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**Wichita-Sedgwick County Metropolitan Area Planning Department**

February 14, 2008

Michael Harbour  
 2713 N. Northshore Circle  
 Wichita, KS 67205

Re: **VAC2007-00039** - Request to vacate a platted setback, generally located east of I-235, on the northwest corner of Maple & Doris Streets.

Dear Mr. Harbour:

At its regular meeting on Tuesday, February 5, 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:le

- cc: Mike Gable/Lisa Kilbourn, OCI Building Permit Examiners, Mail Stop 1-72  
 Brian H. Balders, Premier Bldg., P.O. Box 33, Valley Center, KS 67147  
 REBECCA L. HOPKINS, 124 S. DORIS, WICHITA, KS 67209  
 VICKI L. COLWELL, 134 S. DORIS, WICHITA, KS 67209  
 RONALD R. & PAMELA K. REONNE, 144 S. DORIS, WICHITA, KS 67209  
 HAZEL D. PERRYMAN, 154 S. DORIS, WICHITA, KS 67209  
 MICHAEL HARBOUR, 2713 N NORTHSHORE CIRCLE, WICHITA, KS 67205  
 BRIAN BALDERS, PO BOX 33, VALLEY CENTER, KS 67147  
 PREMIER BUILDING COMPANY LLC, PO BOX 33, VALLEY CENTER, KS 67147  
 JOHN O. GREEN, 5202 W. MAPLE, WICHITA, KS 67209  
 JOHN & JUDY K. DREW, 235 S. DORIS, WICHITA, KS 67209  
 AVIS M. BANNON, 225 S. DORIS, WICHITA, KS 67209

*Over*



Sedgwick County  
Register of Deeds - Bill Meek

DOC.#/FLM-PG: 28952459

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Pages Recorded: 2  
Cashier Initials: BLB

Authorized By:

Recording Fee: 00H

Date Recorded: 2/15/2008 4:11:19 PM



CITY CLERK'S ORIGINAL BEFORE THE CITY COUNCIL OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS  
RETURN TO CITY CLERK Approved / Accepted By City Council 2-5-08 #59

IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED SETBACK )  
)  
)  
GENERALLY LOCATED )  
EAST OF I-235, ON THE NORTHWEST CORNER )  
OF DORIS STREET AND MAPLE STREET )  
)  
)  
)  
MORE FULLY DESCRIBED BELOW )

Case No. VAC2007-00039

VAC 2007-39

**VACATION ORDER**

NOW on this 5<sup>th</sup> day of February 2008 comes on for hearing the petition for vacation filed by Premier Builders, c/o Brian H. Bidders praying for the vacation of the following described a portion of a platted setback, to-wit:


Generally described as the west 5-feet of the platted 30-foot setback that runs parallel to Doris Street on Lot 11, Block D, Westbreeze Second 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, by publication in The Wichita Eagle and The Derby Reporter on November 29, 2007, which was at least 20 days prior to the public hearing.


2. No private rights will be injured or endangered by the vacation of the above-described portion of a 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 5<sup>th</sup> day of February 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.



Carl Brewer, Mayor

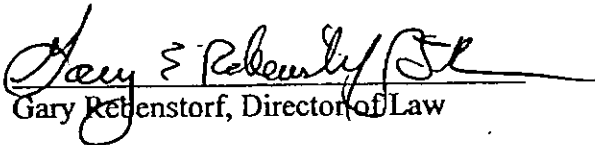
ATTEST:



