

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0747 - Zone Change from "SF-20" Single-Family Residential to "NO" Neighborhood Office on property generally located ¼ mile south of 29th Street North, west of Tyler Road (2759 N. Tyler).

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: August 27, 1997

COMMISSION DISTRICT #3

MAPC Recommendation: Approve, subject to platting within 1 year (8-0-1)

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

Background/Discussion: The applicant requests a zone change from "SF-20" Single-Family Residential to "NO" Neighborhood Office on approximately 1.5 unplatted acres, located ¼ mile south of 29th Street North and west of Tyler Road. The applicant has stated that the existing residence will be remodeled for use as a dental office, and that the development standards and limited uses of the "NO" district were appropriate for their needs. The applicant has stated that the site would provide a good zoning buffer to the new residential development to the south, northwest and west.

The property survey map that was submitted with the application shows the existing 2,759 square foot residence to be set back approximately 200 feet west of Tyler Road. The plan also shows the area designated for a driveway and parking. The applicant has also mentioned that another structure, located just to the north of the existing home, may also be suitable for another office use. Included with the staff report are two other drawings submitted with the application; a two dimensional and a three dimensional floor plan of the home.

The subject property is in a developing residential area, with the majority of the property zoned "SF-20" Single-Family Residential to the east. The application area was excluded from the Bradford North 2nd Addition, located south and west of the application area on property zoned "SF-6". The site is separated from the recently approved Bradford North 3rd Addition duplex development zoned "TF-3" Two-Family Residential to the north by another existing large-lot residence on property also zoned "SF-20". If the zoning is approved on the property in question, it is likely that the owner of the property to the north will seek a similar classification eventually.

The "NO" district was added to the Unified Zoning Code to "accommodate very low intensity office development and other complimentary land uses that are generally appropriate near residential neighborhoods." The "NO" district allows such uses as day care centers, churches, medical service, and offices which could serve the surrounding residential developments, while the "GO" district permits multi-family residential, assisted living, schools, and hotels/motels, as well as animal care, self-storage warehouse, and rock crushing as conditional uses, which are out of character with the surrounding developments. The "NO" district has the same sign restrictions as the "GO" district (32 square feet on a single tenant lot with no artificial illumination), but limits the size of an individual use to 8,000 square feet of gross floor area.

The applicants were present to address their request during the July 31, 1997 MAPC meeting, stating that the existing home on the tract will be renovated for use as a small dental office and that the request will provide a good use of this particular property. After limited discussion of the proposal, the MAPC voted (8-0-1) to approve the request subject to platting the property within one year, 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:

Norma Dale Niles Moore 9611 W 18th Wichita KS 67212
James & Sherry Payne 2759 N Tyler Wichita KS 67205
Gene Peterson 10300 W Central #200 Wichita KS 67212

Protestors:

None

RESOLUTION NO. 182-1997

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. 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-0747

Zone change request from "SF-20" Single-Family Residential District to "NO" Neighborhood Office District on property described as:

A tract in the Northeast Quarter of Section 5, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as beginning 1317 feet south of the northeast corner of said Northeast Quarter; thence west 317 feet; thence south 137.5 feet; thence east 317 feet; thence north to the point of beginning. Generally located 1/4 mile south of 29th Street North, west of Tyler Road (2759 N. Tyler).

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:

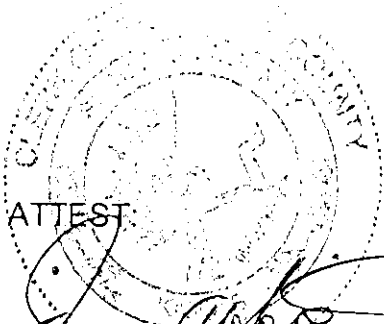
BETSY GWIN	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>

DATED this 27th day of August, 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:

M. P. By

Assistant County Counselor