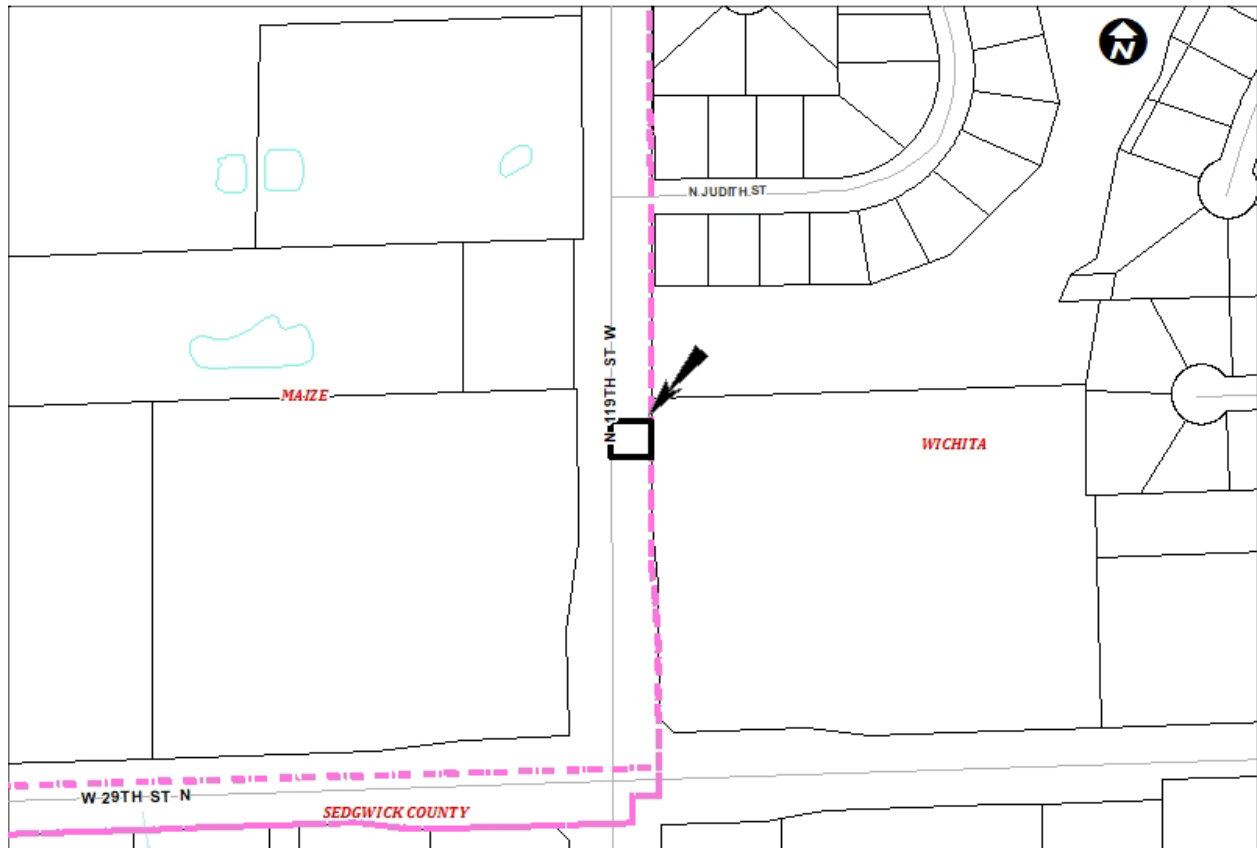


METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

- CASE NUMBER:** VAC2022-00025- Request in the City to vacate a portion of platted complete access control
- APPLICANTS:** Faber Trust Properties 2, LLC, c/o Cheree Hall (applicant/owner), Baughman Company, PA, c/o Philip J. Meyer (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of platted complete access control located at the south 60 feet of the north 100 feet of Lot 1, Block A, Faber Commercial Addition's North 119th Street West's frontage (see attached legal)
- LOCATION:** Generally located on the northeast corner of North 119th Street West and West 29th Street North (DAB 5)
- REASON FOR REQUEST:** To adjust the locations of permitted drives
- CURRENT ZONING:** LC Limited Commercial with CUP DP-296 overlay. Abutting east properties are zoned SF-5 Single-Family Residential and GO General Office. Abutting north properties are zoned SF-5. Adjacent west properties are located in the Maize City Limits. Adjacent south properties are zoned LC, SF-5, and NR Neighborhood Retail



The applicant proposes to vacate the south 60 feet of the north 100 feet of platted complete access control located on the west property line of the undeveloped corner site, Lot 1, Block A, Faber Commercial Addition, to adjust the location of a permitted drive onto North 119th Street West. The subject site is located on the northeast corner of the North 119th Street West - West 29th Street North intersection. The corner subject site is zoned LC Limited Commercial with Community Unit Plan overlay CUP DP-296. The Faber Commercial Addition was recorded January 13th, 2022, with the Sedgwick County Register of Deeds.

