

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ- 0707 -Zone change from 'R' Rural Residential to 'LC' Light Commercial on property generally located 1/8 mile east of 167th Street West on the south side of 53rd Street North.

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: March 27, 1996

COMMISSION DISTRICT #3

Colwich PC Recommendation: Approve, subject to platting within 1 year (9-0).

MAPC Recommendation: Approve, subject to platting within 1 year(13-0).

Staff Recommendation: Approve, subject to platting within 1 year.

Background/Discussion: The applicant requests a zone change from the 'R' Rural Residential District to the 'LC' Light Commercial District for an unplatted tract located 1/8 mile east of 167th Street West on the south side of 53rd Street North (Highway K-296). Kraus AG, Inc. proposes to develop a grocery store on this site. The application for rezoning is a 5.36 acre site, with approximately 250 feet of frontage along 53rd Street and extending south approximately 930 feet.

The subject property is located in the Colwich Zoning Area of Influence, and is adjacent to the Colwich city limits on the north and approximately 1/8 mile east of the city limits along 167th Street. Since the property is located outside the corporate limits of Colwich, the site is subject to County Zoning Regulations and the Metropolitan Area Planning Commission Subdivision Regulations.

The applicant indicates that a 10,000 square foot grocery store is planned and it will be located on the western portion of the site. If future expansion of the store is feasible, the store would be extended further to the east. The proposed store would be a new location for an existing store located on Wichita Street in the Colwich Central Business District. The facility is planned to be a full-line grocery store, including dry goods, meat, deli, bakery, etc.

The application area is bordered by agricultural uses to the east and south, and single family homes to the west. On the north side of 53rd Street North is a night club and two vacant lots located in the Colwich city limits and zoned for commercial development, as

well as a single family home located outside the city limits.

The MAPC and the Colwich Planning Commission both voted unanimously to recommend approval.

- Recommended 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 and authorize the chairman to sign; 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 hearing).

Applicants: Kraus AG Inc c/o Kenny Kraus 222 Main Andale KS 67001
Stolz & Sons 7231 N 167St N Colwich KS 67030
Certified Engineer Design c/o Harland Foraker 235 N Ohio Wichita KS 67214

Protestors: None

RESOLUTION NO. 62-1996

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-0707

Zone change request from 'R' Rural Residential to 'LC' Light Commercial on property Described as:

A tract of land in the Northwest Quarter of Section 22, Township 26 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: **BEGINNING** at a point on the North line and 330 feet East of the Northwest corner of said Northwest Quarter; thence Southerly, parallel with the West line of said Northwest Quarter, 792 feet; thence Westerly, parallel with the North line of said Northwest Quarter, 4 feet; thence Southerly, parallel with said West line, 140 feet; thence Easterly, parallel with said North line, 254 feet; thence Northerly, parallel with said West line, 932 feet to a point on the North line of said Northwest Quarter; thence Westerly, on said North line, 250 feet to the **POINT OF BEGINNING**. Said tract containing 5.36 acres, more or less, generally located 1/8 mile east of 167th Street West on the south side of 53rd Street North (Highway K-296).

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.

FILE COPY

Commissioners present and voting were:

BETSY GWIN
PAUL W. HANCOCK
THOMAS G. WINTERS
MELODY C. MILLER
MARK F. SCHROEDER

Aye
Aye
Aye
Aye
Aye

DATED this 27th day of March, 1996.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman

ATTEST:

Susan E. Crockett-Spoon
SUSAN E. CROCKETT-SPOON
County Clerk

APPROVED AS TO FORM ONLY:

David L. Brown
Assistant County Counselor