



Wichita-Sedgwick County Metropolitan Area Planning Department

July 20, 2006

Thomas Chapman, President
Tenant Information Network System
P.O. Box 16941
Wichita, KS 67216

RE: ZON 2006-23 - Zone Change Request from "MF-29" Multi-family Residential & "B" Multi-family Residential to "LC" Limited Commercial with a proposed Protective Overlay. Generally located north of Harry and east of West Street.

Dear Mr. Chapman:

At its regular meeting on July 19, 2006, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to APPROVE the request.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Scott A. Dunakey, Associate Planner
Current Plans Division

SAD:ch

3. Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:



Approved as to form and signed by County Counselor's

Office

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2006-00023 – Sedgwick County Zone change from SF-20 Single-family Residential to NO Neighborhood Office. Generally located at the southwest corner of South Broadway and Kirby Street (8441 South Broadway. (District II)

Presented By: John L. Schlegel, Planning Director *JLS*

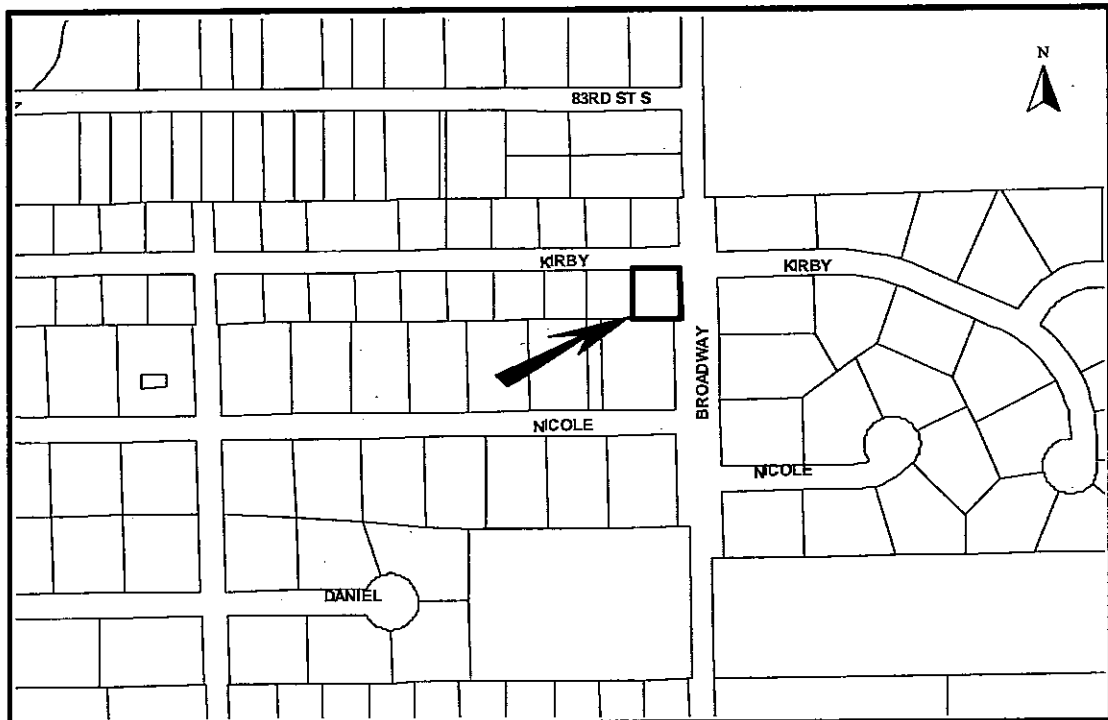
Recommended Action: Approve the zone change; adopt the findings of the Metropolitan Area Planning Commission; authorize the Chairman to sign the resolution.

Proposed Agenda Date: July 19, 2006

Outside Attendees: Tenant Information Network, Inc. c/o Thomas Chapman (owner/applicant), P.O. Box 16941, Wichita, KS 67216

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicant requests a zone change for the subject property from SF-20 Single-family Residential to NO Neighborhood Office. The subject property is located at the southwest corner of South Broadway and Kirby Street, which is south of Haysville in Sedgwick County. The existing site is occupied with a building that appears to have formerly been a service station, but had been vacant for some time when acquired by the applicant. Therefore, the applicant cannot claim legal nonconforming status. The applicant runs a one-person office with little or no customer traffic and has no intention to hire additional employees. The applicant has requested a zone change to the most restrictive zoning district that allows the current use in order to bring this activity into zoning compliance.

Analysis: The surrounding area is characterized by commercial and residential uses, although all the adjacent land uses are residential in nature. The surrounding properties on all sides are zoned SF-20 Single-family Residential and occupied with a mix of site-built and manufactured single-family residences. However, there are multiple nonconforming commercial uses to the north, which include a vehicle salvage yard, RV park and propane sales. All of these uses are within a quarter of a mile from the subject property. Additionally, approximately a half a mile to the south is a commercially zoned intersection (LC) with several restaurant/tavern establishments.

The Land Use Guide of the Comprehensive Plan depicts the site as being within Haysville's projected 2030 "urban growth area." The Office Locational Guidelines of the Comprehensive Plan recommend that office uses be located adjacent to arterial streets and that low-density office uses can serve as a transitional land use between residential uses and uses of a higher intensity. The subject property appears to meet these criteria. The site is identified in the Haysville Comprehensive Plan as appropriated for single-family residential development. However, Haysville staff indicated that the City of Haysville does not currently have an office category on their future land map, but is contemplating adding such a category. The subject property is in an area likely to be converted to the office use category if such a category is created.

The application area lies within the City of Haysville's "zoning area of influence." Therefore, the Haysville Planning commission heard this case on June 8, 2006, and unanimously approved per staff recommendations. MAPD has not received a summary or minutes from this meeting.

The MAPC heard the case on June 14, 2006. MAPC voted (10-1) to approve the request per staff recommendation. The lone dissenting vote expressed concerns about allowing the property direct access to Kirby Street, which is a local residential street, rather than requiring access to be directly to South Broadway. An excerpt from the minutes is attached.

Staff has received one protest letter (attached), but no valid protest petitions have been received.

Alternatives:

1. Approve the zone change; adopt the findings of the Metropolitan Area Planning Commission; authorize the Chairman to sign the resolution.; or
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.

Commissioners present and voting were:

BEN SCIORTINO

TIM R. NORTON

THOMAS G. WINTERS

LUCY BURTNETT

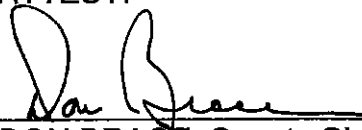
DAVID M. UNRUH

DATED this 19th day of July, 2006.

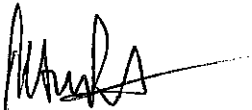
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


Ben Sciortino, CHAIRMAN
Fifth District

ATTEST:


DON BRACE, County Clerk

APPROVED AS TO FORM:


ROBERT W. PARNACOTT,
Assistant County Counselor



(150004) Published in The Derby Reporter on 111-06
RESOLUTION NO. _____

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 THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
 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. ZON2006-00023

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

Lot 31 of the Kirby Addition, Sedgwick County, Kansas. Generally located on the southwest corner of South Broadway and Kirby Street.

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 by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

BEN SCIORTINO	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
LUCY BURTNETT	<u>aye</u>
DAVID M. UNRUH	<u>aye</u>

DATED this 19th day of July, 2006.