



Wichita-Sedgwick County Metropolitan Area Planning Department

February 14, 2023

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis St.
Wichita, KS 67211

Faber Trust Properties 2, LLC
Attn: Cheree Hull
11500 W 29th St. N.
Wichita, KS 67205

RE: VAC2022-00025: Vacation request in the City to vacate a portion of platted complete access control on property zoned LC Limited Commercial with CUP DP-296 to adjust locations of permitted drives; generally located on the northeast corner of North 119th Street West and West 29th Street North.

Dear Applicant;

At its regular meeting on **Tuesday, February 14, 2023**, 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



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 1, 2022

Baughman Company, P.A.
Attn: Phil Meyer
315 Ellis St.
Wichita, KS 67211

Ref: VAC2022-00025: Vacation request in the City to vacate a portion of platted complete access control on property zoned LC Limited Commercial with CUP DP-296 to adjust locations of permitted drives; generally located on the northeast corner of North 119th Street West and West 29th Street North.

Phil,

At the Thursday, September 1, 2022, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved 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.
- (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.

2020 3.17

- (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.

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 **September 15, 2022** (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

EE:kw

cc: Faber Trust Properties 2 LLC, Cheree Hull, 11500 W 29th St N, Wichita KS 67205



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

**IN THE MATTER OF THE VACATION OF ACCESS
CONTROL**

**GENERALLY LOCATED ON THE NORTHEAST
CORNER OF NORTH 119TH STREET WEST AND WEST
29TH STREET NORTH.**

VAC2022-00025

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 14th day of February, 2023, comes on for hearing the petition for vacation filed by Cheree Hall (owner), praying for the vacation of described portion of platted access control, to wit:

The South 60.00 feet of the North 100.00 feet, of Lot 1, Block A, Faber Commercial Addition, 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, in The Wichita Eagle on August 11, 2022, 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 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 access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of February, 2023, ordered that the described access control is 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



Sedgwick County
 Register of Deeds - Tonya Buckingham
 Doc.#/Flm-Pg: 30214504
 Receipt #: 2363138 Recording Fee: \$55.00
 Pages Recorded: 3
 Cashier: vbunch Authorized By: *Tonya Buckingham*
 Date Recorded: 01/06/2023 10:48:56 AM

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made to be effective as of January 5, 2023, by FABER TRUST PROPERTIES 2, LLC, a Kansas limited liability company ("Grantor"), and CEDARHURST OF WICHITA REAL ESTATE, LLC, a Kansas limited liability company (the "Grantee"). The mailing address for Grantee is 300 Hunter Avenue, Suite 200, Saint Louis, Missouri 63124.

WITNESSETH, that Grantor, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, does by these presents CONVEY unto Grantee, and to Grantee's successors and assigns, that certain parcel of real estate located in the County of Sedgwick, State of Kansas, and legally described on Exhibit A, attached hereto and incorporated herein by this reference, together with all appurtenances thereto (collectively, the "Property"), subject to all easements, rights of way, restrictions and other matters of record.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, forever. And Grantor, for itself and its successors and assigns, does hereby covenant that it is lawfully seized of said Property in fee simple, subject, however, to all easements, rights of way, restrictions and other matters of record, and does hereby agree to warrant and forever defend all and singular said Property unto Grantee, and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

[Signature and notary on following page.]

Recorded by Sedgwick 1st Title LLC
 01/06/2023 10:48:56 AM
 3003359

IN WITNESS WHEREOF, Grantor has hereunto caused this Special Warranty Deed to be executed effective as of the day and year first above written.

FABER TRUST PROPERTIES 2, LLC,
a Kansas limited liability company

By: Cheree A. Hull
Cheree A. Hull, Manager

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

The foregoing instrument was duly acknowledged before me this 5th day of January, 2023, by Cheree A. Hull, as a Manager of FABER TRUST PROPERTIES 2, LLC, a Kansas limited liability company, who is personally known to me to be the same person who executed the foregoing Special Warranty Deed, and duly acknowledged the execution of the same on behalf of said entity.

