CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

October 14, 2025

J. Larry Fugate Revocable Trust
208 S. Maize Rd.
Wichita, KS, 67209

Ref: VAC2025-00035: Vacation request in the City to vacate 33 square feet of a street side building setback to construct a building addition and drive-up ATM on property zoned LC Limited Commercial District, generally located on the southeast corner of East Kellogg Drive and South Rock Road (8003 East Kellogg Drive).

Dear Applicant,

At the **Tuesday, October 14, 2025**, meeting of the Wichita City Council, the above-referenced vacation request was approved.

This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Samuel Deetz
Current Plans
Associate Planner

Wichita-Sedgwick County Metropolitan Area Planning Department

September 11, 2025

J. Larry Fugate Revocable Trust
208 S. Maize Rd.
Wichita, KS, 67209

Ref: VAC2025-00035: Vacation request in the City to vacate 33 square feet of a street side building setback to construct a building addition and drive-up ATM on property zoned LC Limited Commercial District, generally located on the southeast corner of East Kellogg Drive and South Rock Road (8003 East Kellogg Drive).

Dear Applicant,

At the **Thursday, September 11, 2025**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Vacate the described platted setback. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback 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) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.
(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.

These conditions have been met. Therefore, this case is scheduled for final action by the Wichita City Council on **Tuesday, October 14, 2025**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Samuel Deetz
Current Plans
Associate Planner

Document #: 2025-052724
Date Recorded: 10/21/2025 02:39:41 PM
Pages: 2 Recording Fee: 0.00
Sedgwick County Kansas
Tonya Buckingham,
Register of Deeds

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

IN THE MATTER OF THE VACATION OF A BUILDING SETBACK	)	
GENERALLY LOCATED ON THE SOUTHEAST CORNER OF EAST KELLOGG DRIVE AND SOUTH ROCK ROAD	)	**VAC2025-00035**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 14th day of October, 2025, comes on for hearing the petition for vacation filed by J. Larry Fugate Revocable Trust (owner), praying for the vacation of described building setback, to wit:

The area of Lot 1, Block 1, Sharon Ryan Addition to Wichita, Sedgwick County, Kansas described as follows:

Commencing at the Southwest corner of said Lot 1; thence N 00°59'38" W a distance of 98.24 feet; thence N 88°58'15" E a distance of 31.73 feet to the point of beginning of this building setback vacation description;

Thence N 88°58'15" E a distance of 3.27 feet; thence N 00°59'38" W a distance of 10.00 feet; thence S 88°58'15" W a distance of 3.27 feet; thence S 00°59'38" E a distance of 10.00 feet to the point of beginning of this building setback vacation description.

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 on August 21, 2025, 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 described

building 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 described building setback, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of October, 2025, ordered that the described building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

CITY OF WICHITA, KANSAS

Lily Wu, Mayor

ATTEST:

Shinita Rice, Deputy City Clerk

Approved as to Form:

Jennifer Magana, City Attorney and Director of Law

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer
Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald
The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
41100	IPL0264507	Legal Ad - IPL0264507	09/11/2025 MAPC WICHITA EAGLE SUMMARY	1.0	93.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle
on August 20, 2025
(One Time Only)
MAPC/BZA
September 11, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 11, 2025, no earlier than 1:30 p.m.** the Wichita-Sedgwick County Metropolitan Area Planning Commission/ Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. **Full notice can be found at www.wichita.gov/ LegalNotices.**

BZA2025-00054: Variance request in the City to eliminate the landscaped street yard requirements on property zoned LI Limited Industrial District, generally located on the southeast corner of East Elm Street and North Emporia Avenue (515 East Elm Street).

VAC2025-00033: Vacation request in the City to vacate a 30-foot access & utility easement on property located on the east side of South Byron Avenue and 260 feet south of West Douglas Avenue.

VAC2025-00035: Vacation request in the City to vacate 33 square feet of a street side building setback to construct a building addition and drive up ATM on property zoned LC Limited Commercial District, generally located on the southeast corner of East Kellogg Drive and South Rock Road (8003 East Kellogg Drive).

