

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING
AND SPECIAL PERMIT

CASE NO. SCZ-0444

CONSIDERED BY MCPC: 11-13-79

CONSIDERED BY MAPC: 12-20-79

REQUEST FOR: "R" to "F" and Special Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To open a business of rebuilding Honda Cars."

GENERAL LOCATION: Southwest corner of Oliver and 11th Street South.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of
December 20, 1979)

APPLICANT: George & Winifred Heersche, Rt. #2, Box 143, Mulvane, KS

COUNSEL FOR APPLICANT: Don Matlack, attorney, 301 N. Market.

PROTESTORS (LIST COUNSEL) IF ANY: John Pike, attorney, P. O. Box 1179,
Wichita, KS

SURROUNDING ZONING: North, East, South and West, "R".

LAND USE: Existing, Accessory Building & Undeveloped; North and South,
Undeveloped; East, Farm Homes & Accessory Buildings; West, Single Family
Home.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the platting of the property to provide additional street right-of-way, access controls and building setbacks within one year from the date of approval of the zone change by the Board of County Commissioners, or the case be considered denied and closed; and that the resolution establishing the zone change not be published until the plat has been recorded with the Register of Deeds; and a recommendation of approval of the special permit request subject to the applicant providing a 6 to 8 foot high solid or semi-solid fence constructed of masonry, architectural tile, wood, louvered wood, or other similar material around the area where the inoperative vehicles would be stored, and the submission of a site plan indicating the vehicle storage area and required fencing. Bayouth moved, Gardner seconded and it carried with a vote of 5 in favor (Bayouth, Gardner, Goebel, Jones and Savina), and 1 opposed (Shook). Cole, Hennessy, Lofton and Martens were absent.

NOTE: The percentage of the protest petitions received on this application will be pointed out at the time the case is considered by the County Commission.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area Planning Commission; approve the zone change and special permit subject to the recommended conditions; adopt resolutions establishing the zone change and special permit, and instruct the Planning Department to withhold publication of the resolutions until the plat has been recorded with the Register of Deeds; or

2. Deny the application.

January 16, 1980

Syd Werbin, County Director
Building, Planning & Codes
1015 Stillwell
Wichita, Kansas 67213

Re: SCZ-0444 - Zone Change "R" to "F",
South side of 111th St. South, between
Oliver and Hillside.

Dear Syd:

This is to call to your attention that the above captioned case was denied by the Board of County Commissioners on this date. Inasmuch as Mr. Heersche has been in violation for over two years and this is the second case which has been denied by the County Commission, you should take whatever action is necessary to see that the violations cease, and that the use of the property conforms to the "R" Rural Residential District. This means that all the operations related to the storage of automobiles, maintenance, repair, and rebuilding cease, as none of these uses are permitted in the "R" District.

If you have any questions concerning this case, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

cc: Theodore H. Hill, County Counselor, 525 N. Main, 67203
Paul Nye, Chairman Mulvane Planning Commission
#3 Willowdel, Mulvane, Ks. 67110

John G. Pike, attorney, P.O. Box 1179, 67201