

STAFF REPORT

CASE NUMBER: VAC2020-00048 - Request to vacate a portion of platted drainage reserve and a portion of a platted 50-foot building setback

APPLICANT/AGENT: Donald Yoder (applicant/owner) Baughman Company, P.A., c/o Phil Meyer (agent)

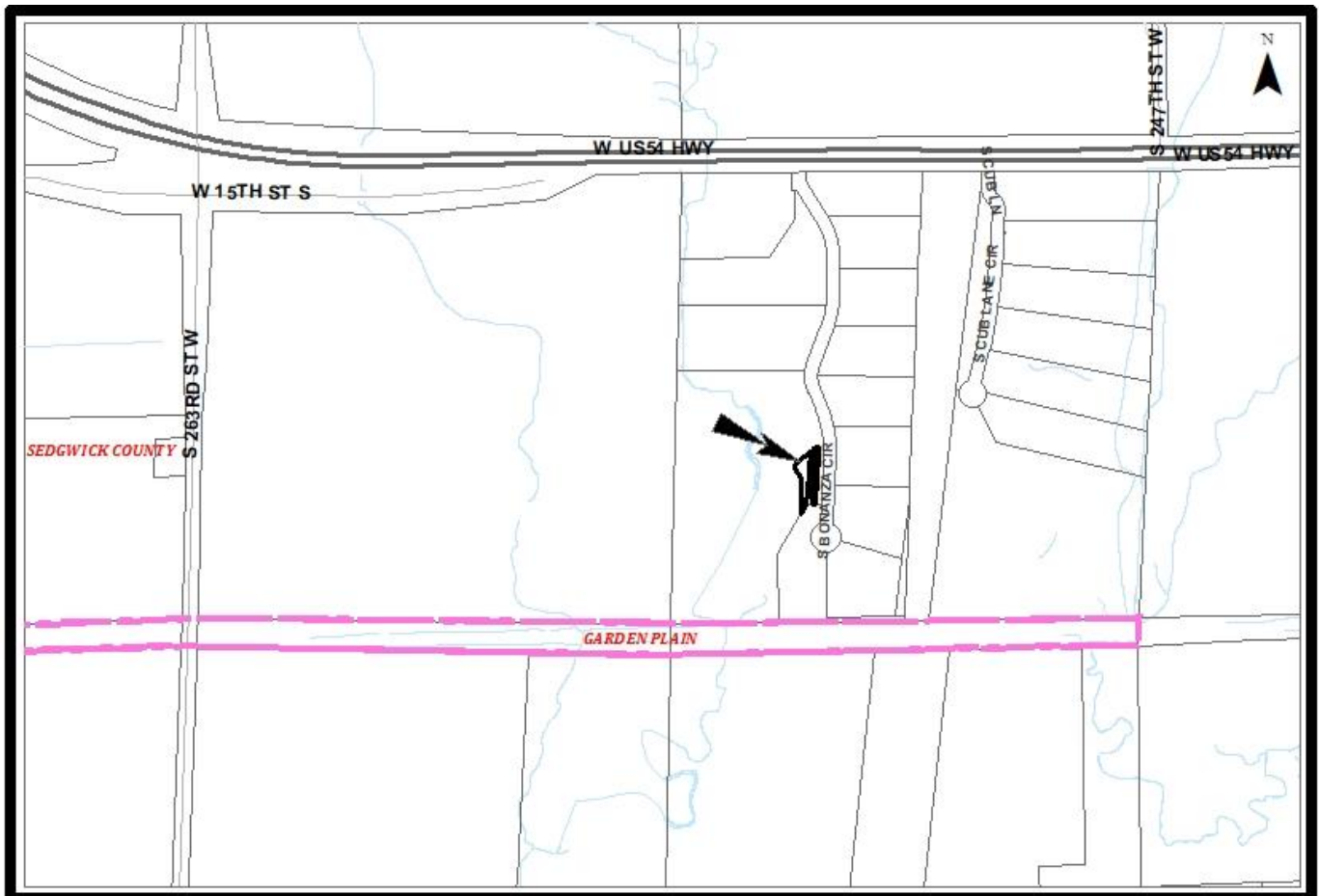
LEGAL DESCRIPTION: See Attached

LOCATION: Generally located one-half mile west of South 247 Street West and one-third mile south of US54/400 Highway. BoCC 3

REASON FOR REQUEST: To create a buildable parcel

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

VICINITY MAP:



The applicant proposes to vacate a portion of a platted drainage reserve and a portion of a platted 50-foot building setback. The property is platted as Lot 3, Block A, Yoder Airport Addition, which is zoned RR Rural Residential and generally located one-half mile west of South 247th Street West and one-third mile south of US 54/400 Highway. The purpose of the vacation request is to create a buildable parcel. The majority Lot 3 is covered by the drainage reserve and is within the FEMA Floodplain. The applicant is requesting to vacate a portion of the drainage reserve that appears to be outside of the FEMA Floodplain. The plattor's text for the drainage reserve states, "No buildings shall be constructed or placed on or within said drainage reserves, nor shall any fill, change of grade, creation of channel or any other work be carried on without permission of the Engineer for said governing body."