VAC2025-00036: Vacation request in the City to vacate a 15-foot interior building setback to allow for the development of a new building on property zoned LC Limited Commercial District within CUP DP-122, generally located on the northeast corner of E 37th Street N and N Inwood St (7271 E 37th St N).

VAC2025-00037: Vacation request in the City to vacate two portions of platted complete access control and a utility easement on property located on the northwest corner of East 21st Street North and North 159th Street East.

ZON2025-00037: Zone Change request in the City from LI Limited Industrial District to CBD Central Business District, generally located south of West Douglas Avenue and two blocks east of South Seneca Street (825 West Douglas Avenue).

ZON2025-00038: Zone Change request in the City from B Multi-Family Residential District to LC Limited Commercial District to allow for future commercial development, generally located on the east side of North Hillside Avenue, within 250 feet north of East 1st Street North (212 North Hillside Avenue).
IPL0264507
Aug 20 2025

In The STATE OF KANSAS
In and for the County of Sedgwick
STATE OF KANSAS)
SS
County of Sedgwick)
the undersigned, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle.

1.0 insertion(s) published on:
08/20/25 Print

Print Tearsheet Link

Marketplace Link

Mary Castro

DIGITALLY SIGNED

Mary Castro

Julie A Ambry

DIGITALLY SIGNED

Sworn to and subscribed before me on Aug 20, 2025, 9:59 AM EDT

OFFICIAL SEAL
JULIE A AMBRY
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION NO. 1010931
MY COMMISSION EXPIRES MAY 28, 2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.
September 11, 2025

STAFF REPORT

CASE NUMBER: **VAC2025-00035** - City vacation of a portion of a platted street side setback.

APPLICANTS: J. Larry Fugate Revocable Trust (applicant/owner)

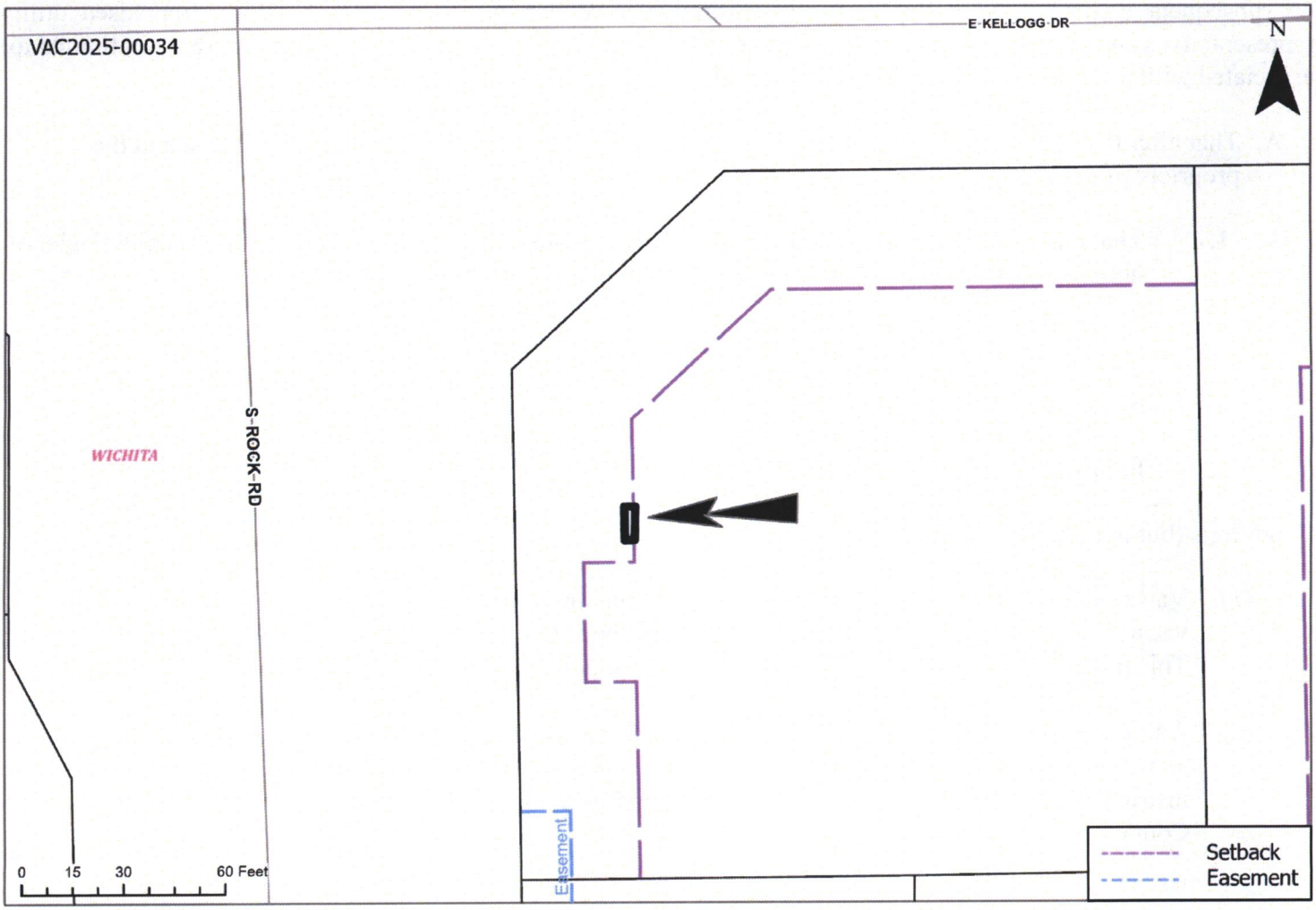
LEGAL DESCRIPTION: Vacating an approximately 33 square foot portion of the platted street side setback on Lot 1, Block 1, Sharon Ryan Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the southeast corner of South Rock Road and East Kellogg Drive (8003 East Kellogg Drive).

