CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 18, 2000

Russell A. and Nancy J. Knowles
10240 W. 93rd Street North
Valley Center, KS 67147

RE: CON2000-00019 – Conditional Use to Permit to allow a rural home occupation on property zoned "RR" Rural Residential. Generally located east of 103rd Street West (Maize Rd) on the north side of 93rd Street North.

Dear Russell and Nancy Knowles:

At it regular meeting on August 9, 2000, the Board of County Commissioners considered the above-captioned request. The action of the BCOC was to APPROVE the request, subject to conditions stated in the letter dated August 9, 2000.

Enclosed is a signed copy of the above-referenced Conditional Use Resolution.

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

Sincerely,

Lisa Van de Water
Senior Planner

Cc: Glen Wiltse, Sedgwick County Code Enforcement

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichitagov.org

Published in The Wichita Eagle on _____, 2000.

RESOLUTION NO. 135-00

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A RURAL HOME OCCUPATION ON PROPERTY ZONED "RR" RURAL RESIDENTIAL AND LOCATED EAST OF 103RD STREET WEST ON THE NORTH SIDE OF 93RD STREET NORTH WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISISONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

FILE COPY

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. CON2000-00019

A Conditional Use Permit to allow a rural home occupation for the parking of a semi-tractor/trailer on 5.1 acres zoned "RR" Rural Residential described as:

A tract in the Southwest Quarter of Section 20, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning 305 feet East of the Southwest Quarter; thence East 290 feet; thence North 775 feet; thence West 290 feet; thence South 775 feet to the point of beginning EXCEPT that part taken for road. Generally located east of 103rd Street West (Maize Road) on the north side of 93rd Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall only be permitted for a home occupation involving the parking on one tractor-trailer. No other home occupations shall be conducted on-site without amending the Conditional Use Permit.

2. The tractor is to be parked adjacent to and either south or west of the existing 40-foot by 80-foot barn at the rear of the property.

3. The applicant shall not run the vehicle for more time than is necessary for normal start-up and maintenance. Trailers that require refrigeration when parked on this site shall not be permitted.

4. The applicant shall comply with all other conditions for a rural home occupation except for the standards that were specifically waived as part of this Condition Use Permit.

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ROUTE

5. Any violation of the previously stated conditions shall render this Conditional Use Permit null and void.

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	aye
BILL HANCOCK	aye
THOMAS G. WINTERS	aye
CAROLYN McGINN	aye
BEN SCIORTINO	aye

DATED this 9th day of August, 2000.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman

ATTEST:

James Alford
JAMES ALFORD
County Clerk

CLERK OF SEDGWICK COUNTY
SEDGWICK COUNTY
KANSAS
KANSAS

APPROVED AS TO FORM ONLY:

for Michelle Haase
RICH EUSON
County Counselor

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 12

STAFF REPORT

MAPC July 29, 2000

CASE NUMBER: CON2000-00019

APPLICANT/AGENT: Russell and Nancy Knowles (owners/applicants)

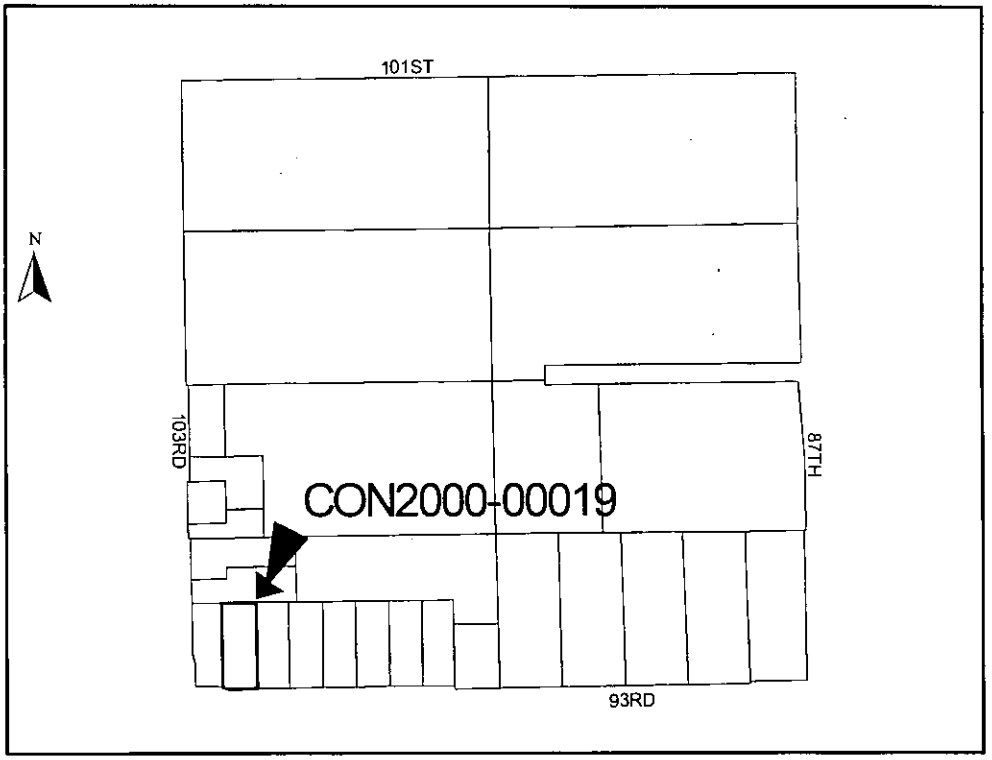
REQUEST: Conditional Use Permit to allow a rural home occupation.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 5.1 Acres

