



Wichita-Sedgwick County Metropolitan Area Planning Department

November 8, 2023

Mark Bolt
A2F, LLC
2822 North Mead St.
Wichita, KS 67219

Phil Meyer
Baughman Company, P.A.
315 Ellis Street
Wichita, KS 67211

RE: VAC2023-00035: Request in the City to vacate a portion of complete access control on property zoned GI General Industrial, generally located on the southeast corner of East 29th Street North and North Mead Street.

Dear Applicant;

At its regular meeting on **November 7, 2023**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the vacation request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Current Plans
Division Manager



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

September 29, 2023

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

Ref: VAC2023-00035: Vacation request in the City to vacate a portion of complete access control on property zoned GI General Industrial, generally located on the southeast corner of East 29th Street North and North Mead Street.

Phil,

At the **Thursday, September 28, 2023**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved 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 described portion of platted complete access control located on and running parallel with the north property line of Lot 1, Block 2, North Industrial Park 2nd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. The permitted full-movement access shall be signed as "exit only."
- (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.

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 **October 12, 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,

Philip Zevenbergen, AICP
Current Plans Division Manager

PZ:kw

cc: A2F, LL, Mark Bolt, 2822 N Mead St, Wichita KS 67219



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Fim-Pg: 30275225

Receipt #: 2404228
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: a2amith
Date Recorded: 11/13/2023 02:16:08 PM
Authorized By: Tonya Buckingham



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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF PLATTED ACCESS CONTROL)**

**GENERALLY LOCATED ON THE SOUTH SIDE OF)
EAST 29TH STREET NORTH, WITHIN ONE-HALF)
MILE EAST OF NORTH BROADWAY AVENUE)**

VAC2023-00035

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 7th day of November 2023, comes on for hearing the petition for vacation filed by HAZF, LLC (owner) praying for the vacation of a portion of platted access control, to wit:

The East 40.00 feet of the north line of platted complete access control onto 29th Street North located on the north boundary line of Lot 1, Block 2, North Industrial Park Second 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 September 7th, 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 portion of platted access control, and the public will suffer no loss or inconvenience thereby.
3. The drive access shall be properly signed for exit only movements.
4. In justice to the petitioner, the prayer of the petitioner ought to be granted.

November 7, 2023
VAC2023-00035

5. 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.

6. The vacation of the described portion of platted access control should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2023, ordered that the above-described portion of platted access control is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Sedgwick County Register of Deeds for recording.




Brandon J. Whipple, Mayor, City of
Wichita

ATTEST:


Jamie Buster, City Clerk

Approved as to Form:


Jennifer Magana, City Attorney and Director of Law

UNOFFICIAL COPY

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

**IN THE MATTER OF THE VACATION OF A PORTION)
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November 7, 2023
VAC2023-00035

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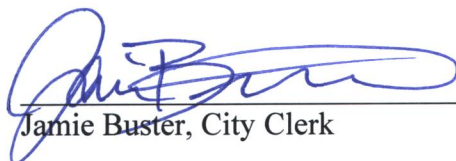
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Brandon J. Whipple, Mayor, City of
Wichita

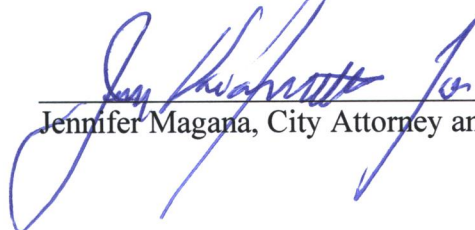


ATTEST:



Jamie Buster, City Clerk

Approved as to Form:



Jennifer Magana, City Attorney and Director of Law



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	462011	Print Legal Ad-IPL01378290 - IPL0137829		\$239.08	3	95 L

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

MHEBERT@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on September 7, 2023

(One Time Only)

MAPC/BZA September 20, 2023

NOTICE IS HEREBY GIVEN that on Thursday, September 28, 2023, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2023-00028: Variance request in the City to reduce the side and the rear setback to bring carport into compliance and permit an addition on the rear, on property zoned SF-3 Single-Family, located within one-block north of West 1st Street North and one-quarter mile west of North Seneca (212 N Elizabeth).

BZA2023-00048: Variance request in the City to allow side setback reduction to 7.5 feet to allow carport; generally located on the southeast corner of North Volusia Avenue and East Mossman Avenue (2803 East Mossman Avenue).

