



Wichita-Sedgwick County Metropolitan Area Planning Department

September 18, 2000

REVISED CONDITION #4

William D. and Rita H. Gorges
Co-Trustees of William D. Gorges
Living Trust and
Co-Trustees of Rita H. Gorges
Living Trust
6555 S. 183rd Street West
Viola, KS 67149

FILE COPY

RE: CON2000-00034 – Conditional use to allow agricultural sales and service on property zoned “RR” Rural Residential. Generally located approximately 900 feet south of 63rd Street South on the west side of 183rd Street West.

Dear William D. and Rita H. Gorges:

At its regular meeting on August 31, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

1. The “Conditional Use” shall be limited to the dairy transport business.
2. The use of the property for the dairy transport business shall proceed and be maintained in general conformance with the Site Plan attached to and made part of the “Conditional Use.”
3. No permits for non-residential structures shall be issued prior to County Health Department approval for waste disposal.
4. No more than three tanker trucks shall be parked on the site at any time. No washing of the trucks is permitted on the site.
5. All commercial vehicles and trailers shall be parked on the designated parking area that is surfaced with asphalt, crushed rock or gravel.

6. A landscape buffer consisting of a solid row of evergreen trees that are 5 to 6 feet in height at time of planting and spaced no more than 15 feet apart shall be provided on the eastern 175 feet of the northern property line to screen the "Conditional Use" from the property to the north.
7. Any violation of the conditions of approval shall render the "Conditional Use" permit null and void.

If there are no valid appeals or protest petitions filed opposing this action by September 14, 2000, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

The zoning adjustment sign(s) should now be removed from the property. If you have any questions concerning this case, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna Goltry".

Donna Goltry, AICP
Principal Planner

DG/rs

cc: Anthony M. Strunk, 2600 S. 183rd Street West, Goddard, KS 67052
Glen Wiltse, Director Sedgwick County Code Enforcement, Mail Stop County
County Commissioner District III, Tom Winters, Mail Stop County Room #320

CONDITIONAL USE RESOLUTION NO. CON-2000-00034

WHEREAS, William D. and Rita H. Gorges, Co-Trustees of William D. Gorges Living Trust and Co-Trustees of the Rita H. Gorges Living Trust (owners); Anthony M. Strunk (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a Dairy transport business on 6.07 acres zoned "RR" Rural Residential described as:

Beginning at the S.E. Corner of the N 1/2 of the NE 1/4 of Sec. 32, TWP. 28-S, R-2-W of the 6th P.M., Sedgwick County, Kansas; thence N 00 degrees E, along the east line of said NE 1/4, 448.31 feet to a point 873.46 feet south of the N.E. Corner of said NE1/4;thence S 89 degrees 55 feet 12 inches W, parallel with the north line of said NE 1/4, 589.67 feet; thence S 00 degrees W, 447.57 feet to the south line of the N 1/2 of said NE 1/4; thence N 89 degrees 59 feet 31 inches E, along the south line of the N1/2 of said NE1/4, 589.67 feet to the place of beginning. Generally located approximately 900 feet south of 63rd Street South on the west side of 183rd Street West.

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; and

WHEREAS, the MAPC did, at the meeting of August 31, 2000, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow a Dairy transport business on 6.07 acres zoned "RR" Rural Residential described as

Beginning at the S.E. Corner of the N 1/2 of the NE 1/4 of Sec. 32, TWP. 28-S, R-2-W of the 6th P.M., Sedgwick County, Kansas; thence N 00 degrees E, along the east line of said NE 1/4, 448.31 feet to a point 873.46 feet south of the N.E. Corner of said NE1/4;thence S 89 degrees 55 feet 12 inches W, parallel with the north line of said NE 1/4, 589.67 feet; thence S 00 degrees W, 447.57 feet to the south line of the N 1/2 of said NE 1/4; thence N 89 degrees 59 feet 31 inches E, along the south line of the N1/2 of said NE1/4, 589.67 feet to the place of beginning. Generally located approximately 900 feet south of 63rd Street South on the west side of 183rd Street West.

