

**EXCERPT MINUTES OF MAY 24, 2018, WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION MEETING**

**VAC2018-00011: County Vacation of a portion of platted access controls and minimum pad elevation to allow a wider opening to the home site on property zoned RR Rural Residential,**

generally located on the south side of West 47<sup>th</sup> Street South and approximately 2,000 feet east of South 167<sup>th</sup> Street West.

The applicant has requested the vacation of platted access controls as well as platted pad elevation on property platted in the G Leonard Addition, located within unincorporated Sedgwick County. The proposal would widen the platted access controls from 50 feet to 100 feet, as well as raise the minimum pad elevation from 1366.4 to 1368.4.

The applicant has stated that the reason for this request is that the minimum pad elevation was intended to be changed previously when the applicant vacated the platted floodway reserve, the change in elevation is related to that. There is a utility pole along the street right of way that impacts the opening onto the street, which is the reason for the vacation of the additional 50 feet of access control.

Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the subject area. The G. Leonard Addition was recorded 9 April 2013.

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 understanding 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 at least 20 days prior to this public hearing.
  - 2. That no private rights will be injured or endangered by vacating the platter's text to amend the access controls 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.

The Subdivision Committee recommends approval subject to the following stipulations:

- (1) If needed provide Planning with dedication of utility easements by separate instruments with original signatures to go with the Vacation Order to County Commission 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 County Commission for final action.
- (2) All improvements shall adhere to County Standards and at the applicants' expense.

- (3) 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:** Approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**WARREN** moved, **DAILEY** seconded, and it carried (8-0).

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