CON2023-00042: Conditional Use request in the City to allow for Vehicle Sales on the front one-third of the lot fronting West 21st Street; located approximately 450 feet east of the intersection of North Tyler Road and West 29th Street North (8520 West 21st Street North).

CON2023-00043: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District; generally located on the west side of North Hillside Avenue, within 500 feet south of East 13th Street North (1305 North Hillside Avenue).

CON2023-00044: Amendment to existing Conditional Use permitted through BZA 12-93 in the City, to increase number of cars that can be displayed at the site, in a property zoned LC Limited Commercial; generally located on the southwest corner of the East 13th Street North and North Delrose Avenue (4615 East 13th Street North).

CON2023-00045: Conditional Use request in the City to permit an Accessory Dwelling Unit, zoned TF-3 Two-Family Residential; generally located to the east of South Belmont Avenue and 125 feet south of East Lewis Street (408 South Belmont Avenue).

CON2023-00047: Conditional Use request in the City for a Mobile Food Unit in the City (with ZON2023-00050 to LC); generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside Avenue).

CLUP2023-00029: CLUP Minor Amendment in the City to CLUP DP-164 to allow Vehicle and Equipment Sales on Parcels 5A and 5B; generally located on the south side of West 21st Street North, within one-quarter mile east of North Tyler Road (8515 & 8535 West 21st Street North).

VAC2023-00033: Request in the City to vacate the East Boston Avenue right-of-way between Market and Broadway; generally located 360 feet north of East Henry Street.

VAC2023-00034: Request in the City to vacate a portion of a floodway easement and a platted 10-foot utility easement for expansion of the existing warehouse, on a Limited Industrial zoned parcel; generally located Northeast of South Hoover Road and K-42 (2820 S Hoover Road).

VAC2023-00035: Request in the City to vacate a portion of complete access control on property zoned GI General Industrial, generally located on the southeast corner of East 29th Street North and North Mead Street.

VAC2023-00036: Request in the City to vacate a Drainage and Utility Easement, and Building Setback at Harbor Isle Commercial 2nd Addition on property zoned GC General Commercial District; generally located north of West 40th Street North and east of North Seneca Street.

ZON2023-00050: Zone change in the City from GO General Office District to LC Limited Commercial District for a Mobile Food Unit in the City; generally located on the west side of North Hillside Avenue, within 275 feet south of East 2nd Street North (233 North Hillside 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 Wichita-Sedgwick 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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBhbnFjQTQ0YV0xPVdEXUt09>
 Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+1669006833_4089866967#...*094136# US (San Jose)

+17193594580_4089866967#...*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc650cdfb1>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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 (316-268-4464) by 5pm, 3 days prior to the meeting.

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

WITNESS MY HAND on September 7, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0137829

Sep 7 2023

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

1 insertion(s) published on:

09/07/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose 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 09/07/2023 to 09/07/2023.