REASON FOR REQUEST: To allow for a proposed building addition of a drive-up ATM.

CURRENT ZONING: The subject site and abutting property is zoned LC Limited Commercial District with CUP DP-22.

VICINITY MAP:



The applicant is requesting the vacation of an approximately 33 square foot portion of the street side setback. The property is generally located on the southeast corner of South Rock Road and East Kellogg Drive. The property is addressed as 8003 East Kellogg Drive and are zoned LC Limited Commercial District (LC) with CUP DP-22. The building setback is shown on the face of the CUP drawing, necessitating a CUP adjustment, which has been submitted by the applicant. The purpose of this request is to allow for a proposed building addition of a drive-up ATM. The proposed setback of approximately 32 feet is greater than the 10-foot setback required by the Unified Zoning Code for the LC Limited Commercial District.

There are no public utilities in the vacation area. Wichita Public Works and Utilities, Fire, Stormwater, or Traffic Engineering do not object to this vacation. Comments from franchised utilities have been received. Neither Black Hills Energy, Cox, Evergy, nor Kansas Gas object to the vacation. They do not have any lines or equipment in the vacation area. The Sharon Ryan Addition was recorded with the Register of Deeds October 23, 1989.

Evergy has no items in the areas the applicant is requesting to vacate and therefore has no objection. Abby Brungardt, Area Design Representative, will be the contact for this vacation request and any project associated with it. She can be contacted at (785) 508 - 2715. Standard language applies: **Any relocation or removal of existing Evergy equipment will need to be discussed and will be at the applicant's expense.**

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 platted setback.

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 August 21, 2025, 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 setback 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) Vacate the described platted setback. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback 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) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures. These conditions must be completed prior to the case going to Council for final action.

(3) All improvements shall be according to City Standards and at the applicant's expense.

