

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0726 - Request for a zone change from "RR" Rural Residential to "GC" General Commercial on property located approximately 1200 feet north of 103rd Street South, west of Rock Road (10201 S. Rock Road).

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: February 26, 1997

COMMISSION DISTRICT #2

MAPC Recommendation: Deny (failed to support a motion to approve, 6-7)

Mulvane PC Recommendation: Approve (6-2), subject to the additional provisions of a Protective Overlay (P-O) district.

Staff Recommendation: Deny.

Background/Discussion: The applicant requests a zone change from "RR" Rural Residential to "GC" General Commercial for a 3.7-acre platted tract of land located approximately 1200 feet north of 103rd Street South, west of Rock Road (10201 S. Rock Road). The applicant has indicated that the proposed use of the site will be for residential self-storage.

The subject property is located between Derby and Mulvane and within Mulvane's planning jurisdiction. The southeast 0.9 acres of the overall 5-acre site is zoned "LC" and is the location of the Mulvane Animal Clinic. The surrounding property is all zoned "RR" and used for agriculture or is undeveloped.

The applicant did not submit a development plan with the zoning application outlining the placement of buildings, access, or landscaping.

Contrary to staff's understanding, it was learned during the Mulvane Planning Commission meeting that this application is located in the future commercial growth pattern of Mulvane. The applicant also agreed to a Protective Overlay, established during the meeting, that restricts the commercial use of this property to residential self-storage, with a provision that

the applicant have a drainage plan approved by the County Engineer. After hearing from nearby property owners concerned about the impact this development would have on the area, the Mulvane Planning Commission recommended approval (6-2) of the request.

On December 5, 1996, after discussing the Mulvane Planning Commission's vote, the MAPC voted (10-1) to approve the request, subject to the additional provisions of a Protective Overlay (P-O) district restricting the use of the property to self-storage warehouse, with no outside storage, and requiring the applicant to submit a drainage plan to the County Engineer for approval. During that meeting, the Planning Commission discussed the future growth pattern for Mulvane with regard to this request. Several adjacent property owners file protest petitions and provided the Planning Commission with letters stating their objection to the change in zoning.

On January 8, 1997, the Board of County Commissioners failed to support a motion to approve the request (3-2) and unanimously approved a motion to return the case to the MAPC, with the instruction to have staff meet with the applicant to develop additional P-O restrictions which would make this request more "aesthetically and environmentally acceptable to the neighbors."

The MAPC again heard the case on January 30, 1997 and addressed the additional provisions of the protective overlay. Several of the property owners protesting the request were present to explain their opposition. One of the major concerns was the aesthetic impact of storage units along Rock Road and their effect on future residential development north of 103rd Street. The applicant stated his intent on developing the property in a manner that would not hurt residential development.

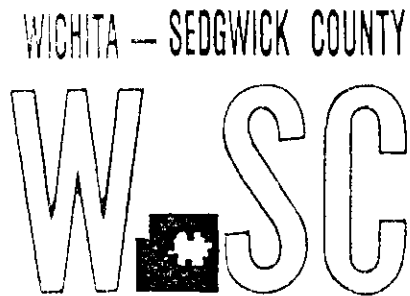
After the discussion, the MAPC failed to support a motion to approve the request (6-7), which is recorded as a denial.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and deny the request; or
 2. Override the recommendation of the Metropolitan Area Planning Commission and approve the zone change subject to the additional provisions of a Protective Overlay (P-O) district; adopt the resolution and authorize the chairman to sign

(Due to the number of protest petitions, an approval requires a 3/4 majority vote of the membership of the governing body).

Applicants: Joe & Kathryn Gosch, 37 Circle Drive, Mulvane, KS 67110
Joe Wesley Wenzel, 37 Circle Drive, Mulvane, KS 67110

Protestors: Terry Tedman, 11208 S. Hillside, Mulvane, KS 67110
Donald & Glenda Wernert, 16 Frontier Lane, Rose Hill, KS 6767133
William & Margie Harvey, 9603 S. 79th Street South, Derby, KS 67037
Linda Hofford, 817 Tristan, Mulvane, KS 67110
Michael McCutcheon, 7710 E. 103rd Street S., Mulvane, KS 67110
Sheri Standerfer, 7117 E. 103rd Street South, Mulvane, KS 67110
Russell & Janet Powell, 7605 E. 103rd Street South, Mulvane, KS 67110
Scott & Nancy Landes, 8330 E. 103rd Street South, Mulvane, KS 67110
Ellen Hofford, 7701 E. 103rd Street South, Mulvane, KS 67110
Paul & Madeline Farber, 7604 E. 95th Street South, Derby, KS 67037



METROPOLITAN AREA PLANNING
DEPARTMENT

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February 27, 1997

Joe L. and Kathryn K. Gosch
37 Circle Drive
Mulvane, Ks 67110

RE: SCZ-0726 - Zone change from "RR" Rural Residential to "GC" General Commercial on property generally located approximately 1200p feet north of 103rd Street South, west of Rock Road (10201 S. Rock Road)

Dear: Mr. and Mrs. Gosch:

On February 26, 1997, the Board of County Commissioners considered the above-referenced request. The Commission failed to approve the request, therefore the action is equivalent to a DENIAL.

If you have any further questions concerning this matter, please contact the Planning Department office at 268-4421.

Sincerely,

Russ Ewy
Associate Planner

cc: Joe Wesley Wenzel, 37 Circle Drive, Mulvane, Ks 67110
Terry Tedman, 11208 S. Hillside, Mulvane, Ks 67110
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Paul and Madeline Farber, 7604 E. 95th St. S., Derby, Ks 67037
Kathy Sexton, Sedgwick County Code Enforcement

