

STAFF REPORT

- CASE NUMBER:** VAC2021-00040 - County request to vacate a portion of platted access control
- APPLICANT:** Gary & Jean Zoglman (applicants/owners), KE Miller Engineering, PA c/o Kirk Miller (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted access control located approximately 110-feet south of the north end of Lot 2, Tim Loehr Addition, Sedgwick County, Kansas
- LOCATION:** Generally located a quarter-mile north of West 23rd Street South on the west side of South 295th Street West (County District 3)
- REASON FOR REQUEST:** Proposed lot split of Lot 2, Tim Loehr Addition will create the need for a driveway, access, to and from the new lot onto South 295th Street West
- CURRENT ZONING:** The subject site and the abutting and adjacent properties are zoned RR Rural Residential, except an abutting west property located within the City of Garden Plain.

VICINITY MAP:



The applicant proposes to vacate a portion of the platted access control located approximately 110-feet south of the north end of the Rural Residential (RR) zoned subject site; Lot 2, Tim Loehr Addition. If approved the request would allow a driveway onto South 295th Street West from the subject site, which is currently an agricultural field. The vacation request is associated with a proposed Lot Split of Lot 2 that would split the north 220-feet of it from the 565-foot wide Lot 2. The Tim Loehr Addition was recorded with the Register of Deeds November 21, 1988.

South 295th Street West is classified as a paved, two-lane County Highway and a major collector at this location. South 295th Street West goes through the City of Garden Plain, which is located approximately a quarter-mile north of the subject site. The subject site, the abutting and adjacent properties are zoned RR and are developed as agricultural fields or large tract/lot single-family residences or farmsteads. The exception is an abutting west property, which is the Garden Plain Waste Water Treatment Plant and is an isolated extension of the City Limits of Garden Plain.

The closest street intersection is the South 295th Street West - West 23rd Street South intersection located approximately a quarter-mile south of the subject site. The next nearest street intersection is located approximately 1,000-feet north where South 295th Street West intersects North Blue Bell Street in the City limits of Garden Plain.

There are no existing driveways located east, across South 295th Street West, of the proposed driveway. Property located east of the site is developed as agricultural fields.

There are two driveways located south of the proposed driveway on the same side of the subject site, west, of South 295th Street West. The nearest one is located approximately 110-feet south of the proposed driveway and the other is located approximately 250-feet south of the proposed driveway. Both are located on Lot 2, Tim Loehr Addition; the subject site. The nearest driveway goes to an accessory building and the other to that owner's single-family residence. As platted, Lot 2 is permitted two driveways along its 565-feet of South 295th Street West street frontage. Another driveway to a single-family residence is located approximately 500-feet from the proposed drive. There is one driveway to a single-family residence located approximately 400-feet north of the subject site. All of these four existing driveways are located on either Lots 1, 2 or 3, Tim Loehr Addition. The applicant's proposal would add another driveway to the four permitted.

County Public Works has stated that the two permitted driveways onto the 565-foot wide subject site, Lot 2, Tim Loehr Addition are out of compliance with the current Sedgwick County Access Management Policy that was adopted late 2002 early 2003. As previously stated the Tim Loehr Addition was recorded with the Register of Deeds November 21, 1988.

The County's Access Management Policy requires 330-feet of separation for right-in – right-out driveways onto arterials and 660-feet of separation for full movement driveways onto arterials. As currently developed with two driveways and as proposed, with one additional driveway, the driveways do not meet County Access Management standards. The County Engineer is opposed to the requested vacation and has advised the applicant to sharing the nearest south existing driveway (located approximately 150-feet south from the proposed driveway) on Lot 2, which leads to a previously mention accessory building. The County Engineer has also noted the subject site's close proximity to Garden Plain (located approximately one-quarter mile north) and the high traffic count (1,000 ATD) generated by activity in Garden Plain onto South 295th Street West as reasons for supporting a shared driveway. Per the Subdivision Regulations, 10-104, Modification of Design Criteria, the MAPC may modify design criteria.

Sewer service to the subject site is provided by the City of Garden Plain. The subject site is located just outside Sedgwick County Rural Water District #4; water is provided on site. There are Evergy power poles and lines located on west side of South 295th Street West. Ennidh Garcia is the Evergy Design Representative for this area and can be reached at 316-261-6359. Conditions #3, #4 & #5 cover all utilities.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, Water and Sewer, Traffic, 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 platted access control.

NOTE: At the October 14, Subdivision Committee (SD) meeting Staff recommended denial of the requested vacation of a portion of platted access control. Noting that the proposed vacation did not meet County access management standards or the City's access management standards. Staff advised the applicant to sharing the nearest south existing driveway (located approximately 150-feet south from the proposed driveway) on Lot 2, which leads to a previously mention accessory building.