In addition, the applicant is requesting to vacate the western 20 feet of the platted 50-foot building setback, thus reducing it to 30 feet. The Unified Zoning Code sets the minimum front setback in the RR Rural Residential zoning district at 30 feet. Therefore, if the vacation of the setback is approved, it will not exceed the minimum front setback standard.

There are no public utilities located within the areas of this vacation request. Evergy has equipment in the area, but no objections. They will require 15 or 20 feet of the reserve as an easement in order to supply the lot with service. The applicant needs to work with Evergy on how service will be provided to the lot. Ennidh Garcia will be the contact for this item and can be reached at 316-261-6359. The Yoder Airport 5th Addition was recorded with the Register of Deeds December 14, 2018.

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 the platted drainage reserve and platted setback.

- 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 November 26, 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 drainage reserve and platted setback 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:

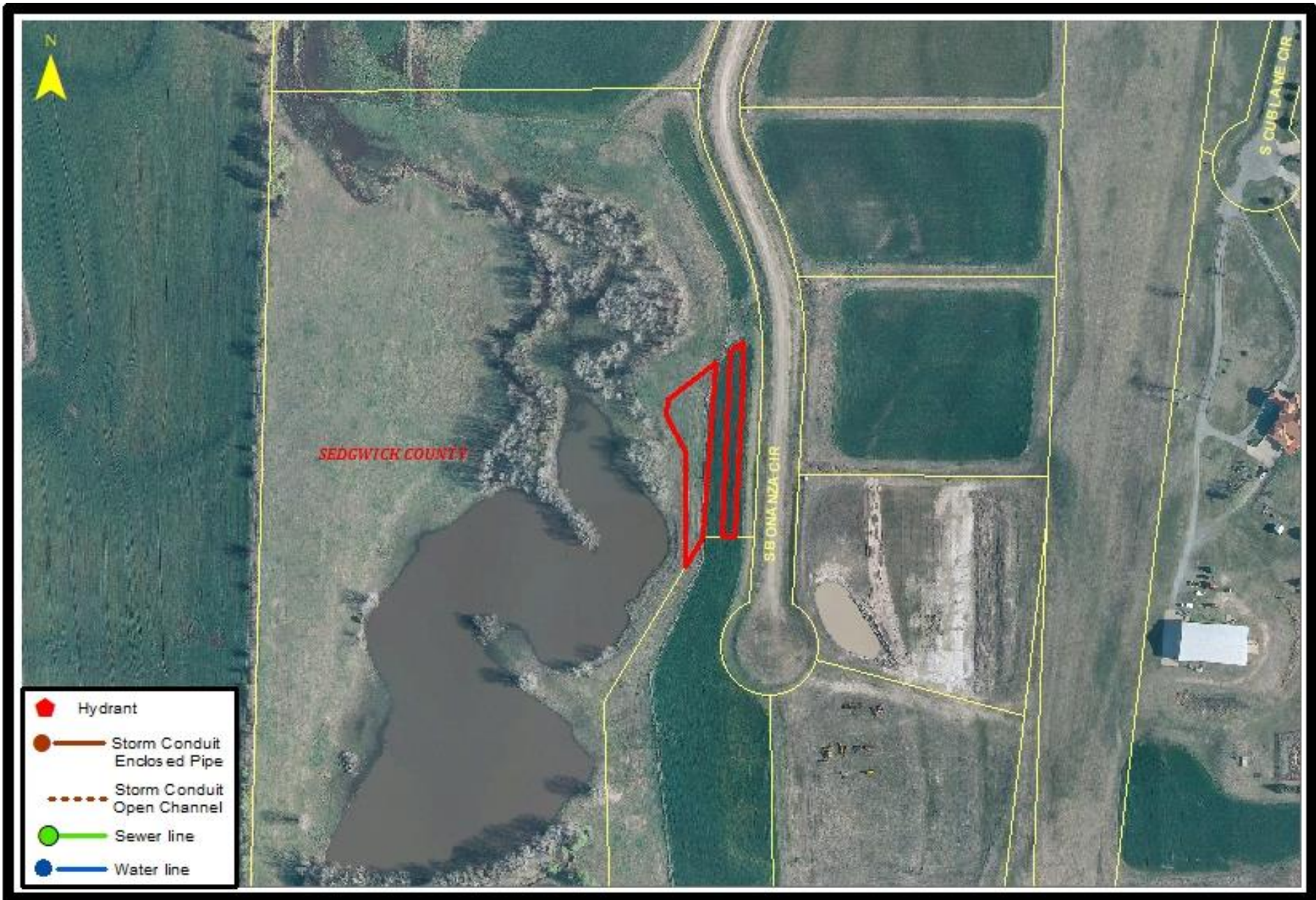
- (1) Vacate that portion of the platted drainage reserve, as approved by County Public Works and Evergy. Provide Planning Staff with a legal description of the approved vacated portion of the platted drainage reserve on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to the BoCC for final action.