A 50-foot wide full movement drive and a 40-foot wide drive were platted on the subject site's west property line, providing access to North 119th Street West (See attachment 2, Excerpt from Faber Commercial Addition). The applicant proposes to close the platted 50-foot full-movement drive onto North 119th Street West, located approximately 249.26 feet north of the south property line. The applicant's site plan shows dedication of access control to close the drive.

The 40-foot wide drive is located on the north 40 feet of the subject site's west property line. The applicant is wanting to close this drive and relocate it as a 60-foot drive full movement drive. The proposed drive would begin 40 feet south of the of the subject site's west property line; a shift south of 40 feet from the platted permitted 40-foot drive.

North 119th Street West is a paved two lane arterial with a roll-over curb median and left turn lanes at its intersection with West 29th Street North. The proposed 60 -foot full movement drive would be located approximately 540 feet north of the arterial intersection. The nearest drive to the proposed drive is a dirt drive that provides access to an agricultural field and transformer. This drive is located on the west side of North 19th Street West, approximately 150 feet northwest of the proposed driveway. The agricultural field is located in the Maize City Limits. All property located on the northwest side of the arterial intersection are located in the Maize City Limits.

The next closest drive is located on the east side of North 119th Street West, North Judith Street, which provides access to the partially developed Fontana Addition; recorded July 6, 2016. North Judith Street is located approximately 320 feet north of the proposed driveway. While this distance is less than the 400-foot spacing standard, it is greater than the distance between North Judith Street and the platted opening proposed to be closed. As proposed the subject site would have one full movement drive onto North 119th Street West as opposed to the current two permitted platted two drives.

The Ubiquity First Addition (recorded September 27, 2007) is located southwest of the subject site, in Maize, on the northwest corner of said intersection. The north 404.16 feet of its North 119th Street West frontage is permitted two drives. The location of those drives within that 404.16 feet is not shown on the plat nor noted in the plat's text.

The current Subdivision standards require a 200-foot minimum offset for drives not lined up on opposite sides of arterials and not having conflicting left turns, 400-foot of spacing for full-turning movement drives on the same side of the street, and a 400-foot setback from arterial intersections for the first full-turning movement driveway. Article 10- 104 of the Subdivision Regulations, Modification of Design Criteria, states that the MAPC may modify design criteria.

The applicant also proposes to close platted 30-foot wide right-in – right-out drive along the subject site's West 29th Street North frontage. This drive is located closest to the arterial intersection. The applicant's site plan shows dedication of access control to close the drive. As proposed the subject site would have four drives onto West 29th Street North as opposed to the current permitted platted five drives. West 29th Street North is a paved two-lane arterial with a roll-over curb median and left turn lanes at the intersection with North 119th Street West

Existing power poles, telephone service, and water are located in the North 119th Street West right-of-way. City sewer appears to be located to the west in the abutting Fontana Addition platted utility easement. A sidewalk runs parallel to the south property line on the north side of West 29th Street North. Comments from all franchised utilities have not been received and are needed to determine whether franchise equipment is located within the described area. Conditions #3, #4 and #5 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, Fire, and 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 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 August 11, 2022, 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 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. Per the approval of the Traffic Engineer vacate the south 60 feet of the north 100 feet of platted access control on Lot 1, Block A Faber Commercial Addition's North 119th Street West frontage to allow a full movement drive. The drive will be constructed to City Standards and at the owner's expense. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to Council for final action.
2. Provide Planning with dedications of access control to close the platted 50-foot full movement drive located on the site's North 119th Street West frontage and the platted 30-foot wide right-in – right-out drive located on the site's West 29th Street North frontage closest to the arterial intersection. These dedications must be provided to Planning prior to the case goes to City Council for final action and subsequent recording with the Vacation Order.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be to City Standards and the responsibility of the owner and at the expense of the owner, including the relocation of any power poles, equipment, or public utilities and drainage. Provide approval from those utilizes of any relocation of those impacted utilities prior to the case goes to City Council for final action.
4. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
5. All improvements shall be according to City Standards and at the applicant's expense.
6. 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

