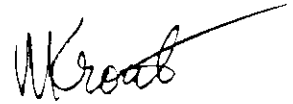


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ-0751 - Zone change from "LC" Limited Commercial to "GC" General Commercial on property generally located south of K-96 Highway, ½ mile east of 263rd Street West.

**PRESENTED BY:** Marvin S. Krout, Director of Planning



**PROPOSED AGENDA DATE:** November 26, 1997

**COMMISSION DISTRICT #3**

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MAPC Recommendation: Approve, subject to additional Protective Overlay restrictions (14-0).

Mt Hope PC Recommendation: Approve, subject to additional Protective Overlay restrictions (5-0).

Staff Recommendation: Deny.

Background/Discussion: The applicant requests a zone change from "LC" Limited Commercial to "GC" General Commercial for a 1.5 acre unplatted tract located at the south of K-96 and east of 263rd Street West. The applicant is requesting this rezoning in order to continue storing vehicles outdoors.

The Sedgwick County Code Enforcement Department issues the applicant a letter on August 19, 1997 informing him that the use was not permitted under the Unified Zoning Code, and that he would need to receive approval of a zone change in order to continue using the site to store cars. The letter further states that "all vehicles (except the homeowner's) and car haulers must be removed from the property by September 18, 1997 or apply for a zone change from "LC" Limited Commercial to "GC" General Commercial with the Metropolitan Area Planning Department."

The site contains four small buildings with the vehicles stored behind. The applicant's home is located adjacent to the west, with access to the site from a drive leading to 263rd Street West.

The surrounding land is zoned "RR" and is currently used for agricultural purposes. The applicant's home is adjacent to the application area to the west, with two farms located within approximately ½ mile to the southwest and southeast of the application

area. There is a temporary asphalt and concrete plant (DR 96-1) located approximately 4,000 feet northeast of the subject property that has been used for the reconstruction of K-96.

The application area is located within the Mt. Hope zoning area of influence, and the case was discussed during the September 27, 1997 Mt. Hope Planning Commission meeting. The Planning Commission failed to make an acceptable recommendation (they approved a Conditional Use, that is not permitted by the Unified Zoning Code). Due to this error, the matter was deferred during the October 16, 1997 MAPC meeting. On October 25, 1997, the Mt. Hope Planning Commission again discussed the request and voted unanimously to recommend approval of the zone change with the additional provisions of a protective overlay limiting the use to "outdoor vehicle storage" plus the uses permitted in the "LC" Limited Commercial district.

During the October 30, 1997 MAPC meeting, the applicant discussed the use of the property as a holding area for repossessed vehicles. After the discussion, the MAPC voted (14-0) to approve the request subject to the recommended protective overlay. 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; 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).

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Applicants:

Jarold R. Tucker 25901 W K-96 Highway PO Box 216 Mt. Hope KS 67108

Protestors:

None

RESOLUTION NO. 238-1997

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- 0751**

Zone change request from "LC" Limited Commercial to "GC" General Commercial District, and to "P-O" Protective Overlay District #27 described as:

A tract in the Southwest Quarter of Section 15, Township 25 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point on the south right-of-way line of K-96 Highway 136.8 feet south and 760 feet westerly along said right-of-way line of the northeast corner of said Southwest Quarter; thence south parallel to the east line of said Southwest Quarter 209.5 feet; thence west parallel to said south right-of-way line 312 feet; thence north parallel to the east line of said Southwest Quarter 209.5 feet to a point on said south right-of-way line of K-96 Highway; thence east on said south right-of-way line 312 feet to the point of beginning. Generally located south of K-96 Highway, ½ mile east of 263rd Street West.

**SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTION:**

1. The use of the property shall be limited to outdoor vehicle storage, and all uses permitted in the "LC" Limited Commercial District.

**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.

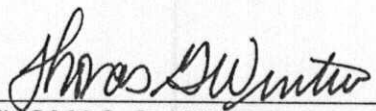
**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

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>Absent but vote</u> |

DATED this 26<sup>th</sup> day of November, 1997.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

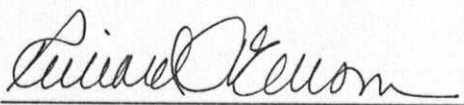
  
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THOMAS G. WINTERS, Chairman



ATTEST

  
\_\_\_\_\_  
JAMES ALFORD  
County Clerk

APPROVED AS TO FORM ONLY:

  
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~~Assistant~~ County Counselor