

DR60-9 - AMENDING SECTION IIE, OF
THE COUNTY ZONING RESOLUTION, RE-
QUESTED BY PC.

ACTION

DATE

COMMITTEE

M.A.P.C.

Approvals

4-21-60

~~BREV~~ B. CO. C.

approve

4-28-60.

— Closed —

APRIL 22, 1960

BOARD OF COUNTY COMMISSIONERS
COURT HOUSE
WICHITA, KANSAS

GENTLEMEN:

RE: DR60-9 - AMENDMENTS TO
COUNTY ZONING RESOLUTION
RELATED TO SECTION 11-E

AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION HELD ON APRIL 21, 1960 THE ABOVE PROPOSED AMENDMENT TO THE SEDGWICK COUNTY ZONING RESOLUTION WAS CONSIDERED AND THE FOLLOWING ACTION TAKEN:

IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THE FOLLOWING AMENDMENT TO THE COUNTY ZONING RESOLUTION BE ADOPTED:

SECTION 11-E

AMEND TO READ AS FOLLOWS:

E. CONDITIONAL Uses

1. THE GOVERNING BODY MAY, BY SPECIAL PERMIT AND SUBJECT TO SUCH RESTRICTIONS AS IT DEEMS NECESSARY, PERMIT CONDITIONAL USES AS OUTLINED IN THE VARIOUS DISTRICTS WHERE SUCH USES ARE DEEMED ESSENTIAL OR DESIRABLE TO THE PUBLIC CONVENIENCE OR WELFARE; PROVIDED, HOWEVER, THAT THE GOVERNING BODY SHALL NOT ISSUE SUCH PERMIT UNTIL AFTER A PUBLIC HEARING SHALL HAVE BEEN HELD BEFORE THE METROPOLITAN AREA PLANNING COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 14.A.2 AND 14.C OF THIS RESOLUTION.
2. CONDITIONAL USES EXISTING AT THE TIME OF ADOPTION OF THIS RESOLUTION OR WHICH MAY BECOME CONDITIONAL USES BY VIRTUE OF A SUBSEQUENT AMENDMENT TO THIS RESOLUTION MAY BE CONTINUED AND WILL BE CONSIDERED AS A PERMITTED USE; PROVIDED, HOWEVER, THAT ANY ENLARGEMENT OF THE LAND AREA OR STRUCTURE OF SUCH USES EXISTING AT THE TIME OF THE ADOPTION OF THIS RESOLUTION SHALL REQUIRE A CONDITIONAL USE PERMIT.

3. PROCEDURE: WRITTEN APPLICATIONS FOR THE APPROVAL OF THE USES REFERRED TO IN THIS SECTION SHALL BE FILED IN THE COMMISSION'S OFFICE UPON FORMS PRESCRIBED FOR THAT PURPOSE BY THE COMMISSION. APPLICATIONS MUST BE ACCOMPANIED WITH A CERTIFIED LIST OF PROPERTY OWNERS OF RECORD, AND THEIR ADDRESSES, IF AVAILABLE, AND IN CASES WHERE NOT AVAILABLE, THEN THE ADDRESSES OF THE OCCUPANT OF THE PREMISES, IF TENANTED, IN ALL DIRECTIONS FROM THE SUBJECT PROPERTY FOR A DISTANCE OF TWICE THE FRONTAGE OF THE PROPERTY INCLUDED IN THE APPLICATION, PROVIDED, NO DISTANCE NEED BE MORE THAN 1,000 FEET AND CANNOT BE LESS THAN 200 FEET. THE PROCEDURE FOR HOLDING PUBLIC HEARINGS SHALL BE THE SAME AS THAT REQUIRED IN SECTION 14.A.2 AND C.

