

STAFF REPORT

CASE NUMBER: VAC2019-00012 - Request to vacate a portion of a floodway reserve easement.

APPLICANT/AGENT: Patrick and Lori Kraus (applicants/owners) / Logan Mills, Certified Engineering Design, P.A. (agent)

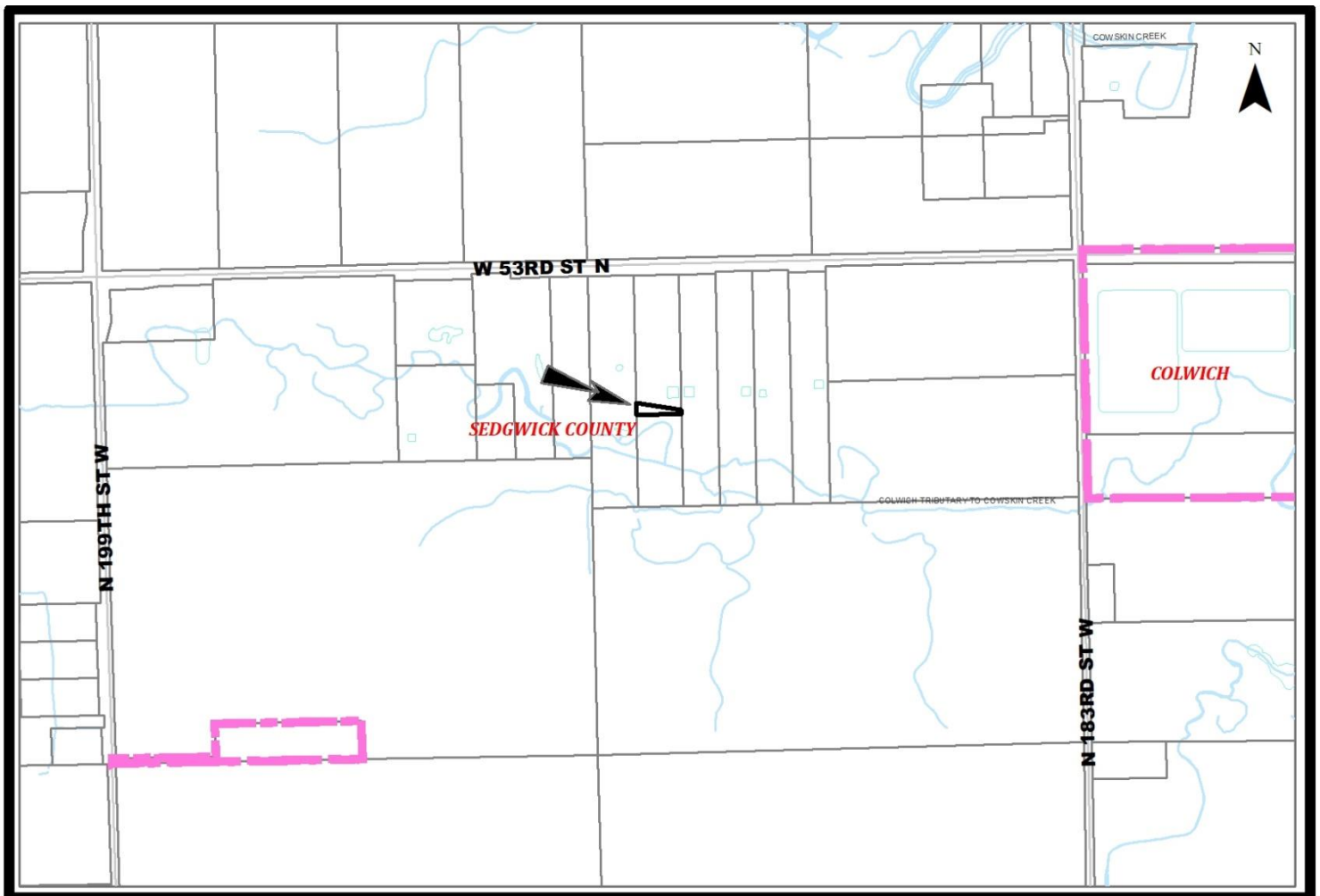
LEGAL DESCRIPTION: See Attachment.

LOCATION: Generally located on the south side of West 53rd Street North and approximately ½ mile west of North 183rd Street West (19059 W. 53rd Street North). (BoCC #3)

REASON FOR REQUEST: To allow construction of a new barn.

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 floodway reserve easement located on the south side of a 7.12-acre, unplatted lot on the south side of West 53rd Street North and approximately ½ mile west of North 183rd Street West. The subject site is outside of the Colwich Area of Influence. The floodway reserve easement was dedicated by separate instrument and accepted by the Board of County Commission on April 29, 1998. The text of the easement states that its purpose is to provide flood protection and preserve the natural drainage. It also states that the owner of the lot is held responsible for maintenance, and that no levees or fill, change of grade, creation of channels or other work shall be constructed except with the approval of the Kansas State Board of Agriculture, Division of Water Resources. The proposed vacated portion of the floodway reserve easement appears to be located in an area that is proposed to be removed from the 100 year FEMA Flood Plains (see attached floodplain exhibit) for a tributary of the Cowskin Creek.

