Subdivision Committee recommends approval per staff recommendations.

Attachments:












- 1) Vacation Exhibit
- 2) Aerial Map

**Vacation Exhibit**

**COMOTARA INDUSTRIAL PARK ADD.  
VACATION EXHIBIT**



## VAC2024-54

-  City Limits
-  Storm Structures
-  Enclosed Gravity Pipe
-  Force Main
-  Open Channel
-  Siphon
-  Water Hydrants
-  Sewer Manholes
-  Sewer Mains
-  Water Valves
-  Water Mains

