

CONDITIONAL USE RESOLUTION NO. CON-2001-00002

WHEREAS, L & D Real Estate LLC (owner); Dan Classen (applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow agricultural sales and service (propane sales) on 6.14 acres zoned "RR" Rural Residential proposed zoning "GC" General Commercial described as:

That part of the SE 1/4 of Sec. 11, Twp. 26S, R2E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the S.E. Corner of said SE 1/4; thence with an assumed bearing of N 01 degrees 07' 48" W, along the east line of said SE 1/4, 495.14 feet; thence S 88 degrees 52' 12"W, 30 feet to a point on the west line of 143rd Street East as established by Condemnation Case No. 95C-1132 for a place of beginning; thence S 18 degrees 09' 36"W, along said right-of-way, 105.95 feet; thence S 01 degrees 07' 48"E, 280 feet to the north line of State Highway 254 as established by Condemnation Case No. 95C-1132; thence S 78 degrees 46' 04"W, along said right-of-way, 138.30 feet; thence S 89 degrees 07' 11"W, along said right-of-way, 410 feet; thence N 70 degrees 24' 29"W, along said right-of-way, 132.41 feet; thence N 01 degrees 07' 48" W, 355.62 feet; thence N 88 degrees 52' 12"E, 705 feet to the place of beginning. Generally located at the northwest corner of Highway 254 and 143rd Street North.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of February 8, 2001, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow agricultural sales and service (propane sales) on property zoned "RR" Rural Residential proposed zoning "GC" General Commercial described as:

South 200 feet of the east 300 feet of the following described tract:
That part of the SE 1/4 of Sec. 11, Twp. 26S, R2E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the S.E. Corner of said SE 1/4; thence with an assumed bearing of N 01 degrees 07' 48" W, along the east line of said SE 1/4, 495.14 feet; thence S 88 degrees 52' 12"W, 30 feet to a point on

the west line of 143rd Street East as established by Condemnation Case No. 95C-1132 for a place of beginning; thence S 18 degrees 09' 36"W, along said right-of-way, 105.95 feet; thence S 01 degrees 07'48"E, 280 feet to the north line of State Highway 254 as established by Condemnation Case No. 95C-1132; thence S 78 degrees 46'04"W, along said right-of-way, 138.30 feet; thence S 89 degrees 07' 11"W, along said right-of-way, 410 feet; thence N 70 degrees 24'29"W, along said right-of-way, 132.41 feet; thence N 01 degrees 07'48" W, 355.62 feet; thence N 88 degrees 52'12"E, 705 feet to the place of beginning.

subject to the following conditions:

- A.) The site shall be developed, maintained and utilized in general conformance with the approved site plan, and shall apply only to the area depicted on the site plan.
- B.) The Health Department must approve the on-site sewage system, and all other applicable permits shall be obtained prior to the commencement of operations.
- C.) Permitted uses shall be restricted to those permitted by the base zoning district plus agricultural sales and services as defined in the Unified Zoning Code.
- D.) Any violation of these conditions shall render this Conditional Use Permit null and void.

Adopted this 8th day of February, 2001. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

J.D. (Jerry) Michaelis, Acting Chair MAPC

ATTEST:

Marvin S. Krout, Secretary