LOCATION: East of 103rd Street West (Maize Rd) on the north side of 93rd Street North

PROPOSED USE: Semi-tractor and trailer parking



BACKGROUND: The applicants are requesting a Conditional Use Permit to allow a rural home occupation on an unplatted 5.1 acre tract of land. This property is zoned "RR" Rural Residential and is located on the north side of 93rd Street North approximately 300 feet east of 103rd Street West (Maize Road). The applicant is requesting this Conditional Use Permit to allow a tractor-trailer to be parked on these 5.1 acres as part of a home occupation. The applicant is an independent truck driver and uses this vehicle for his primary income.

Sedgwick County Code Enforcement is in the process of requiring this tractor-trailer to be removed from the property or comply with the amended Unified Zoning Code (UZC). The home occupation guidelines of the UZC permit the parking of one commercial vehicle as part of a home occupation that does not exceed 26,000 pounds, gross vehicle weight rating. However, the applicant does not meet the following requirements for rural home occupations:

- Rural home occupations must be located on a minimum of 20 acres
- The rural home occupation may not be conducted within 600 feet of a dwelling wherein no rural home occupation is conducted;
- Outdoor storage is permitted provided the size of the storage area does not exceed 10,000 square feet, is located behind the principal structure and 200 feet from all property lines. Screening of the storage area by structures, solid or semi-sold fencing and/or landscape materials from adjacent roads and properties is required within 600 feet of a property line or public right-of-way.

The applicants only have 5.1 acres, their lot is only 290 feet wide, thus they are located within 600 feet of an adjacent dwelling unit, and they do not currently provide screening to the west, east, or south.

The UZC was recently amended to allow a rural home occupation as a Conditional Use that does not meet one or more of the rural home occupation requirements, as long as the property is no less than five acres in size and no more than four non-residents are employed in the home occupation. This request meets those exceptions.

The applicants have submitted a site plan that indicates the parking location of the tractor at the rear of the lot. The site plan also indicates a solid row of evergreen trees to be planted along the rear property line. Additionally, the site plans indicates that solid evergreen tree screening will be planted for 125 feet along the west and east property lines, starting at the rear property line. The parking of the tractor and trailer will be within this screened area, with the tractor to be parked adjacent to the existing 40-foot by 80-foot barn. The tractor requires an engine heater in the winter and the barn provides electricity for this purpose.

All the property adjacent to this site is zoned "RR" Rural Residential and used for residential or agricultural purposes. The lot to the west is occupied with a mobile home and horse pasture and the lot to the east is vacant.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" – Agricultural uses
SOUTH: "RR" – Single-family residential and agricultural uses
EAST: "RR" – Vacant
WEST: "RR" – Single-family residential and agricultural uses

PUBLIC SERVICES: The site is serviced by on-site septic and well-water systems. Direct access to this site is available from 93rd Street North, a two-lane dirt section line road.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "agricultural" and related uses. This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage. This category can allow other uses common in rural areas that are no more offensive than normal agricultural uses.

RECOMMENDATION: Based on information available prior to public hearings, planning staff recommends that the request for a Conditional Use be APPROVED, subject to the following conditions:

1. The Conditional Use shall only be permitted for a home occupation involving the parking on one tractor-trailer. No other home occupations shall be conducted on-site without amending the Conditional Use Permit.

2. The applicant shall plant and maintain solid rows of evergreen trees along the north, west, and east property lines as indicated on the approved site plan to provide screening of the vehicle. The tractor is to be parked adjacent to and either south or west of the existing 40-foot by 80-foot barn at the rear of the property.

3. The applicant shall not run the vehicle for more time than is necessary for normal start-up and maintenance. Trailers that require refrigeration when parked on this site shall not be permitted.

4. The applicant shall comply with all other conditions for a rural home occupation except for the standards that were specifically waived as part

of this Condition Use Permit.