subject to the following conditions:

1. The "Conditional Use" shall be limited to the dairy transport business.
2. The use of the property for the dairy transport business shall proceed and be maintained in general conformance with the Site Plan attached to and made part of the "Conditional Use."
3. No permits for non-residential structures shall be issued prior to County Health Department approval for waste disposal.
4. No more than three tanker trucks shall be parked on the site at any time. No washing of the trucks is permitted on the site.
5. All commercial vehicles and trailers shall be parked on the designated parking area that is surfaced with asphalt, crushed rock or gravel.
6. A landscape buffer consisting of a solid row of evergreen trees that are 5 to 6 feet in height at time of planting and spaced no more than 15 feet apart shall be provided on the eastern 175 feet of the northern property line to screen the "Conditional Use" from the property to the north.
7. Any violation of the conditions of approval shall render the "Conditional Use" permit null and void.

Adopted this 31st day of August, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Frank Garofalo, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT
MAPC August 31, 2000

CASE NUMBER: CON2000-00034

APPLICANT/AGENT: William D. & Rita H. Gorges, Co-Trustees of William D. Gorges Living Trust and Co-Trustees of the Rita H. Gorges Living Trust (owners); Anthony M. Strunk (agent)

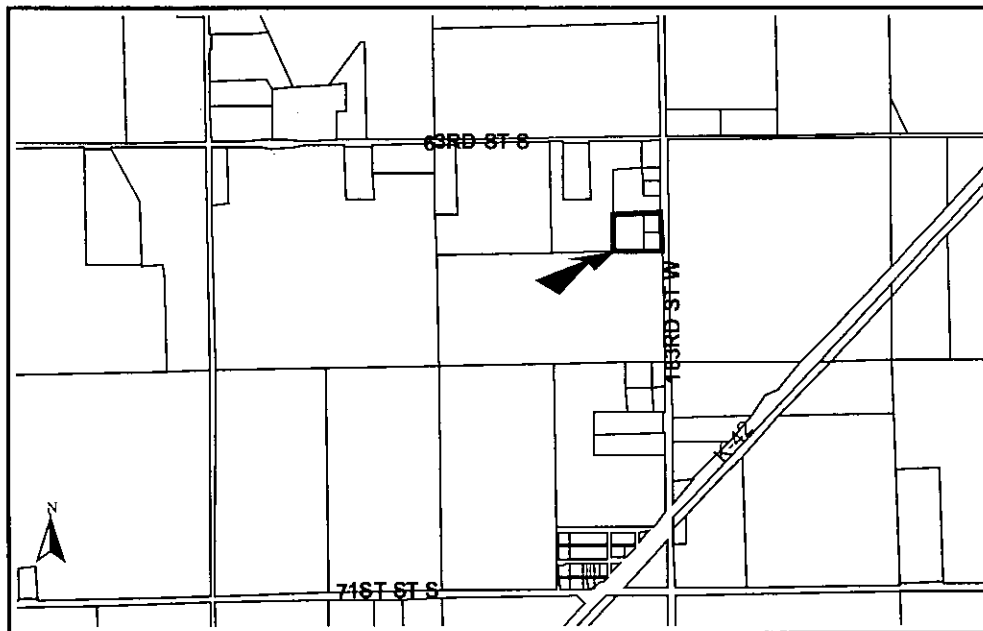
REQUEST: Conditional Use to allow agricultural sales and service

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 6.07 acres

LOCATION: Approximately 900 feet south of 63rd Street South on the west side of 183rd Street West

