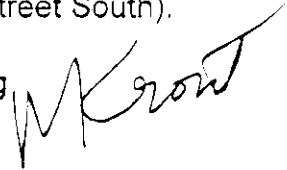


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ- 0708 - Zone Change from 'R' Rural Residential to 'E' Light Industrial District on 5 acres of property located 1/4 mile west of 375th Street west on the south side of 55th Street South (38200 W. 55th Street South).

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



**PROPOSED AGENDA DATE:** March 27, 1996

**COMMISSION DISTRICT #3**

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Cheney PC Recommendation: Approve, subject to platting within 1 year (10-0).

MAPC Recommendation: Approve, subject to platting within 1 year (12-1).

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

Background/Discussion: The applicant requests a zone change from "R" Rural Residential to "E" Light Industrial to allow for the expansion of Refrigeration Technologies Inc., an existing refrigeration repair facility. The business repairs and refurbishes commercial refrigeration fixtures (e.g. freezer cases in grocery stores). This facility is apparently a legal nonconforming use. The applicant indicates the original building was constructed in 1972. Cheney established zoning jurisdiction in a three mile ring, including this area, in November of 1973. The site is now within Cheney's Zoning Area of Influence. The Cheney Planning Commission is scheduled to hear this case on February 19, 1996.

The business has grown to include 6,340 square feet of metal clad wood frame plant and office facilities with approximately two acres of outside storage. The company employs 14 people with a yearly payroll in excess of \$300,000. They have sales of \$2,000,000, with work from an 8 state area. The applicant wants to immediately add 2,500 square feet of space to the plant, with a long term need of an additional 7,500 square feet by the year 2000. The remainder of the 5 acre request would be for additional expansion and outside storage. The applicant is wanting to secure appropriate zoning before investing in the further expansion of his business.

Nonconforming uses in residential districts may be expanded so long as the addition does not exceed 50 percent of the original use. The applicant obtained a building permit in 1994 for an earlier expansion under the 50 percent expansion rule. So when

he applied for a permit in 1996 for a proposed expansion of 2,500 square feet, he learned this expansion would exceed the allowed 50 percent increase in size, and needed to rezone. The applicant's long term expansion plans for an additional 7,500 square feet would also not be allowed without a zone change.

The applicant indicates that when he receives the refrigeration units, they have been drained of any refrigerants. Thus he does not have to deal with handling or disposing of those type materials. The applicant compares his activities to those in an auto body shop. He has a painting booth with facilities to catch the materials used in the operation, and the materials are hauled off by a professional waste management company for proper disposal.

Cheney's Planning Commission voted unanimously to support this application. The MAPC also voted to rezone the property, with one dissenting vote because a portion of the property is in the floodplain. There were no speakers in opposition at either of the hearings.

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).

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Applicants:     Ralph & Kathleen Reida 38201 W 55th South Cheney KS 67025

Protestors:     None

RESOLUTION NO. 64-1996

FILE COPY

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-0708**

Zone change request from 'R' Rural Residential to 'E' Light Industrial District, described as:

Commencing at the NW corner NE 1/4 Sec 29-28-4W, thence east 990 feet to point of beginning, thence south 1043 feet, thence west 208.6 feet, thence north 1043 feet, thence east to the point of beginning, generally located 1/4 mile west of 375 Street West on the south side of 55th Street South (38200 W. 55th St. South).

**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  
THOMAS G. WINTERS  
MELODY C. MILLER  
MARK F. SCHROEDER

[Signature]  
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DATED this 27<sup>th</sup> day of March, 1996.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

Thomas G. Winters  
THOMAS G. WINTERS, Chairman

ATTEST:

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

APPROVED AS TO FORM ONLY:

Richard E. Brown  
Assistant County Counselor