



Wichita-Sedgwick County Metropolitan Area Planning Department

March 16, 2022

Evans Building Co. Inc.
PO Box 249
Maize, KS 67101

K.E. Miller Engineering
Attn: Kirk Miller
117 E. Lewis St.
Wichita, KS 67202

RE: VAC2022-00036 – A request in the City to vacate a platted 35-foot building setback and a portion of complete access control; Generally located east of Maize Road, on the North side of West MacArthur Road (9801 West York Street).

Dear Applicant;

At its regular meeting on **Tuesday, March 14**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE the vacation request.**

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

Sincerely,

A handwritten signature in cursive script that reads 'E. Ebach'.

Eryn Ebach
Associate Planner



Wichita-Sedgwick County Metropolitan Area Planning Department

February 9, 2023

K.E. Miller Engineering
Attn: Kirk Miller
117 E. Lewis St
Wichita, KS 67202

Ref: VAC2022-00036: Vacation request in the City to vacate access control and building setback, generally located on the southwest corner of West York Street and South Norman Street (9801 West York Street).

Mr. Miller,

At the Thursday, February 9, 2023, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities made necessary by the vacation of the platted utility easements shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide approval from franchised utilities for the relocation of franchised utilities. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) As needed provide Planning with dedications 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.
- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (5) Provide Planning with a legal description of the vacated platted utility easement on a Word document via E-mail that can be used on the Vacation Order. This must be provided to the Planning Department prior to this case going to City Commission for final action.
- (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.

When all of the above conditions have been completed and there are no other documents requested; this case will be scheduled for final action by the Wichita City Council at the first appropriate date after **February 23, 2023**, (end of the two-week protest period). 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,

Eryn Ebach-Freund
Associate Planner

cc: Evans Building Co. Inc., PO Box 249, Maize, KS 67101



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30227207

Receipt #: 2372419
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: ghunt

Authorized By: *Tonya Buckingham*

Date Recorded: 03/17/2023 03:07:19 PM



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

**IN THE MATTER OF THE VACATION OF A PLATTED)
BUILDING SETBACK AND A PORTION OF COMPLETE)
ACCESS CONTROL)**

**GENERALLY LOCATED ON THE SOUTHWEST)
CORNER OF WEST YORK STREET AND SOUTH)
NORMAN STREET)**

VAC2022-00036

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 14th day of March, 2023, comes on for hearing the petition for vacation filed by Evans Building Co. Inc. (owner), praying for the vacation of the described platted building setback and portion of complete access control, to wit:

The platted 35-foot setback and the west 64 feet of the platted complete access control, all located along/parallel to the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition, Wichita, Sedgwick County Kansas, and MacArthur Road.

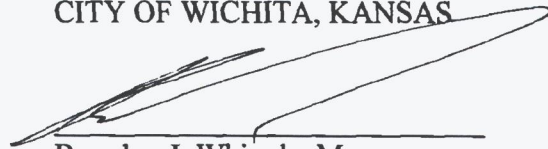
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on January 19, 2023, 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 platted building setback or portion of complete 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.

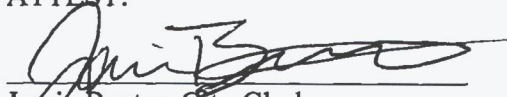
5. The vacation of the described platted building setback and portion of complete access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of March, 2023, ordered that the described platted building setback and portion of complete access control are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

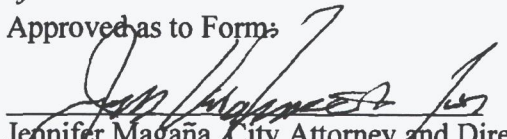
CITY OF WICHITA, KANSAS


Brandon J. Whipple, Mayor

ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magaña, 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 PLATTED)
BUILDING SETBACK AND A PORTION OF COMPLETE)
ACCESS CONTROL)**

**GENERALLY LOCATED ON THE SOUTHWEST)
CORNER OF WEST YORK STREET AND SOUTH)
NORMAN STREET)**

VAC2022-00036

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 14th day of March, 2023, comes on for hearing the petition for vacation filed by Evans Building Co. Inc. (owner), praying for the vacation of the described platted building setback and portion of complete access control, to wit:

The platted 35-foot setback and the west 64 feet of the platted complete access control, all located along/parallel to the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition, Wichita, Sedgwick County Kansas, and MacArthur Road.