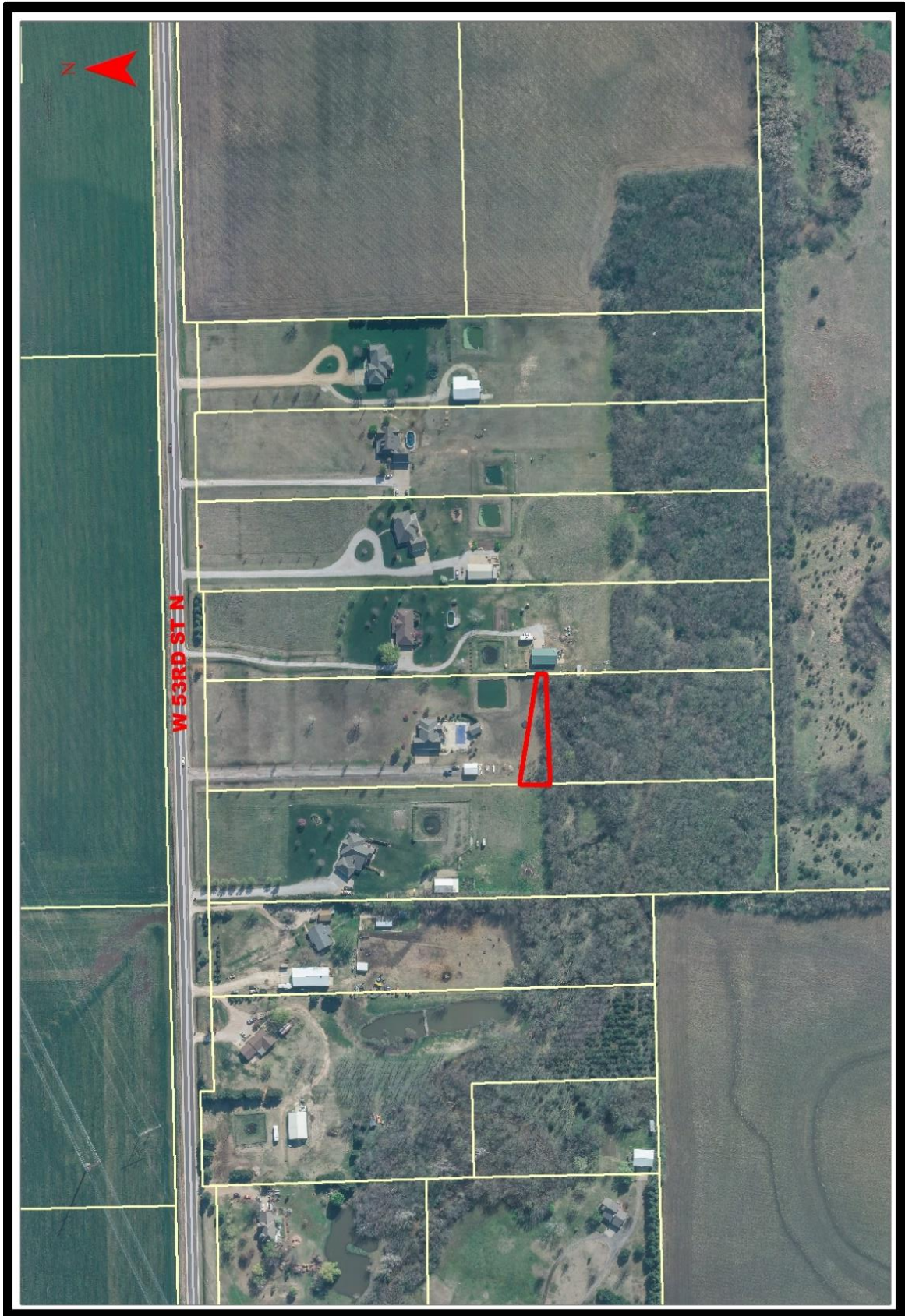
The applicant wishes to build a new barn within the proposed vacated portion floodway reserve easement. By vacating this portion of the easement, there would be no approval needed by the Kansas State Board Agriculture to construct the proposed barn. There is an existing single-family residence (built 1999) with two accessory structures on the subject lot. The site relies on well water, and sewer is an on-site that serves the existing single-family residence and it appears to be septic. There are no utilities located within the area of the vacation. The construction of this barn does not trigger the requirement for the property to be platted.