However SD approved the applicant's request for the vacation of a portion of platted access control with the stipulation that the proposed drive (associated with a proposed Lot Split of Lot 2, Tim Loehr Addition) be located as far north on the new lot, but stay south of the existing mature tree line and a power pole.

Actions to take by the MAPC: Move to deny the request, as recommended by Staff. If the request is denied the applicant may appeal the MAPC's decision to the County Commission.

However if the MAPC approves the request the following is noted with conditions of approval.

- 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 Derby Informer, of notice of this vacation proceeding one time September 29, 2021, 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) Provide a legal description of the vacated portion of platted access control that places the proposed drive on the north most end of the 220-foot wide lot created by an approved Lot Split of Lot 2, Tim Loehr Addition. The proposed drive will be located immediately south of an existing mature tree line and a power pole in that immediate area. The vacation will only be in effect with an approved lot split of the north 220-feet of Tim Loehr Addition.
- (2) All improvements shall be according to County Standards and at the applicant's expense. Provide County Public Works and utilities with any guarantees (approved project/plans) to ensure that any associated improvements will be made, include the construction of the approved drive and culvert.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. All improvements shall be according to County Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to County Commission for final action. Provide Planning with letters of approval or E-mails of approval.
- (4) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for

recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filling with the Sedgwick County Register of Deeds.

- (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 (but not limited to) conditions :

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Attachments:

- Aerial with public utilities & location of proposed driveway
- Excerpt from the Tim Loher Addition showing, but not limited to, access control and the subject site, Lot 2.
- Site plan

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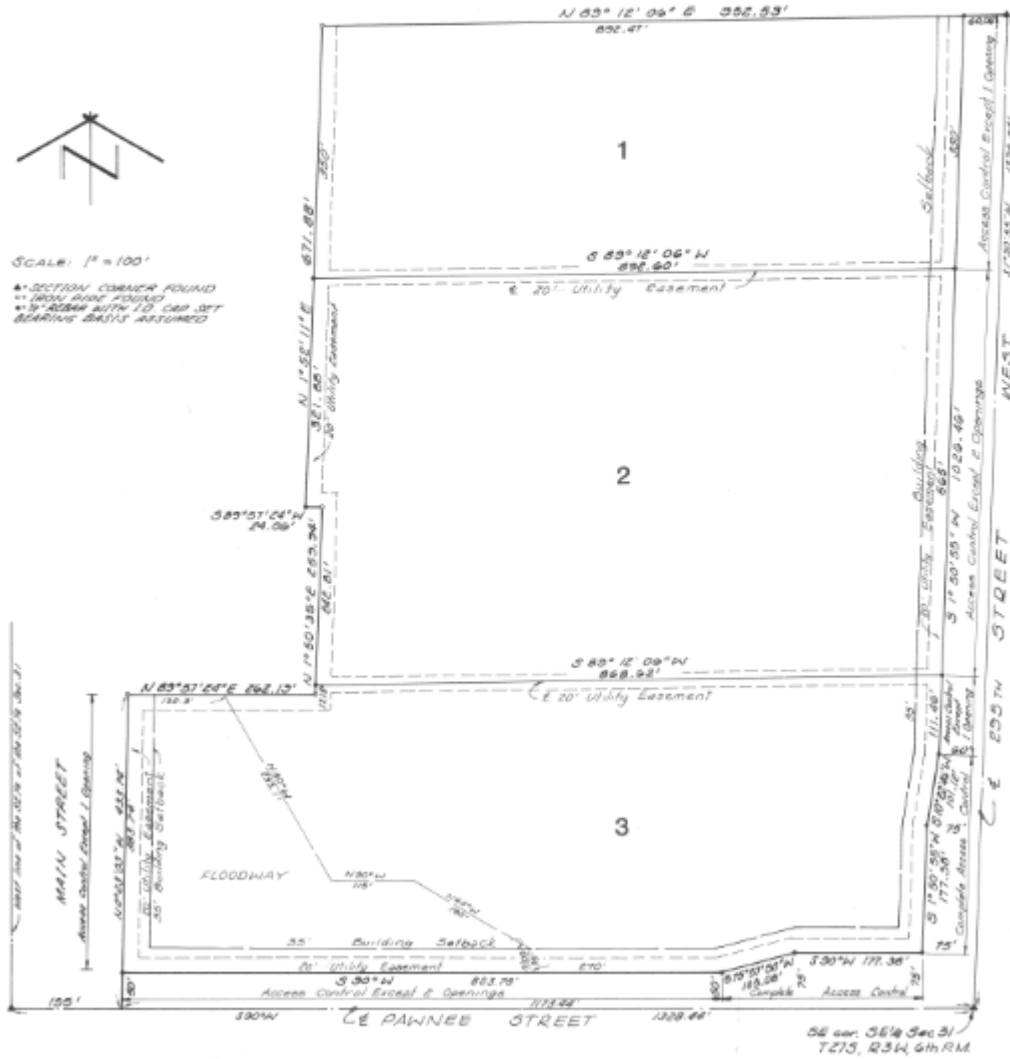
TIM LOEHR ADDITION SEDGWICK COUNTY, KANSAS

