



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 13, 2001

Flatcoat Storage II, LLC
C/o Jerry Keeler
5152 S. Hydraulic
Wichita, KS 67216

Re: **VAC2001-00045**- Request to vacate of access control generally located 31st Street South
George Washington Blvd.

Dear Mr. Keeler:

At the Thursday, November 8, 2001, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the following conditions.

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.
3. The applicant needs to confirm, with a survey, that the recently constructed drive is located within the applicant's property and its 15-ft half of the 30-ft shared access.
4. Confirm with the City Engineer the location of the existing drive, on the Disabled American Property, in reference to the constructed drive.
5. Pave the entrance to the drive, which is now gravel over the culvert.

This case will be scheduled for final action by the Wichita City Council at the first appropriate date after all conditions have been met.

STAFF REPORT

CASE NUMBER: VAC2001-00045: Request to vacate access control.

APPLICANT/OWNER: Flatcoat Storage II, LLC c/o Jerry Keeler

AGENT: John H Tasset

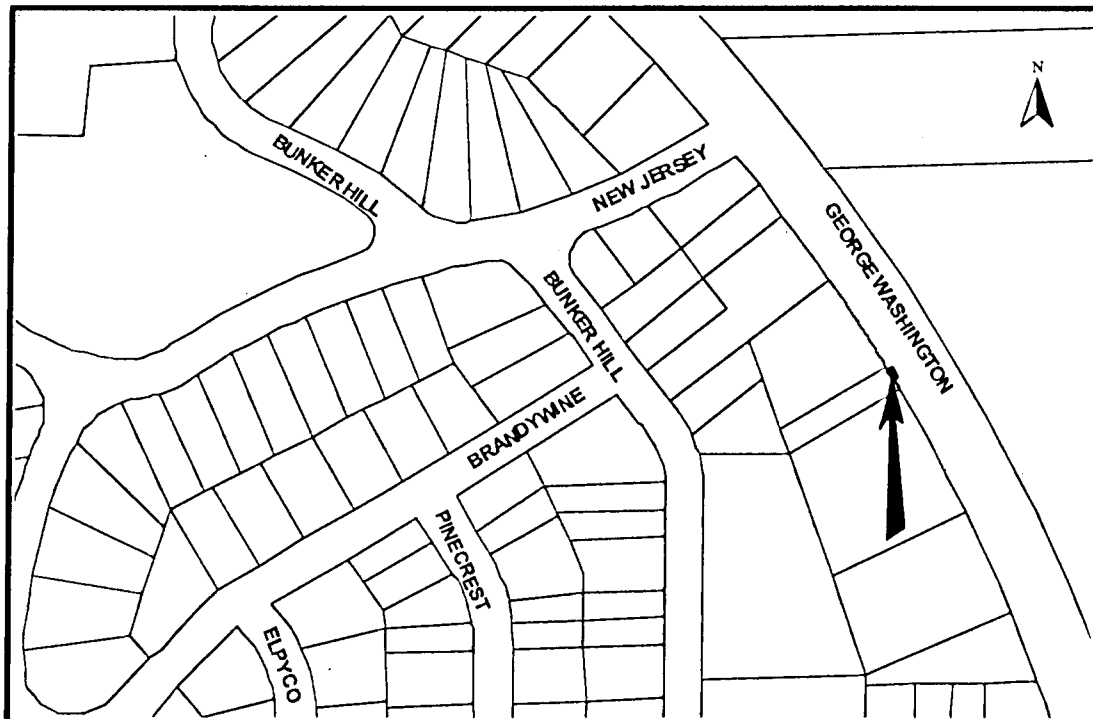
LEGAL DESCRIPTION: South 40-ft of Lot 3, Parcel B, Block 2, Washington Heights 5th Addition

LOCATION: Generally located northeast of the George Washington Blvd. – 31st Street South intersection

REASON FOR REQUEST: Provide access to Lot 2, Block 2, Washington Heights 5th Addition.