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 on January 19, 2023, 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 platted building setback or portion of complete 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 described platted building setback and portion of complete access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of March, 2023, ordered that the described platted building setback and portion of complete access control are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

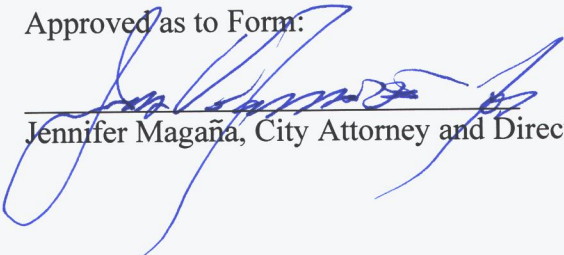
CITY OF WICHITA, KANSAS

ATTEST:

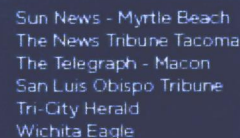
Brandon J. Whipple, Mayor

Jamie Buster, City Clerk

Approved as to Form:



Jennifer Magaña, City Attorney and Director of Law



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

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CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA KS 67202

MEMO INVOICE

Order No.: 370865
Memo Date: 01/19/2023
Bill-To Account: 16399
Sales Rep: Hayley Martin

Dates	Order No.	Description	Product	Size	Billed Units	Times Run	Net Amount
01/19/2023 - 01/19/2023	370865	Print Legal Ad-IPL01055960 IPL0105596 PO: OCA 150004	WIC-Wichita Eagle Legal Legals & Public Notices CLS	2 x 100 L	200 L	1	\$167.79

Please Return This Portion With Your Payment (Thank You)

McClatchy Company LLC
PO Box 510150
Livonia MI 48151

*** MEMO INVOICE ***

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA KS 67202

MEMO INVOICE

Order No.: 370865
Account No.: 16399
Account Name: CITY OF WICHITA/PLANNING DEPT
Order Amount: \$167.79

Email questions to ssccreditandcollections@mcclatchy.com

McClatchy Company LLC
PO Box 510150
Livonia MI 48151

METROPOLITAN AREA PLANNING COMMISSION

**AGENDA REPORT NO.
February 9, 2023**

STAFF REPORT

CASE NUMBER: VAC2022-00036- Request in the City to vacate a platted 35-foot building setback and complete access control

APPLICANTS: Evans Building Co. Inc. (applicant), K.E. Miller Engineering, P.A. (Agent)

LEGAL DESCRIPTION: Generally described as vacating the platted 35-foot setback and a portion of the platted complete access control, located parallel to the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition (see attached legal).

LOCATION: Generally located east of Maize Road, on the north side of MacArthur Road, on the southwest corner of West York Street and South Norman Street (9801 West York Street).

REASON FOR REQUEST: To bring the existing building and drive onto West Macarthur Road into compliance.

CURRENT ZONING: The subject property and abutting properties to the north, east, and west are zoned LI Light Industrial District. Abutting property to the south is zoned SF-20 Single-Family Residential District.



The applicant has requested the reprocessing of VAC2009-00022, a request to vacate the platted 35-foot building setback and the platted complete access control generally located on the southwest corner of West York Street and South Norman Street (9801 West York Street). On March 2, 1976, the subject site and all abutting properties were platted as the Mid-Continent Industrial Addition to Wichita, Sedgwick County, Kansas.

The subject site is developed with an office/warehouse and complete access control is platted along the south lot line, permitting no drives onto West MacArthur Road from the property (See attachment 3, Excerpt from Mid-Continent Industrial Addition). The applicant requested a vacation of the platted access control and platted building setback to allow for building expansion and access onto West MacArthur Road.

