

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING

SCZ-0676 - REQUEST FOR ZONE CHANGE FROM THE "R-1" SUBURBAN  
RESIDENTIAL DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT, LOCATED  
APPROXIMATELY 1/4 MILE WEST OF 119TH STREET WEST ON THE NORTH  
SIDE OF HIGHWAY K-42.

The MAPC recommends that the application be approved, subject to platting within one year. Goebel moved, Polczinski seconded and it carried with a vote of 11 in favor (McKay, Polczinski, Frye, Goebel, Hagggar, Johnson, Lopez, Miner, Phillips, Roberts and Winkler), and 1 opposed (Ross). Osborne-Howes and Sherman were absent.

(See minutes for full motion).

**ACTION:** 1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting; adopt a resolution establishing the zone change and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or

2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first reading).

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DATA AND MINUTES

MAPC Hearing Date: 8/25/94 Approve BCoC Hearing Date: 9/21/94

COMMISSION DISTRICT #3

ADJACENT ZONING AND LAND USE:

|        |             |                                                                                                    |
|--------|-------------|----------------------------------------------------------------------------------------------------|
| NORTH: | "R-1"       | Agricultural uses                                                                                  |
| SOUTH: | "R-1"       | Agricultural uses                                                                                  |
| EAST:  | "R-1" & "E" | Agricultural uses, Gene Francis & Assoc. Auctions,<br>Almost New Truck & Van Rentals-Sales-Service |
| WEST:  | "R-1"       | Agricultural uses, single family homes along K-42                                                  |

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Applicants: Dennis P. Dugan, 6131 S. West, 67215  
Daniel A. Dugan, Rt. 1, Viola, KS 67149  
Francis & Catherine Farms, Inc., Rt. 1, Clearwater, KS 67020

Protestors: None.

Published in The Daily Reporter on NOVEMBER 9, 1994

RESOLUTION NO. 159-1994

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 7.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

**SECTION I.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, the zoning district of the lands legally described below are hereby changed as follows:

**Case No. SCZ-0676**

Zone change request from the "R-1" Suburban Residential District to the "BB" Office District

Commencing at a point on the south line of the northeast quarter of Section 13, Township 28 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, said point being 785.66 feet west of the southeast corner of said northeast quarter, said south line having an assumed bearing of N 88 deg. 44' 15" W, said south quarter section line being the south line of Schulte Industrial Park Addition to Sedgwick County, Kansas, said point of commencement being on the north right of way line of K-42 Highway; thence westerly along said south quarter section line bearing N 88 deg. 44' 15" W, 532.25 feet to the southwest corner of said addition; thence N 0 deg. 01' 23" W, 200 feet; thence N 88 deg. 44' 15" W, 240.00 feet to the point of beginning; thence N 88 deg. 44' 15" W, 240.00 feet; thence S 0 deg. 01' 23" E, 795.00 feet; thence S 35 deg. 25' 49" E, 129.83 feet to the north right of way line of K-42 Highway; thence northeasterly along said north right

of way line bearing N 55 deg. 33' 49" E, 454.22 feet; thence N 34 deg. 26' 11" W, 371.59 feet; thence N 0 deg. 01' 23" W; 332.17' to the point of beginning; AND

"R-1" Suburban Residential District to the  
"LC" Light Commercial District

Beginning at a point on the south line of the northeast quarter of Section 13, Township 28 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, said point being 785.66 feet west of the southeast corner of said northeast quarter, said south line having an assumed bearing of N 88 deg. 44' 15" W, said south quarter section line being the south line of Schulte Industrial Park Addition to Sedgwick County, Kansas, said point of beginning being on the north right of way line of K-42 Highway; thence westerly along said south quarter section line bearing N 88 deg. 44' 15" W, 532.25 feet to the southwest corner of said addition; thence N 0 deg. 01' 23" W, 200 feet; thence N 88 deg. 44' 15" W, 240.00 feet; thence S 0 deg. 01' 23" E, 332.17 feet; thence S 34 deg. 26' 11" E, 371.59 feet to the north right of way line of K-42 Highway; thence northeasterly along said north right of way line bearing N 55 deg. 33' 49" E, 743.59 feet to the south line of said northeast quarter; thence N 88 deg. 44' 15" W; 51.41' to the point of beginning. Generally located 1/4 mile west of 119th Street West on the north side of Highway K-42.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

PAUL W. HANCOCK  
THOMAS G. WINTERS  
ANDREW L. BIAS  
MARK F. SCHROEDER  
BETSY GWIN

Aye  
Aye  
Aye  
Aye  
Aye

DATED this 21<sup>st</sup> day of September, 1994.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS



ATTEST:

Betsy Gwin  
BETSY GWIN, Chair

Andrew L. Bias  
ANDREW L. BIAS, Chairman Pro Tem

Susan Crockett-Spoon  
SUSAN CROCKETT-SPOON  
County Clerk

Paul W. Hancock  
PAUL W. HANCOCK, Commissioner

APPROVED AS TO FORM ONLY:

Thomas G. Winters  
THOMAS G. WINTERS, Commissioner

[Signature]  
County Counselor/Assistant

Mark F. Schroeder  
MARK F. SCHROEDER, Commissioner