5. Any violation of the previously stated conditions shall render this Conditional Use Permit null and void.

The staff's recommendation is based on the following findings:

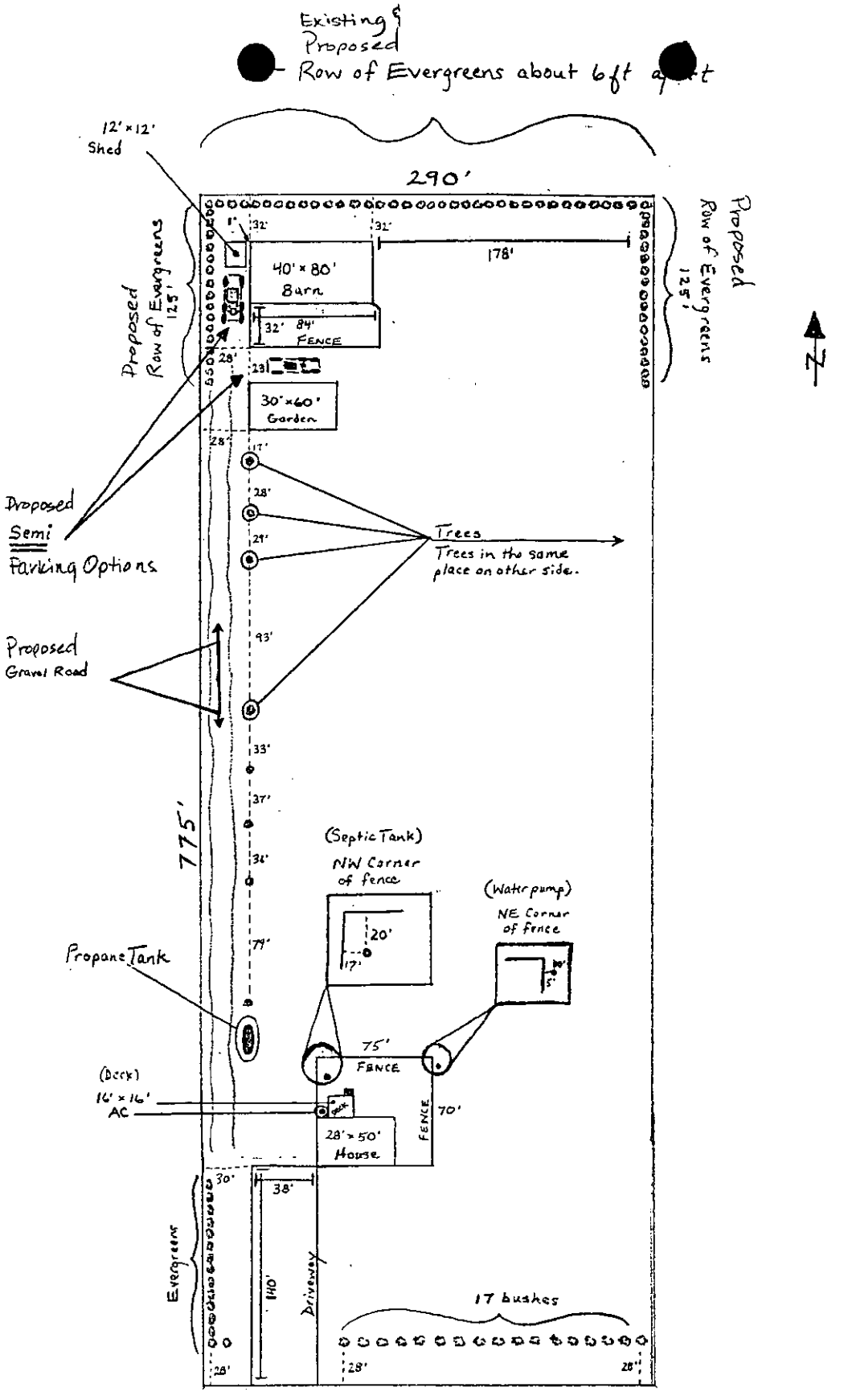
1. The zoning, uses and character of the neighborhood: The surrounding land is zoned "RR" Rural Residential. There are agricultural and single-family residential uses surrounding the site. The character of the area is predominantly agricultural.

2. Suitability of the subject property for the uses to which it has already been restricted: This site is zoned "RR" Rural Residential and developed with a single-family home. If the applicant were able to meet all the Unified Zoning Code requirements for a rural home occupation, then the applicant would be permitted to park the tractor-trailer on this property "by-right."

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The applicant has agreed to provide adequate screening of the outside storage of the tractor-trailer from surrounding residences and to park the vehicle towards the rear of the lot, off of 93rd Street North. These should help to alleviate any detrimental effect to the surrounding property owners.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use map of the Comprehensive Plan identifies this area as appropriate for agricultural and related uses. This category can allow other uses common in rural areas that are no more offensive than normal agricultural uses. This request does conform to the agricultural intent of the Comprehensive Plan.

5. Impact of the proposed development on community facilities: None.



4 squares = 100 ft

Total lot = 775 ft × 290 ft

10240 W. 93rd N. Valley Center, KS 67147

* Property of Mr. Russell + Nancy Knowles *