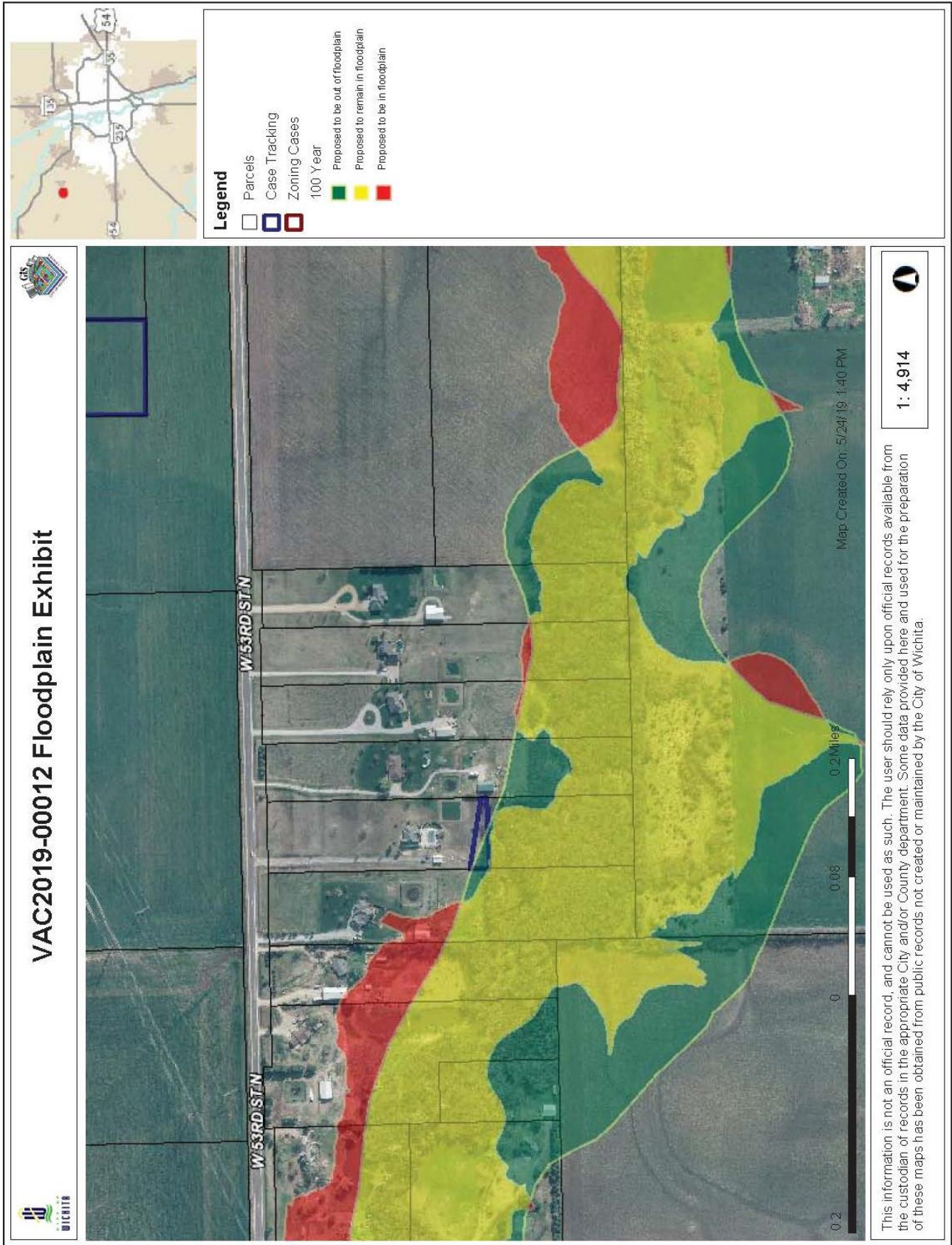
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the floodway reserve easement.

- (1) Vacate that portion of the floodway reserve easement, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the floodway reserve 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 the Board of County Commission for final action.
- (2) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections for the construction of the new barn.
- (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.

Attachments:

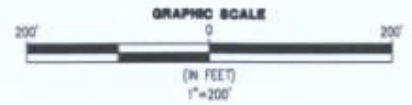
1. Areal Map
2. Floodplain Exhibit
3. Site Plan provided by applicant.