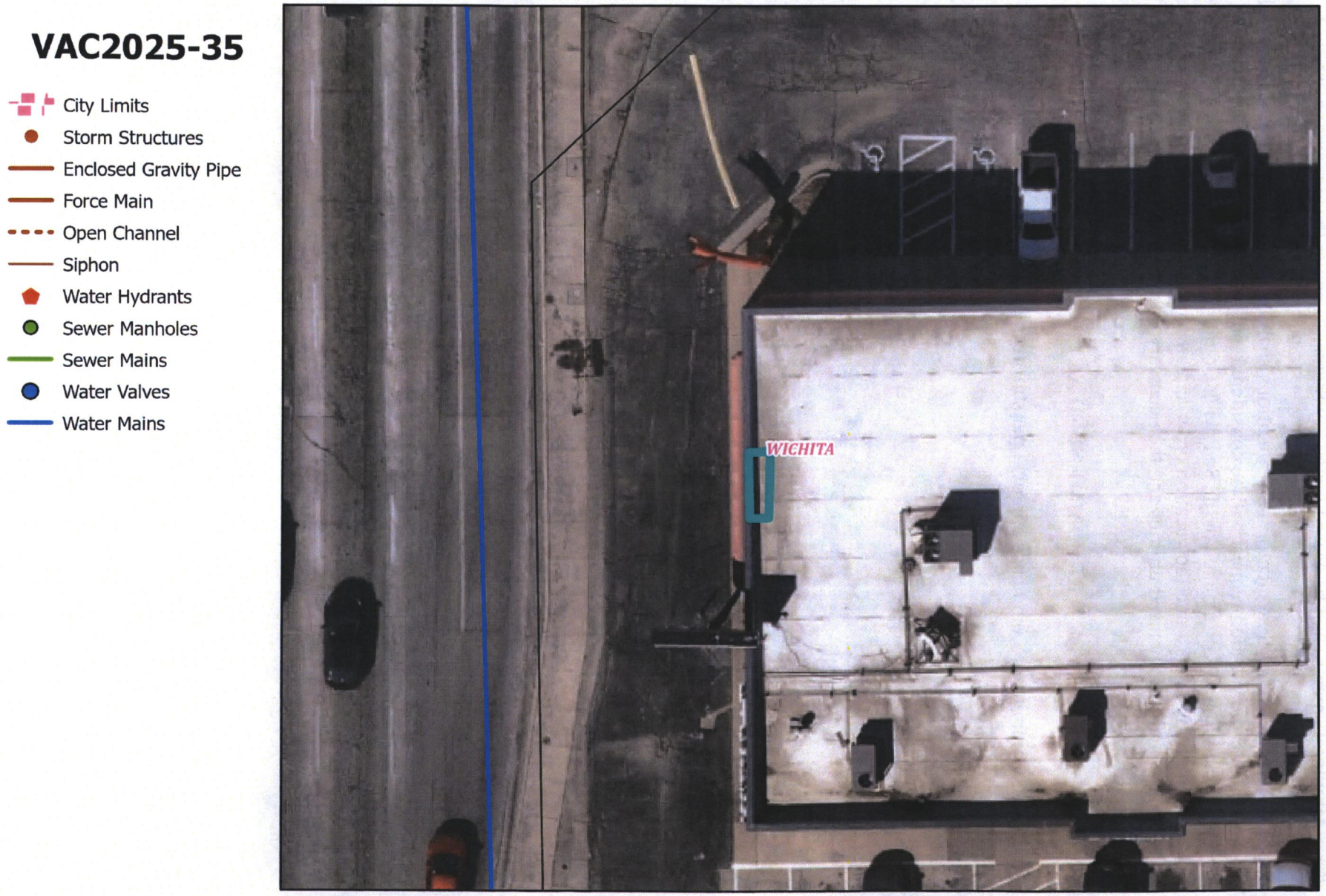
(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final 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.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

