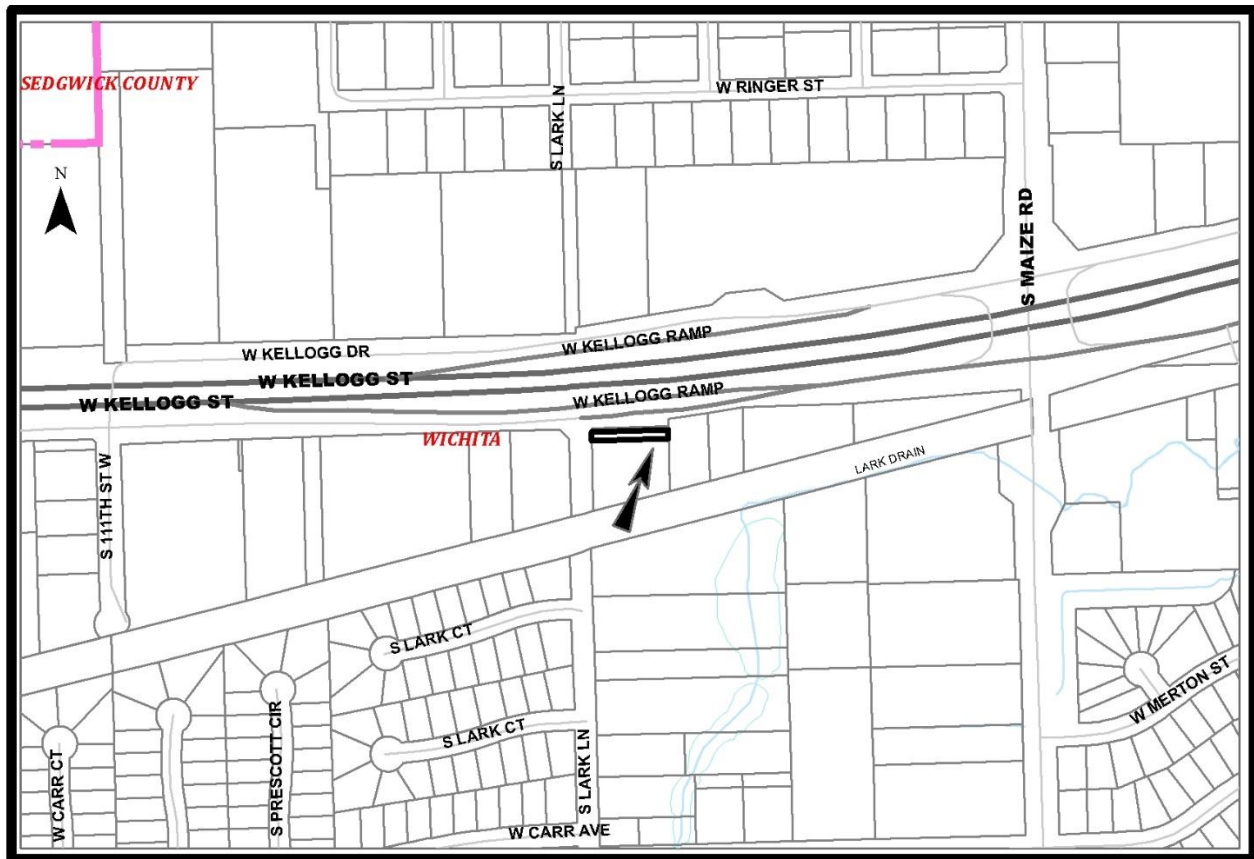


STAFF REPORT

- CASE NUMBER:** VAC2018-00029 - City vacation of a portion of platted building setback
- APPLICANT/AGENT:** Shiva Sai LLC, Sham Gupta (applicant/owner), Ferris Consulting, Greg Ferris (agent)
- LEGAL DESCRIPTION:** See Attached
- LOCATION:** Generally located on the south side of Kellogg Drive west of Maize Road (10723 West Kellogg Drive)
- REASON FOR REQUEST:** Reduction of Setback
- CURRENT ZONING:** GC General Commercial
- VICINITY MAP:**



The applicant proposes to vacate the southern 25 feet of the platted 85-foot building setback located on and running parallel to the north property line of Lot 1, Costal Mart Addition. At the time the property was platted, the current West Kellogg Drive access road was not in its current location. While the plat shows an 85-foot building setback, only 35 feet of that setback is on the applicant's property. The lot is zoned GC General Commercial. The Unified Zoning Code's (UZC) minimum front setback standard for the GC zoning district is 20 feet. If approved, the request would reduce the platted building setback to 60 feet and the practical front setback on the applicant's property to 10 feet. This 10-foot practical front setback would take precedence over the zoning setback standard of 20 feet. The platted 35-foot building setback located on and running parallel to the west property line of Lot 1, Costal Mart Addition would remain. There are no public utilities located within the vacation area. Westar has no objections to this vacation. The Costal Mart Addition was recorded with the Register of Deeds April 14, 2010.