SOUTHEAST QUARTER SECTION 31, T27S, R3W



SCALE: 1" = 100'

- ▲ SECTION CORNER FOUND
- IRON PIPE FOUND
- ◆ 3" IRON PIPE WITH 1/2" CAP SET BEARING MARKS RETURNED

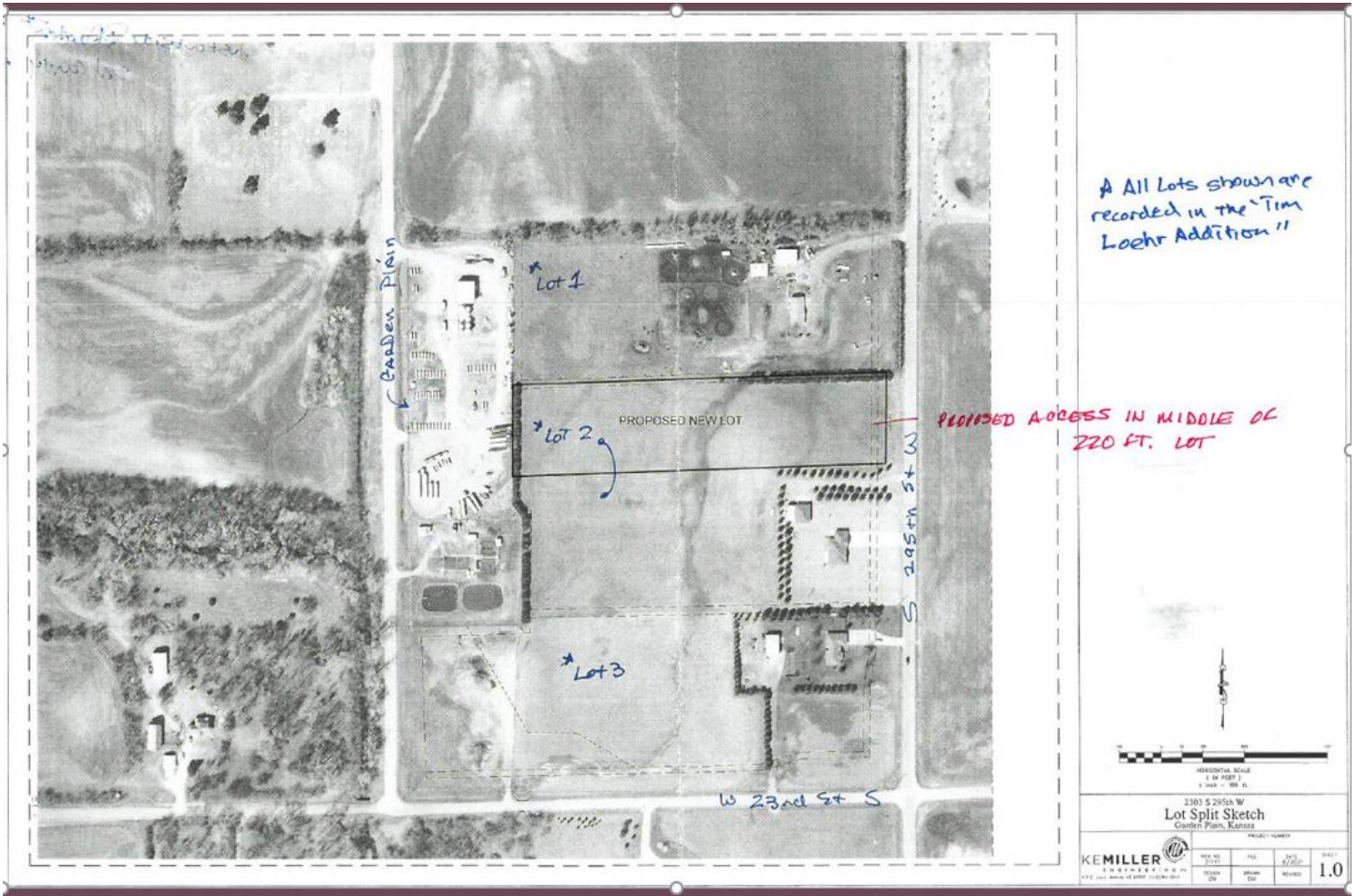


56 ac. 56 1/4 Sec 31
 T27S, R31W, 6th RM

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All Lots shown are recorded in the Tim Loehr Addition II

PROPOSED ADDRESS IN MIDDLE OF 220 FT. LOT



2305 S 295th W
Lot Split Sketch
Cotton Plains, Kansas

KEMILLER	DATE	FILE	DATE	SHEET
	2021.10.21	2021.10.21	2021.10.21	
PROJECT NUMBER				1.0