

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ-0775 - Request for zone change from "SF-20" Single-Family District to "NR" Neighborhood Retail and "LC" Limited Commercial; and

DP-235 - request for the creation of the Westridge Community Unit Plan, located south of 29th Street West and east of 119th Street West.

**PRESENTED BY:**

Marvin S. Krout, Director of Planning



**PROPOSED AGENDA DATE:** December 30, 1998

**COMMISSION DISTRICT #3**

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MAPC Recommendation: Approve, subject to platting within 1 year and conditions (13-0).

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

Background/Discussion: The applicant is requesting to rezone a 12.05 acre (prior to right of way being dedicated) unplatted piece of property from "SF-20" to "LC" and the creation of the Westridge C.U.P located south of 29th Street North and east of 119th Street West. The applicant is proposing to split this property into four parcels. Parcel 1 (1.01 acres) would be located at the southwest corner of the application area. Parcel 2 (.92 acre) would be at the intersection of these streets and Parcel 3 (.92 acre) would be at the northeast corner of the application area. The remainder of the C.U.P. would be Parcel 4 (9.2 acres).

The four parcels, as proposed by the applicant, would be zoned "LC" but would not permit the following uses: adult entertainment establishments, group homes, group residential, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. The applicant is also proposing to limit signs to 20 feet in height and be monument type. The permitted signage would be, that permitted by the Code, 80 percent of the each parcels' street frontage and all signs spaced 150 feet apart.. A six foot concrete/masonry wall would be constructed along the property lines of the C.U.P. where adjacent to residential zoning. All buildings would be required to setback 35 feet from the properties to the south and east.

The proposed access controls are in conformance with more recent standards for

CUPs.

There is a strip of undeveloped land located to the east of the application area which is part of a larger tract of undeveloped land abutting the proposed C.U.P. This strip of property is approximately 300 to 400 feet wide and could be developed with single family lots on both sides of a public street. Further to the east, land has been platted as part of the Aberdeen 2nd Addition, and has been annexed to the City.

Undeveloped agricultural land is located to the north, south, east and west of the application area.

At the December 3rd MAPC hearing, the applicant presented the request for rezoning and creation of the CUP. One neighbor spoke in opposition to this request. This neighbor felt that with the approval of this request it would set the precedent to allow all other corners at this intersection to be developed with commercial uses, which would increase noise and traffic, and detrimentally impact the surrounding residential properties. After limited discussion the MAPC approved this request, subject to platting the property within one year and the conditions recommended by staff.

Recommended Action: 1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and C.U.P. 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).

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Applicants:

John E. Dugan 2416 Morning Dew Wichita KS 67205

Baughman Company c/o Terry Smythe 315 Ellis Wichita KS 67211

Protestors:

Jamie Bullock

RESOLUTION NO. 228-98

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. 178-1997.

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 - 0775  
and  
DP-235 Creation of the Westridge Community Unit Plan

Zone change request from "SF-20" Single-Family to "NR" Neighborhood Retail and "LC" Limited Commercial on property described as:

The West 911.98 feet of the North 684 feet of Government Lot 4 in the Northwest Quarter of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the southeast corner of 29th Street North and 119th Street West.

**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.

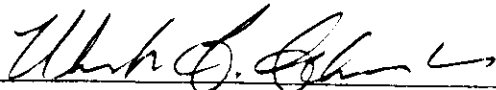
**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

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>absent</u>
MARK F. SCHROEDER	<u>aye</u>

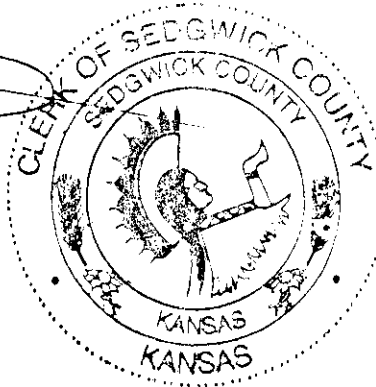
DATED this 30<sup>th</sup> day of December, 1998.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

  
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MARK F. SCHROEDER, Chairman

ATTEST:

  
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JAMES ALFORD  
County Clerk



APPROVED AS TO FORM ONLY:

  
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RICH EUSON  
County Counselor