IF, FROM THE FACTS PRESENTED, THE COMMISSION FINDS THAT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE REQUIRE THE APPROVAL OF THE CONDITIONAL USE REQUESTED, OR ANY PORTION THEREOF, THE COMMISSION SHALL RECOMMEND SUCH CONDITIONAL USE REQUEST TO THE BOARD OF COUNTY COMMISSIONERS; OTHERWISE IT SHALL RECOMMEND DENIAL OF THE APPLICATION. THE COMMISSION SHALL IMMEDIATELY PROCEED TO MAKE ITS FINDINGS AND ISSUE A DETERMINATION IN WRITING IN NOT MORE THAN SIXTY (60) DAYS FROM THE DATE OF FILING OF ANY APPLICATION FOR A CONDITIONAL USE PERMIT. PROVIDED, HOWEVER, THAT UPON CONSENT OF THE APPLICANT, THE COMMISSION MAY DEFER MAKING ITS FINDINGS FOR A PERIOD OF NOT TO EXCEED AN ADDITIONAL THIRTY (30) DAYS.

THE BOARD OF COUNTY COMMISSIONERS SHALL APPROVE OR DISAPPROVE ANY APPROVAL OR DISAPPROVAL RECOMMENDED WITHIN THIRTY (30) DAYS OF DATE OF SUBMISSION TO THEM. PROVIDED, HOWEVER, THAT UPON CONSENT OF THE APPLICANT THE BOARD OF COUNTY COMMISSIONERS MAY DEFER ITS APPROVAL OR DISAPPROVAL FOR A PERIOD NOT TO EXCEED AN ADDITIONAL THIRTY (30) DAYS.

IF THE COMMISSION RECOMMENDS AGAINST THE CONDITIONAL USE REQUESTED OR IN THE CASE OF A WRITTEN PROTEST FILED WITH THE COUNTY CLERK, AGAINST ANY PROPOSED CONDITIONAL USE REQUESTED, SIGNED AND ACKNOWLEDGED BY THE OWNERS OF TWENTY PERCENT (20%) OF THE FRONTAGE WITHIN ONE THOUSAND (1,000) FEET TO THE RIGHT OR LEFT OF THE FRONTAGE PROPOSED TO BE USED FOR THE CONDITIONAL USE, OR BY THE OWNERS OF TWENTY PERCENT (20%) OF THE FRONTAGE DIRECTLY OPPOSITE, OR DIRECTLY IN THE REAR

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APRIL 22, 1960

OF THE FRONTAGE PROPOSED TO BE USED FOR THE CONDI-
TIONAL USE, SUCH CONDITIONAL USE MAY NOT BE APPROVED
EXCEPT BY THE FAVORABLE VOTE OF ALL MEMBERS OF THE BOARD
OF COUNTY COMMISSIONERS.

RESPECTFULLY SUBMITTED,

L.L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER

MARCH 30, 1960

MR. OWEN J. REDMOND, JR.
619 WEST DOUGLAS
WICHITA, KANSAS

DEAR MR. REDMOND:

SUBJECT: DR 60-9

THE PLANNING COMMISSION AT ITS REGULAR MEETING OF MARCH 17, 1960, DIRECTED THE PLANNING DEPARTMENT TO PREPARE AND ADVERTISE FOR A PUBLIC HEARING ON AN AMENDMENT TO SECTION 11-E OF THE COUNTY ZONING RESOLUTION TO MAKE IT CONFORM GENERALLY TO SECTION 11-F.

ATTACHED IS A COPY OF THE ADVERTISEMENT FOR PUBLIC HEARING ON THE PROPOSED AMENDMENT. WILL YOU PLEASE CHECK THIS AS TO LEGAL FORM AND CONTENT. IF YOU HAVE ANY SUGGESTIONS AS TO ANY CHANGES WHICH SHOULD BE MADE OR CONSIDERED BY THE PLANNING COMMISSION, WE WOULD APPRECIATE HAVING YOUR COMMENTS BY APRIL 21, 1960, WHICH IS THE DATE SET FOR THE PUBLIC HEARING.

VERY TRULY YOURS,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:LRE:BER
cc: LEGAL OPINION FILE (Co.)

MR. OWEN J. REDMOND, JR.
619 WEST DOUGLAS
WICHITA, KANSAS

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SUBJECT: DR 60-9

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VERY TRULY YOURS,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:LRE:BER
CC: LEGAL OPINION FILE (Co.)

