

Planning Agenda # _____

City of Wichita
City Council Meeting
June 22, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2174 - REQUEST TO VACATE ACCESS CONTROL
LOCATED IN AN AREA NORTH OF 21ST STREET AND
EAST OF NORTH SHORE BOULEVARD.
(District V)

INITIATED BY: Metropolitan Area Planning Department *M. Knight
(DP-75)*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of access control.

MAPC Recommendation: Approve vacation of access control. (unanimous)

Background: The applicant is requesting to vacate access control to allow for left turn movements from this property (Lot 11) to 21st Street North. Currently, the plat limits this lot to one right turn only opening, as does the CUP (DP-75). The applicant is proposing to construct a new building on-site for Players, a sports bar.

A cross lot access agreement was recorded between this lot and the lot to the west (Lot 10), which is developed with a bank. The lot to the west is permitted one right turn only opening to 21st Street North and also has access to North Shore Boulevard, the street west of Lot 10. This street is permitted left turn movements at 21st Street North. Due to this cross lot access agreement, patrons to Lot 11 (Players), were intended to make left turns onto North Shore Boulevard from 21st Street North and then make their way to Lot 11 across the bank's property (Lot 10). 21st Street North pavement at North Shore Boulevard and also at Hoover Road is wide enough to make U-turns also, if this Median break is permitted, it will remove most of the median landscaping located along the Sedgwick County Park and Zoo.

Due to the ever increasing traffic along 21st Street North (16,623 average daily trips) today in this location and the existing divided and landscaped roadway, planning staff did not feel the vacation was appropriate. However, both the City and County Engineering Departments approved this request, so planning staff dropped their protest of this vacation. However, planning staff did request that the frontage of 21st Street be platted with more than the minimum landscaping and that the new medial be approved by the County Engineer for engineering purposes and by the Planning Director for aesthetic purposes, due to the close proximity to the Sedgwick County Zoo and Park.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant submitting an administrative adjustment to the CUP to remove the right turn only language from the CUP review of the plans for modifying the medial, and submission of a covenant by which the current owner acknowledges and places on record for future owners that the City or County reserve the right to close this medial for safety reasons in the future. No written protests have been filed.

After the MAPC hearing, staff learned from the applicant's agent that the applicant objects to signing the proposed covenant.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order subject to recording of a "raised medial covenant, and authorize the Mayor to sign when the covenant has been recorded.

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CORRECTE LEGAL

Vacation Order
V - 2174

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

IN THE MATTER OF THE VACATION OF)
ACCESS CONTROL)

GENERALLY LOCATED)
NORTH OF 21ST STREET AND EAST OF)
NORTH SHORE BOULEVARD)

Case No. V-2174

MORE FULLY DESCRIBED BELOW)



Joni Henry
Deputy

VACATION ORDER

STATE OF KANSAS)
SEDGWICK COUNTY)
FEB 2 10 39 AM '00
BILL MEIK
REGISTER OF DEEDS

NOW on this 22nd day of June, 1999, comes on for hearing the petition for vacation filed by David Chaffin, praying for the vacation of the following described access control, to-wit:

Vacate the right turn only movements as platted along the South the south line of Lot 11, Block 2, Horseshoe Lake Addition, to Wichita, 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, by publication in the Daily Reporter on May 4, 1999, 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 above-described 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 access control described herein should be approved, subject to the following condition:

800/800
City of Wichita
→ 455 n. main
67202

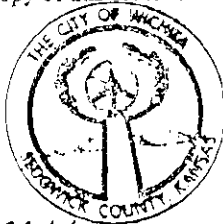
150003
8-00

Vacation Order
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- A) The applicant shall submit an administrative adjustment to the CUP to remove the right turn only language from the CUP (staff will request that the street yard landscaping along 21" Street be double the minimum requirements to compensate for the lost medial landscaping).
- B) The applicant shall design and construct the left turn lane along 21" Street North and also the deceleration lane as approved by the County Engineer.
- C) The applicant shall guarantee that the modified medial will be reconstructed with new plantings and/or decorative brick surface, according to a plan submitted to and approved by the Planning Director.
- D) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of June 1999, ordered that the above-described access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.



Bob Knight

Bob Knight, Mayor

ATTEST:

Pat Burnett

Pat Burnett, City Clerk

Approved as to Form:

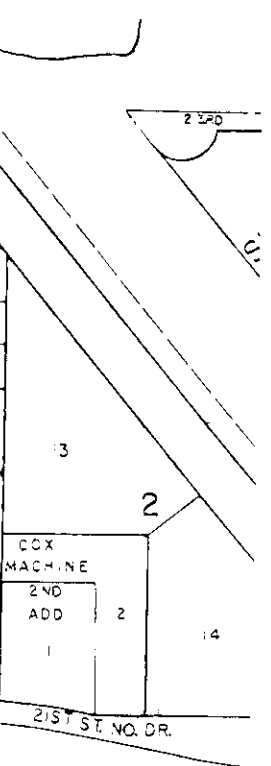
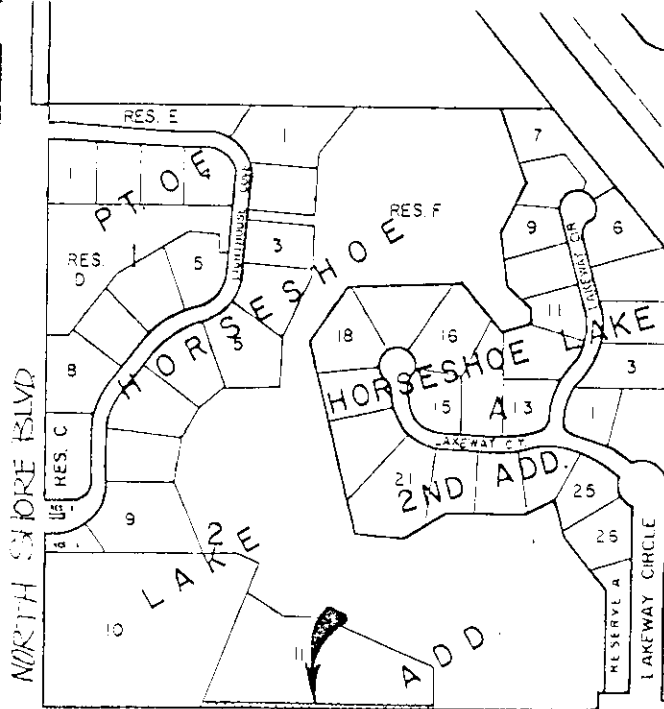
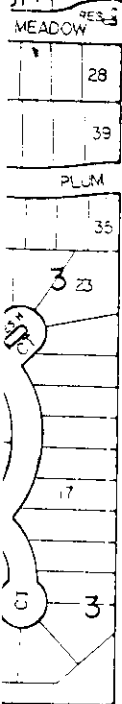
Gary E. Reberstorf

Gary Reberstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)
I, **Pat Burnett** City Clerk of the City of Wichita,
Kansas, hereby certify that the document to which
this is affixed is a true and correct copy of the original
in file in my office.
Given under my hand and seal of the City of
Wichita, this 12-2-99
Pat Burnett

Pat Burnett, City Clerk



21ST ST. NO.