SITE PLAN

19059 W. 53RD ST. N.
COLWICH, KS

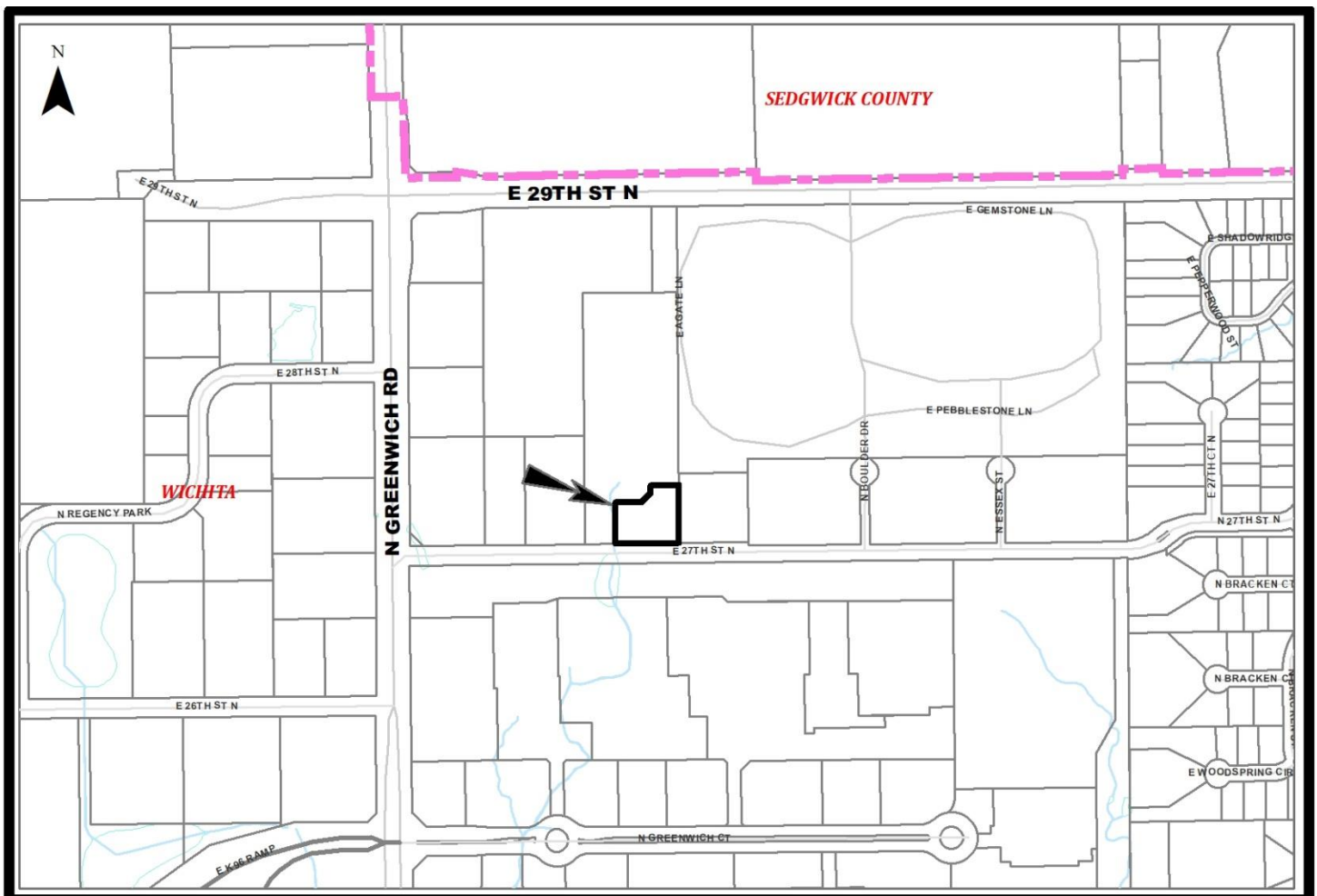


LEGEND	
	PROPOSED PORTION OF VACATED EASEMENT
	CURRENT 100-YR FLOODPLAIN (ZONE AE)

STAFF REPORT

- CASE NUMBER:** VAC2019-00013 - Request to vacate a portion of platted reserve and reserve uses.
- APPLICANT/AGENT:** Greenwich Medical and Office Park, c/o Terry Rhea (applicant) MKEC Engineering, Inc., c/o Brian Lindebak (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of the platted Reserve A, Greenwich Business Center Addition, Sedgwick County, Kansas.
- LOCATION:** Generally located 1/8 mile east of North Greenwich Road and 1/4 mile south of East 29th Street North. (WCC #II)
- REASON FOR REQUEST:** To allow future construction of a building.
- CURRENT ZONING:** The site and most abutting and adjacent properties are zoned LI Limited Industrial and is subject to Protective Overlay #74. Property to the northeast is zoned MF-18, and property east is zoned LI Limited Commercial.

VICINITY MAP:

