

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.

**WHEREAS**, Erendira Miranda Cordoba and Victor Deleon Rodriguez (Applicants), pursuant to Section V-C of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a zone change from SF-20 Single-Family Residential District to GC General Commercial District to permit Vehicle Storage Yard, certain lands located within the unincorporated area of Sedgwick County, Kansas, on property generally located on the west side of North Ridge Road and within one-half mile south of West 45<sup>th</sup> Street North (4435 North Ridge Road);

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given;

**WHEREAS**, the MAPC originally considered the application on May 25, 2023, and recommended approval. The item was then referred back by the Board of County Commissioners on July 19, 2023; and

**WHEREAS**, on November 9, 2023, the item was brought before the MAPC again with an updated recommendation from the Metropolitan Area Planning Department to approve a zone change from SF-20 Single-Family Residential District to GC General Commercial District to permit Commercial Parking Area. At that time, the MAPC recommended denial of the application; and

**WHEREAS**, the Board of County Commissioners has authority to permit or deny requests to change zoning classifications, subject to any Protective Overlays deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, 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. ZON2023-00020**

Zone change request from SF-20 Single-Family Residential District to GC General Commercial District with Protective Overlay #412.

Legally described as:



The North 181.58 feet of the North 333.25 feet of the South 666.50 feet of the North Half of the Northeast Quarter of Section 28, Township 26 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, EXCEPT the West 1,350.08 feet thereof; and EXCEPT the East 40 feet thereof for road.

Protective Overlay #412 shall hereby read as follows:

1. The subject property shall be limited to those uses permitted in SF-20 Single-Family Residential and Commercial Parking Area as permitted in the GC General Commercial District.
2. Commercial Parking Area shall be accessory to one residential dwelling on-site. If no residential use is on-site, an Amendment to the Protective Overlay is required to permit any commercial use.
3. Signs shall be in accordance with the LC zoning district in the Sign Code of the Sedgwick County, with the following additional requirements:
  - a. Portable signs are not permitted.
  - b. No off-site /billboard signs.
  - c. No signs, except small directional signs shall be permitted on the south side of the building.
  - d. No LED or electronic message board signs
4. Parked Commercial Vehicles shall be screened to reasonably hide them from ground level view, adjacent property and street right of way.
5. The applicant shall provide a site plan indicating where the vehicles will be stored. All parking of Commercial Vehicles shall be behind the principal dwelling unit.
6. Commercial Parking Area is restricted to 10,000 square feet in size. The parking area and driveways shall be paved with an impervious surface that minimizes the potential for groundwater contamination. In addition, there shall be no washout or washing of the commercial vehicles on the premises.
7. Noise from the site shall not be audible from adjacent or surrounding property above the local, ambient noise.
8. Off-street parking shall be per Section IV-A.4 of the Unified Zoning Code.
9. Amendments, adjustments or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
10. The transfer of title of all or any portion of land included within the Protective Overlay (or any amendments thereto) does not constitute a termination of the plan or any portion thereof but said plan shall run with the land and be binding upon present owners, their successors and assigns.
11. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, after a joint determination by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.



12. The subject property shall also be subject to the requirements and restrictions of the letter submitted by the applicants, titled Applicant's Description of On-Site Operations and incorporated herein by reference, except that: the maximum number of commercial vehicles over 26,000 gross vehicle weight rating shall not exceed a total of 7, and the running of said commercial vehicles shall not occur outside the hours of operation submitted in the applicant's letter.
13. Lighting restrictions shall be consistent with Section IV.B.4 of the Unified Zoning Code, in that outdoor lighting sources, including base or pedestal, pole and fixture, shall employ cut-off luminaires to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring Lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring Lot. Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning Districts.
14. Vehicle Repair, General, as defined in the Unified Zoning Code, shall not be permitted at the subject property. Other types of vehicle repair on the premises are limited to those repairs specifically identified within the Unified Zoning Code definition of Vehicle Repair, Limited, except for repairs of engines and transmissions and sales of minor parts and accessories, which are prohibited.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zoning 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 from and after its adoption by the Governing Body and publication in the official county newspaper.

*[remainder of page intentionally left blank]*

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

Aye \_\_\_\_\_  
Aye \_\_\_\_\_  
Aye \_\_\_\_\_  
Aye \_\_\_\_\_

Dated this 20<sup>th</sup> day of December, 2023.

ATTEST:

*for Karen's Ball*  
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*Peter F. Meitzner*

PETER F. MEITZNER, Chairman  
Commissioner, First District

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DAVID T. DENNIS  
Commissioner, Third District

*R.K.B.*

RYAN K. BATY  
Commissioner, Fourth District

APPROVED AS TO FORM:

*Kirk W. Sponsel*

KIRK W. SPONSEL  
Deputy County Counselor