

CU-216 - Charles D. Mattingly, Etal
request Conditional Use Permit to
Establish an Auto Lap Track Oper-
ation on property being request-
ed for "E" Light Industrial
Zoning generally located on the

Robert
3-28-79

ACTION

DATE

COMMITTEE

M.A.P.C.

Strike from agenda 4-12-79

B.C.C./B. CO. C.

(Book 3; G-12-A)

Map No. 6246
Sec. 27
Twp. 27S
Range 2E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 216
Filed 3-5-79
(Associated - SCZ-0422 &
S/D 79-27)

APPLICATION DATA: From _____ to _____

- Applicant: Charles D. & Nancy Marringly
Address 1 Highland Road, 67208 Phone _____
- Agent: James R. Schaefer
Address 800 Brown Bldg., 67202 Phone 262-4403
- General Location: South side of Kellogg, west of the Kansas Turnpike
Address _____
- Proposed Use: to permit establishment of an Auto Lap Track Operation on
property being requested for "E" Light Industrial zoning.

AREA DATA:

- Acres: _____ (_____ ft. by _____ ft.)
- Adjoining Zoning: E _____ S _____ W _____ N _____
- Land Use: East _____ South _____
West _____ North _____
- Sketch Plan Land Use is for: _____
- Present Land Use is for: _____
- Area (is) (is not) platted. _____

PROCEDURE DATA:

- Zoning Committee _____ by _____, _____, _____
- MAPC Meeting: _____

Date	Action
<u>4-12-79</u>	<u>State from Agenda.</u>

- Governing Body (Bd. City Commissioners - Bd. County Commissioners)

Date	Action	Resolution

NOTES:

LOS ANGELES-CIFICAS-LOGAN, OH
MEMORANDUM TRACKING SERVICE, INC.
U.S.A.

Standard
No. 2-153C

(Book 3; G-12-A)

Map No. 6246
Sec. 27
Twp. 27S
Range 2E

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- _____
Filed 216
3-5-79

(Associated - SCZ-0422 & S/D 79-27)

APPLICATION DATA: From _____ to _____

1. Applicant: Charles D. & Nancy Mattingly Phone _____
Address 1 Highland Road, 67208
2. Agent: James R. Schaefer Phone _____
Address 800 Brown Bldg., 67202
3. General Location: South side of Kellogg, west of Kansas Turnpike 262-4403

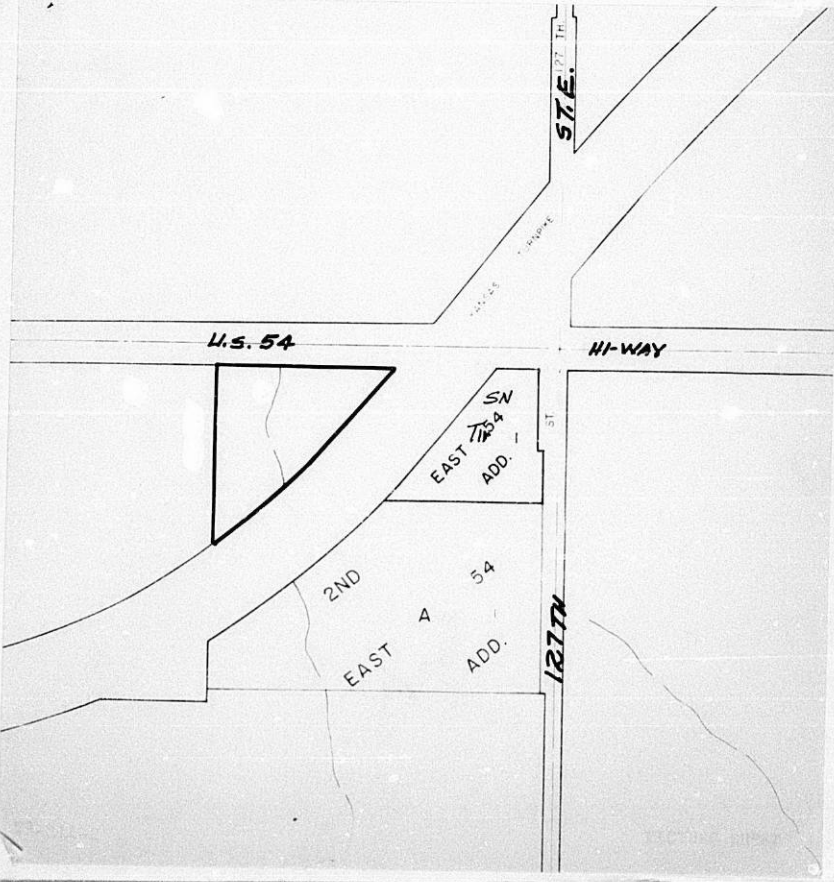
4. Proposed Use: to permit establishment of an Auto Lap Track Operation on property being requested for "E" Light Industrial zoning.

