

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

**PROPOSED AGENDA ITEMS :** SCZ-0741 - Zone change from "SF-20" Single-Family Residential to "GC" General Commercial, located east of Broadway and north of 56th Street South (5620 S. Broadway).

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



**PROPOSED AGENDA DATE:** August 13, 1997

**COMMISSION DISTRICT #2**

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MAPC Recommendation: Approve, subject to conditions (9-0).

Staff Recommendation: Approve, subject to applicant dedicating by separate instrument complete access control along 56th Street south and along the east property line where adjacent to the alley for that portion of the lot being rezoned.

Background/Discussion: The applicants request a zone change from "SF-20" Single-Family Residential to "GC" General Commercial on a 0.25 acre portion of a platted lot located south of 55th Street South, east of Broadway. The applicants are requesting the zone change in order to continue using the site for the storage of vehicles used in a vehicle repair business.

The larger site owned by the applicants is fenced and is currently being used to store cars as part of the Broadway Auto Service, with its access to 56th Street. On April 7, 1997, Sedgwick County's Department of Code Enforcement issued a letter to the applicants, in response to a complaint from a nearby resident, stating that the subject property, a small portion of the larger ownership, was for whatever reason not zoned "GC" with the balance of the lot and, therefore, could not be used for storing vehicles. The applicants have complied with Code Enforcement's requirement to move the vehicles from the "SF-20" portion of the site until the zoning issue is resolved.

There is a paved alley running along the eastern property line of the application area, with 56th Street running along the southern property line. Properties to the south and east are zoned "SF-20" and developed with residential uses and an accessory small engine repair business across the alley to the east. Properties to the north and west are zoned "GC" General Commercial and developed with two vehicle repair shops, an auto sales lot, a retail smoke shop, and a lawnmower repair business.

During the Planning Commission's discussion of this matter, questions concerning the potential polluting of well water in the immediate area by the applicant's outdoor storage use were asked by several area residents. The public also voiced their concerns over the screening requirements for the commercial property. Staff stated that the applicant was merely rezoning a small portion of their ownership, and that only that portion would be subject to the screening requirements of the zoning code. After discussion, the MAPC voted (9-0) to approve the request as recommended by staff. Although several area residents spoke against the request, there have been no protest petitions filed against the zone change within the 14-day protest period following the MAPC hearing.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to applicant dedicating by separate instrument complete access control along 56th Street south and along the east property line where adjacent to the alley for that portion of the lot being rezoned; 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:

Clayton Kissack 701 West 55th Street South Wichita KS 67217

Ronald Kissack 1735 Pinebay Wichita KS 67233

Alan Kissack 617 Christine Court Haysville KS 67060

Protestors:

Lloyd Folger 417 E 56th South Wichita KS 67216

Don Noble 2711 Laura Wichita KS 67216

RESOLUTION NO. 180-1997

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-0741**

Zone change request from "SF-20" Single-Family Residential District to "GC" General Commercial District on property described as:

The East 65 feet of the South 165 feet of Lot 1, Block A, W.J. Stevens Addition, Sedgwick County, Kansas. Generally located north of 56th Street South, east of Broadway (5620 S. Broadway).

**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:

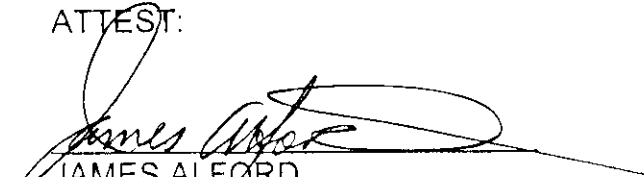
BETSY GWIN	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>

DATED this 13<sup>th</sup> day of August, 1997.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

  
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THOMAS G. WINTERS, Chairman

ATTEST:

  
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JAMES ALFORD  
County Clerk

APPROVED AS TO FORM ONLY:

  
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Assistant County Counselor