On July 9, 2009, the Metropolitan Area Planning Commission approved this request subject to the following conditions:

1. Vacate the portion of the platted complete access control along the site's MacArthur Road frontage to allow one 40-foot wide, right in – right out drive, as approved by the County Traffic Engineer. The drive must be located a minimum of 200 feet from the Norman Street – MacArthur intersection, per the Access Management Regulations. Provide Planning Staff with a legal description of the approved vacated portion of the complete access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to Council for final action.
2. Vacate the platted 35-foot setback that runs parallel the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition and MacArthur Road, where the proposed building expansion will be located. Waive or reduce the compatibility setback, where there is a proposed building expansion located within it.
3. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense, including any relocation, rebuilding, or improvements to the drainage culvert located along the site's MacArthur Road side.
4. All improvements shall be according to City/County Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide City/County Public Works with a guarantee to ensure that these improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.
5. 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.

An excerpt of the MAPC meeting minutes regarding this item is attached.

MAPD staff did not receive the required legal description of the proposed drive or a drive approach certificate within a year of the MAPC's approval. Failure to comply with condition #5, MAPC Policy Statement #7, nullified MAPC's recommendation for approval of the request, and it was not forwarded to the governing body for final action. A building permit was issued in error, and in 2013 an addition projecting into the setback was constructed, as well as a drive on to West MacArthur Road. The applicant is now resubmitting the application to bring the improvements into compliance.

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 portions of the platted utility easement and 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 January 19, 2023, 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 platted 35-foot setback and a 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. 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.
2. All improvements shall be according to City Standards and at the applicants' expense.
3. Vacation of the west 64 feet of the platted complete access control located on and running parallel with the east property line of Lot 1, Block A, Mid-Continent Industrial Addition, is contingent on approval by the Traffic Engineer and the Fire Department. The applicant shall provide Planning with a dedication of access control by separate instrument 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. 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 subject to the following conditions:

1. 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.
2. All improvements shall be according to City Standards and at the applicants' expense.
3. Vacation of the west 64 feet of the platted complete access control located on and running parallel with the east property line of Lot 1, Block A, Mid-Continent Industrial Addition, is contingent on approval by the Traffic Engineer and the Fire Department. The applicant shall provide Planning with a dedication of access control by separate instrument 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. 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

VAC2022-00036: Request in the City to vacate a platted 35-foot building setback and complete access control, generally located on the southwest corner of West York Street and South Norman Street (9801 West York Street).

February 9, 2023

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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. Site Plan
3. Excerpt from Mid-Continent Industrial Addition.
4. Excerpt from Mid-Continent Industrial Addition showing access controls and building setback.
5. Site Photos
6. Legal Description
7. Excerpt from the July 9, 2009 MAPC Minutes