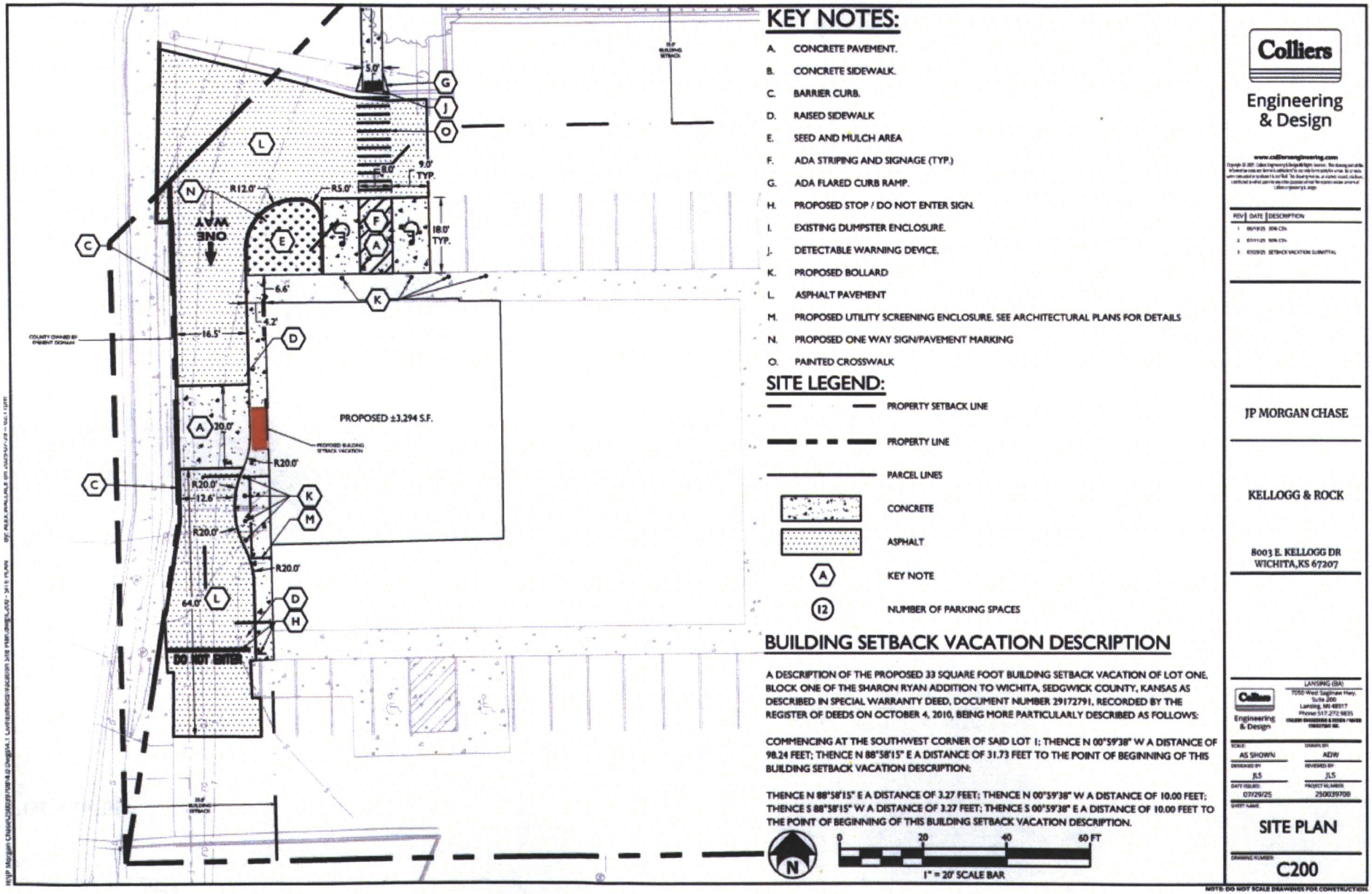
The Subdivision Committee recommends approval per staff recommendations.