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 portion of platted building setback.

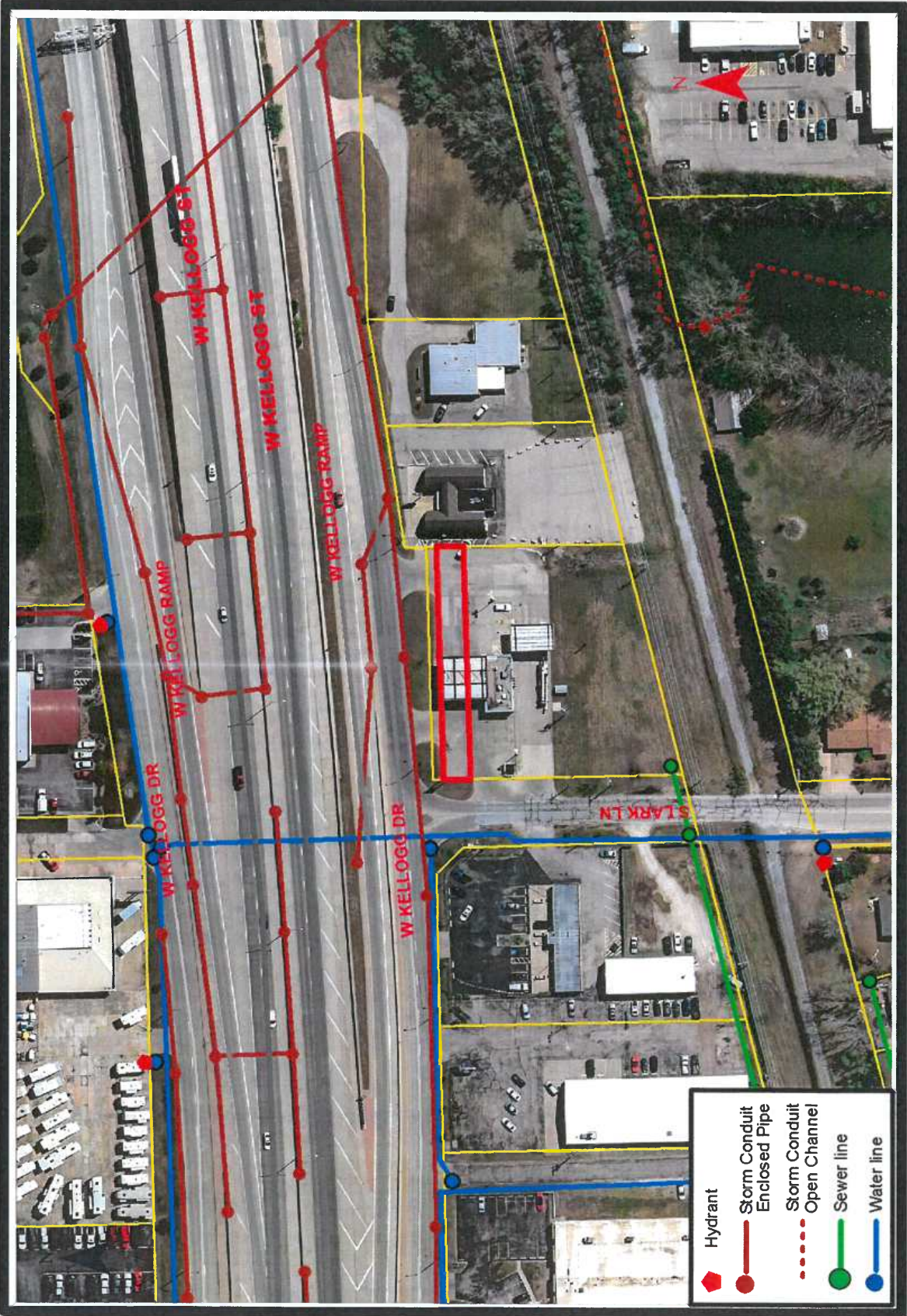
- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time November 15, 2018, 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 building 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) 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

