

**EXCERPT MINUTES OF THE MARCH 21, 2013 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

VAC2013-00005: County request to vacate a portion of platted access control, generally located on the east side of 183rd Street West, mid-mile between Maple Street and 4th Street North (Goddard Area of Zoning Influence).

APPLICANT/OWNER: James H. & Jacquelyn C. Stearns (owner)

LEGAL DESCRIPTION: Generally described as vacating that portion of platted complete access control beginning 170 – 220 feet north of the south lot line of Lot 10, Block A, Eck 6th Addition, to allow a drive from said lot’s west lot line onto 183rd Street West, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of 183rd Street West, mid-mile between Maple Street and 4th Street North (BoCC #III, Goddard Area of Zoning Influence)

REASON FOR REQUEST: Disconnect existing drive located on the south lot line

CURRENT ZONING: The site and all abutting adjacent properties are zoned RR Rural Residential (“RR”).

The applicant proposes to shift the platted permitted access onto 183rd Street West from the south 15 feet of the west lot line of Lot 10, Block A, Eck 6th Addition to a point beginning 170 – 220 feet north of the south lot line of said lot. This would line the applicant’s drive up with their garage. The proposed location would provide approximately 250 feet of separation from the nearest drive on the west side of 183rd and 600 feet of separation from the nearest drives north of the proposed drive. The applicant proposes to disconnect their portion of the joint drive they share with the abutting south property; platted shared access, 15 feet on each side of the common lot line of Lots 10 & 11, Block A, Eck 6th Addition. The applicant states that the abutting southern property’s recently constructed accessory structure, located just south off of the split in the drives is a visual encroachment for them. There are no public utilities located in area of the vacation request. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the area of the vacation. The Eck 6th Addition was recorded with the Register of Deeds November 1, 2000.

Because the site is located within the City of Goddard’s Area of Zoning Influence, consideration and recommendation by their planning commission is required. The request will be heard at their March 14, 2013, meeting.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, 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 February 28, 2013, 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 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) Vacate that portion platted complete access control along the site's 183rd Street West's frontage, as approved by County Public Works. 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 Provide to Planning prior to the case going to Council for final action.
- (2) As reviewed by Public Works, disconnect the portion of the shared drive on the subject site according to County Standards and at the applicant's expense.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (4) All improvements shall be according to County Standards and at the applicant's expense, including all required County permits, inspections and the construction of the drive onto 183rd.
- (5) 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) Vacate that portion platted complete access control along the site's 183rd Street West's frontage, as approved by County Public Works. 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 Provide to Planning prior to the case going to Council for final action.
- (2) As reviewed by Public Works, disconnect the portion of the shared drive on the subject site according to County Standards and at the applicant's expense.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (4) All improvements shall be according to County Standards and at the applicant's expense, including all required County permits, inspections and the construction of the drive onto 183rd.
- (5) 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.

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

JOHNSON moved, **FOSTER** seconded the motion, and it carried (9-0).
