

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: SCZ-0799 - request for zone change from "RR" Rural Residential to "LC" Limited Commercial; and

CU-559 – request for Conditional Use to allow vehicle sales, outdoor, located on the south side of 29th Street North, approximately 1/3 mile west of 183rd Street West.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: February 9, 2000

COMMISSION DISTRICT #3

MAPC Recommendation: Approve, subject to conditions (8-1).

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

Background/Discussion The applicant is requesting that a 1.1 acre tract of property zoned "RR" Rural Residential be rezoned "LC" Limited Commercial and that a "Conditional Use" for vehicle sales, outdoor, be approved for the site. The application area is located in the community of St. Mark, along the south side of 29th Street North between 183rd Street West and 199th Street West.

The property is unique in that it is occupied by an old commercial structure that has been used as a public garage to serve the St. Mark community since the 1930s. The western portion of the structure is a residence. The lot has been used for vehicle sales during the past few years, although it was not zoned to allow this use.

The surrounding property is zoned "RR" Rural Residential. It is developed as a small rural community, with houses clustered along 29th Street North and to the south. A public elementary school is across a driveway to the east from the application area and St. Mark Church is located to the west.

One of the unique characteristics of the community is the relatively narrow right-of-way of 30 feet from centerline rather than the standard 50 feet from centerline for rural arterial roads. Setbacks are small, with the buildings being located close to the pavement. However, there have been two cases in proximity to the application area where a 50-foot right-of-way from centerline was followed. The first was a requested

variance for a reduction in setback to 45 feet (County Board of Zoning Appeals 11-90). The request was granted for a reduction to 50 feet instead of 45 feet in order to allow for future expansion of the road. The second case was the dedication of 50 feet of half-width right-of-way along 29th Street North by Clasen Addition. Because the prevailing setbacks along 29th in St. Mark's are narrow, it is unlikely that 29th will be widened until a significant amount of urban expansion occurs in the vicinity. Therefore, staff had requested that the applicant make a contingent dedication of 20 feet in the event the widening is undertaken in the future.

The existing building is large in comparison to typical small car lots. Generally the amount of parking required for customers and employees would be a smaller ratio than that based on a 2,800 square-foot building. A reduction of parking requirements by 25 percent could be requested by administrative adjustment and would reduce the number of customer/employee spaces from eight to six. Any further reduction would require County BZA approval. The applicant has indicated that the number of customer spaces needed would not be anticipated to exceed two or three at a time. The normal range of cars on the lot would be between two to eleven cars for sale, and they would be parked along the northeast corner of the site. Since the site plan provides for display of up to 20 cars, plus seven customer spaces, the applicant has not felt the need to request a reduction in required parking.

However, the location of the customer parking spaces is viewed as an issue on the current site plan. The parking spaces are located directly off 29th Street North. As long as the right-of-way remains at 30 feet in half-width, there is room for the cars to back around before reentering 29th. If the additional 20 feet for right-of-way were needed, there would not be sufficient area for turning around and the customer parking would need to be located, most likely along the eastern side of the building.

At the MAPC meeting held January 13, 2000, the MAPC, the applicant was in agreement with staff recommendations except for platting within one year, contingent dedication of 20 feet of additional right-of-way, and the requirement that all display space be paved with concrete, asphalt or asphaltic concrete. The motion approved by MAPC reflected the request by the applicant and deleted these staff recommendations.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change; adopt the resolution and authorize the Chairman to sign.
2. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the "Conditional Use"; adopt the resolution; and authorize the Chairman to sign.

3. 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:

Eugene A. Stockemer 2811 N 167th Street West Wichita KS 67030

Willis J. & Regina R. Carlin 1909 W 29th North Colwich KS 67030

Gerelyn A Carlin 401 S First Osborne KS 67473

Protestors:

None

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RESOLUTION NO. 17-00

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. 178-1997.

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 lands legally described hereby are changed as follows:

Case No. SCZ-0799

Zone change request from "RR" Rural Residential to "LC" Limited Commercial, described as:

Beginning 407' East of the Northwest Corner of the NE/4, Thence South 205' Thence East 200', Thence North 205', Thence West to Beginning, Except the East 20', Section 5, Township 27 South, Range 2 West, Sedgwick County, Kansas. Generally located on the south side of 29th Street North approximately 1/3 mile west of 183rd 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
BILL HANCOCK

aye
aye

FILE COPY

THOMAS G. WINTERS
CAROLYN McGINN
BEN SCIORTINO

aye
aye
aye

DATED this 9th day of February, 2000.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman

ATTEST.

James Alford
JAMES ALFORD
County Clerk



APPROVED AS TO FORM ONLY:

Richard Euson
RICH EUSON
County Counselor