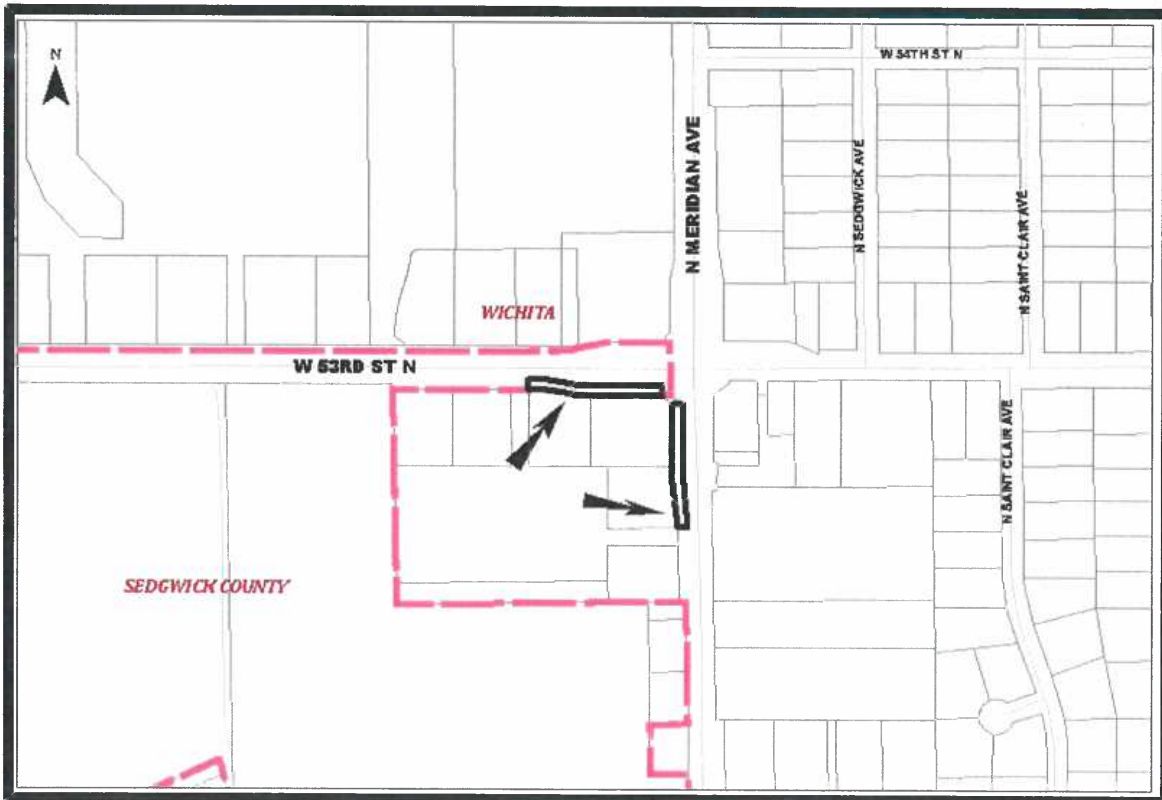


STAFF REPORT

- CASE NUMBER:** VAC2018-00005 - City Vacation of Platted Access Controls to Modify Access onto Properties for Future Commercial Development, Generally Located at the Southwest Corner of the Intersection of West 53rd Street North and North Meridian Avenue.
- OWNER/APPLICANT:** South Greenwich, LLC (applicant), Baughman Company, P.A. c/o Russ Ewy (agent)
- LEGAL DESCRIPTION:** Generally described as modifying the platted access controls in Lots 3, 4, and 5, Block A, Johnson Commercial Centre Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally Located at the Southwest Corner of the Intersection of West 53rd Street North and North Meridian Avenue (WCC #VI)
- REASON FOR REQUEST:** Improved access for future commercial development
- CURRENT ZONING:** The site is zoned LC Limited Commercial. Adjacent properties to the north and east are zoned LC Limited Commercial. Adjacent properties to the south and west are zoned SF-20 Single Family.

VICINITY MAP:



The applicant is requesting to modify the platted access controls in Lots 3, 4, and 5, Block A, Johnson Commercial Centre Addition. Modifying these access controls will allow for improved access for future commercial development. Along the north property line of Lots 3 and 4, a 50-foot wide portion of the platted access control to the west of the existing 30-foot Joint Access Opening will be vacated. This will serve as the new Joint Access Opening and the existing 30-foot opening will be dedicated back to the city as complete access control. The 30' x 52' Joint Access Easement corresponding with the existing 30-foot opening will be also vacated and a new 55'x40' Access Easement will be dedicated to line up with the new opening.

Along the east property line of Lots 4 and 5, a 50-foot wide portion of the platted access control to the south of the existing 30-foot Joint Access Opening will be vacated. This will serve as the new Joint Access Opening and the existing 30-foot opening will be dedicated back to the city as complete access control. The 30' x 52' Joint Access Easement corresponding with the existing 30-foot opening will also be vacated and a new 52'x40' Access Easement will be dedicated to line up with the new opening.

Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject easement. Wichita Builders 3rd Addition was recorded January 9th, 1973.

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 modify the described portions of the platted access control.

- A. That after being duly and fully informed as to fully understanding 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 at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the platter's text to amend the access controls 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.

The Subdivision Committee recommends approval subject to the following stipulations:

- (1) As needed provide Planning with dedication of easements and access control 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 described portions of the platted complete access control is contingent on approval by the Traffic Engineer and the Fire Department.
- (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.