- (2) Vacate the described portion of the platted front setback. 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. This must be provided to Planning prior to the case going to the BoCC for final action.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense. Dedication of any easements for utilities shall be submitted to Planning prior to this case being scheduled for final action by the Wichita City Council.
- (4) All improvements shall be according to County Standards and at the applicant's 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 Description



SEDGWICK COUNTY

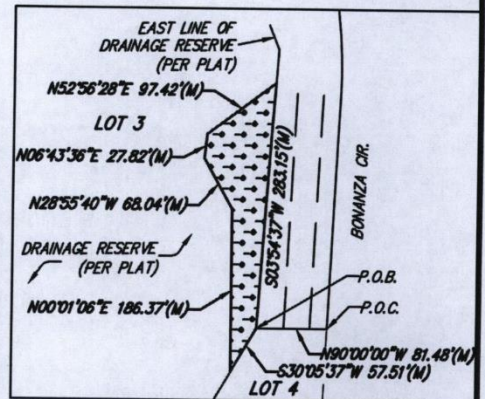
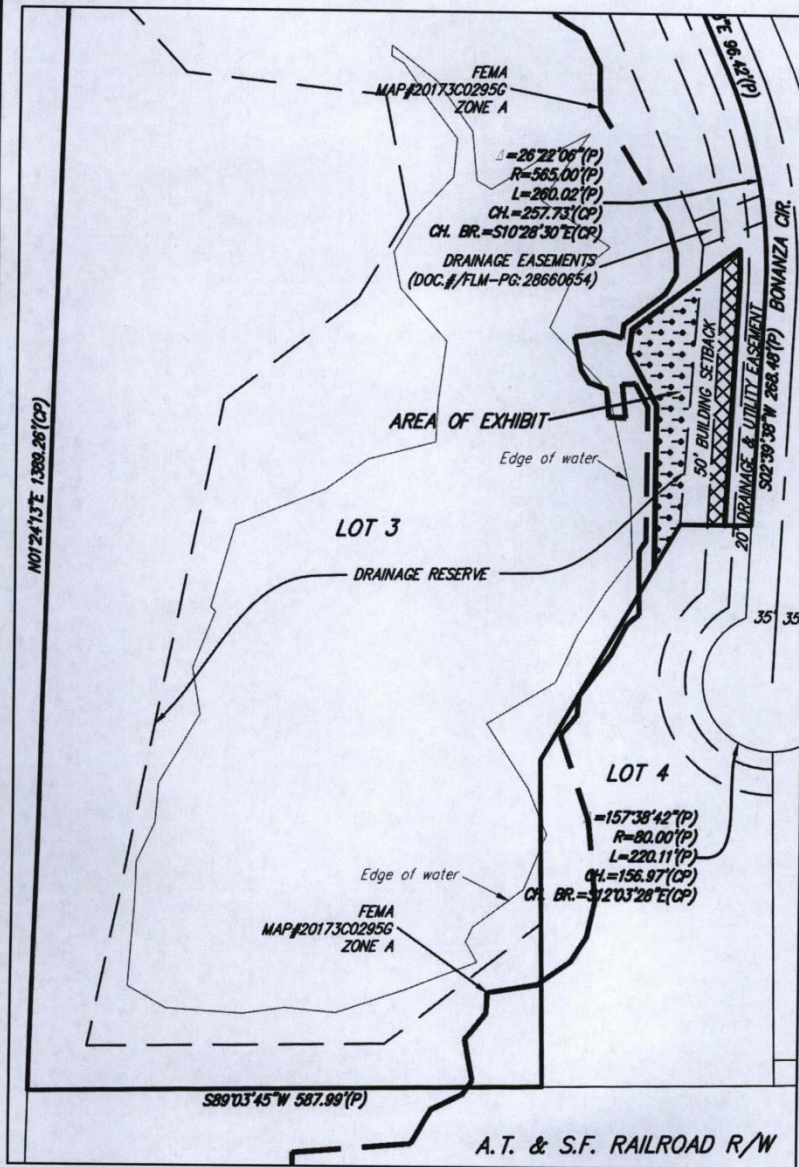
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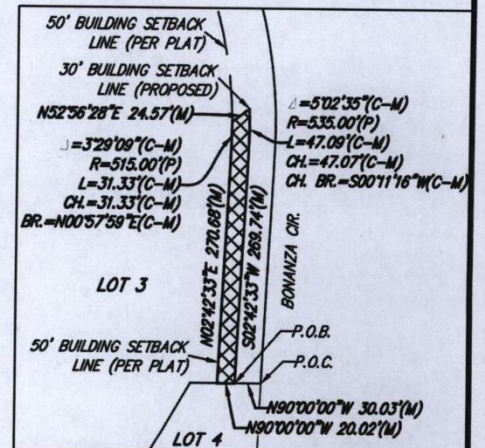
- Hydrant
- Storm Conduit Enclosed Pipe
- Storm Conduit Open Channel
- Sewer line
- Water line