AREA DATA:

1. Acres: 5.9 (648 (1228000) ft. by 700 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East KANSAS TURNPIKE South KANSAS TURNPIKE
West SINGLE FAN North 715-54 HIGHWAY
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SINGLE FAN
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 29, 1979

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 12, 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-216

Conditional Use Request to Permit Establishment of
an Auto Lap Track Operation on property being requested
for "E" Light Industrial Zoning

That part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 27, Township 27 South, Range 2 East of the 6th P.M., lying South of U.S.-54 Highway as condemned in case No. A-17549, and lying North and West of the Kansas Turnpike as condemned in case No. A-54126. Generally located on the south side of Kellogg, west of the Kansas Turnpike.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

T9-216

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 29, 1979

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 12, 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-216

Conditional Use Request to Permit Establishment of
an Auto Lap Track Operation on Property being requested
for "E" Light Industrial Zoning

That part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 27, Township 27 South, Range 2 East of the 6th P.M., lying South of U.S.-54 Highway as condemned in case No. A-17549, and lying North and West of the Kansas Turnpike as condemned in case No. A-54126. Generally located on the south side of Kellogg, west of the Kansas Turnpike.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 29, 1979

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 12, 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-216

Conditional Use Request to Permit Establishment of
an Auto Lap Track Operation on property being requested
for "B" Light Industrial Zoning

That part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 27, Township 27 South, Range 2 East of the 6th P.M., lying South of U.S. -54 Highway as condemned in case No. A-17549, and lying North and West of the Kansas Turnpike as condemned in case No. A-54126. Generally located on the south side of Kellogg, west of the Kansas Turnpike.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

SEDLWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 29, 1979

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 12, 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-216

Conditional Use Request to Permit Establishment of
an Auto Lap Track Operation on property being requested
for "E" Light Industrial Zoning

That part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 27, Township 27 South, Range 2 East of the 6th P.M., lying South of U.S.-54 Highway as condemned in case No. A-17549, and lying North and West of the Kansas Turnpike as condemned in case No. A-54126. Generally located on the south side of Kellogg, west of the Kansas Turnpike.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

T9-216

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

March 29, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Thursday, April 12, 1979, said meeting beginning at 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, will consider an application for a COMMUNITY UNIT PLAN - PLANNED COMMERCIAL DEVELOPMENT, known as "BREWSTER HILLS" for property legally described as follows:

DP-97 - Block E, Callahan Addition, Sedgwick County, Kansas, except the north 145 feet and the east 234 feet. Generally located at the southeast corner of Maybelle and Maple.

The Development Plan of this area has been submitted as required under the Community Unit Plan provisions of Section 23.04.190 of the City Zoning Ordinance of the City of Wichita. The Development Plan is on file at the Planning Department Office, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, and is available for public inspection and review.

The Development Plan on file proposes a 6.79 acre commercial development consisting of two parcels. A maximum gross floor area of 88,768 square feet is proposed for the total development with proposed uses listed as shopping center and/or offices, professional services, restaurants, bakery, bank, theater, comparison and convenience shopping. A total of 3 buildings is proposed on parcel one and two buildings are proposed on parcel two, however, no building permits are to be issued on parcel two until such time as sanitary sewer is available. Included in the Development Plan is information concerning building setbacks, maximum height limitations, screening provisions, and proposed general land use on two specific designated parcels.

The hearing of this Development Plan, as provided in Section 23.04.190 of the City Zoning Ordinance of the City of Wichita, is to be held and the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission. Those persons interested in this matter will be heard at that time.

The Citizens Participation Organization (CPO) neighborhood council will consider this case in the immediate future for the purpose of making a formal recommendation to the MAPC and BCC. If you have an interest in this case, you are encouraged to express your opinions at your CPO Council meeting. The date, time and location of the CPO meeting may be obtained by calling 265-4516.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 269-4421.