Attachments:
1. Aerial Map
2. Vacation Exhibit
3. Plat Exhibit
4. CUP Drawing

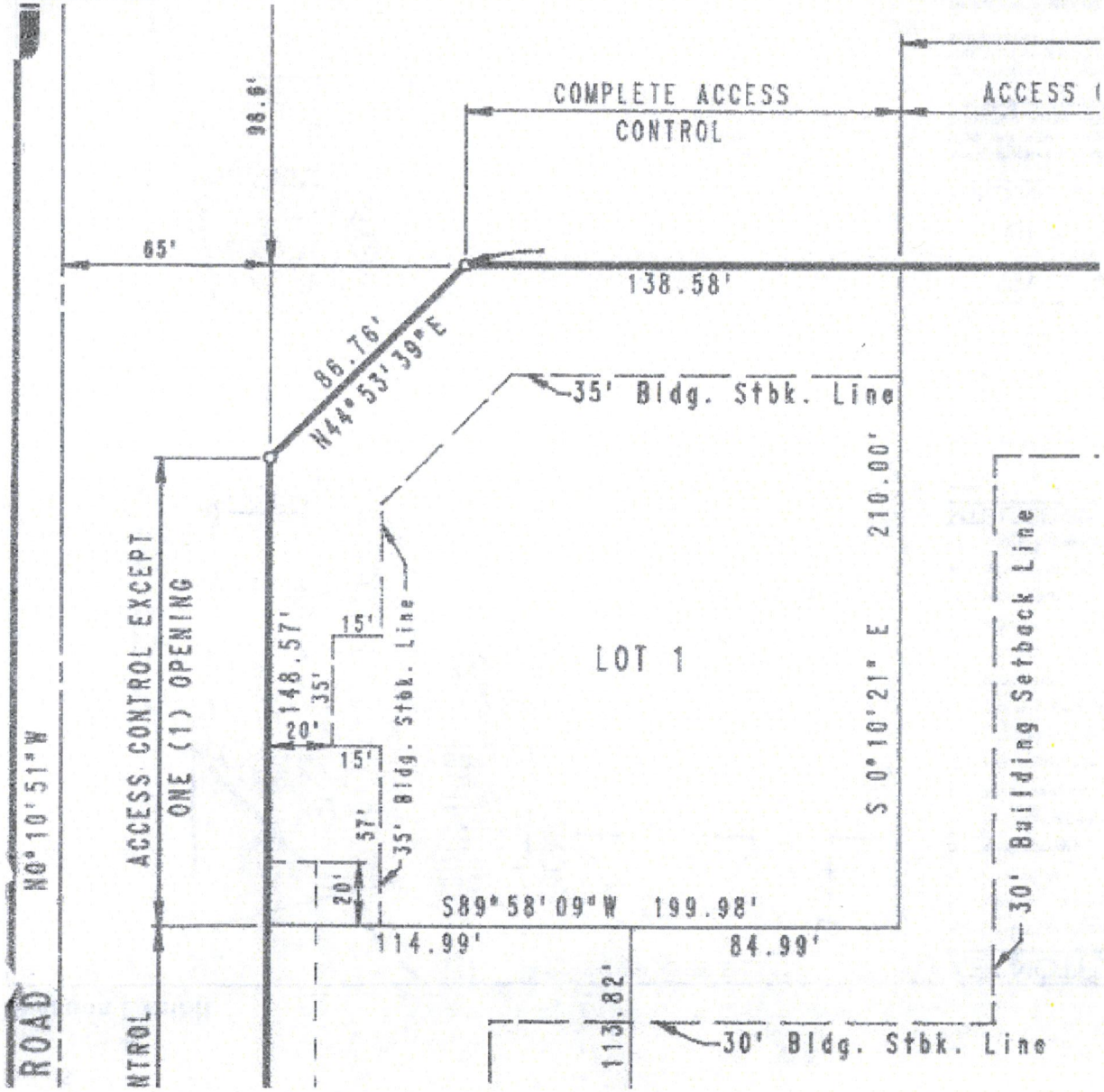
Aerial Map


VAC2025-35
City Limits
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
WICHITA