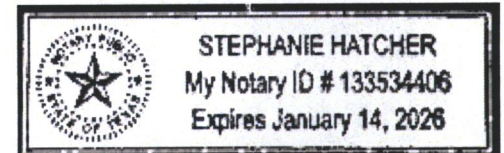
Stefani Beard

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

DATED: 09/07/2023

Stephanie Hatcher

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

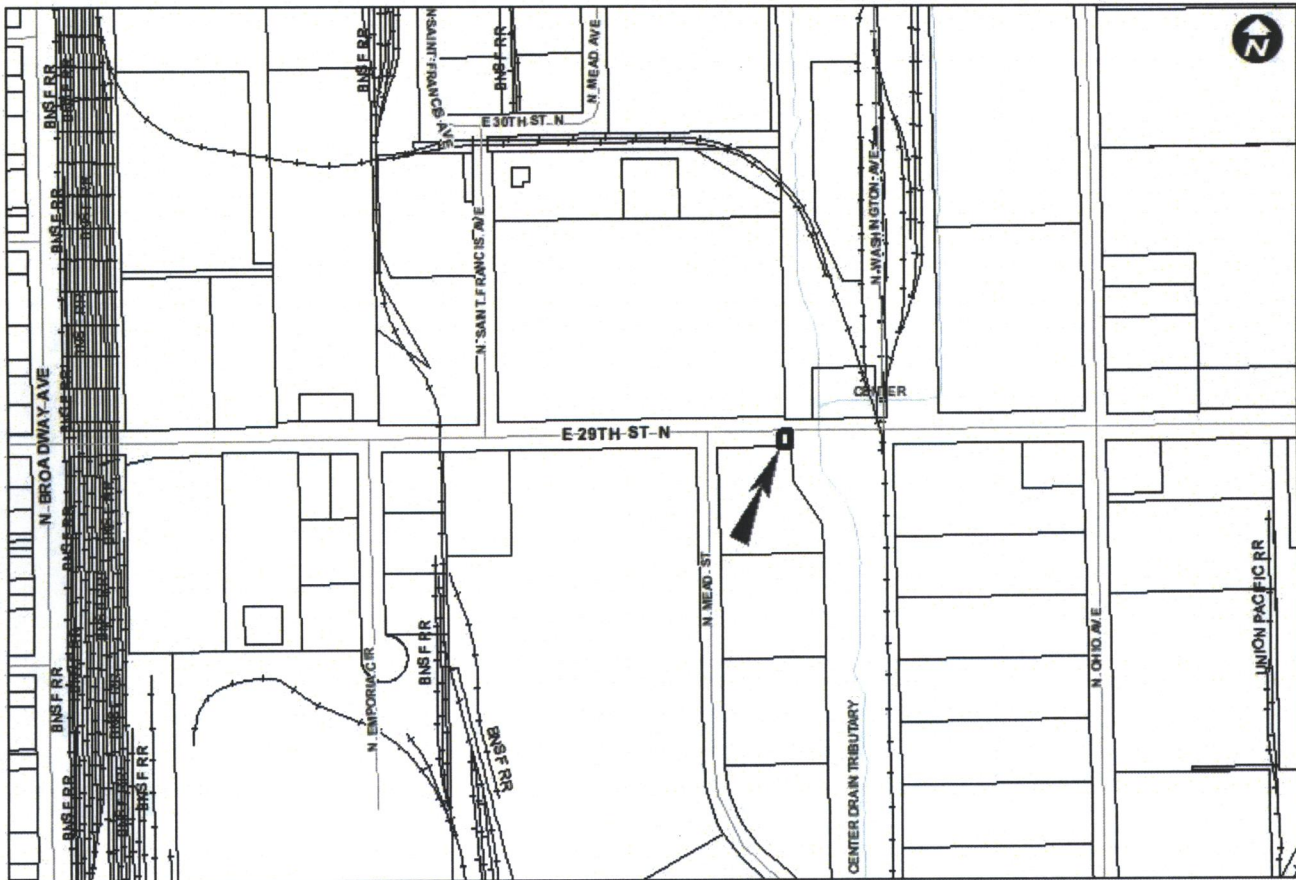


Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

STAFF REPORT

- CASE NUMBER:** VAC2023-00035 – Request to vacate a portion of platted complete access control.
- OWNER/APPLICANT:** HA2F, LLC (applicant); Baughman Company P.A. (agent).
- LEGAL DESCRIPTION:** Generally described as vacating the east 40 feet of platted complete access control onto East 29th Street North located on the north property line of Lot 1, Block 2, North Industrial Park 2nd Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the on the south side of East 29th Street North, within one-half mile east of North Broadway Avenue. (District VI)
- REASON FOR REQUEST:** Permit access drive for future development.
- CURRENT ZONING:** The subject site and all abutting and adjacent properties are zoned GI General Industrial District.

VICINITY MAP:



The applicant is requesting a vacation of a portion of platted complete access control to permit a 40-foot drive onto Lot 1, Block 2, North Industrial Park 2nd Addition. This will provide access to an undeveloped lot, which intended to assist in future development. Said Lot 1 has 240 feet of platted complete access control along the whole north property line abutting East 29th Street North, but there is no platted complete access control along North Mead Street.

If approved, the proposed 40-foot drive access would be approximately 30 feet east (center line to center line) of a private drive on the north side of East 29th Street North (constructed since the attached aerial image was captured). The aprons of the said access drives would overlap. If approved, the proposed drive would be approximately 250 feet east (center line to center line) of North Mead Street. East 29th Street North is an arterial street, which falls under the guidance of access management standards. These standards recommend that full movement drives be spaced approximately 400 feet apart and to avoid spacing from adjacent drives across the street that would create conflicting left turns. Traffic Engineering requires this drive to be right-in/right-out drive access only. A full-movement access drive and be constructed along North Mead Street.