Robert A. Lakin
Secretary

April 17, 1979

James R. Schaefer
800 Brown Building
Wichita, Kansas 67202

Re: SCZ-0422 & CU-216 - "R-1" & "LC"
to "E" - south side of Kellogg
west of Kansas Turnpike

Dear Mr. Schaefer:

At its regular meeting of April 12, 1979, the Metropolitan Area Planning Commission considered the above-captioned requests. In regard to the zone change request, the action of the Planning Commission was that the "E" Light Industrial District be denied and the "C" General Commercial District be approved subject to platting within one year from the date of zone change approval by the Board of County Commissioners; or the case be considered denied and closed; and that the resolution effectuating the zone change not be published until the plat has been recorded with the Register of Deeds. Regarding the conditional use case CU-216, the action of the Planning Commission was to strike this case from their agenda.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, May 9, 1979, in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:bbc

cc: Syd Werbin, County Zoning Officer
Charles D. and Nancy Mattingly, 1 Highland Road 67206

MELLOR, SCHAEFER & MILLER, P.A.
ATTORNEYS AT LAW

800 BROWN BUILDING
WICHITA, KANSAS 67202
TELEPHONE (316) 262-4403

April 2, 1979

PHILIP MELLOR
JAMES H. SCHAEFER
ARON P. MILLER
KIM A. ROBERTS

WILBUR H. JONES
COUNSEL

R. L. HOLMES (660-1926)
W. E. HOLMES (667-1924)
JOHN J. DARRAH (610-1972)
GEORGE R. COMPTON (641-1974)

*cc Plat file
Zoning file
Heldover*



Mr. H. R. Kuhn
Arn, Mullins, Unruh, Kuhn & Wilson
Attorneys at Law
330 R. H. Garvey Building
Wichita, Kansas 67202

Dear Hub:

Re: Wichita Code §28.04.190

I have been requested to obtain from you, as attorney for the Planning Department, an opinion concerning the provisions of Code §28.04.190 B, and 28.04.190 B.1.

The cited paragraphs provide, generally, that commercial developments which are 6 acres or more in size and "are held in single ownership or under single control" must comply with the provisions thereof. Generally, my question to you is what does "under single control" mean and encompass. Does this include leasehold interests?

My specific problem is as follows: I have attached hereto a rather crude drawing which is not to scale, but which I hope will clarify the problem.

Tract A, on the drawing is 5.3 acres in size, and Tract B, is 2 acres. Tracts A and B are owned by separate parties but are both under lease to my client. My client's lease on Tract A, is for a period of 10 years with no options of renewal. The lease on Tract B, is for a term of 15 years and my client has an option to purchase the same for various amounts at various different times which are not important to my question.

Tract A, is outside the city limits, while Tract B, is in the City. We are attempting to rezone Tract A, for a specific use and have also filed a plat for approval. One of the conditions of platting was that Tract A, be annexed to the City. In the event Tract A, were annexed the total acreage under lease to my client would then be 7.3 acres, all of which would be inside the city limits, and the question arises then as to whether or not a C.U.P. would be required for the total tract. Since

4/5/79 - Talked to Seltman & Feltner. Both believe CUP not required. Called Holm. He's satisfied if we are with that position on this case. Denies no CUP will be required. Called Schaefer & Miller, no CUP required. He said he would provide for go consultation, wants prompt processing. Should take place immediately following publication, B to zoning. M. Schaefer

MELLOR, SCHAEFER & MILLER, P.A.

#2
April 2, 1979


each tract is under separate ownership and neither is separately 6 acres or more in size, the question becomes as to whether or not a C.U.P. is required under the "or under single control" language of the cited Code sections. I might further add that Tract B, is platted at this time.

While the Community Unit Plan provided for in the Wichita Zoning Code antedates the provisions of K.S.A. 12-725, relative to planned unit developments, it is interesting to note that the language of the Wichita Code providing for the single control aspect are more broad than the provisions of K.S.A. 12-726(e), which defines planned unit development as being an area of land controlled by a landowner, etc.

In any event, my client's case has been deferred until the April 12 Planning Commission meeting and, if possible, I would like to have an answer to the submitted question prior to that time.

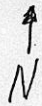
If you have any questions concerning the facts outlined in this letter, please give me a call.