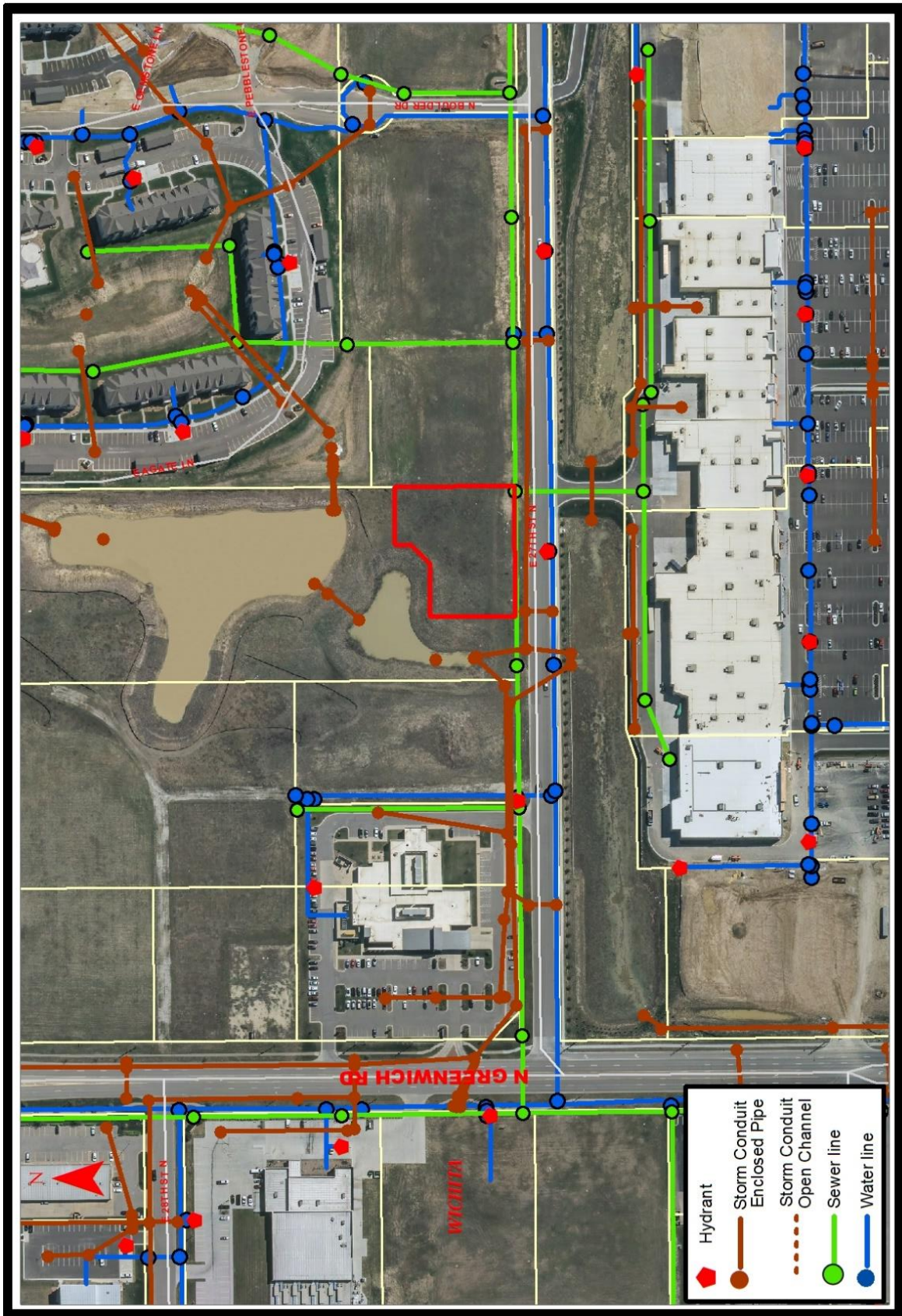


The applicant is requesting to vacate a portion of the platted reserve and reserve uses located adjacent to Lot 18, Block 1, Greenwich Business Center Addition. The applicant owns said Lot 18 as well as the requested portion of Reserve A to be vacated and intends to construct a new building on the site. The plattor's text states that reserves shall remain at established grades or as modified with the approval of the applicable City Engineer, and unobstructed to allow for the conveyance of storm water as approved by the drainage plan that was developed. The plattor's text continues by stating the platted drainage reserve is for "drainage, signs, landscaping, irrigation, pergolas and or gazebos, open space, berms, and monuments." Finally, the plattor's text states that reserves shall be owned and maintained by the Lot Owner Association; however the Lot Owner Association may deed parcels of the reserves to an owner of an adjoining lot subject to the obligation to maintain the deeded parcel in compliance with the stated regulations.

As stated, the applicant intends to construct a new building on the site, but the intended use has not been specified. The portion of Reserve A and the adjoining Lot 18 are currently vacant. The site is served by all municipal water and sewer services. Services may need to be extended to serve new construction. Because the intent is to create a buildable parcel, Public Works requires a 30-foot drainage and utility easement. There are no public utilities within the proposed are to be vacated. Comments from franchised utilities has not been received. The Greenwich Business Center Addition was recorded with the Register of Deeds November, 9, 2007.

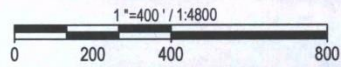
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted drainage reserve.

- (1) Vacate that portion platted reserve and reserve uses, as approved by City Engineer. Provide Planning Staff with a legal description of the approved vacated portion of the platted reserve 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 the Wichita City Council for final action.
- (2) Provide a restrictive covenant, with original signatures, binding and tying the described vacated portion of Reserve A to the applicant's abutting property. This must be provided to Planning prior to VAC2019-00013 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds.
- (3) Dedicate a 30-foot drainage and utility easement, by separate instrument, with original signatures abutting the south boundary of the vacated portion of Reserve A, Greenwich Business Center Addition. This must be provided to Planning prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.
- (4) All improvements shall be according to City 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.





Path: K:\Marketing\Letter Proposals\2019\Civil\Richie-Greenwich Business Center 2nd Ownership - Exhibit.mxd



05.08.2019



OWNERSHIP LIST EXHIBIT

VACATED PORTION OF RESERVE A

The information presented herein is best available data gathered by MKEC from various outside sources. MKEC does not guarantee the positional accuracy of the data shown. In no event shall MKEC become liable to users of the data presented herein, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use of the presented data. In using the data presented herein, users further agree to indemnify, defend, and hold harmless MKEC for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

STAFF REPORT

CASE NUMBER: VAC2019-00014 - City vacation of platted front setbacks and a portion of a platted utility easement.