Evergy has no objection to this vacation request and does not have equipment and lines in or near the easement they are requesting to vacate for development. Conditions 1-3 covers Evergy. Any relocation or removal of existing Evergy equipment will be at the applicant's expense. LaDonna Vanderford, Area Design Representative for this area will be the contact for this item and can be contacted at (316) 261-6290 for this vacation request and any project related to it. The North Industrial Park 2nd Addition was recorded December 11, 1972.

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 portion of the 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 September 7, 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 portion of the platted 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 described portion of platted complete access control located on and running parallel with the north property line of Lot 1, Block 2, North Industrial Park 2nd Addition, is contingent on approval by the Traffic Engineer and the Fire Department. The permitted full-movement access shall be signed as "exit only."

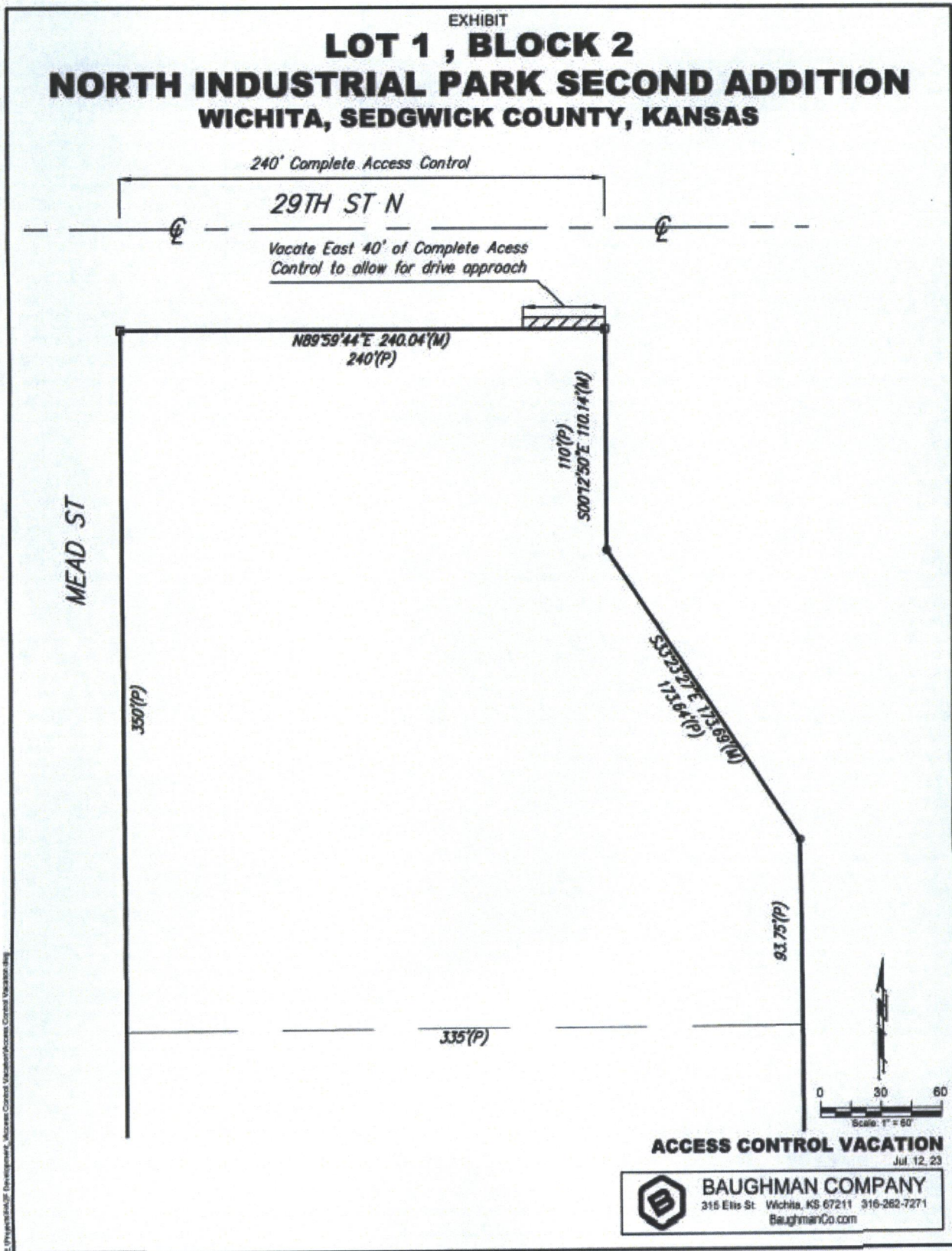
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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