Very truly yours,

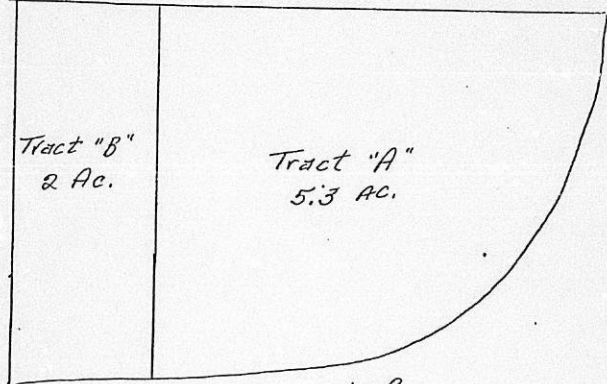

James R. Schaefer, of
MELLOR, SCHAEFER & MILLER, P.A.

jrs/f
c/ Robert Lakin

MELLOR, SCHAEFER & MILLER, P.



Kellogg - U.S. 54



Tract "B"
2 Ac.

Tract "A"
5.3 AC.

Turnpike

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 4-12-79

Case No. CU-216 | Request: Approval of Conditional Use for auto lap track

Location: South side of Kellogg and west of the Kansas Turnpike (approximately 12600 block East Kellogg)

Reason: To permit establishment of an "auto lap track".

Acres: 5.9 | Size: 687' x 700' (irregular shape)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Undeveloped	"R-1" & "LC"
North	Undeveloped	"R-1"
East	Kansas Turnpike	"R-1"
South	Kansas Turnpike	"R-1"
West	Commercial building under construction	"C"

Necessary street right-of-way to be acquired at time of platting.

Platted: Being platted as S/D 79-27 Mattingly Addition.

History: SCZ-0285 "R-1" & "LC" to "E"
MAPC: 5-25-72 deny
ECoC: 6-7-72 approve
Closed: Failure to plat

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to construct an auto lap track on property proposed for "E" Light Industrial zoning which is located on a major street (Kellogg-U.S. 54) and undeveloped. Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may, by special permit, and subject to such restrictions as it deems appropriate, permit conditional uses as outlined in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.

Case No. CU-216
MAPC AGENDA
4-12-79
Page 2

2. The applicant has submitted a site plan of the proposed facility which indicates the location of the auto track roadway and building; but does not include the area proposed for parking or fencing. Although requested, no supportive information has been submitted indicating specifics about the site regarding size of building, restroom facilities, outside lighting, fencing, vehicles, hours of operation, employees, etc.
3. Should the Planning Commission determine that the use is appropriate, consideration should be given to establishing the following conditions of approval:
 - a. Approval of the associated zone case SCZ-0422 by the Board of County Commissioners.
 - b. No loudspeakers shall be permitted so as to be heard outside of any building.
 - c. All lights shall be directed away from the Kansas Turnpike.
 - d. Each engine shall have a governor which shall limit the speed of each vehicle to a maximum of 45 miles per hour.
 - e. Provide a chain link fence not less than four (4) feet in height along the west and north property lines.
 - f. The area utilized for off-street parking shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - g. The race track shall be constructed of 3 inch base material topped with 2 inches of asphalt and be not less than 12 feet in width.
 - h. Consideration shall be given to establishing appropriate decibel levels.
 - i. Consideration shall be given to establishing hours of operation.
 - j. Only those vehicles owned by the operator/owner shall be permitted on the race track.
 - k. Submission of five (5) revised copies of the site plan indicating location and size of buildings, track roadway, fencing and parking areas.
 - l. All conditions of approval shall be complied with or the Conditional Use shall be null and void.



Leisure Time Vehicles, Inc.

P.O. BOX 268 - WICHITA, KANSAS 67277
9250

February 9, 1979

Putts-Tuff, Inc.
6028 W. Kellogg
Wichita, Kansas 67213


Gentlemen:

You have requested information concerning the noise factors on the use of Bellus RCV's on your proposed lap-concession track.

The Bellus RCV was tested on October 21, 1977, at the Cotillion parking lot on West Kellogg using a Simpson meter. Results at maximum speed of 40 mph showed a 70 decibel reading at a distance of 20 feet. Truck traffic on West Kellogg at a distance of 20 feet registered 95 to 100 decibels.

Please advise if further information would be of assistance.