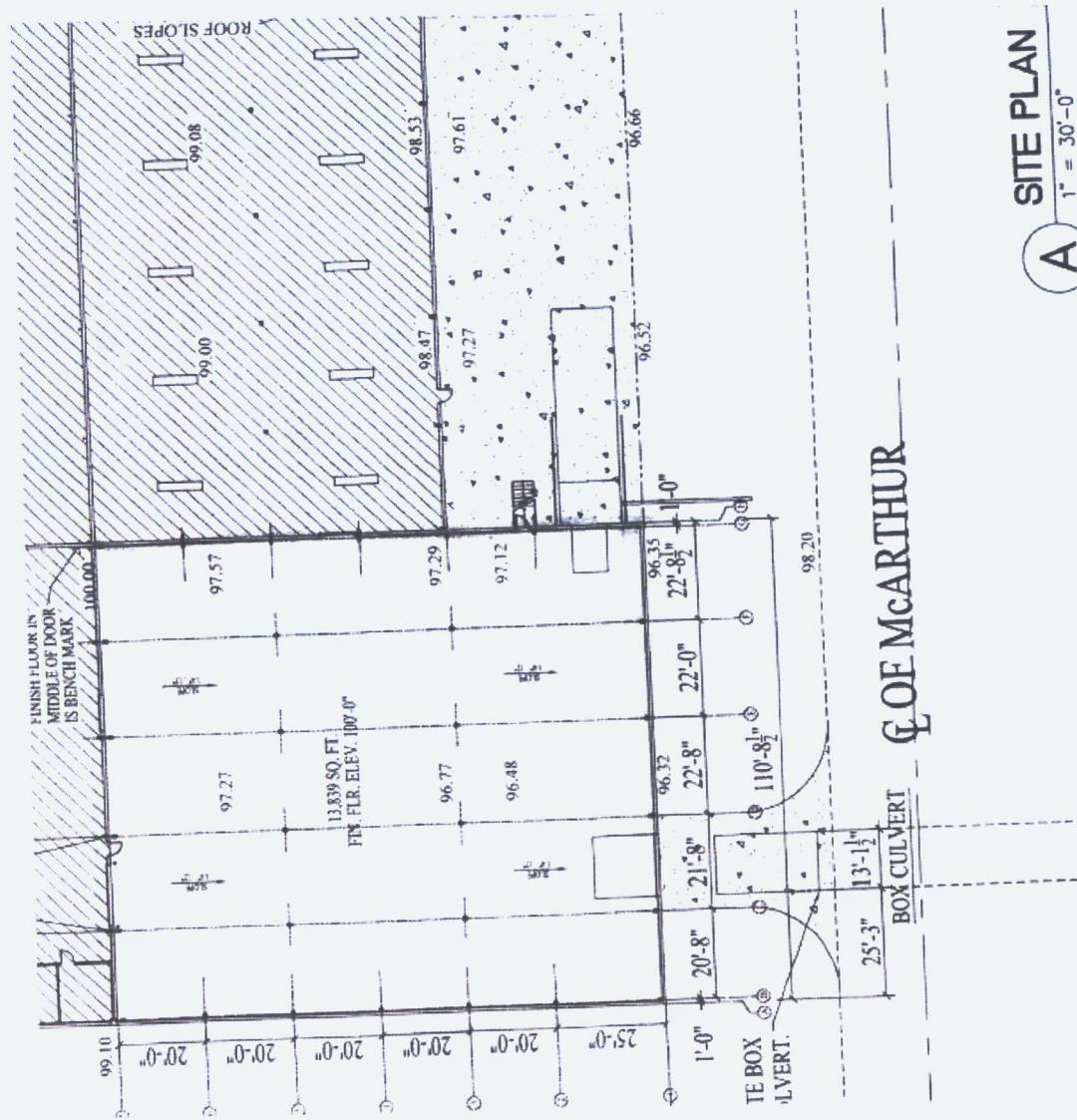
VAC2022-00036: Request in the City to vacate a platted 35-foot building setback and complete access control, generally located on the southwest corner of West York Street and South Norman Street (9801 Wet York Street).
February 9, 2023
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VAC2022-00036: Request in the City to vacate a platted 35-foot building setback and complete access control, generally located on the southwest corner of West York Street and South Norman Street (9801 Wet York Street).