APPLICANT/AGENT: Linear Properties, LLC. & Wilhelmina Rentals, LLC. Attn: Andrew Nolan (applicant/owner), MKEC Engineering Inc., Brian Lindebak (agent)

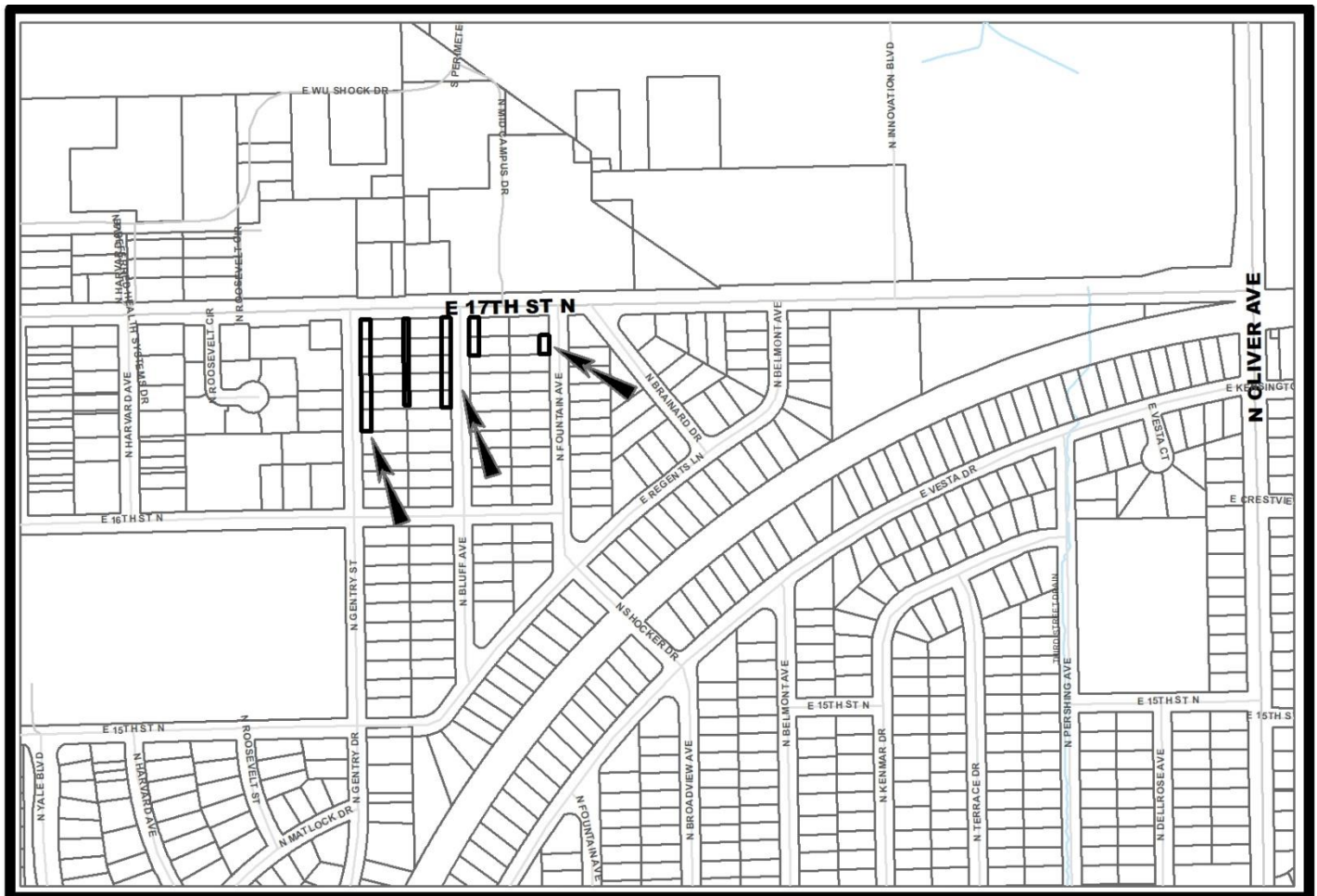
LEGAL DESCRIPTION: Generally described as vacating the entire platted 30-foot building setback of multiple lots and a portion of a platted utility easement (see attached), located in the University Park 2nd Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located south of East 17th Street North approximately ½ mile east of North Hillside Avenue. (WCC #I)

REASON FOR REQUEST: Redevelopment of properties into student housing/multi-family, including required parking.

CURRENT ZONING: The subject properties are a combination of SF-5 Single Family, B Muti-Family, and LC Limited Commercial.

VICINITY MAP:



The applicant is requesting to vacate the platted 30-foot building setback and a portion of the 8-foot utility easement of multiple lots of Blocks A and D of the University Park 2nd Addition described as follows:

Platted Building Setback Vacation

- Block A
 - Lots 1-6 inclusive (fronting Gentry St.) & lots 16-20 inclusive (fronting Bluff Ave.).
- Block D
 - Lots 1 & 2 (fronting Bluff Ave.) and Lot 19 (fronting Fountain Ave.).

