



Wichita-Sedgwick County Metropolitan Area Planning Department

November 26, 2008

Palladio Developers LLC
9415 E. Harry
Ste 305
Wichita, KS 67207

Re: **VAC2008-00032** - City request to vacate a portion of platted setback, generally located midway between Harry Street and Pawnee Street, east of 127th Street East, on the northeast corner of Sierra Hills Court and Sierra Hills Street.

Dear Ladies and Gentlemen:

At its regular meeting on Tuesday, November 25, 2008, the Wichita City Council considered the request. The action of the City Council was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,



Bill Longnecker
Senior Planner

BL:lc

cc: Jim Armour, City Engineer, Public Works Department, Mail Stop 1-71
Paul Gunzelman/Carla Jones, Public Works Engineering, Mail Stop 1-71
Julianne Kallman, Public Works Engineering, Mailstop 1-71
Ruggles & Bohm, P.A., 924 N. Main, Wichita, KS 67203
Palladio Developers, Inc., P.O. Box 781974, Wichita, KS 67278
Relph Construction, Inc., 8550 NW Parallel Street, Towanda, KS 67144
Cherrywood Construction, Inc., 9415 E. Harry, #305, Wichita, KS 67207



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29207556

Receipt #: 1776989
Pages Recorded: 2
Cashier Initials: DH

Recording Fee: DDH
Authorized By:

Date Recorded: 3/17/2011 2:26:32 PM



Vacation Order
VAC2008-00032

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK**

**IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED SETBACK**

**GENERALLY LOCATED MIDWAY BETWEEN
PAWNEE AND HARRY STREETS, EAST OF 127TH
STREET EAST, ON THE NORTHEAST CORNER
OF SIERRA HILLS STREET AND SIERRA HILLS
COURT**

Case No. VAC2008-00032

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 25th day of November, 2008 comes on for hearing the petition for vacation filed by Palladio Developers, LLC c/o Gene Vitarelli praying for the vacation of the following described portion of a platted setback to-wit:

The north 3 feet of the platted 15-foot street side yard setback that runs parallel to Sierra Hills Court on the south side of Lot 8, Block 4, Sierra Hills Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

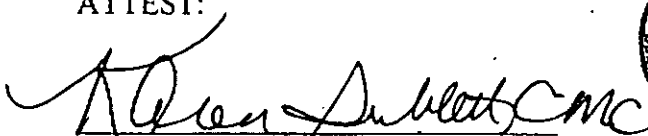
1. That due and legal notice has been given by publication as required by law, in The Wichita Eagle and the Derby Reporter on October 2, 2008, which was at least 20 days prior to the public hearing.

Vacation Order
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2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the portion of the platted setback described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of November 2008 ordered that the above-described portion of the platted setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

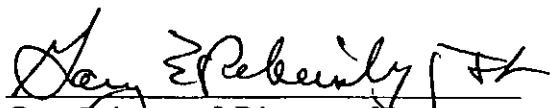
ATTEST:


Karen Sublett, City Clerk




Carl Brewer, Mayor

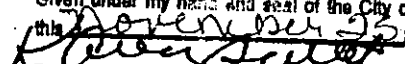
Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas
Sedgwick County
City of Wichita

I,  City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, Kansas this November 25, 2008


City Clerk



STAFF REPORT

CASE NUMBER: VAC2008-00032 Request to vacate a portion of a platted setback

APPLICANT/AGENT: Palladio Developers, LLC, c/o Gene Vitarelli (applicant/owner)
Ruggles & Bohm, PA