CURRENT ZONING: Subject property is zoned "LC" Limited Commercial. Properties to the north and south are zoned "LC" Limited Commercial. Property to the west is zoned "GO" General Office. Property to the east is zoned SF-5 Single Family Residential, this is part of McConnell Air Base.

VICINITY MAP:



The applicant is requesting consideration to vacate 15-ft of complete access control located within the south 40-ft of Lot 3, Parcel B, Block 2, Washington Heights 5th Addition, to provide access into Lot 2, Block 2, Washington Heights Addition. Currently Lot 2, Blk 2, Washington Heights Add

has no point of access. Originally it's access was to be from the southern abutting Lot 1, Blk 2 Washington Heights 5th Add, onto 31st Street South; there is no access for Lot 2 from the residential street, Bunker Hill Drive. Lot 1 has been developed as a day care facility and Lot 2's point of access has been eliminated. An Administrative Adjustment was approved, 12-03-1999, to allow access onto George Washington Blvd, for Lot 2, with two conditions, the first being that one opening shall be permitted to George Washington and no opening shall be permitted to 31st Street South. The second condition being the filing of a lot split for Lot 3, Blk 2, Washington Heights 5th Add and that the applicant also submit a cross lot access agreement between Lots 2, 3 and 4, Blk 2, Washington Heights 5th Add. The applicant has not filed a lot split for Lot 3, although the applicant has submitted Exhibit B showing the proposed lot split, which is reflected in the legal description, which has previously been noted as the south 40-ft of Lot 3, Parcel B, Block 2, Washington Heights 5th Addition. The applicant has not been able to secure the cross lot access agreement, thus the request to vacate 15-ft of access control that abuts the north side of the existing 30-ft of access that is split, with 15-ft on Lot 3 and 15-ft on Lot 4. The proposal will make the access 45-ft instead of its present 30-ft, with 30-ft of access on Lot 3 and keeping the existing 15-ft of access on Lot 4. The owner of Lots 4 & 5 is not willing to vacate the 15-ft of access on to the north side of Lot 4. Lot 4 and Lot 5 have been developed as an apartment complex, with its 15-ft access being developed as landscaped yard and screening. The layout of the apartment complex appears to make a shared drive/access between the applicant's property and the apartment complex unlikely. Parking and circulation for the complex is fixed without inclusion of the northern section of Lot 4, which contains the southern 15-ft half of the shared 30-ft access, between Lots 3 (applicant's) and 4 (apartment complex).

The applicant has recently built a concrete drive (without concrete entrance), approximately 20-ft to 22-ft wide with curb, apparently on its 15-ft of access and beyond it, prior to the Subdivision Committee and the MAPC considering and making recommendation on the vacation request. The applicant appears to be using Bunker Hill as it's construction materials/work route and is jumping the curb to get to the site, which is a self-storage complex, currently under construction; approved in 1983, BZA-3383.

Two issues have been addressed by the applicant since the October 18, 2001 Subdivision Committee meeting. The issue of the applicant filing for a Lot Split, per the requirement of the 12-03-99 Administrative Adjustment granted to the applicant has been addressed. The issue of the cross lot access agreement has been addressed.

Based upon the information available prior to the public hearing, Staff recommends the MAPC make the following findings and recommendation to the City Council:

- 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 of notice of this vacation proceeding one time October 18, 2001, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described access control, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of access control described in the petition should be approved subject to the following conditions:
1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 2. All improvements shall be according to current City Standards.
 3. The applicant needs to confirm, with a survey, that the recently constructed drive is located within the applicant's property and its 15-ft half of the 30-ft shared access. Confirm with the City Engineer the location of the existing drive, on the Disabled American property, in reference to the constructed drive
 4. Pave the entrance to the drive, which is now gravel over the culvert

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to current City Standards.
3. The applicant needs to confirm, with a survey, that the recently constructed drive is located within the applicant's property and its 15-ft half of the 30-ft shared access. Confirm with the City Engineer the location of the existing drive, on the Disabled American property, in reference to the constructed drive
4. Pave the entrance to the drive, which is now gravel over the culvert