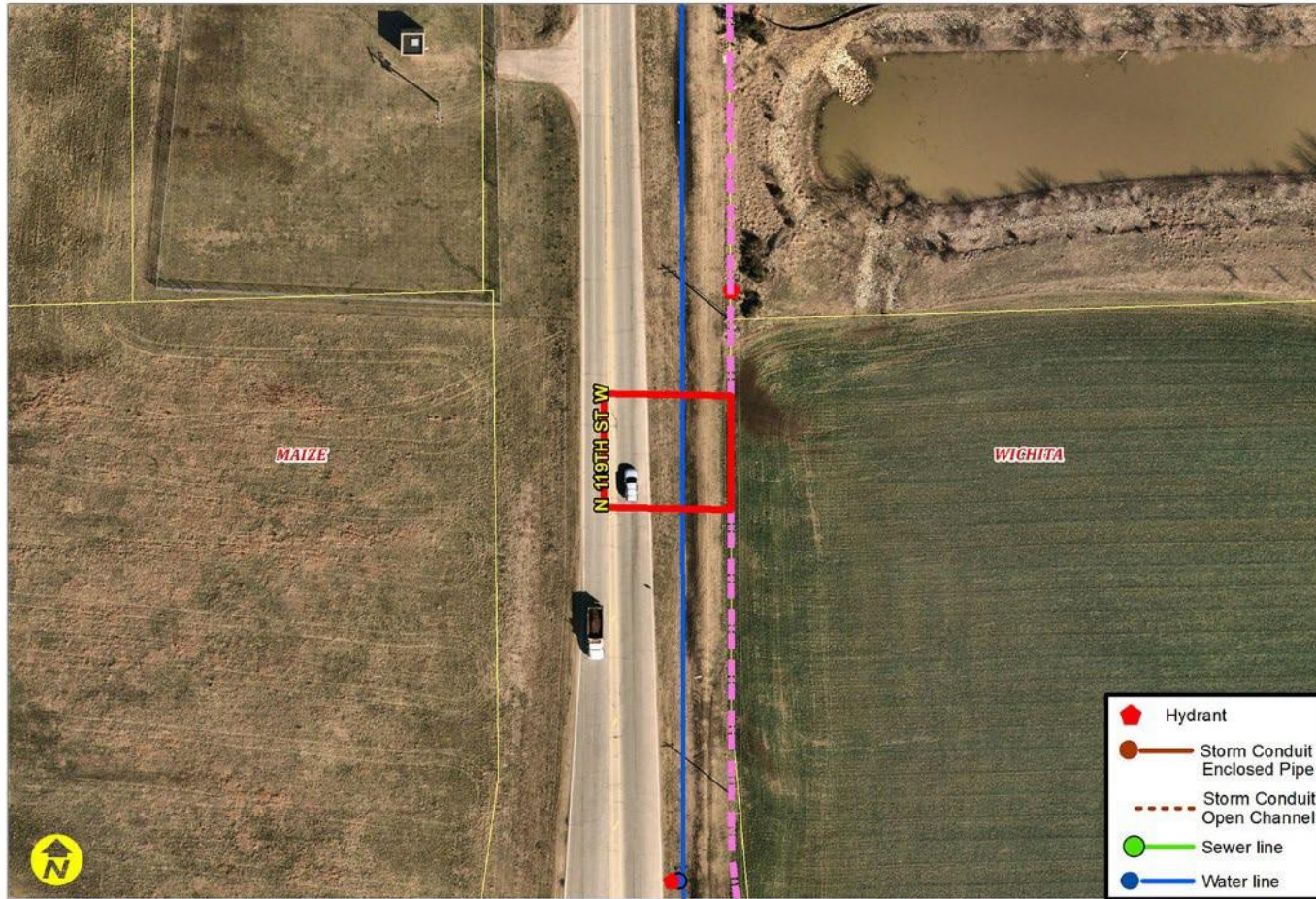
The Subdivision Committee recommends approval subject to the following conditions:

1. Per the approval of the Traffic Engineer vacate the south 60 feet of the north 100 feet of platted access control on Lot 1, Block A Faber Commercial Addition's North 119th Street West frontage to allow a full movement drive. The drive will be constructed to City Standards and at the owner's expense. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document via e-mail to be used on the Vacation Order. The legal descriptions must be provided to planning staff prior to the case going to Council for final action.
2. Provide Planning with dedications of access control to close the platted 50-foot full movement drive located on the site's North 119th Street West frontage and the platted 30-foot wide right-in – right-out drive located on the site's West 29th Street North frontage closest to the arterial intersection. These dedications must be provided to Planning prior to the case goes to City Council for final action and subsequent recording with the Vacation Order.
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5. All improvements shall be according to City Standards and at the applicant's expense.
6. 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.

