

STAFF REPORT

CASE NUMBER: VAC2019-00027 – City Vacation of a portion of platted public street right-of-way.

APPLICANT/AGENT: ICT Capital (applicant) Kaw Valley Engineer c/o Brian Coon (agent)

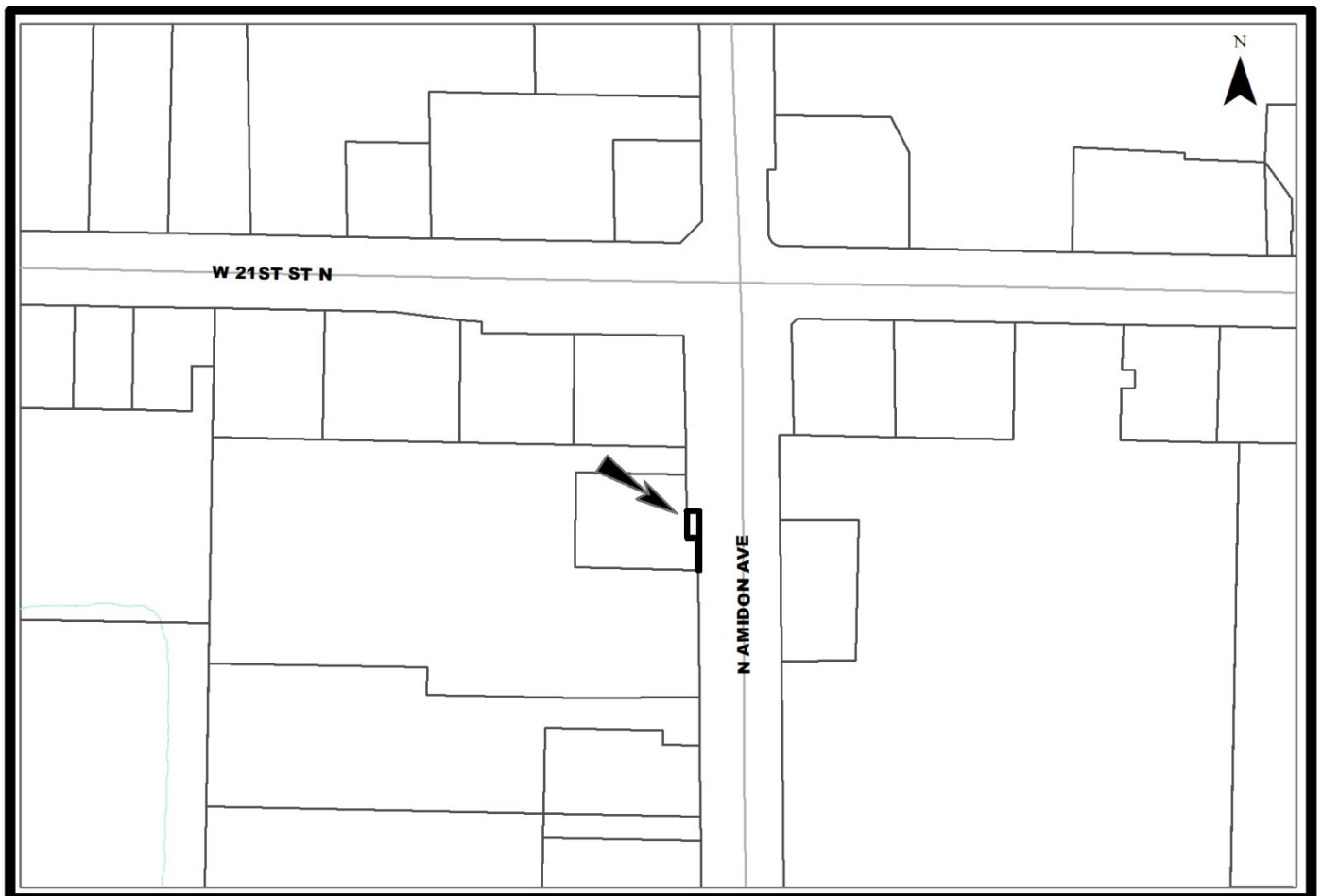
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted North Amidon Avenue public street right-of-way dedicated on Lot 1, Marina Lake 4th Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the west side of North Amidon Avenue and approximately 300 feet south of West 21st Street North. (WCC #VI)

REASON FOR REQUEST: to construct and install necessary parking and landscaping requirements.

CURRENT ZONING: Property is zoned LC Limited Commercial with CUP DP-23

VICINITY MAP:



The applicant is requesting the vacation of a portion of right-of-way to allow for necessary parking and landscape requirements on property generally located on the west side of North Amidon Avenue and approximately 300 feet south of West 21st Street North. The vacated right-of-way will be used for 450 square feet of parking (3 parking stalls with parking lot lamp) and small strip (120 square feet) for a landscape buffer (see site plan). These requirements were precipitated due to proposed change in use of the property. This change adjusted the grade on the site for the accommodation of accessible parking spaces and a drive-through. In changing the grade, some parking was lost. The proposed vacation will keep the property in compliance with parking requirements. The proposed vacation will not impact the function of North Amidon Avenue as this portion of right-of-way is not being used for travel lanes. North Amidon was recently reconstructed in this area to a seven-lane arterial street. The vacation will require a portion of the existing 10-foot sidewalk within the proposed vacation area to be relocated at the applicant's expense. There is also Wichita Transit bus stop with shelter and bike rack near the subject area, but the vacation will not have any impacts on the function of the bus stop. The reconstructed path will now be in front of the shelter between the shelter and the street.

City Public Works reviewed the application and is unwilling to give up any right-of-way beyond the 60-foot standard. This only affects the portion of the proposed vacation area reserved for the landscaping requirements. Public Works has agreed to a vacation of the portion of the right-of-way that would be used for the new parking stalls. Vacating this area will still maintain the 60-foot standard right-of-way dimension. To accommodate the standard for Public Works, the Planning Director has agreed to approve a landscape plan that does not include a landscaped screening buffer for the parking abutting the Amidon right-of-way. Therefore, the vacation request no longer includes the area designated for landscaping requirements.

There are no public utilities located in the vacation area. Cox has several lines in the right-of-way. Any movement of these lines will be at the owner's expense. Westar has no utilities in the area. Richard Aitken is the area representative for this case and can be contacted at 261-6334. The Marina Lake 4th Addition was recorded with the Register of Deeds September 16, 1969.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, 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 public street right-of-way.

- 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 August 1, 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 the platted street right of way 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. Provide Planning with an updated landscape plan for review and approval by the Planning Director. This must be submitted to Planning prior to VAC2019-00027 proceeding to City Council for final action.
2. Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way to the applicants' abutting property. This must be provided to Planning prior to VAC2019-00027 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

3. Relocate a portion of the 10-foot sidewalk, to City Standards, at the applicant's expense. Provide Planning with an updated site plan for review and approval. This must be provided to Planning prior to VAC2019-00027 proceeds to City Council for final action.
4. 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.
5. All improvements shall be according to City Standards and at the applicants' expense, including an ADA compliant access ramp from the sidewalk to the ADA access path across the parking lot as shown on the site plan.
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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Area Map
2. Site plan/exhibit submitted by agent.