EXHIBIT

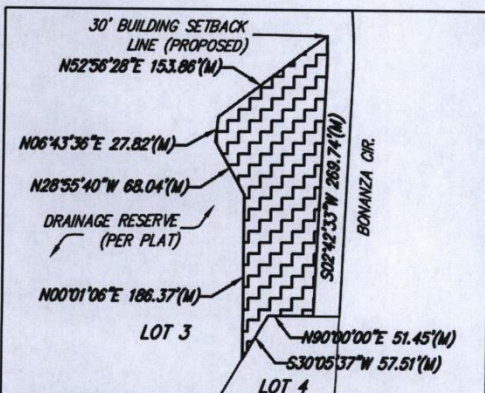
LOT 3, BLOCK A, YODER AIRPORT 5TH ADDITION, SEDGWICK COUNTY, KANSAS



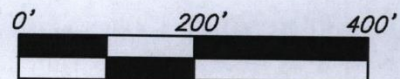
PORTION OF DRAINAGE EASEMENT TO VACATE
 12,880.4 S.F.
 0.296 ACRES



PORTION OF BUILDING SETBACK TO VACATE
 6,188.9 S.F.
 0.142 ACRES



BUILDABLE AREA
 27,351.2 S.F.
 0.628 ACRES



NOV 5, 2020

BAUGHMAN COMPANY
 316 Ellis St. Wichita, KS 67211 316-262-7271
 BaughmanCo.com

Drainage Easement Vacation

That part of a Drainage Reserve Easement in Lot 3, Block A, Yoder Airport 5th Addition, Sedgwick County, Kansas, described as follows: Commencing at the north most northeast corner of Lot 4 in said Block A; thence N90°00'00"W coincident with a segment of the north line of said Lot 4, 81.48 feet for a point of beginning; thence S30°05'37"W coincident with a segment of the north line of said Lot 4, 57.51 feet; thence N00°01'06"E, 186.37 feet; thence N28°55'40"W, 68.04 feet; thence N06°43'36"E, 27.82 feet; thence N52°56'28"E, 97.42 feet to a point on a segment of the east line of a platted Drainage Reserve; thence S03°54'37"W coincident with a segment of the east line of a platted Drainage Reserve, 283.15 feet to the point of beginning.

Building Setback Vacation

That part of a platted 50.00 foot building setback in Lot 3, Block A, Yoder Airport 5th Addition, Sedgwick County, Kansas, described as follows: Commencing at the north most northeast corner of Lot 4 in said Block A; thence N90°00'00"W coincident with the north line of said Lot 4, 30.03 feet for a point of beginning; thence continuing N90°00'00"W coincident with the north line of said Lot 4, 20.02 feet to the intersection of said north line of Lot 4 and a platted 50.00 foot Building Setback line; thence N02°42'33"E coincident with said Building Setback line, 270.68 feet to a curve to the left; thence northeasterly coincident with said curve, through a central angle of 03°29'09", a radius of 515.00 feet, an arc length of 31.33 feet, a chord bearing N00°57'59"E, and a distance of 31.33 feet to a point on said curve; thence N52°56'28"E, 24.57 feet to a non-tangent curve to the right, through a central angle of 05°02'35", a radius of 535.00 feet, an arc length of 47.09 feet, a chord bearing S00°11'16"W, a distance of 47.07 feet; thence S02°42'33"W, 269.74 feet to the point of beginning.