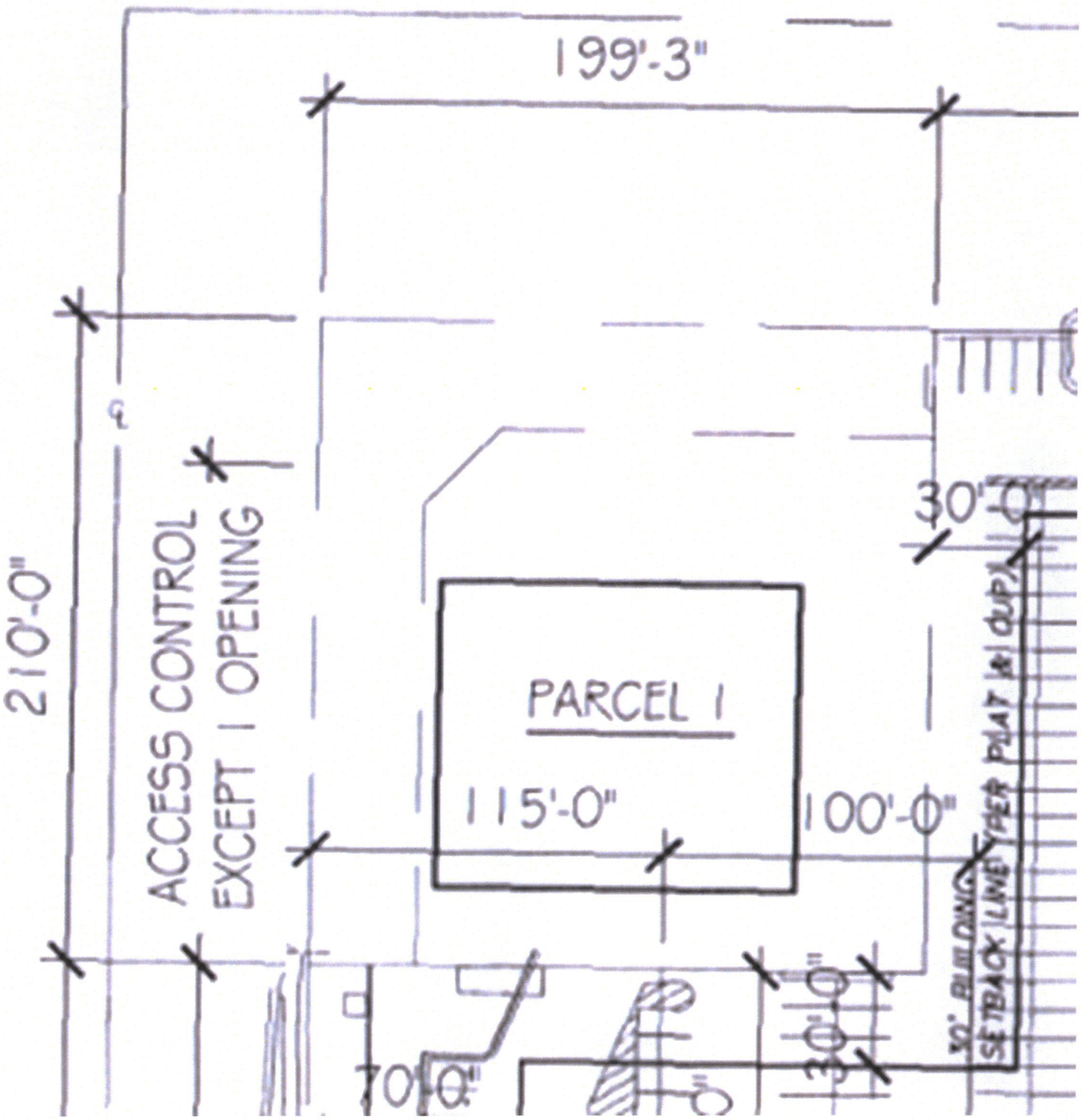
Vacation Exhibit



Plat Exhibit



CUP Drawing


199'-3"
210'-0"
ACCESS CONTROL
EXCEPT 1 OPENING
30'-0"
PARCEL 1
115'-0"
100'-0"
70'-0"
30'-0"
30'-0"
SETBACK LINE PER PLAT #1 DUPA