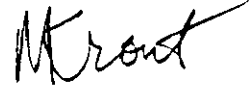


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0731- Zone Change from "SF-20" Single-Family Residential to "SF-6" Single-Family Residential and "SF-10" Single-Family Residential on property generally located north and west of U.S. Highway 54 and 159th Street East.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: February 12, 1997

COMMISSION DISTRICT #1

MAPC Recommendation: Approve, subject to platting within 1 year (10-2).

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

Background/Discussion: The applicant requests a zone change from "SF-20" Single-Family Residential to "SF-10" Single-Family Residential and "SF-6" Single-Family Residential on an approximately 110 acre unplatted tract located north of U.S. Highway 54 and west of 159th Street East. The application is for 36.59 acres to be zoned "SF-6" and 73.36 acres to be zoned "SF-10" to allow the development of the Belle Terre South residential subdivision.

The request is in conjunction of a request for approval of the Belle Terre South Commercial CUP (DP-226) located south of the subject property at the northwest corner of U.S. Highway 54 and 159th Street East. The proposed CUP includes 3 parcels and 2 floodway reserves totaling 43.3 net acres.

The application area is currently undeveloped and used for agricultural purposes. The surrounding area to the north, west, and south is predominately zoned "SF-20" with agricultural uses to the west and south. North of the application area is the Belle Terre residential subdivision on property zoned "SF-6" and "SF-20". Across 159th Street to the east is land located in Butler County and restricted by the Green Valley Planned Unit Development, that is comprised of a mix of single- and multi-family residential and neighborhood business uses.

During the Planning Commission's discussion of this matter, questions concerning the location of the proposed residential subdivision within the Four-Mile Creek's and Brookhaven Creek's floodplain were asked by several Commissioners. After discussion, the MAPC voted (10-2) 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:

Downing Development Co 3539 N Webb Rd Ste 600 Wichita KS 67202
Rob Hartman PEC 303 S Topeka Wichita KS 67202

Protestors:

None

RESOLUTION NO. #38-1997

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. 46-1996.

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-0731

Zone change request from "SF-20" Single Family Dwelling District to "SF-6" Single Family Residential District and "SF-10" Single Family Residential District on property described as:

Belle Terre South "SF-20" to "SF-6" zoning.

A tract of land in the SE 1/4 of Section 24, Township 27 South, Range 2 east of the 6th P.M. described as follows: Commencing at the SE corner of the SE 1/4 of said Section 24; thence bearing N0°49'47" E along the east line of said Section 24 a distance of 75.13 feet; thence bearing S88°58'28" W a distance of 50.00 feet to a point in the north right-of-way line of US 54 Highway (Kellogg); thence bearing N0°49'47"W 50.00 feet west of and parallel to the east line of said Section 24 a distance of 727.04 feet to the point of beginning; thence bearing S89°10'13"W a distance of 134.41 feet to the PC of a curve to the right having a radius of 350.00 feet; thence along said curve through a central angle of 25°00'00" an arc distance of 152.72 feet; thence bearing N65°49'47"W a distance of 171.56 feet to the PC of a curve to the left having a radius of 340.00 feet; thence along said curve through a central angle of 65°00'00" an arc distance of 385.72 feet; thence bearing S49°10'13" W a distance of 152.39 feet to the PC of a curve to the right having a radius of 225.00 feet; thence along said curve through a central angle of 80°53'00" an arc distance of 317.63 feet; thence bearing N49°56'47"W a distance of 56.32 feet; thence bearing N40°03'13"E a distance of 58.00 feet; thence bearing N49°56'47"W a distance of 295.64 feet to the PC of a curve to the right having a radius of 197.00 feet; thence along said curve through a central angle of 49°22'00" an arc distance of 169.74 feet; thence bearing N0°34'47"W a

distance of 330.61 feet to the PC of a curve to the left having a radius of 283.00 feet; thence along said curve through a central angle of 19°39'05" an arc distance of 97.06 feet; thence bearing N89°01'29" E a distance of 1149.49 feet; thence bearing N0°49'47"W a distance of 400.00 feet thence bearing N19°31'21" W a distance of 670.84 feet to a point in the north line of the SE 1/4 of said Section 24; thence along said north line bearing N89°01'29"E a distance of 585.00 feet; thence bearing S0°49'47" E parallel to and 50.00 feet west of the east line of said Section 24 a distance of 1851.62 feet to the point of beginning. Containing 36.59 acres more or less. And,

Belle Terre South SF-20 to SF-10 zoning

A tract of land in the SE 1/4 of Section 24, Township 27 South, Range 2 east of the 6th P.M. described as follows: Commencing at the N.E. Corner of the SE 1/4 of said Section 24; thence bearing S89°01'29"W along the north line of said S.E. 1/4 a distance of 635.00 to the point of beginning; thence bearing S19°31'21" E a distance of 670.84 feet; thence bearing S0°49'47"E a distance of 400.00 feet; thence bearing S89°01'29"W a distance of 1149.49 feet to a point on a curve to the right having a radius of 283.00 feet and a chord of 96.59 feet bearing S10°24'20"E; thence along said curve through a central angle of 19°39'05" an arc distance of 97.06 feet; thence bearing S0°34'47"E a distance of 330.61 feet to the PC of a curve to the left having a radius of 197.00 feet; thence along said curve through a central angle of 49°22'00" an arc distance of 169.74 feet; thence bearing S49°56'74"E a distance of 295.64 feet; thence bearing S40°03'13"W a distance of 323.41 feet; thence bearing N47°24'00"W a distance of 354.00 feet; thence bearing N76°51'00"W a distance of 177.00 feet; thence bearing S56°14'00"W a distance of 36.00 feet; thence bearing S34°42'00"W a distance of 250.00 feet; thence bearing S65°05'00" W a distance of 58.00 feet; thence bearing N77°36'00"W a distance of 70.00 feet; thence bearing S76°05'00"W a distance of 50.00 feet; thence bearing S39°21'00"W a distance of 50.00 feet; thence bearing S83°53'00"W a distance of 88.00 feet; thence bearing N25°20'00"W a distance of 63.00 feet; thence bearing N47°30'00"W a distance of 145.00 feet; thence bearing N05°15'00"W a distance of 80.00 feet; thence bearing N51°55'00"E a distance of 87.00 feet; thence bearing N05°52'00"W a distance of 110.00 feet; thence bearing N23°45'00"W a distance of 166.00 feet; thence bearing S86°21'00"W a distance of 72.00 feet; thence bearing S37°18'00" a distance of 88.21 feet to a point in the west line of said SE 1/4; thence bearing N0°50'39"W along said west line a distance of 1570.34 feet; to the NW corner of said SE 1/4 thence along the north of said SE 1/4 bearing N89°01'29"E a distance of 2003.59 feet to the point of beginning. Containing 73.36 acres more or less, generally located north and west of US Highway 54 and 159th Street East.

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 II' 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>Absent</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>

DATED this 12th day of February, 1997.

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:

Lucian K. Krum
Assistant County Counselor