PROPOSED USE: Dairy transport business



BACKGROUND: The applicants are requesting a Conditional Use for agricultural sales and service in order to construct a free-standing office for the dairy trucking business already in operation from their farm and home. Currently, drivers come to the office each day to check in and depart for their routes. There are 3 employees in addition to the owners and other family members. One milk tanker is kept on the site as a backup in case one of the driver's trucks has mechanical problems. Otherwise, the trucks are on the road to and from their destination. The applicant indicated that the trucks are on their delivery routes longer than they are at headquarters. At the time of the site visit, there was one tractor-trailer, a milk tanker truck, plus a number of vehicles, farm equipment, and some old trailers located on the property. Most of the vehicles did not appear to be related to the dairy trucking business. Apparently, the presence of these vehicles prompted a complaint to the Office of Code Enforcement, which identified the existing agricultural sales and service business in operation on this site.

The site is 6.7 acres in size, and has an existing shed, two outbuildings, the home and carport. The proposed office is 900 square feet in size and is located to the northwest of the existing shed.

The surrounding area is zoned "RR" Rural Residential. The property immediately to the north of the operation is a residence. There is no landscaping or screening between the two adjoining properties. There is one more residence to the north. The Gorges own almost all the remaining land in the quarter-section. The land to the east is in agricultural use. South about ¼ mile is another "Conditional Use" for agricultural sales and service. This "Conditional Use" (CU-398) is for sale of agricultural utility trailers, and was approved June 13, 1996. A small manufactured home park that existed prior to zoning is located across 183rd Street West from the CU-398.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Two residences
EAST:	"RR" Rural Residential	Agriculture
SOUTH:	"RR" Rural Residential	Agriculture, agricultural sales and service
WEST:	"RR" Rural Residential	Agriculture

PUBLIC SERVICES: The site has access from 63rd Street South, a sand county road. K-42 is located about 2/3 mile south of the application area. No traffic counts are available. The area is served by a rural water district. The applicant is operating with a lagoon sewer system.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this

property as "agricultural." It is approximately four miles south of the 2030 Urban Service Area. The "RR" Rural Residential district allows agricultural sales and service as a "Conditional Use" to enhance the viability of agricultural areas.

RECOMMENDATION: Based on the information available prior to the public hearing, Staff recommends the application be APPROVED, subject to platting within one year and subject to the following conditions:

1. The "Conditional Use" shall be limited to the dairy transport business.
2. The use of the property for the dairy transport business shall proceed and be maintained in general conformance with the Site Plan attached to and made part of the "Conditional Use."
3. No permits for non-residential structures shall be issued prior to final plat approval and prior to County Health Department approval for waste disposal.
4. No more than three tanker trucks shall be parked on the site at any time. No washing of the trucks is permitted on the site.
5. All commercial vehicles and trailers shall be parked on the designated parking area that is surfaced with asphalt, crushed rock or gravel.
6. A landscape buffer consisting of a solid row of evergreen trees that are 5 to 6 feet in height at time of planting and spaced no more than 15 feet apart shall be provided on the eastern 175 feet of the northern property line to screen the "Conditional Use" from the property to the north.
7. Any violation of the conditions of approval shall render the "Conditional Use" permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is characterized by agricultural operations with the exception of the residents to the north and a small manufactured home park about ½ mile southwest of the application area. All the land is zoned "RR" Rural Residential.
2. The suitability of the subject property for the uses to which it has been restricted: "RR" zoning is the district where agricultural support uses are expected to be located. The property is already in use as a dairy transport business, but has been operated as a home occupation with the office located in the home.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The "Conditional Use" would allow construction of the freestanding office. It also permits parking of tanker trucks on the property. The possible detrimental impact is to the neighbors to the north located approximately 100 and 300 feet to the north. The impact would be minimized by the limited time the trucks are on the property, and restricting parking to the surfaced areas only as shown on the Site Plan in order to keep the trucks farther from the property line and by landscape buffering.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested "Conditional Use" is in conformance with allowing agriculturally-based activities to be located in the "RR" Rural Residential areas.
5. Impact of the proposed development on community facilities: The projected impact on community facilities is minimal due to the low volume of traffic generated by the use and negligible use of water.