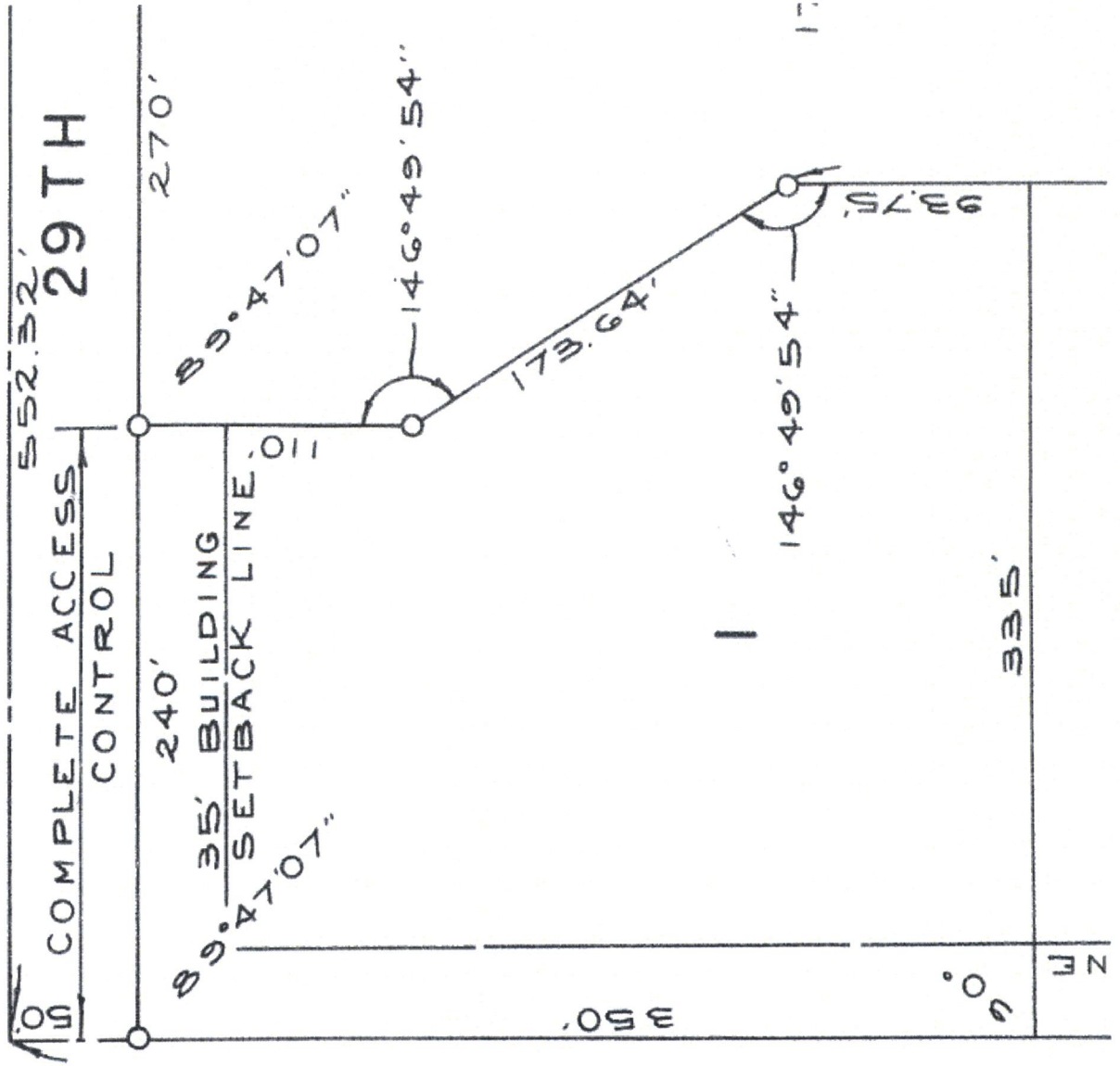
The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Vacation Exhibit
2. Plat Detail
3. Aerial Map