Deborah L. Beck
Notary Public

By Appointment Expires: 8/12/2026

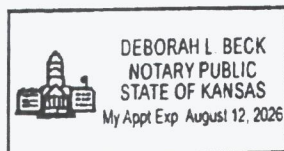


EXHIBIT A
PROPERTY LEGAL DESCRIPTION

Lot 1, Block A, Faber Commercial Addition, Wichita, Sedgwick County, Kansas

Lot 3, Block A, Faber Commercial Addition, Wichita, Sedgwick County, Kansas



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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	301556	Print Legal Ad - IPL0084974		\$218.92	3	87 L

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

LEGAL PUBLICATION

OCA 150004
 Published in The Wichita Eagle on August 11, 2022
 (One Time Only)
 MAPC/EZA September 1, 2022
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 1, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2022-0030: Conditional Use request in the City for an Accessory Apartment above a garage located approximately 650 feet south of West Douglas Avenue and on the west side of South Meridian Avenue (201 South Meridian Avenue).
 CUP2022-00035: CUP Amendment in the City to the Kiser West CUP DP-254 to permit vehicle sales and display and Vehicle Repair Limited on Parcels 5-7, and adjust cross lot circulation on property zoned LC Limited Commercial located on the west side of North Greenwch and within one-half mile south of East 13th St.

PUD2022-00017: Zone change in the City from TF-3 Two-Family and GC General Commercial to FUD Planned Unit Development to allow combined Office Warehouse and TF-3 land uses in a residential structure; located south of East Douglas Ave and within one block west of South Hillside Ave (3015 E Douglas & 3016 E Oakland)

VAC2022-00022: Vacatation request in the City to vacate a portion of platted complete access control on property zoned LC Limited Commercial generally located approximately one-third of a mile south of East 21st Street North, on the northwest corner of North Greenwch Road and North Oak Creek Parkway.

VAC2022-00023: Vacatation request in the City to permit a 40-foot drive on property zoned FUD Planned Unit Development; generally located on the west side of South Seneca Street and within one-quarter mile south of West MacArthur Road (4211 S. Seneca).

VAC2022-00024: Vacatation request in the City to vacate a platted utility easement on property zoned GO General Office with PO270; generally located one-half mile east of North Woodlawn Blvd, on the north side of K96 Highway.

VAC2022-00025: Vacatation request in the City to vacate a portion of complete access control on property zoned LC Limited Commercial with CUP DP-296 to adjust locations of permitted drives; located on the northeast corner of North 119th Street West and West 29th Street North.

ZON2022-00039: Zone change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential; generally located approximately one-block south of West Maple Street, on the east side of South Meridian Avenue (502 South Meridian Avenue).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING.

THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate:

1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email: Planning@wichita.gov

Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (671) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitscityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on August 11, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0084974

Aug 11 2022

In The STATE OF KANSAS
 In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 08/11/2022

Ending Issue of: 08/11/2022

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 08/11/2022 to 08/11/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 08/11/2022

Notary Public in and for the state of Texas, residing in Dallas County



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

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:**

IPL0084974

Order Status:

Submitted

Classification:

Legals & Public Notices

Package:

WIC - Wichita Eagle

Final Cost:

218.92

Payment Type:

Account Billed

User ID:

IPL0019064

ACCOUNT INFORMATION

CITY OF WICHITA/PLANNING DEPT IP

271 WEST THIRD ST., 2ND FL, SU 203

WICHITA, KS 67202

316-268-4529

kgonzalez@wichita.gov

CITY OF WICHITA/PLANNING DEPT

TRANSACTION REPORT**Date**

August 8, 2022 3:29:38 PM EDT

Amount:

218.92

SCHEDULE FOR AD NUMBER IPL00849740

August 11, 2022

The Wichita Eagle

PREVIEW FOR AD NUMBER IPL00849740**LEGAL PUBLICATION**

OCA 150004

Published in The Wichita Eagle on August 11, 2022

(One Time Only)

MAPC/EZA September 1, 2022

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Phone: 316.268.4421
Fax: 316.268.7764

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Access Code: 651-544-141
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

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<https://global.gotomeeting.com/install/651544141>

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WITNESS MY HAND on August 11, 2022

Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

IPL0084974
Aug 11 2022

<< [Click here to print a printer friendly version](#) >>

September 1, 2022

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.
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.

