

Published on: _____

Effective Upon Publication

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-D AS ADOPTED BY RESOLUTION NO. 84-01, AS 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-D of the Wichita Sedgwick County Unified Zoning Code, a zone change from SF-20 Single Family Residential to LC Limited Commercial.

Case No. ZON 2017-00035

A zone change from SF-20 Single Family Residential to LC Limited Commercial, legally described as follows:

Lot 1, Block B, Cain Orchard Second Addition, Haysville, Sedgwick County, Kansas.

SECTION II. That upon the taking effect of this Resolution, the notation of such Zone Change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force after it has been adopted by the Governing Body and published.

Commissioners present and voting were:


DAVID M. UNRUH
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
RICHARD RANZAU
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye

Dated this 11 day of October, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KBA
KELLY B. ARNOLD, County Clerk


David M. Unruh
DAVID M. UNRUH, Chairman
Commissioner, First District

M B O D II
MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER
Assistant County Counselor

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

Richard Ranzau
RICHARD RANZAU
Commissioner, Fourth District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

BACKGROUND: This application was filed to rezone the subject property from SF-20 Single Family Residential to LC Limited Commercial. The subject property is located on the west side of South Broadway Avenue approximately 1700 feet north of East 87th Street South at 229 East Nicole Street. The applicant requests this rezoning to allow for an automobile repair business on site, defined as vehicle repair, limited in the *Unified Zoning Code (UZC)*. This parcel is located in unincorporated Sedgwick County. The applicant for this case is the property owner, who will be renting this location to the operator.

The applicant explains that:

- The proposed hours of operation will be 10am to 7pm and there will be two employees.
- The services on site will only be auto-repair, examples include: brakes, shocks, oil changes, hub bearings, engines, transmissions, radiators, and other minor repairs.
- The equipment list will be small: hand tools, engine hoist, jacks, jack stands.
- The facility will be a simple two car garage with a bathroom, there is a foundation in place for the bathroom expansion.
- Oil and antifreeze will go into a 55 gallon barrel with a lid and will be picked up when full.
- The operators of the business have over 30 years of experience in the auto repair business.

The existing character of the nearby neighborhood is residential in nature. South Broadway, to the north and south, does have some uses and zoning of a commercial nature, especially where it intersects with 87th Street South and 79th Street South. There are some existing landscape features along the frontage with East Nicole Street, staff is unaware of any additional landscaping or screening that has been proposed at this time. Sec IV-B.2. of the UZC requires screening on the west and south property lines of the subject property where abutting property zoned SF-20 is located. Access to the site will be from East Nicole Street.

The abutting and cross street zoning consists entirely of SF-20 Single Family Residential. The intersection of South Broadway Avenue and East Kirby Street is zoned for Neighborhood Office. Across the street from the intersection of South Broadway Avenue and East 83rd Street South is zoned Rural Residential. Numerous properties located 1,000 feet south of the subject property are zoned LC.

Staff has received several calls from nearby property owners that expressed concern over the nature of the use that has been proposed. These concerns were primarily twofold: water quality and impact on adjoining properties. Several of the residents explained that due to the fact that the water supply comes from wells they were concerned about contamination of the water table. Residents indicate a concern that that this use would lead to cars and equipment in the area, as well as general incompatibility with the residential nature of the surrounding area.

As this is in the Area of Influence of Haysville, staff reached out to the City of Haysville Planning and Zoning Administrator who communicated that the City of Haysville does not object to the proposed zone change.

CASE HISTORY: This property was platted in the Cain Orchard 2nd Addition Plat on 8 March 1982.

ADJACENT ZONING AND LAND USE:

North:	SF-20	single-family residences
South:	SF-20	single-family residences
East:	SF-20	single-family residences
West:	SF-20	single-family residences

PUBLIC SERVICES: South Broadway Avenue is a paved U.S. Highway. The site does not have access to city utility services. The proposed use should not require additional municipal services to be extended.

CONFORMANCE TO PLANS/POLICIES: This property lies within the influence of the City of Haysville, though it is currently in unincorporated county land. The Land Use Plan map for the city of Haysville has this property listed as Residential. In 2012 the Wichita Area Metropolitan Planning Organization (WAMPO) and Haysville combined to develop the South Broadway Corridor Plan, in which a short list of development scenarios were considered. One of these included lining both sides of Broadway with commercial development.