Plat Detail

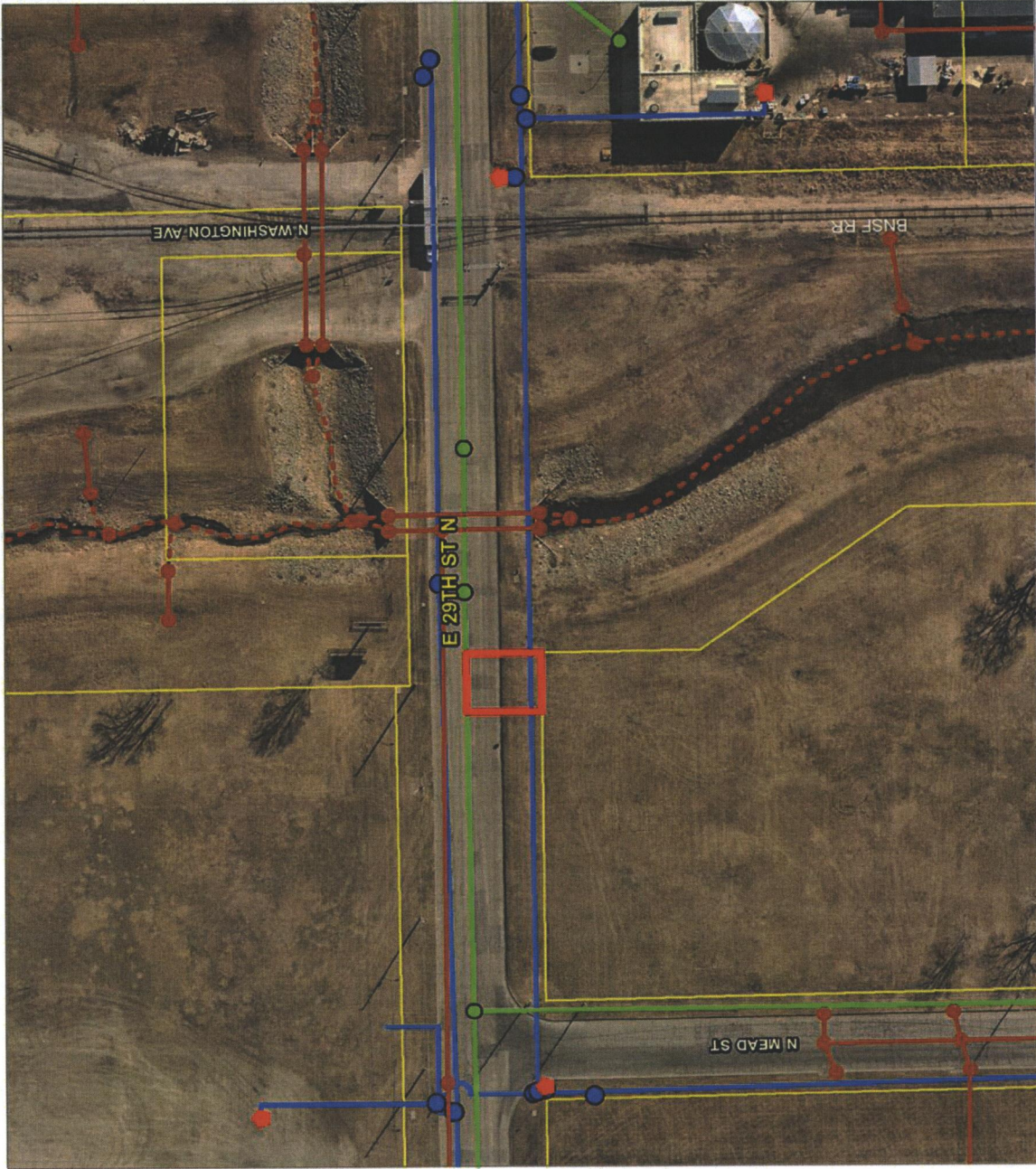


- VAC2023-00035
- Storm Structures
- Enclosed Gravity Pipe
- Force Main
- Open Channel
- Siphon
- ◆ Water Hydrants
- Sewer Manholes
- Sewer Mains
- Water Valves
- Water Mains



Software: ArcGIS
 Map Data Sources:
 City of Wichita
 Sedgwick County

Prepared: 8/23/2023



It is understood that while the City of Wichita Data Center personnel have reviewed the information presented herein and have no reason to believe that there are inaccuracies in information incorporated in this base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the accuracy or completeness of the information. Note: Public property represented on this map is not intended to be inclusive.