

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0722 - Chris and Linda Betzen (property owners); Terry Smythe (agent) requests a zone change from "RR" Rural Residential to "LC" Limited Commercial located at the southeast corner of 21st Street North and 167th Street West.

PRESENTED BY: Marvin S. Krout, Director of Planning *MKS DM*

PROPOSED AGENDA DATE: January 8, 1997

COMMISSION DISTRICT #3

MAPC Recommendation: Approve (10-2), subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year.

Staff Recommendation: Deny

Background/Discussion: The applicant requests a zone change from "RR" Rural Residential to "LC" Limited Commercial for a 5.1 acre (net) unplatted tract located at the southeast corner of 21st Street North and 167th Street West. The applicant is requesting this rezoning "to provide a logical location for existing commercial demand for residents in the general area as well as motorists who utilize the much-travelled 21st Street corridor. In addition, the rezoning would provide a logical location for future commercial development at the intersection of existing and future major transportation corridors."

The surrounding land is zoned "RR" and is currently used for agricultural purposes. There are two houses located within approximately 1/4 mile of the application area to the west and north, and two houses located within approximately 1/2 mile to the south and east of the application area. The applicant submitted a site plan for the proposed development showing a gross area measuring 661.56 feet by 455 feet (6.91 acres). Subtracting out street right-of-way, the acreage is reduced to 5.1 acres.

This case was first heard by the MAPC on October 17, 1996. At that time the applicant agreed to defer the case for one month in order to create a set of development restrictions for the property. At the applicant's request, the case was deferred for a second time during the November 14, 1996 MAPC meeting.

During the December 5, 1996 MAPC meeting the agent for the applicant proposed several Protective Overlay restrictions to address the type of commercial uses allowed at this location, architectural character of the development, lighting, and signage. The overlay also addressed how the site will be served with water and sewer. After a lengthy discussion of the appropriateness of commercial zoning at this location, the MAPC voted (10-2) to approve the request, subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until all conditions have been complied with; 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: Terry Smythe, Baughman Co. 315 Ellis, Wichita, KS 67211
Max Ramsay, 1311 Shefford Circle, Wichita, KS 67212

Protestors: None

RESOLUTION NO. 2-1997

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 57-1997.

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 V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the land legally described hereby is changed as follows:

Case No. SCZ-0722

Zone change request from "RR" Rural Residential to "LC" Limited Commercial and to "P-O" Protective Overlay District #5 on property described as:

Lot 1, Block 1, Burbank Addition, Sedgwick County, Kansas.

Generally located at the southeast corner of 21st Street North and 167th Street West.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The applicant shall submit guarantees for appropriate road improvements along the 21st Street North and 167th Street West frontages.
2. The following uses shall be excluded from the list of permitted uses:

Correctional placement residence, front-ended; correction placement residence, back-ended; group home, limited; group home, general; group home, commercial; halfway house, limited; halfway house, general; halfway house, commercial; car wash; night club; pawnshop; tavern; adult entertainment; manufacturing, limited; mining or quarrying; rock crushing; solid waste incinerator; airport/airstrip; animal care, general; helistop; hotel/motel; kennel; boarding/breeding/training; kennel; hobby; and recreation vehicle compound.

3. Signage - Signs shall be permitted in accordance with the provisions of Section 28.04.139 of the code of the City of Wichita except that no portable signs or off-site signs shall be permitted.
4. Lighting - Light poles shall be of the same design and color and shall have cut-off fixtures to deflect light downward. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings as determined by the Director of Planning is not permitted.
5. Architecture - All buildings will share similar architectural features, materials, and colors. Screening of all dumpsters and utilities will be constructed of materials that compliment the building architecture. Landscaping can be used to screen dumpsters and utilities.
6. Zoning Code - The administrative adjustment provisions of the Wichita-Sedgwick County Unified Zoning Code, Section V-3.14 shall apply to this protective overlay.
7. Sewer and Water Service - Water service to this site will be provided by either the rural water district or private wells both of which are acceptable within Sedgwick County. Sewer service will be provided by a lagoon system currently allowed by the Sedgwick County Health Department and or Kansas Department of Health and Environment.

