

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING

SCZ-0647 - REQUEST FOR ZONE CHANGE FROM "R-1" SUBURBAN  
RESIDENTIAL DISTRICT TO THE "C" COMMERCIAL DISTRICT (AS AMENDED),  
LOCATED AT THE SOUTHEAST CORNER OF MACARTHUR ROAD AND ENGLEWOOD.

The MAPC recommends that the zone change request be approved.  
Winkler moved, Miner seconded and it carried unanimously. Goebel  
and McKay 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 Metropolitan Area Planning Commission stating reasons.

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

DATA AND MINUTES

MAPC Hearing Date: 5/20/93 Approved BCoC Hearing Date: 6/16/93

COMMISSION DISTRICT #5

ADJACENT ZONING AND LAND USE:

NORTH	"E"	Sutherland Lumber Company
SOUTH	"AA"	Single-family residences
EAST	"E"	Railroad tracks; Boeing
WEST	"R-1"	Single-family residence

Applicant: Machinists Union #834, 3917 E. MacArthur, 67210

Protestors: None.

Published in The Daily Reporter on APRIL 25, 1995, 1993

RESOLUTION NO. 118-1993

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-0647

Zone change request from "R-1" Suburban Residential District to the "C" Commercial District

TRACT 1: All that portion of Government Lot 1, of Sec. 14, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, lying west of the A.T. & S.F. Railroad right-of-way as described in Deed Book S, Page 392 and Depot Ground as described in Deed Book 36, Page 511, and east of a line described as follows: Beginning at a point on the North line of Government Lot 1, in said Sec. 14, which is 375 feet west of the westerly right-of-way of the A.T. & S.F. Railroad, said point being 757.7 feet west of the N.E. Corner of said Government Lot 1, in Sec. 14; thence south, parallel with the East line of said Government lot 1, in Sec. 14, to the south line of said Government Lot 1, in Sec. 14, except therefrom that portion taken for road in Book Misc. 150, Page 519, and except that portion taken for road in Book Misc. 307, Page 577, and except that portion taken for road on Film 341.1 Page 489, and except that portion taken for road on Film 369, Page 1068, and except that portion ;taken for road described as a tract of land in Government Lot 1 of Sec. 14, Twp. 28-S, R-1-E of the 6th P.M., described as follows: Beginning of the intersection of the existing southerly right-of-way line of MacArthur Road and the westerly right-of-way line of the Atchison, Topeka and Santa Fe Railway, said point being 374.8 feet west and

66.0 feet south of the N.E. Corner of said lot; thence on an assumed bearing of S 11o21'E, 60.0 feet along said railroad right-of-way line; thence S 89o09'W, 158.6 feet; thence N 74o37'W, 175.5 feet to the existing easterly right-of-way line of Englewood Road; thence N 17o27'E, 24.9 feet along said easterly right-of-way line to the southerly right-of-way of MacArthur Road; thence on a curve of 1,004.93 feet radius to the left, along said right-of-way, an arc distance of 178.5 feet with a chord which bears S 86o09'E, 178.3 feet; thence N 88o46'E, along said right-of-way to the place of beginning.

TRACT II:

A portion of the property originally conveyed by Deed recorded of Deed Book 36, Page 511, described as being part of Government Lot 1, in the NW1/4 of Sec. 14, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas, commencing at the intersection of the north line of said Government Lot 1, and the center-line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence west, along the north line of said Government Lot 1, 50.78 feet to the intersection of the westerly line of said railroad right-of-way, being 50 feet westerly of said centerline as measured perpendicular for a place of beginning; thence continuing west, along the north line of said Government Lot 1, 99.22 feet; thence southeasterly, parallel with the center-line of said railroad right-of-way, 273 feet; thence east, parallel with the north line of said Government Lot 1, 99.22 feet to the westerly line of said railroad right-of-way; thence northwesterly, along the westerly line of said railroad right-of-way, 273 feet to the place of beginning. Generally located at the southeast corner of MacArthur Road and Englewood.

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:

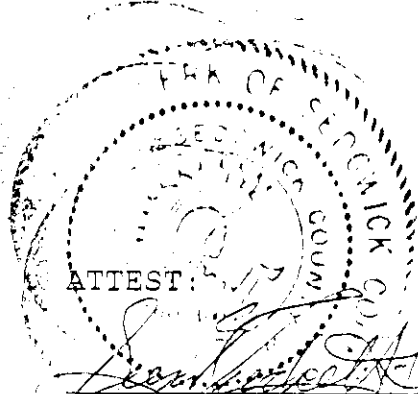
BETSY GWIN  
PAUL W. HANCOCK  
BILLY Q. McCRAY  
MARK F. SCHROEDER

*Betsy Gwin*  
*Paul W. Hancock*  
*Billy Q. McCray*  
*Mark F. Schroeder*

THOMAS G. WINTERS

DATED this 16th day of June, 1993.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS



ATTEST:

Susan Crockett-Spoon  
SUSAN CROCKETT-SPOON  
County Clerk

APPROVED AS TO FORM ONLY:

[Signature]  
County Counselor/Assistant

[Signature]  
MARK F. SCHROEDER, Chairman

Absent  
BILLY Q. McCRAY, Chairman Pro Tem

[Signature]  
BETSY GWIN, Commissioner

[Signature]  
PAUL W. HANCOCK, Commissioner

[Signature]  
THOMAS G. WINTERS, Commissioner