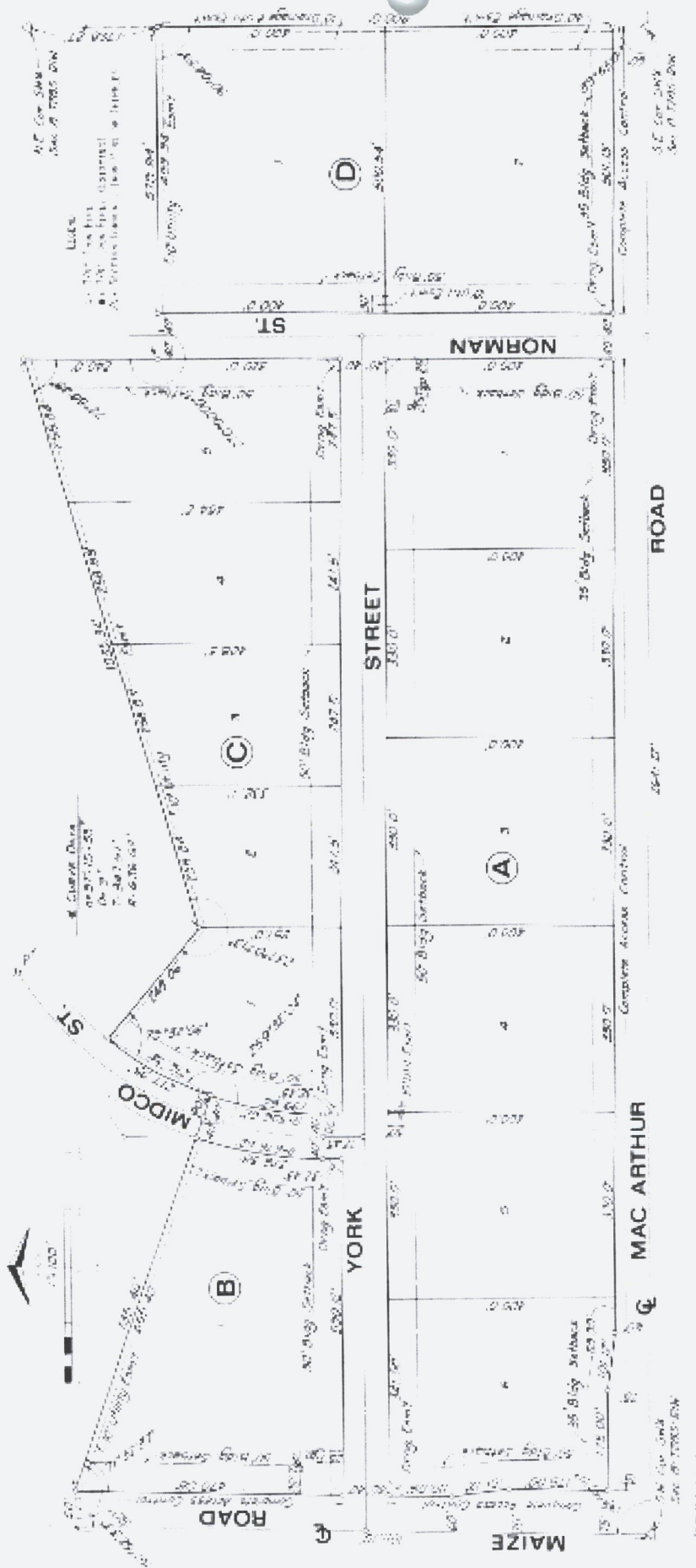
February 9, 2023

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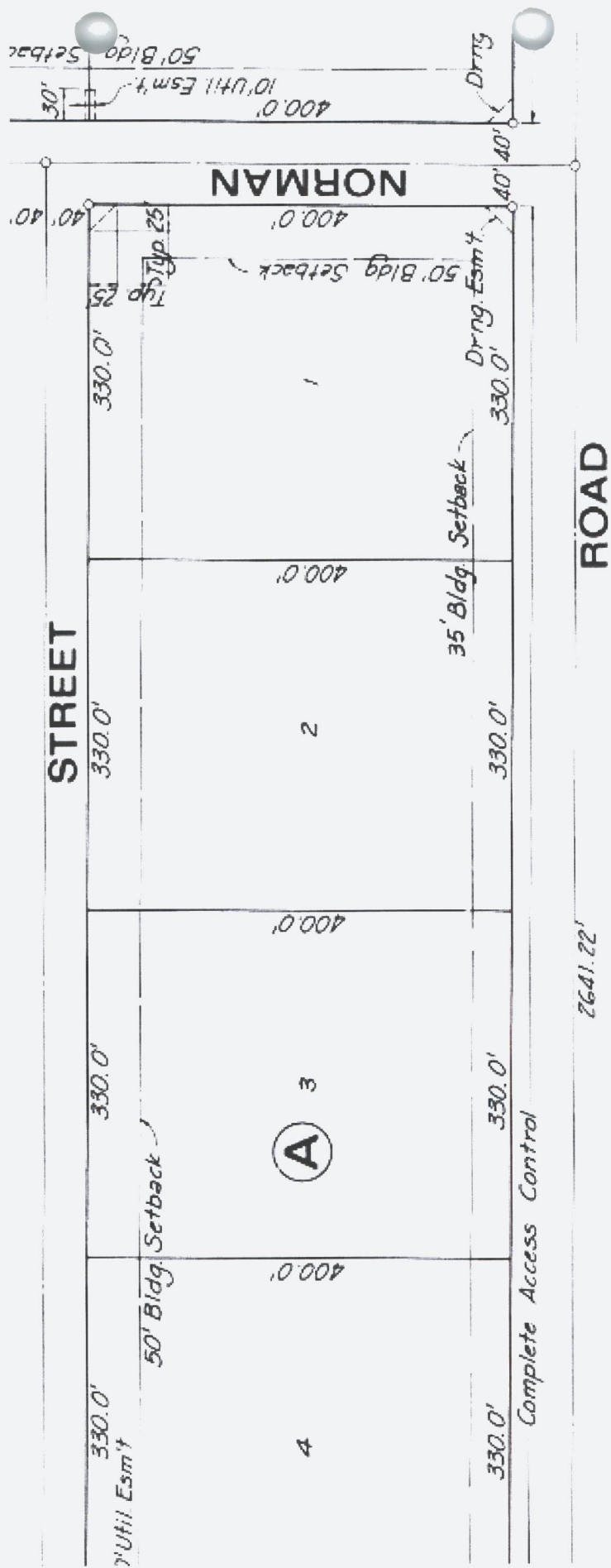