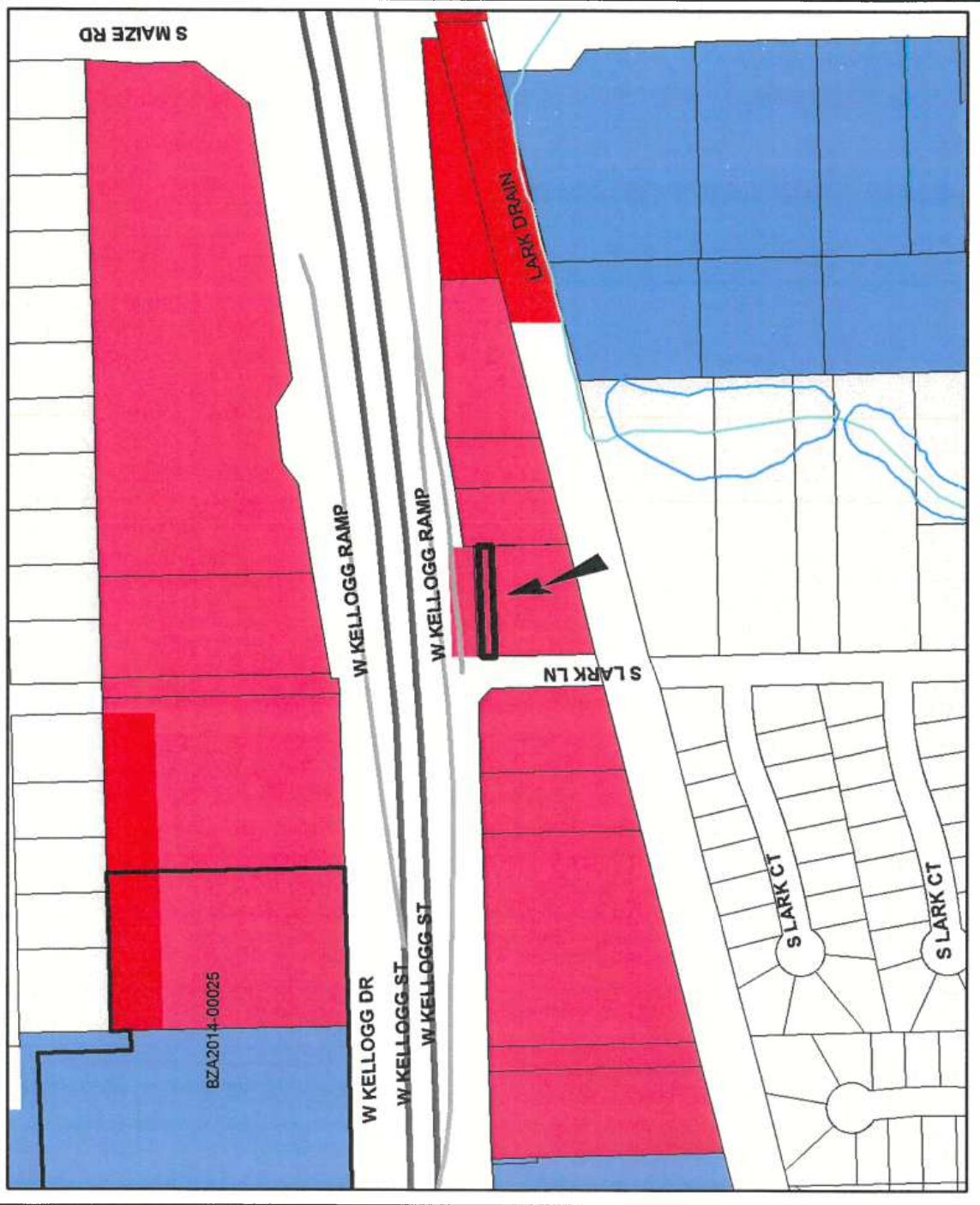
The Subdivision Committee recommends approval per staff recommendations.