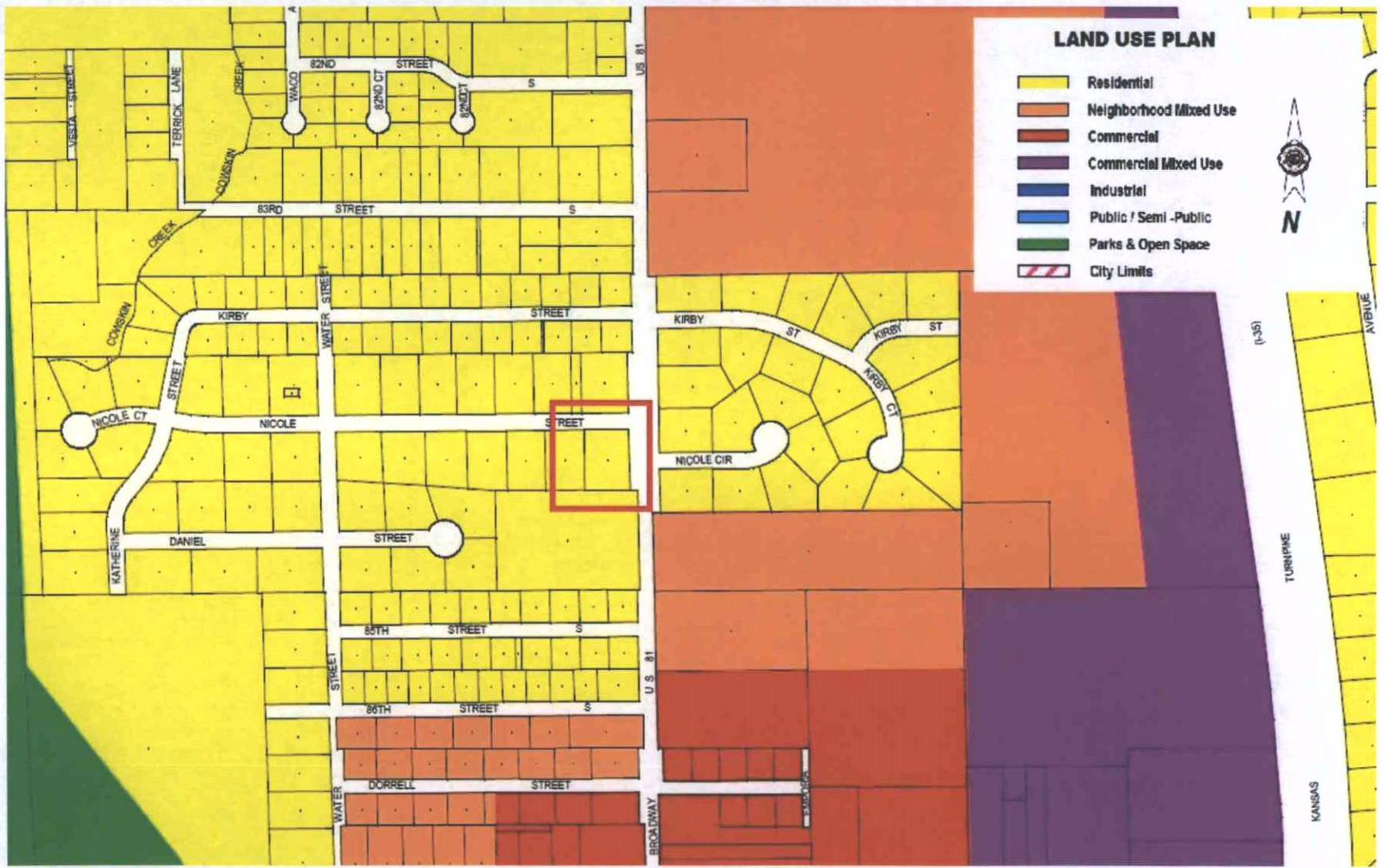
RECOMMENDATION: Based upon the information available at the time the staff report was prepared, staff recommends **APPROVAL**.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The existing character of the nearby neighborhood is residential in nature. South Broadway, to the north and south, does have some uses and zoning of a commercial nature, especially where it intersects with 87th Street South and 79th Street South. The abutting and cross street zoning consists entirely of SF-20 Single Family Residential. The intersection of South Broadway Avenue and East Kirby Street is zoned for Neighborhood Office. Across the street from the intersection of South Broadway Avenue and East 83rd Street South is zoned Rural Residential.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned for SF-20 Single Family Residential, which does not allow for this type of use. The general character of the immediate area is residential in nature. The current restrictions of the property are more in keeping with the nature of the surrounding area as it stands now. This use would be more compatible with a vision of South Broadway Avenue that was outlined in the commercial and industrial development alternative scenario of the South Broadway Corridor Plan.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** There is some amount of landscape screening along the northern property line that is already in place. There are other commercial uses along South Broadway Avenue that do not appear to be having a detrimental impact on nearby residences. The Unified Zoning Code will require screening along all property lines abutting residential zoning.
4. **Length of time the property has remained vacant as currently zoned:** The property is not vacant at this time.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** This property lies within the influence of the City of Haysville, though it is currently in unincorporated county land. The Land Use Plan map for the city of Haysville has this property listed as Residential. In 2012 the Wichita Area Metropolitan Planning Organization (WAMPO) and Haysville combined to develop the South Broadway Corridor Plan, in which a short list of development scenarios were considered. One of these included lining both sides of Broadway with commercial development.
6. **Impact of the proposed development on community facilities:** This use should not require the extension of public facilities and services.

Staff Report Attachments:

1. Haysville Future Land Use Map Excerpt
2. WAMPO South Broadway Corridor Plan Future Land Use Map Recommended Scenario





LEGEND

Study Area	Residential	Public/Semi-Public
Haysville City Limits	Neighborhood Mixed Use	Public Park, Open Space including Drainage
Street Centerlines	Commercial	Right-of-Way
Railroad Tracks	Commercial Mixed Use	Outside Haysville Planning Area
Rivers, Streams	Industrial	

**RECOMMENDED
FUTURE LAND USE
SCENARIO**

FIGURE 8.2



Data Sources:
Wichita-Sedgwick County MAPD; Sedgwick County DIO/GIS