

**STAFF REPORT**

**CASE NUMBER:** VAC2020-00038 - City vacation of access control and the uses of a platted reserve for driveway access.

**APPLICANT/AGENT:** RBR Land, LLC & Timothy Buchanan Revocable Trust (applicants), MKEC Engineering (agent)

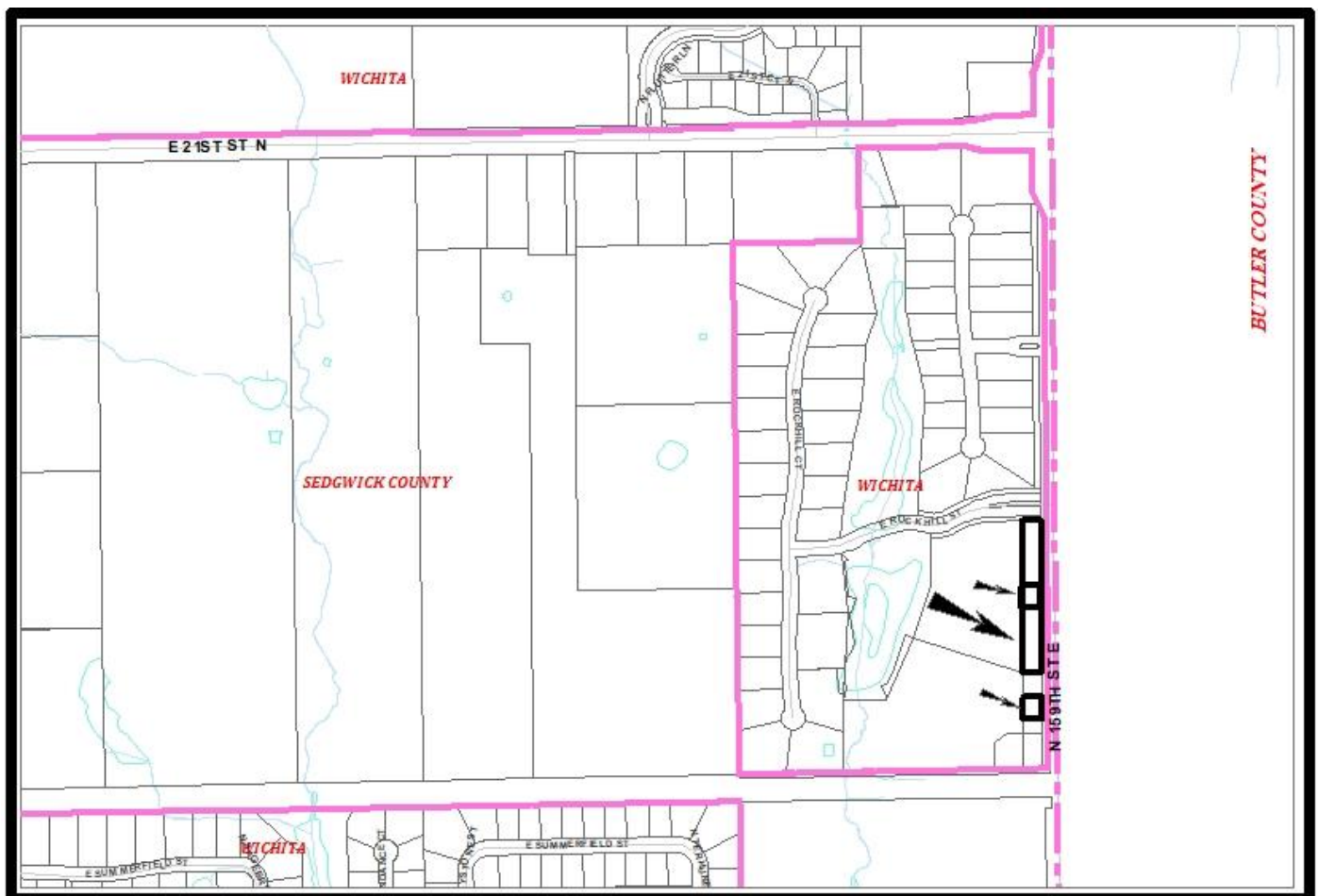
**LEGAL DESCRIPTION:** See Attached

**LOCATION:** Generally located on the west side of North 159<sup>th</sup> Street East and within one-half mile south of East 21<sup>st</sup> Street North (1875 N. 159<sup>th</sup> Street East).

