

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0727 - Request for a zone change from "LC" Limited Commercial and "SF-20" Single Family Residential to "LC" Limited Commercial on property generally located east of Webb Road, north of Harry (9718 E. Harry).

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

PROPOSED AGENDA DATE: January 8, 1997

COMMISSION DISTRICT #5

MAPC Recommendation: Approve (10-1), subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year.

Staff Recommendation: Approve, subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year.

Background/Discussion: The applicant requests a zone change from "SF-20" Single-Family Residential and "LC" Limited Commercial on unplatted property generally located east of Webb Road, north of Harry (9718 E. Harry). The subject property measures 4.6 acres, with the western 30% of the site already zoned "LC" Limited Commercial. The applicants have indicated that they feel the "best and highest" use of this property is for commercial development. They further indicate that the entire intersection of Harry and Webb has developed with commercial uses.

The application area is located in the County, but surrounded to the east, north, and west by the City. The property to the west is zoned "LC" and developed with an Intrust bank and the Port of Wichita restaurant. There is a day care center located on the northwest portion the application area, on "LC"-zoned property; the remainder of the application area is unimproved. There is duplex development to the north on property zoned "TF-3" Two-Family Residential. The area adjacent to the east is zoned "GO" General Office and has been developed with an office complex. Across Harry to the south is a mix of commercial uses (Auto Zone, Splash'N'Dash car wash, and Sunnyside Nursery), and a single-family residence on property zoned "LC" Limited Commercial & "TF-3" Two-Family Residential.

A sketch plat developed by the agent for the applicants shows the property being platted into 3 lots. The existing school building is shown on Lot 1 with a small 20 foot landscape buffer (Reserve A) at the northeast corner of the lot, with the remainder of the lot available for development. Lots 2 and 3 also have 20 foot landscape buffers along their northern boundary where adjacent to residential development and being platted as Reserves B and C. Each lot is shown to have one opening to Harry, with complete access control from Lots 2 and 3 to Boston Circle to the north.

During the MAPC meeting the agent for the applicant stated they were in support of most of the staff's recommended conditions. However, the recommended street improvements were not made part of the approval and will be addressed at the time the subject property is platted. The applicant also wished to limit the amount of screening required along the northern property line. Several residents to the north spoke in support of the development as requested by the applicant. After discussing the request, the MAPC voted (10-1) to approve the request, subject to the additional provisions of a Protective Overlay (P-O) district and subject to platting within 1-year.

- 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 and subject to platting within 1-year; 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).

Applicants: Norman Foster, 2718 N. Winstead, Wichita, KS 67226
Dean & Corlie Mason, 8002 Lynwood, Wichita, KS 67207
C. Richard & Donna Layne, 6755 Abbotsford, Wichita, KS 67206
Joesph & Erma Fusco, 9325 E. Osie, Wichita, KS 67207

Supporters: Jane Harris, 9816 E. Boston Circle, Wichita, KS 67207
Carl Smith, 9800 Boston Circle, Wichita, KS 67207

Protestors: None

Published 43-614 Oct 24, 1997
RESOLUTION NO. 4-1997

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. 46-1996.

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-0727

Zone change from "LC" Limited Commercial and "SF-20" Single Family Residential to "LC" Limited Commercial and to "P-O" Protective Overlay District #8 on property described as:

A tract beginning at a point 400 feet east of the Southwest corner of Section 28, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence East along the South line of the Southwest Quarter of Section 28, 500 feet; thence north parallel with the West line of the Southwest Quarter, 400 feet; thence west parallel with the south line of the Southwest Quarter, 500 feet; thence South to the point of beginning, generally located east of Webb Road, north of Harry (9718 E. Harry).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The applicant shall provide a minimum 20 foot wide landscape buffer, with a continuous screening fence at least 6 feet in height, along the northern property line, and at least 20 evergreen trees planted in the buffer area.
2. No portable or off-site signs, no signs along or facing Boston Circle, no flashing or moving signs, and no signs exceeding 22 feet in height or 100 square feet in area.

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
PAUL W. HANCOCK
THOMAS G. WINTERS
MELODY C. MILLER
MARK F. SCHROEDER

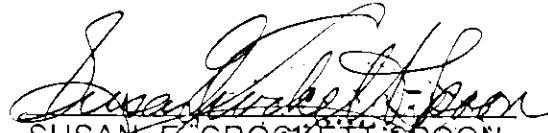
Yes
Yes
Yes
Yes
Yes

DATED this 8th day of January, 1996.

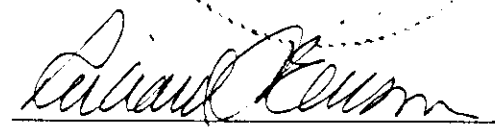
BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman

ATTEST:


SUSAN E. CROCKETT-SPOON,
County Clerk.

APPROVED AS TO FORM ONLY:


Assistant County Counselor