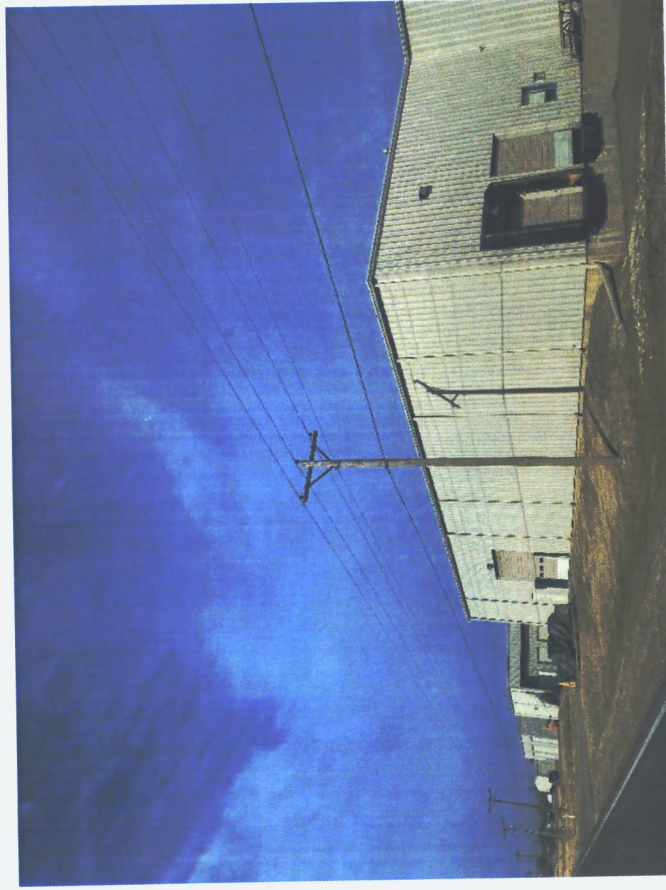
MID-CONTINENT INDUSTRIAL PARK I

SEDGWICK COUNTY, KANSAS



VAC2022-00036: Request in the City to vacate a platted 35-foot building setback and complete access control, generally located on the southwest corner of West York Street and South Norman Street (9801 Wet York Street).
February 9, 2023
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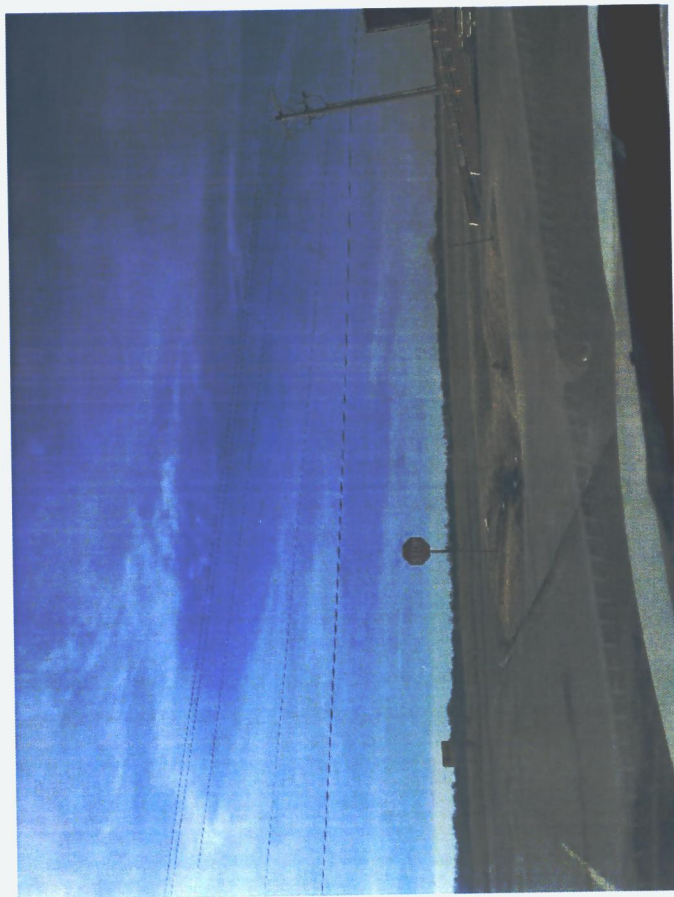




The subject site with building addition and drive on to West MacArthur Road.



North of the subject site.



South of the subject site.



East of the subject site.



West of the subject site.

LEGAL DESCRIPTION

The platted 35-foot setback and the west 64 feet of the platted complete access control, all located along/parallel the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition, Wichita, Sedgwick County, Kansas, and MacArthur Road.

3-2. VAC2009-22: CITY REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL AND A PLATTED A PLATTED SETBACK

OWNER/APPLICANT: Evans Building Company

LEGAL DESCRIPTION: The platted 35-foot setback and a portion of the platted complete access control, all located along/parallel the south lot line of Lot 1, Block A, Mid-Continent Industrial Addition, Wichita, Sedgwick County, Kansas, and MacArthur Road

LOCATION: Generally located generally located east of Maize Road, on the north side of MacArthur Road, on the southwest side of York & Norman Streets (WCC #IV)

REASON FOR REQUEST: For expansion of building and direct access onto MacArthur Road

CURRENT ZONING: The subject property and abutting northern, eastern and western properties are zoned LI Limited Industrial ("LI"). Adjacent southern property is zoned SF-20 Single-family Residential ("SF-20").