() (PUBLISHED IN THE WICHITA BEACON ON APRIL 1, 1960)

OFFICIAL NOTICE

NOTICE IS HEREBY GIVEN THAT AT 2 P.M. ON THE 21ST DAY OF APRIL, 1960, THE WICHITA-SEDDWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN STREET, WICHITA, KANSAS, WILL CONSIDER THE FOLLOWING PROPOSED CHANGES IN THE TEXT OF THE ZONING RESOLUTION, SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 19, 1958, AND WHICH BECAME EFFECTIVE ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO:

SECTION 11.E

AMEND TO READ AS FOLLOWS:

E. CONDITIONAL USES

1. THE GOVERNING BODY MAY, BY SPECIAL PERMIT AND SUBJECT TO SUCH RESTRICTIONS AS IT DEEMS NECESSARY, PERMIT CONDITIONAL USES AS OUTLINED IN THE VARIOUS DISTRICTS WHERE SUCH USES ARE DEEMED ESSENTIAL OR DESIRABLE TO THE PUBLIC CONVENIENCE OR WELFARE; PROVIDED, HOWEVER, THAT THE GOVERNING BODY SHALL NOT ISSUE SUCH PERMIT UNTIL AFTER A PUBLIC HEARING SHALL HAVE BEEN HELD BEFORE THE METROPOLITAN AREA PLANNING COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 14.A.2 AND 14.C OF THIS RESOLUTION.
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3. PROCEDURE: WRITTEN APPLICATIONS FOR THE APPROVAL OF THE USES REFERRED TO IN THIS SECTION SHALL BE FILED IN THE COMMISSION'S OFFICE UPON FORMS PRESCRIBED FOR THAT PURPOSE BY THE COMMISSION. APPLICATIONS MUST BE ACCOMPANIED WITH A CERTIFIED LIST OF PROPERTY OWNERS OF RECORD, AND THEIR ADDRESSES, IF AVAILABLE, AND IN CASES WHERE NOT AVAILABLE, THEN THE ADDRESSES OF THE OCCUPANT OF THE PREMISES, IF TENANTED, IN ALL DIRECTIONS FROM THE SUBJECT PROPERTY FOR A DISTANCE OF TWICE THE FRONTAGE OF THE PROPERTY INCLUDED IN THE APPLICATION, PROVIDED, NO DISTANCE NEED BE MORE THAN 1,000

FEET AND CANNOT BE LESS THAN 200 FEET. THE PROCEDURE FOR HOLDING PUBLIC HEARINGS SHALL BE THE SAME AS THAT REQUIRED IN SECTION 14.A.2 AND C.

IF, FROM THE FACTS PRESENTED, THE COMMISSION FINDS THAT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE REQUIRE THE APPROVAL OF THE CONDITIONAL USE REQUESTED, OR ANY PORTION THEREOF, THE COMMISSION SHALL RECOMMEND SUCH CONDITIONAL USE REQUEST TO THE BOARD OF COUNTY COMMISSIONERS; OTHERWISE IT SHALL RECOMMEND DENIAL OF THE APPLICATION. THE COMMISSION SHALL IMMEDIATELY PROCEED TO MAKE ITS FINDINGS AND ISSUE A DETERMINATION IN WRITING IN NOT MORE THAN SIXTY (60) DAYS FROM THE DATE OF FILING OF ANY APPLICATION FOR A CONDITIONAL USE PERMIT. PROVIDED, HOWEVER, THAT UPON CONSENT OF THE APPLICANT, THE COMMISSION MAY DEFER MAKING ITS FINDINGS FOR A PERIOD OF NOT TO EXCEED AN ADDITIONAL THIRTY (30) DAYS.

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THE ABOVE PROPOSED AMENDMENTS WILL BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AT THE TIME AND PLACE ABOVE STATED, AND ALL PERSONS INTERESTED IN SAID MATTER WILL BE HEARD AT THAT TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES; AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED CHANGE TO THE ZONING RESOLUTION, SEDGWICK COUNTY, KANSAS, WILL BE CONSIDERED BY THE COMMISSION AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 29TH DAY OF MARCH, 1960.

L. L. LITTLE, SECRETARY
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING
COMMISSION

(SEAL)

(1-7)