Karen Sublett, City Clerk



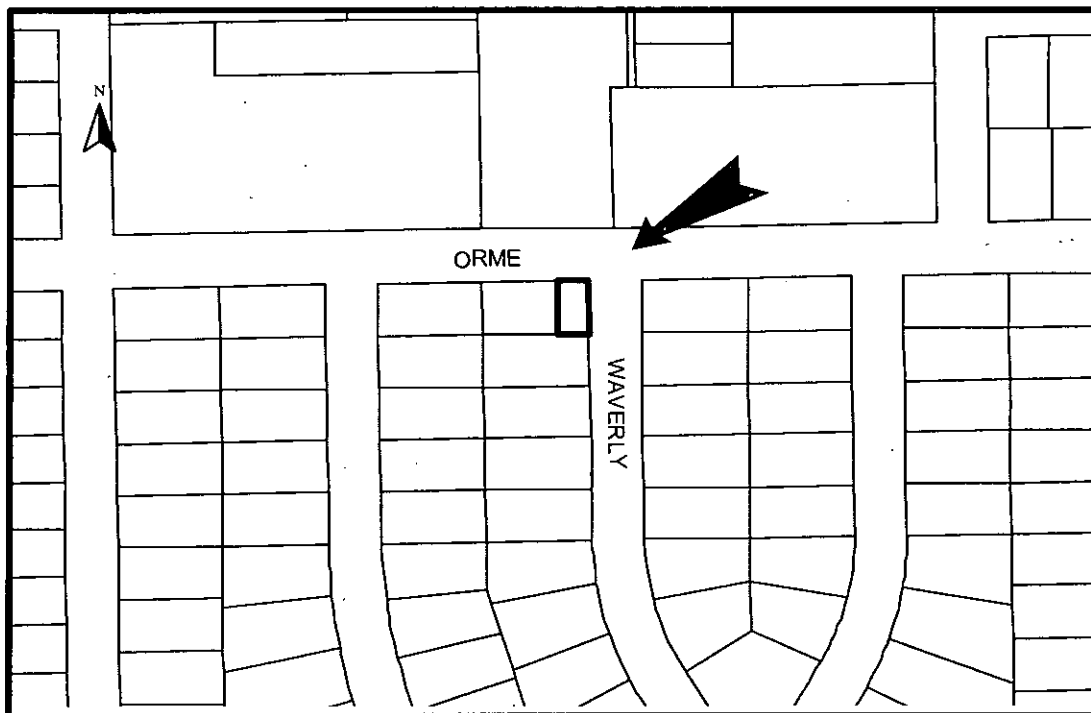
Approved as to Form:



Gary Rejtenstorf, Director of Law

STAFF REPORT

- CASE NUMBER:** VAC2007-00039 Request to vacate a portion of a platted setback
- APPLICANT/OWNER:** Premier Builders, c/o Brian H Bidders
- LEGAL DESCRIPTION:** Generally described as the platted 30-foot setback that runs parallel to Doris Street on Lot 11, Block D, Westbreeze 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located east of I-235, on northwest corner of Doris Street and Maple Street (WCC IV)
- REASON FOR REQUEST:** Build single family residences
- CURRENT ZONING:** Site and abutting and adjacent northern, eastern and western and properties are zoned "SF-5" Single-family Residential. Adjacent southern properties, across Maple Street, are zoned "LC" Limited Commercial (CUP DP-71)
- VICINITY MAP:**



The applicant proposes to vacate the platted 30-foot setback. The zoning of the subject site is "SF-5." The UZC requires a minimum of a 25-foot front yard setback for the "SF-5" zoning district. If the setback was not platted and it was the minimum 25-foot setback for the "SF-5" zoned site, the applicant could apply for an Administrative Adjustment, which would reduce a 25-foot setback by 20%, resulting in a 20-foot setback. The applicant is requesting a reduction of the platted setback to 20-feet. There are no platted easements, water lines, manholes or sewer line located in the described portion of the platted setback. Comments from franchised utilities have not been received and are needed to determine if they have utilities located within the described portion of the platted setback. The Westbreeze 2nd Addition was recorded with the Register of Deeds May 22, 1950.

NOTE: There were two individuals that protested the request at the Subdivision Committee meeting. Their issues included the size of the houses going on the lots, possible off street parking and the development of the property with houses that would extend 10-feet beyond the rest of the homes in the subdivision. The applicant replied that they could build within the UZC's 25-foot minimum for the "SF-5" zoning district if necessary. The individuals who protested the vacation case were told that there was a 2-week protest period that began after the MAPC meeting and that there were protest forms that Planning staff would give them.

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, by publication in the Wichita Eagle and the Derby Reporter of notice of this vacation proceeding one time November 29, 2007 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 the platted 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.
- B. Therefore, the vacation of a portion of the platted setback described in the petition should be approved subject to the following conditions:
- (1) The platted 30-foot setback, located on Lot 11, Block D, Westbreeze 2nd Addition, along its Doris Street frontage will be replaced with a 20-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 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:**

- (1) The platted 30-foot setback, located on Lot 35, Block 2, Prairie Park Addition, along its Waverly Drive frontage will be replaced with a 20-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 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

# WESTBREEZE SECOND ADDITION

SEDGWICK COUNTY, KANSAS