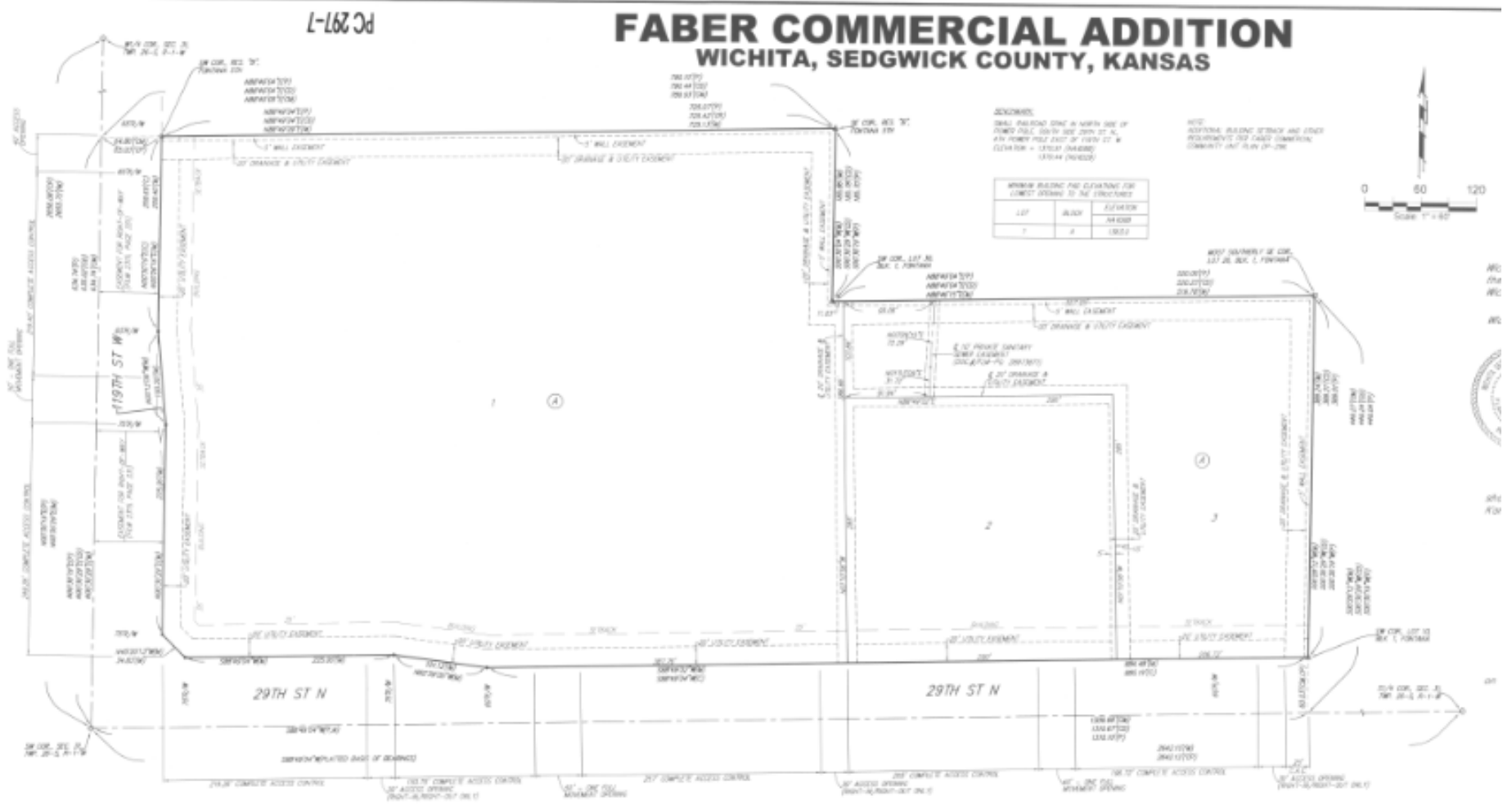
Attachments:

1. Aerial Map
2. Excerpt from the Faber Commercial Addition showing Lot 1, Block A/subject site
3. Site Plan
4. Legal Description