The applicant proposes to vacate a portion of the site's south, platted complete access control and the platted 35-foot building setback. The applicant proposes to put a 21-foot 8-inch drive onto MacArthur Road. The site is one of six lots located in the Mid-Continent Industrial Addition, which has platted complete access control along these lots' MacArthur frontage. There are no other drives from this plat onto MacArthur. There are no drives located south, across MacArthur, from the site. Subdivision standards, page 7-20 G: double frontage lots shall not have drives connection local streets to arterials. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria. In the past staff has recommended modified design criteria, which has been approved by the MAPC. Allowing a drive along the site's MacArthur frontage could trigger more requests on this subdivision's MacArthur frontage. There are no utilities, manholes, sewer or water lines along the site's MacArthur side. There is a drainage culvert along the site's MacArthur frontage which goes under MacArthur. The Mid-Continent Industrial Addition was recorded with the Register of Deeds March 2, 1976.

Per the Unified Zoning Code (UZC), Art. III, Sec. III -E, e. 7; a corner lot shall have a front yard setback along the shorter of its street frontages. In this case the shorter street frontage of the subject site is York Street, which is also the site's mailing address. MacArthur is opposite York and is considered the rear yard. The UZC's minimum rear yard setback for the LI zoning district is zero. However, compatibility setback standards apply to the site's rear yard because it is adjacent, south across MacArthur, to SF-20 zoning; UZC Art. I V, Sec. IV -C. If this was not a platted 35-foot setback, but the UZC's LI zoning district's minimum rear setback, the applicant could have applied for an Administrative Adjustment to waive or reduce the compatibility setback. Considerations for waving the compatibility setback typically includes screening and or landscaping to protect uses in TF-3 Duplex ("TF-3") or more restrictive zoning.

