

**EXCERPT MINUTES OF THE NOVEMBER 19, 2015 WICHITA-SEDGWICK
COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING**

**VAC2015-00051: County request to vacate the plattor's text to amend the
uses permitted in a floodway reserve agreement on property,** generally
located midway between 47th and 55th Streets South and west of Clifton Avenue.

- OWNER/AGENT:** Trent Hardison (owner) MKEC, c/o Gene Rath (agent)
- LEGAL DESCRIPTION:** Generally described as vacating a portion of a floodway reserve agreement and/or the text of the floodway reserve agreement (FILM 837/PAGE 201) located on that part of Government Lot 3 in Section 22, Township 28 South, Range 1, East of the 6th PM, lying east of the Arkansas River, except that part platted as Pineaire Mobile Home Park, Sedgwick County, Kansas
- LOCATION:** Generally located west of K-15, midway between 47th and 55th Streets South and west of Clifton Avenue (BoCC 5)
- REASON FOR REQUEST:** To allow fill dirt to be placed in it
- CURRENT ZONING:** The site and the abutting east and north properties are zoned SF-20 Single-Family Residential. Abutting south properties are zoned SF-5 Single-Family Residential. The Arkansas River abuts the west side of the site.

The applicant is requesting the vacation of the floodway reserve agreement to allow fill dirt to be placed in it. To clear the site for construction of a home or other buildings the site would need to be platted. The site is located in a floodway and a flood zone; the revised/updated FEMA Flood Maps will take the place of the floodway reserve agreement. There is sewer line and manholes located along the north and a north portion of the west sides of the property; easements must be provided to cover these utilities.

The floodway reserve agreement was approved by the Sedgwick County Engineer and the BoCC October 8, 1986, FILM 837/PAGE 201.

Although the case is located in Sedgwick County it is also located within the City of Wichita's 3-mile ring subdivision jurisdiction. This means the Wichita City Council must consider the request and make a recommendation prior to the request going to the Sedgwick County Commission for final action.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, 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 floodway reserve agreement.

- 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 29, 2015, 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 floodway reserve agreement 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) Sedgwick County Public Works agrees to allow fill to be placed in accordance with a State DWR fill permit. A State Stormwater NOI, a State DWR Fill permit, a County Stormwater permit and a County Floodplain Development permit will be required. A survey will be required to ensure no encroachment into the Regulatory Floodway.
- (2) Provide a legal description of the vacated floodway reserve agreement on a Word document via E-mail for the Vacation Order. This must be provided prior to VAC2015-00051 proceeding to City Council and the Board of County Commissioners for final action and subsequent recording at the Sedgwick County Register of Deeds.
- (3) Provide easements for all utilities, including the sewer line and manholes located in the floodway reserve agreement. As needed provide letters from franchised utility representatives stating that their utilities are protected by the appropriate easements. These must be provided, with original signatures, to Planning prior to the case going to the City Council and the Board of County Commissioners for final action.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Relocation/reconstruction of all utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number to Planning prior to the case going to the City Council and the Board of County Commissioners for final action.
- (5) All improvements shall be according to City Standards and County Standards and at the applicants' expense.
- (6) 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 conditions:

- (1) Sedgwick County Public Works agrees to allow fill to be placed in accordance with a State DWR fill permit. A State Stormwater NOI, a State DWR Fill permit, a County Stormwater permit and a County Floodplain Development permit will be required. A survey will be required to ensure no encroachment into the Regulatory Floodway.
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FOSTER noted a typographical error in the Staff Report.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **DENNIS** seconded the motion, and it carried (13-0)