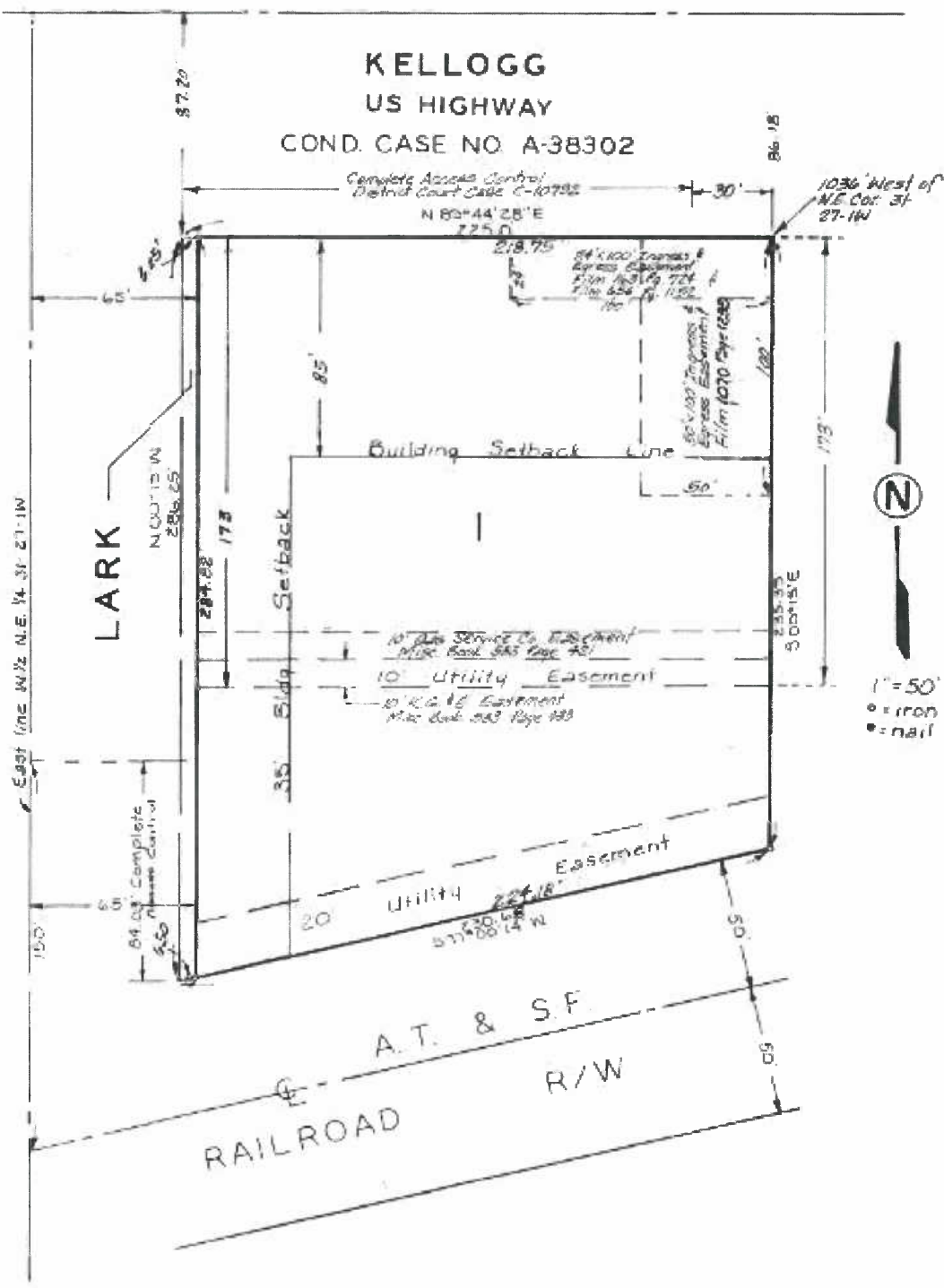
ZONING

RR	SF-20	SF-10	SF-5	TF-3	MF-18	MF-29	B	MH	NO	GO	NR	LC	GC	CBD	OW	IP	LI	IP-A	GI	AFB	U	PUD	AIRPORT	OLD TOWN
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N



**KELLOGG
US HIGHWAY
COND. CASE NO. A-38302**



Coastal Mart Addition

Legal Description of Area to be Vacated:

**The South 25' of the Platted Front Building Setback; Coastal Mart Addition to
Wichita, Sedgwick County, Kansas**