

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0760 - Zone Change from "SF-20" Single-Family Residential to "GC" General Commercial on property located one-half mile south of 55th Street South, west of Hydraulic (5803 S. Hydraulic).

PRESENTED BY:

Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: February 25, 1998

COMMISSION DISTRICT #2

MAPC Recommendation: Approve, subject to platting within 1 year, and the additional provisions of a (P-O) Protective Overlay (9-2).

Staff Recommendation: Approve, subject to platting within 1 year, and the additional provisions of a (P-O) Protective Overlay.

Background/Discussion: Mr. and Mrs. Becker intend to purchase three acres of vacant unplatted land (436 feet east/west by 300 feet north/south) located on the west side of Hydraulic, about one-half mile south of 55th Street South (5803 S. Hydraulic) currently zoned "SF-20", Single-Family. The applicant intends to have both a residence and a family operated trucking business on this site. To have the trucking business on the site, the applicant requests a zone change from "SF-20", Single-Family Residential to "GC", General Commercial for a one acre tract (291 feet east/west by 150 feet north/south) located in the northeast corner of the Becker's proposed ownership.

There are large lot residential uses located east and south of the application area. Agricultural uses are located north of the site, on property owned by the seller of the Becker's proposed property. The Becker's site plan indicates they will leave a 150 foot wide "SF-20" zoned buffer of his own property between the proposed "GC" site and the large lot residences located south of the applicant area. Hydraulic (a two lane paved arterial) separates the proposed "GC" zoning from the residences to the east.

The proposed shop would be located west of Hydraulic some 166 feet. A 145 foot buffer of SF-20 zoned land owned by the Beckers would be left to the west of the proposed "GC" zoning. There is "LI" Limited Industrial zoning located north of the drainage ditch, west of Hydraulic, approximately 700 feet north of the application area.

The site plan indicates access to the entire three acres is to be two drive approaches to Hydraulic. Staff is opposed to two points of access, and if the zoning is approved, would recommend the plat allow only one point of access. The closest City of Wichita sewer and water service is located north of the site, approximately 1,000 feet at 57th Street. City-County Health Department will have to review and approve the use of on-site sewer and water facilities if public facilities are not extended. If the "GC" request is approved, the applicant will need to screen the north side of the "GC" zoned property with a solid fence, evergreen vegetation or landscaped earth berm since the zoning code requires such screening along side or rear yards when adjacent to residential zoning.

The applicant is agreeable to the application of a "protective overlay" to address concerns regarding the wide range of uses allowed in "GC" zoning that would not be appropriate in this location.

After limited discussion during the January 29, 1998 MAPC meeting, the commission voted (9-2) to approve the request, subject to platting within 1 year, and the additional provisions of a (P-O) Protective Overlay which limit the use of the property and restricts signage. There have been no protest petitions filed for this case.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until all conditions have been complied with; 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:

Martin M. Meyer Trust 5439 S Hydraulic Wichita KS 67216

Ronald F. Becker 1713 Idlewild Drive Wichita KS 67216

Protestors:

None

RESOLUTION NO. 24-1998

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. 57-1997.

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- 0760

Zone change request from "SF-20" Single-Family Residential District to "GC" General Commercial District, and to "P-O" Protective Overlay District #34 described as:

A tract of land beginning 150 feet north of the southeast corner of the Northeast Quarter of Section 28, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas: Thence at right angles; west 291.5 feet; north 150 feet; east 291.5 feet; and south 150 feet to the point of beginning. Generally located one-half mile south of 55th Street South, west of Hydraulic (5803 S. Hydraulic).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The following uses are permitted: residential uses, subject to Health Department approval if public services are not available; and construction sales and service (the storage, parking, maintenance and associated office necessary for the hiring of trucking services from this location), except that no outdoor sales or display are permitted. Trucks are not to be stored outside.
2. No on-site or off-site commercial signs are permitted.
3. The transfer of the title on all or any portion of the land included in the area cover by the protective overlay does not constitute a termination of these provisions or any portion thereof, but said provisions shall run with the land and be binding upon the present land owners, their successors and assigns and their lessees unless amended.

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

Aye
Aye
Aye
Absent
Aye

DATED this 25th day of February, 1998.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



JAMES ALFORD
County Clerk

Mark F. Schroeder
Mark F. Schroeder, Chairman

APPROVED AS TO FORM ONLY:

Mike Delt
Assistant County Counselor