**REASON FOR REQUEST:** Driveway access

**CURRENT ZONING:** SF-5 Single Family Residential

**VICINITY MAP:**



RBR Land, LLC is requesting the vacation of a portion of complete access control to permit one, 40-foot driveway from Lot 32, The Ranch Addition, to North 159<sup>th</sup> Street East. The applicant is also proposing to vacate the platted uses for two portions of platted Reserve C in order to permit the uses as allowed in the underlying zoning classification. The property is zoned SF-5 Single Family Residential and generally located on the west side of North 159<sup>th</sup> Street East and within one-half mile south of East 21<sup>st</sup> Street North. Regarding the access control, North 159<sup>th</sup> Street is the county line between Sedgwick and Butler Counties where the west half of the right-of-way belongs to Sedgwick County and the east half belongs to the City of Andover. The applicant has provided their driveway location analysis to the City of Andover for review. Les Mangus, Andover Director of Community Development, has reviewed and approved the location of the proposed driveway. The City of Wichita Traffic Engineer and Sedgwick County Public Works have also reviewed and approved the location of the driveway.

RBR Land, LLC and Timothy Buchanan are also requesting to vacate the platted uses for two 90-foot by 80-foot portions of Reserve C, The Ranch Addition. One portion abuts Lot 32 and the other, Lot 33. The purpose of this is to allow the uses of the underlying zoning district of SF-5. The HOA is in ownership of the platted reserve. However, the plat states that the HOA may deed portion so reserves to abutting lot owners. Since the driveways to the two subject residences must traverse over the Reserve in order to reach North 159<sup>th</sup> Street, by vacating the uses and deeding the portion of land over to the abutting lot owners, it avoids confusion and conflict over the maintenance of that portion of the lot owners' driveways. The deeding of this land is not required as part of the vacation process. That will be a private agreement.

There are no public utilities in the area s to be vacated. There are public utilities within the North 159<sup>th</sup> Street East right-of-way for which driveways will be constructed over. Evergy has equipment in the south 90-foot area, but has no objection. Any relocation or removal of equipment is at applicant's expense. LaDonna Vanderford, Construction Services Representative, can be contacted at 316-261-6290 with questions regarding this case. Cox has aerial lines in the area, but no objection.

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 complete access control and portions of a platted reserve.

- 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 October 1, 2020, 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 platted uses 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.