Very truly yours,



Wm. J. McKenna

WJM:pr

Member Wichita Chamber of Commerce

CU-216 &)
SCZ-0422) 8 "Notice to Adjoining Property Owners" mailed 3-29-79
for the MAPC meeting for 4-12-79
1 to Grover C. McLure, Jr. County Director of Dept.
of Public Works
-
9 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 29, 1979

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 12, 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-216

Conditional Use Request to Permit Establishment of
an Auto Lap Track Operation on Property being requested
for "E" Light Industrial Zoning

That part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 27, Township 27 South, Range 2 East of the 6th P.M., lying South of U.S.-54 Highway as condemned in case No. A-17549, and lying North and West of the Kansas Turnpike as condemned in case No. A-54126. Generally located on the south side of Kellogg, west of the Kansas Turnpike.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

T9-216

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 29, 1979

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 12, 1979, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. SCZ-0422

Zone Change from the "R-1" Suburban Residential District
and the "LC" Light Commercial District
to the "E" Light Industrial District

That part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 27, Township 27 South, Range 2 East of the 6th P.M., lying South of U.S.-54 Highway as condemned in case No. A-17549, and lying North and West of the Kansas Turnpike as condemned in case No. A-54126. Generally located on the south side of Kellong, west of the Kansas Turnpike.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

T9-216

SEDGWICK COUNTY ZONING RESOLUTION

Summary Description of Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres with a minimum frontage of 200 feet.
- "R-1" - Suburban Residential District
Permits one and two-family dwellings on a minimum of 15,000 square feet of land area per family with each lot having a minimum frontage of 100 feet.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 7,500 square feet with each lot having a minimum frontage of 60 feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits any retail commercial uses conducted within an enclosed building. Permits residential uses.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C".
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits.
- "CU" - Any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.

Book 3
G-12-A
Map 6246
27
27S
2E

MAPC
4-12-79
CU-216
(Issue SCZ-0422)
(Issue SPD 79-27)

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

THIS IS AN APPLICATION FOR A CONDITIONAL USE PERMIT. THE FORM MUST BE COMPLETED AND FILED AT THE PLANNING DEPARTMENT, ROOM 402, CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, IN ACCORDANCE WITH DIRECTIONS ON THE ACCOMPANYING INSTRUCTION SHEET. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. NAME OF APPLICANT OR APPLICANTS AND/OR THEIR AGENT OR AGENTS. ALL OWNERS OF ALL PROPERTY REQUESTED TO BE CONSIDERED IN THIS APPLICATION MUST BE LISTED IN THIS ITEM.

A. APPLICANT Charles D. and Nancy Mattingly
Address 1 Highland Road, Wichita, Kansas PHONE 67208

AGENT James R. Schaefer
Address 800 Brown Bldg., Wichita, Ks. 67202 PHONE 262-4403

B. APPLICANT _____
ADDRESS _____ PHONE _____

AGENT _____
ADDRESS _____ PHONE _____

C. APPLICANT _____
ADDRESS _____ PHONE _____

AGENT _____
ADDRESS _____ PHONE _____

(USE SEPARATE SHEET IF NECESSARY FOR NAMES OF ADDITIONAL APPLICANTS).

II. THE APPLICANT PROPOSES TO ESTABLISH A Lap Track _____ (USE)

ON PROPERTY LEGALLY DESCRIBED AS LOT(S) _____
_____, Block(s) _____ OF THE
_____ ADDITION.

(IF APPROPRIATE, METES AND BOUNDS DESCRIPTION MAY BE PROVIDED IN THE SPACE BELOW OR ON AN ATTACHED SHEET).

That part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 27, Township 27 South, Range 2 East of the 6th P.M., lying South of U.S.-54 Highway as condemned in case No. A-17549, and lying North and West of the Kansas Turnpike as condemned in case No. A-54126.

OK for legal

III. THIS PROPERTY IS LOCATED AT (ADDRESS) _____.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____, OR

B. ON THE South SIDE OF Kellogg (AVENUE) ~~adjacent to and North and West of the Kansas Turnpike~~ STREET BETWEEN _____ (AVENUE) STREET AND _____ (AVENUE) STREET.

IV. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1 & LC
An application for change of zoning to E is filed herewith.
(ZONING DISTRICT CLASSIFICATION).

V. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

To construct and operate a lap track which would not possibly be permitted in a lesser zoning classification and is not specifically authorized in E zoning .

VI. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION.

I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

By Charles M. Matherly _____
By James R. Schaefer _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

By Nancy Matherly _____
By James R. Schaefer _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

Filed 3/5/79 By _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

200⁰⁰ filing paid with associated zone case R-172C to E 82-0422

*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

*