

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ-0688 - Zone change request from the 'R' Rural Residential to the 'E' Light Industrial, located at the Northwest corner of 119th Street West and 53rd Street North (Highway K-296).

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

**PROPOSED AGENDA DATE:** May 10, 1995

**COMMISSION DISTRICT # (3)**

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MAPC Recommendation: Approve, subject to platting within one year (10-1).

Maize Recommendation: Approve, subject to platting and the "strong" recommendation that the applicant be required to connect to the Maize municipal sewer line as part of the platting process.

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

Background/Discussion: On April 13, 1995, the MAPC considered a request for a zone change from the 'R' Rural Residential District to the 'E' Light Industrial District for a 5 acre unplatted site located at the northwest corner of 119th Street West and 53rd Street North (Highway K-296). A portion of the site is occupied by Clutter Septic Tanks, which manufactures septic tanks. The business was in operation prior to countywide zoning in 1984, and is classified as a nonconforming use. The applicant proposes additional industrial uses for the site, likely to include business(es) specializing in concrete products.

The surrounding area is characterized by a mixture of agricultural, suburban residential, and industrial uses. The subject property is bordered in all directions by agricultural uses, with the Coleman plant and Dolese concrete plant located further north along 119th Street West. Suburban residential homes are developing in an area approximately ¼ mile to the southeast.

The subject property is located within the Equus Beds Groundwater Management District No.2. According to the Hydrogeologic Map of Sedgwick County, Kansas, the site is located in an area with shallow ground water less than 10 feet below the surface. Also, according to the most recent information pertaining to wetlands from

the Sedgwick County Soil Conservation District and the Soil Survey of Sedgwick County, portions of this site include hydric soils (Tabler-Drummond complex soil) commonly associated with wetlands. Therefore, prior to any development on this site, the applicant will need to acquire all necessary permits from the Army Corps of Engineers for the protection and management of any wetland or riparian areas located within the application area.

On April 11, 1995, the Maize Planning Commission met to consider this request. The Maize Planning voted unanimously to recommend approval of the zone change, subject to platting within 1-year. The Maize Commissioners also forwarded a "strong" recommendation that the property be required to connect to the Maize municipal sewer line as part of the platting process.

- Recommended Action:
1. Approve the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting; adopt a resolution establishing the zone change 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(s) 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: Duane C. Clutter, 5411 North 119 W, Maize, KS 67101

Protestors: None.

R# 123-1995

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RESOLUTION NO. \_\_\_\_\_

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 - 0688**

Zone change request from the 'R' Rural Residential District  
to the 'E' Light Industrial District

Beginning 313.05 feet North of the Southeast corner of the Southeast Quarter of Section 13, Township 26 south, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence North 104.35 feet; thence West 521.75 feet; thence South 417.4 feet; thence East 208.7 feet; thence North 313.05 feet; thence East 313.05 feet to beginning.

AND

The South 208.7 feet of the East 208.7 feet of the Southeast Quarter of Section 13, Township 26 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.

AND

Beginning 208.7 feet West of the Southeast corner of the Southeast Quarter of Section 13, Township 26 South, Range 2

West of the 6th P.M., Sedgwick County, Kansas; thence West 104.35 feet; thence North 313.05 feet; thence East 313.05 feet; thence South 104.35 feet; thence West 208.7 feet; thence South 208.7 feet to beginning.

Generally located at the Northwest corner of 119th Street West and 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.

Commissioners present and voting were:

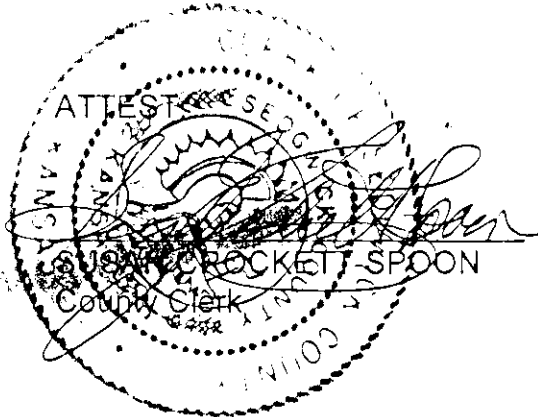
PAUL W. HANCOCK  
THOMAS G. WINTERS  
MELODY C. MILLER  
MARK F. SCHROEDER  
BETSY GWIN

Aye  
Aye  
Aye  
Absent  
Aye

DATED this 10<sup>th</sup> day of May, 1995.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

Absent  
MARK F. SCHROEDER, Chairman



APPROVED AS TO FORM ONLY:

*David Blum*  
County Counselor/Assistant

*Thomas G. Winters*

THOMAS G. WINTERS, Chairman Pro Tem

*Betsy Gwin*  
BETSY GWIN, Commissioner

*Paul W. Hancock*  
PAUL W. HANCOCK, Commissioner

*Melody C. Miller*  
MELODY C. MILLER, Commissioner