Platted Utility Easement Vacation

- Block A
 - Lots 1-5 inclusive (fronting Gentry St.) & lots 16-20 inclusive (fronting Bluff Ave.)—except the south 10 feet of the utility easement requested to be vacated on Lots 5 and 16.

The applicant is requesting these vacations to allow the zoning setbacks to govern the described lots and maintain a private sewer in order to redevelop the properties into student housing/multi-family including the required parking. The following describes the applicable zoning setbacks for the subject lots in the vacation area.

- Block A
 - Lots 1-3 inclusive.
 - Zoned LC Limited Commercial with a 20-foot front setback.
 - Lots 4-6 inclusive.
 - Zoned B Multi-Family with a 20-foot front setback.
 - Lots 16-20 inclusive.
 - Zoned SF-5 Single Family with a required 25-foot front setback.
- Block D
 - Lots 1, 2, & 19
 - Zoned SF-5 with a required 25-foot front setback.

This case is associated with ZON2019-00012 in which the applicant has been approved to rezone the described SF-5 lots to B-Multi-Family. This case was approved by the MAPC on May 9, 2019 and is scheduled for Wichita City Council for June 11, 2019. Once approved by City Council, all zoning lots will have a consistent front setback of 20 feet as there will no longer be any SF-5 zoned lots.

The applicant is already working with Westar, Cox Communications and City Public Works. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described setback. The University Park 2nd Addition was recorded with the Register of Deeds September 14, 1948.

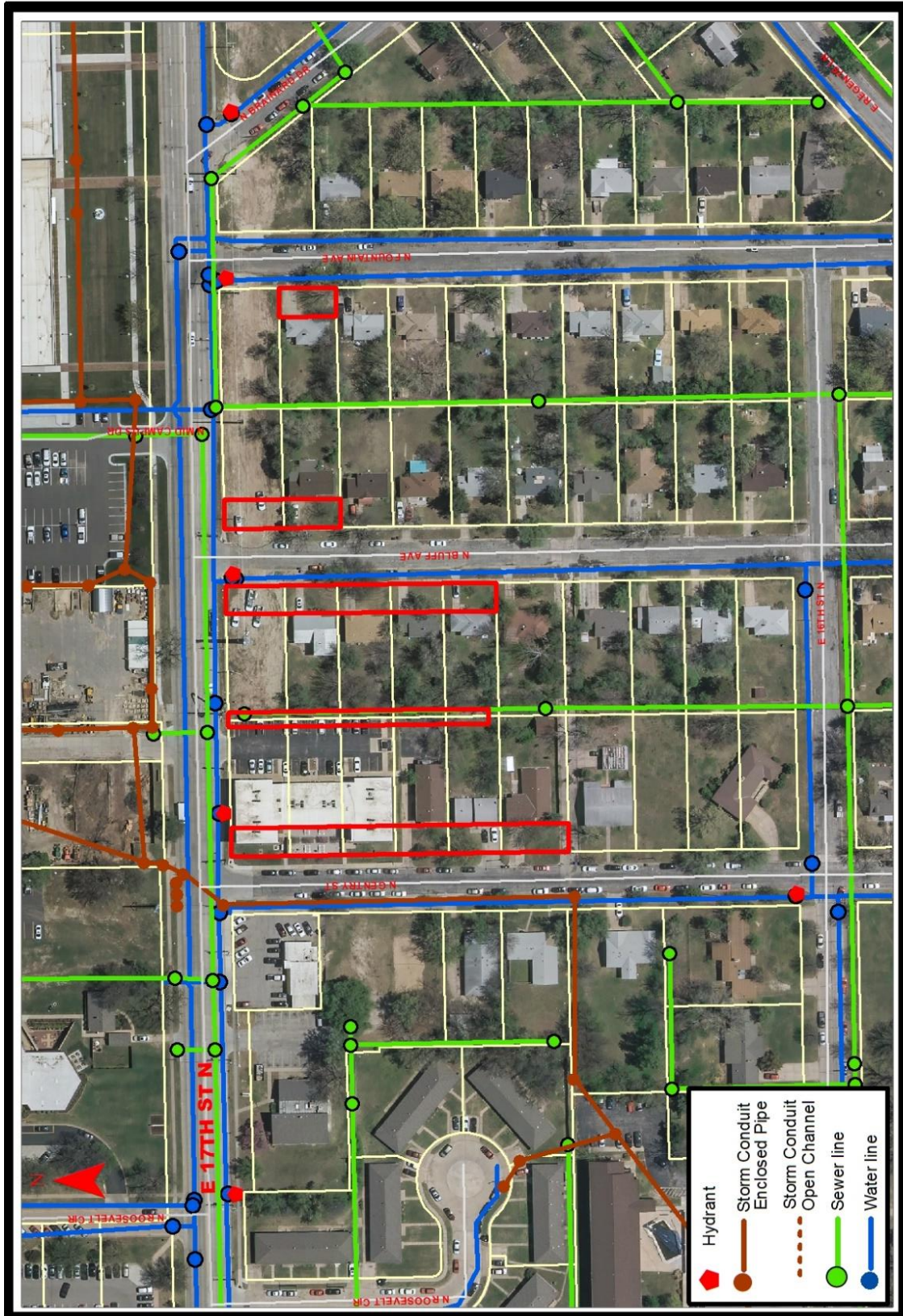
Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portions of platted building setbacks and utility easement.