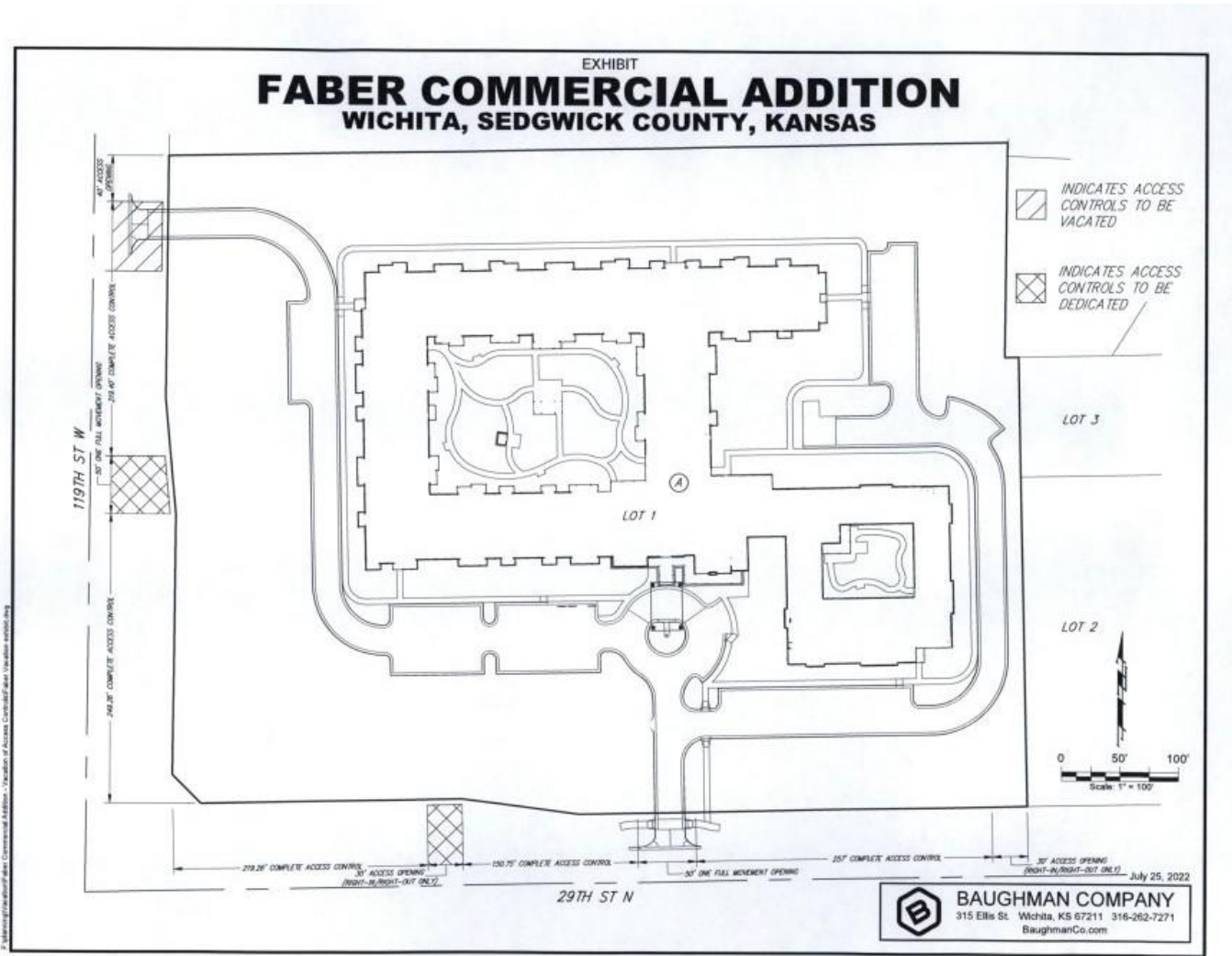
Attachment 1, Aerial Map



Attachment 2, Excerpt from the Faber Commercial Addition showing Lot 1, Block A/
subject site



Attachment 3, Site Plan



Attachment 4, Site Photos



Subject site (facing north)



Subject site (facing east)



Subject Site (facing west)



Sidewalk and power poles in the West 29th Street North right-of-way abutting subject site (facing east)



Sidewalk and power poles in the West 29th Street North right-of-way abutting subject site (facing southwest)

Legal Description

The South 60.00 feet of the North 100.00 feet, of Lot 1, Block A, Faber Commercial Addition, Wichita, Sedgwick County Kansas.