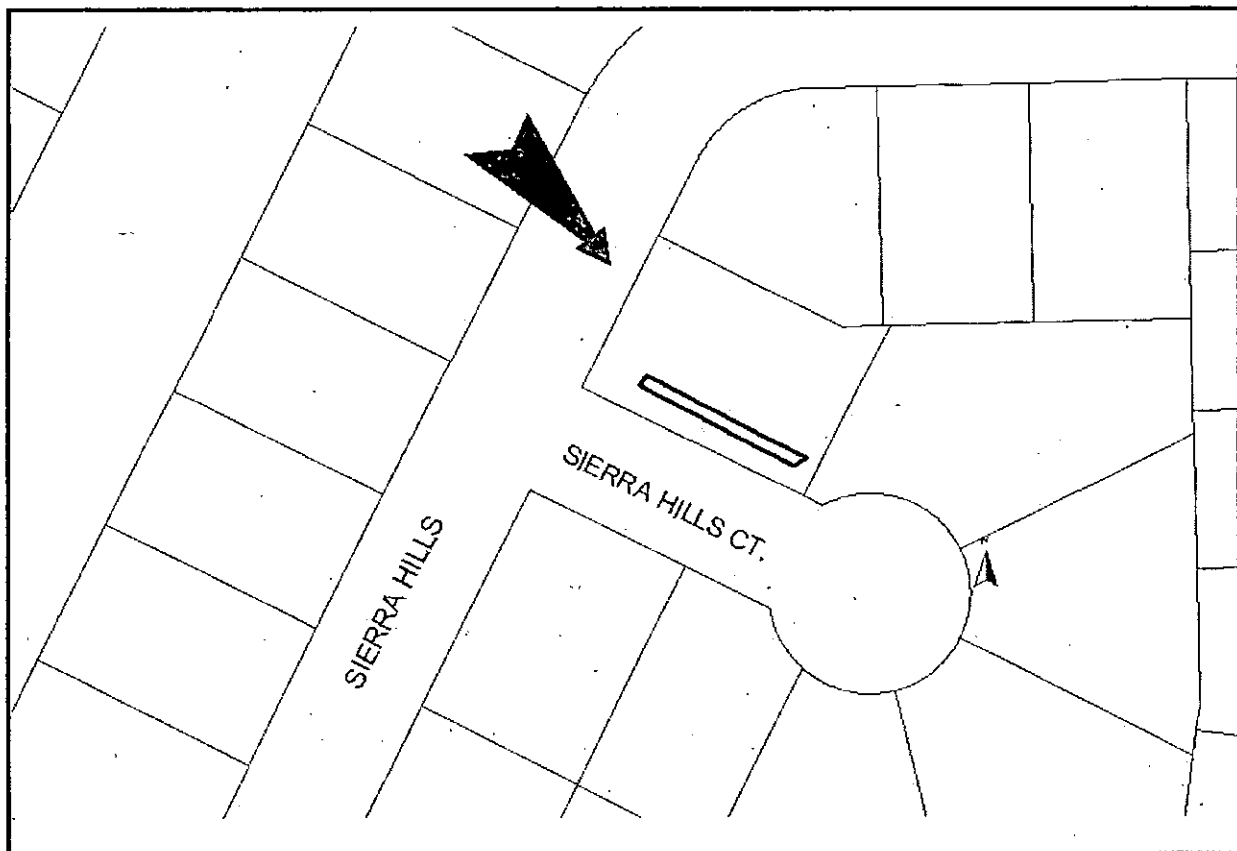
LEGAL DESCRIPTION: Generally described as the north 3 feet of the platted 15-foot street side yard setback that runs parallel to Sierra Hills Court on the south side of Lot 8, Block 4, Sierra Hills Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located midway between Pawnee and Harry Streets, east of 127th Street East, on the northeast corner of Sierra Hills Street and Sierra Hills Court (WCC #II)

REASON FOR REQUEST: Additional room to build house

CURRENT ZONING: Site and all abutting and adjacent properties are zoned SF-5 Single-family Residential ("SF-5")

VICINITY MAP:



The applicant proposes to vacate the north 3 feet of the platted 15-foot street side yard setback, making a 12-foot setback. The zoning of the subject site is SF-5. The UZC requires a minimum of a 15-foot street side yard setback for the SF-5 zoning district, which matches the platted setback. If this was not a platted setback the applicant could have applied for an Administrative Adjustment, which would reduce the SF-5's 15-foot street side yard setback by 20%, resulting in a 12-foot setback, which is what the applicant is requesting. There are no platted easements within the platted setback. There are no utilities, manholes, sewer or water lines within the described portion of the platted setback. The Sierra Hills Addition was recorded with the Register of Deeds February 26, 2003.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of the described portion of the platted setback with conditions.

- 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 and the Derby Reporter, of notice of this vacation proceeding one time October 2, 2008 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted street side yard setback and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of platted street side yard setback described in the petition should be approved with conditions;

- (1) The platted 15-foot setback, which runs parallel to Sierra Hills Court and located on the south side of Lot 8, Block 4, Sierra Hills Addition, will be replaced with a 12-foot setback.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to City standards and at the applicant's expense.
- (4) 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 request 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) The platted 15-foot setback, which runs parallel to Sierra Hills Court and located on the south side of Lot 8, Block 4, Sierra Hills Addition, will be replaced with a 12-foot setback.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to City standards and at the applicant's expense.
- (4) 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 request 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

VAC2008-32

SITE PLAN