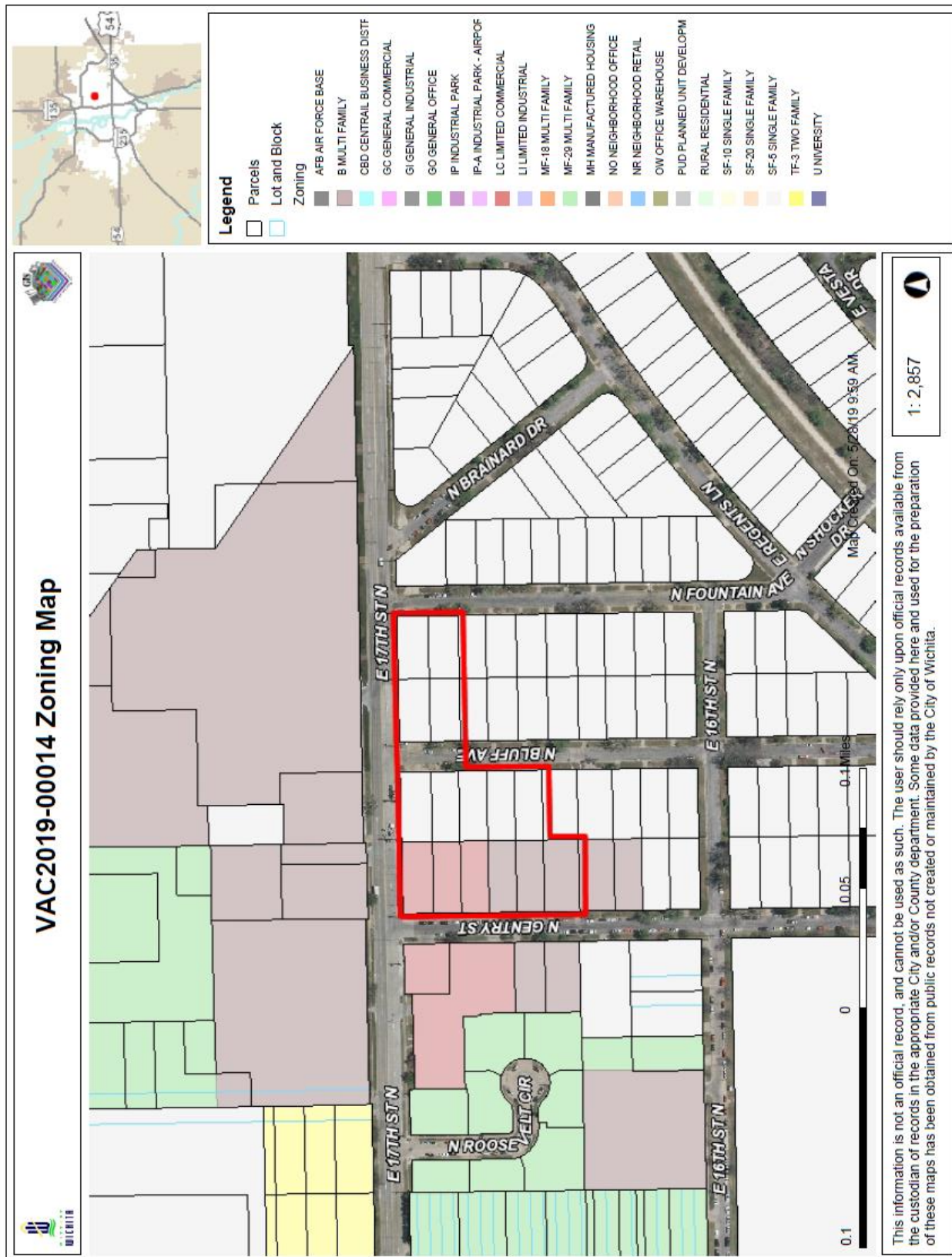
- (1) Vacate the platted 30-foot building setbacks of the described lots platted in Blocks A and D of the University Park 2nd Addition. Provide Planning Staff with legal descriptions of the approved vacated portions of the platted setbacks on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Provide Public Works with a Private Project for the sewer line located in the current 8-foot utility easement by separate instrument. This must be provided to Public Works prior to the case going to City Council for final action and subsequent recording with the Vacation Order at the Register of Deeds.

- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall 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.

Attachments:

1. Areal Map
2. Zoning Map
3. Vacation Exhibit submitted by applicant
4. Site Plan submitted by applicant







LINEAR PROPERTIES
Vacation Case 2019-000 Subject Properties

The information presented hereon is best available data gathered by MKEC from various public sources. MKEC does not guarantee the positional accuracy of the data shown. In no event shall MKEC be held liable for any loss or damage, consequential or otherwise, including but not limited to loss, money, or goods, arising from the use of the presented data. In using the data presented hereon, users further agree to indemnify, defend, and hold harmless MKEC for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

