

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0781 - Zone Change from "SF-20" Single-Family to "LC" Limited Commercial on property generally located at the southeast corner of 53rd Street North and Ridge Road.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: March 3, 1999

COMMISSION DISTRICT #4

MAPC Recommendation: Approve, subject to platting within 1 year (9-0).

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

Background/Discussion: The applicants are seeking a rezoning of this property to permit the establishment of a limited vehicle repair business. This category of repair business, which requires repairs to be conducted indoors and does not permit paint or body shops, is first permitted in the "LC" Limited Commercial district. The applicant presently operate a limited vehicle repair business as a rural home occupation nearby, but has outgrown the facility at the home and no longer qualifies as a home occupation. The applicant's intention is to remain in the general area since the majority of the client base is from this same area.

The MAPC heard this request on January 14, 1999, and unanimously voted to recommend approval of the request, subject to platting within one year. There was no one present at the MAPC hearing to speak in opposition to this request. Staff had received one phone call from a neighboring property owner that expressed concerns about possible groundwater contamination from the business.

Following the public hearing, a total of eight protest petitions were submitted to the County Clerk's office on this request. These represent properties that total 52.06 percent of the notification area. This results in the case being subject to a valid protest petition and will require at least four of the five votes in favor to approve the request.

- 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 within one; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution 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:

Douglas S. and Sheri L. Duncan, 2101 N Shelley, Wichita, KS 67235

Protestors:

Keith & Catherine Swiggart, 5353 N. Ridge Rd., Wichita, KS 67205

Keith Swiggart, Jr., 7303 W. 53rd St. N., Wichita, KS 67205

Roger & Mary Rollmann, 5340 N. Ridge Rd., Wichita, KS 67205

Teresa Golden, 6813 W. 53rd St. N., Wichita, KS 67205

Kenneth & Anna Harper, 5330 N. Ridge Rd., Wichita, KS 67205

Sammy & Ruth Cox, 6901 W. 53rd St. N., Wichita, KS 67205

Barry & Rebecca Holmes, 7158 W. 53rd St. N., Wichita, KS 67205

Michael & Rebecca Nicholson, 7301 W. 53rd St. N., Wichita, KS 67205

RESOLUTION NO. 57-99

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- 0781

Zone change request from "SF-20" Single-family Residential to "LC" Limited Industrial

Duncan Corner Addition, Sedgwick County, Kansas

Generally located at the southeast corner of 53rd Street North and Ridge Road

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>
BILL HANCOCK	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN McGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 3rd day of March, 1999.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Bill Hancock
BILL HANCOCK, Chairman

ATTEST:

James Alford
JAMES ALFORD
County Clerk



APPROVED AS TO FORM ONLY:

Rich Euson
RICH EUSON
County Counselor