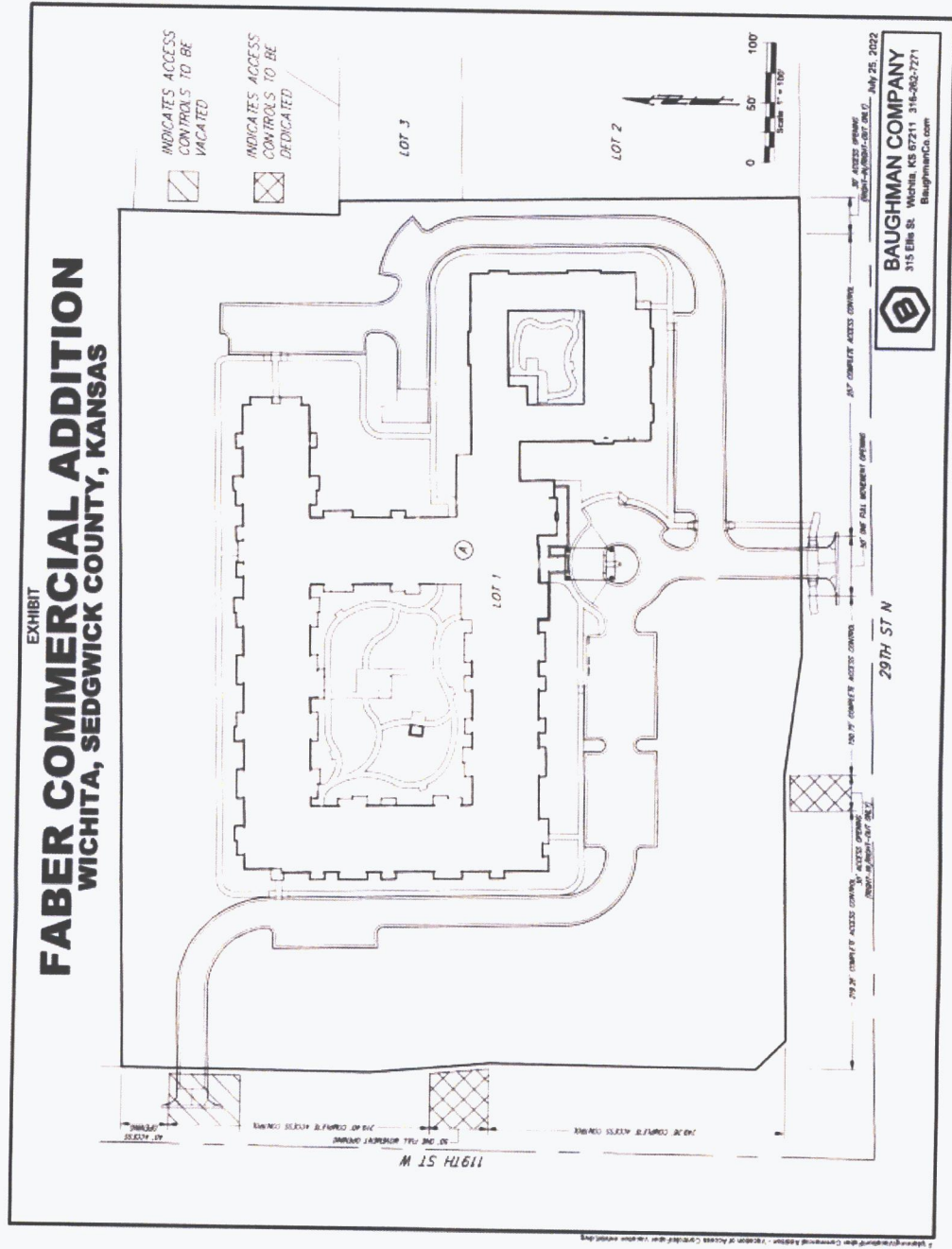
Attachments:

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 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.