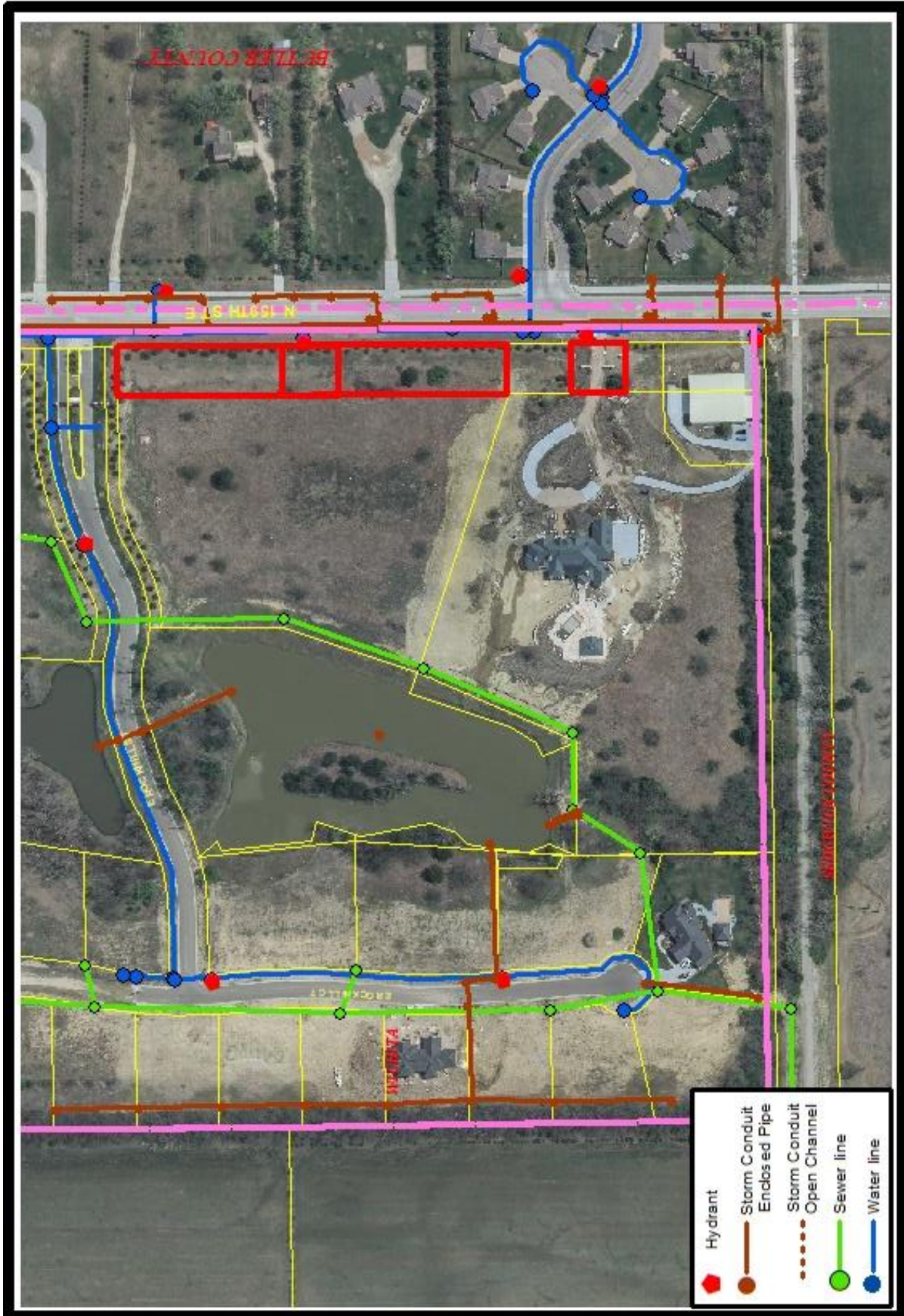
Conditions (but not limited to) associated with the request:

- (1) Vacation of the described portion of complete access control over and across the east line of Reserve C, The Ranch Addition. 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.
- (2) Vacate the platted uses for the described portions of Reserve C, The Ranch Addition to permit the uses of the underlying SF-5 zoning district.
- (3) 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.
- (4) All improvements shall be according to City Standards and at the applicants' expense.
- (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 per staff recommendations.

Attachments: 1) Aerial Map, 2) Site Plan, 3) Legal Descriptions





## Legal Descriptions

***To vacate the platted uses of those portions of Reserve C described herein and allow such uses permitted in the underlying zoning classification, SF-5 Single Family, as amended.***

### **Lot 33**

A tract of land lying within a portion of Reserve C, The Ranch, an Addition to Wichita, Sedgwick County, Kansas, said portion being more particularly described as follows: The north 90.00 feet of the south 300.45 feet of said Reserve C.

Said tract Contains: 7,200 square feet of land more or less.

### **Lot 32**

A tract of land lying within a portion of Reserve C, The Ranch, an Addition to Wichita, Sedgwick County, Kansas, said portion being more particularly described as follows: The north 90.00 feet of the south 767.45 feet of said Reserve C.

Said tract Contains: 7,200 square feet of land more or less.

***And to vacate the Access Controls for that portion of The Ranch frontage along the west line of 159<sup>th</sup> Street North and rededicate the access controls to allow one full movement opening as described herein.***

Vacation of a tract of land lying within a portion of Reserve C, The Ranch, an Addition to Wichita, Sedgwick County, Kansas, said portion being more particularly described as follows:

Reserve C, EXCEPT the south 403.22 feet thereof abutting and adjoining Lot 33 Block A, said addition.

One full movement opening being allowed within a 40-foot length of the west right-of-way line of 159th Street East; said 40-foot length being centered 20-foot each side of the following described POINT; COMMENCING at the southeast corner of said Reserve C, The Ranch, an Addition to Wichita, Sedgwick County, Kansas, and being coincident with the southeast corner said addition; thence north 722.45 feet along the east line of said Reserve C to The POINT. The sideline points of said 40-foot full movement opening being measured perpendicular to said east line.