Most of the SF-20 zoned property located south of the site is not developed; there are 5 houses strung along MacArthur in this area. The 2030 Wichita Functional Land Use Guide categorizes the land south of MacArthur as "Employment/industry Center," which is a consideration in regards to waiving or reducing the compatibility setback.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City/County Public Works/Water & Sewer/Storm

Considerations (but not limited to) associated with the request to vacate the described platted setback have been identified. therefore, the vacation of the platted setback described in the petition should be approved with conditions:

- (1) Vacate the south 13 feet of the platted 25-foot setback that runs parallel to the north lot line of Lot 1, Westwind 2nd Addition, Wichita, Sedgwick County, Kansas, and 21st Street North. The approved legal description of the vacated portion of the platted setback will only be where the proposed expansion of the existing building will be located. Send the approved legal description to Planning on a Word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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) Vacate the south 13 feet of the platted 25-foot setback that runs parallel to the north lot line of Lot 1, Westwind 2nd Addition, Wichita, Sedgwick County, Kansas, and 21st Street North. The approved legal description of the vacated portion of the platted setback will only be where the proposed expansion of the existing building will be located. Send the approved legal description to Planning on a Word document, via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) 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.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

MCKAY moved, **BENTZEN** seconded the motion, and it carried (13-0-1).

B. JOHNSON - Abstained.

Water, franchised utility representatives and other interested parties. Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate a portion of *platted complete access control and the platted setback*.

- 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 June 18, 2009, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the described portions of *platted complete access control and the platted setback* and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Consideration s (but not limited to) associated with the request to vacate the described portions of *platted complete access control and the platted setback* have been identified, therefore, the vacation of the portions of *platted complete access control and the platted setback* described in the petition should be approved with conditions:

- (1) Vacate the portion of the *platted complete access control* along the site's MacArthur Road frontage to allow one 40-foot wide, right in - right out drive, as approved by the County Traffic Engineer. The drive must be located a minimum of 200 feet from the Norman Street - MacArthur intersection, per the Access Management Regulations.
- (2) Vacate the *platted 35-foot setback* that runs parallel the south lot line of Lot 1, Block A, Mid Continent Industrial Addition and MacArthur Road, where the proposed building expansion will be located. Waive or reduce the compatibility setback, where there is a proposed building expansion will be located within it. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense, including any relocation, rebuilding, or improvements to the drainage culvert located along the site's MacArthur Road side.
- (4) All improvements shall be according to County/City Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide City/County Public Works with a guarantee to ensure that these improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.
- (5) Per MAPC Policy Statement #7, all condition s 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) Vacate the portion of the platted complete access control along the *site's* MacArthur Road frontage to allow one 40-foot wide, right in - right out drive, as approved by the County Traffic Engineer. The drive must be located a minimum of 200 feet from the Norman Street - MacArthur intersection, per the Access Management Regulations.
- (2) Vacate the platted 35-foot setback that runs parallel the south lot line of Lot 1, Block A, Mid- Continent Industrial Addition and MacArthur Road, where the proposed building expansion will be located. Waive or reduce the compatibility setback, where there is a proposed building expansion will be located within it. Provide Planning Staff with a legal description of the approved vacated portion of the setback on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All provided to Planning prior to the case going to Council for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense, including any relocation, rebuilding, or improvements to the drainage culvert located along the site's MacArthur Roadside.
- (4) All improvements shall be according to City/County Standards and at the applicant's expense, including the new drive from the site onto public ROW. Provide City/County Public Works with a guarantee to ensure that these improvements will be made. If the drive is not being immediately constructed, provide a drive approach certificate, which will be recorded with the Register of Deeds. Either the guarantee(s) and/or the drive approach certificate must be provided to Public Works (guarantee) or Planning (drive approach certificate) prior to the case going to Council for final action.
- (5) 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.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

HILLMAN moved, **FARNEY** seconded the motion, and it carried (13-0- 1).
B. JOHNSON - Abstained