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	<u>Yes</u>
PAUL W. HANCOCK	<u>Yes</u>
THOMAS G. WINTERS	<u>Yes</u>
MELODY C. MILLER	<u>Yes</u>
MARK F. SCHROEDER	<u>Yes</u>

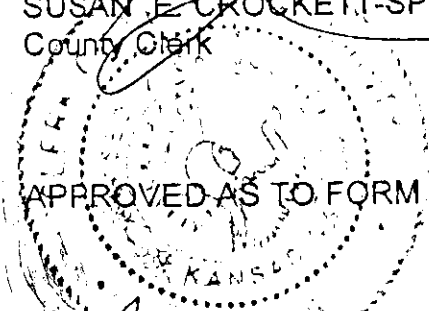
DATED this 8th day of January, 1996.

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:

Edward M. Nelson
Assistant County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0720 - Zone Change from 'SF-20" Single Family to "LI" Limited Industrial, located 1/4 mile south of MacArthur Road and west of 119th Street West (4201 South 119th)

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: October 9, 1996

COMMISSION DISTRICT #3

FILE COPY

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

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

Background/Discussion: The applicant requests a zone change from "SF-20" Single-Family to "LI" Limited Industrial on a 5.2 acre unplatted tract located 1/4 mile south of MacArthur Road on the west side of 119th Street West. The applicant makes this request in order to expand his business, Precision Profiling. Precision Profiling is a machine shop which machines parts for local aircraft manufacturers. Currently, they have 63,875 square feet of building space on Lot 5 of Schulte Industrial Park Addition (recorded in 1989), located south of the application area. Machine shops are included in the "manufacturing, general" definition of the code and are permitted uses in the "LI" district. Residences are located approximately 1/4 mile north, just north of MacArthur. Other industrial and commercial uses are located south of Precision Profiling's existing building along K-42 Highway.

During the Planning Commission's discussion of this matter, the agent for the applicant stated that the applicant, Precision Profiling, is requesting the zone change in order to expand their current facilities in the near future. No one spoke in opposition. After discussion, the MAPC voted (9-0) to approve the request as recommended by staff.

- 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 the 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:

Dennis Dugan 6131 S West Street Wichita KS 67215

Daniel Dugan Rt 1 Viola KS 67149

Curtis Kempton 4201 S 119th Wichita KS 67227

Gene Francis 12140 W K-42 Highway Wichita KS 67227

Protestors:

None

RESOLUTION NO. R # 230-1996

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 46-1996.

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

FILE COPY

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 V-C of the Wichita Sedgwick County unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. SCZ-0720

Zone change request from 'SF-20' Single Family Dwelling District to 'LI' Limited Industrial District on property described as:

Beginning at the SE corner of the NE 1/4 of the NE 1/4; of Section 13, T28S, R2W of the 6th P.M., Sedgwick County, Kansas; thence N88°34'44"W along the south line of said NE 1/4 of said NE 1/4, 810.0 feet; thence N0°00'E parallel with the east line of said NE 1/4, 288.0 feet; thence S88°34'44"E parallel with the south line of said NE 1/4 of said NE 1/4, 810.0 feet to the east line of said NE 1/4; thence S0°00'W, 288.0 feet to the point of beginning, EXCEPT the east 30 feet, thereof, for road.

Generally located 1/4 mile south of MacArthur Road and west of 119th Street west.

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	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>

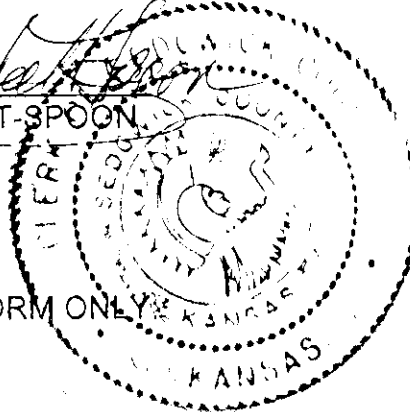
DATED this 9th day of October, 1996.

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

Diana Brown
Assistant County Counselor