



Wichita-Sedgwick County Metropolitan Area Planning Department

December 6, 2000

FILE COPY

Bill Bailey
8255 N. Ridge Road
Valley Center, KS 67147

RE: CON2000-00041- Conditional Use for Rural Home Occupation (construction business). Generally located west of Ridge Road, ½ mile south of 85th Street and ½ mile north of 77th.

Dear Bill:

At its regular meeting on November 9, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

1. The Conditional Use shall only be permitted for a Rural Home Occupation involving a construction office and storage of construction equipment and materials.
2. The applicant shall consolidate all of his construction vehicles and materials into a storage yard that does not exceed 10,000 square feet, in the area generally indicated on the submitted site plan.
3. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please call our office.

Sincerely,

Barry L. Carroll

Barry L. Carroll,
Associate Planner

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

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BLC/rs

cc: Glen Wiltse, County Code Enforcement
George Bloesing, County Code Enforcement
County Commissioner, District IV, Mail Stop County Room #320

CONDITIONAL USE RESOLUTION NO. CON-2000-00041

WHEREAS, Bill L. Bailey (Owner/Applicant), 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 Rural Home Occupation on 5.038 acres zoned "RR" Rural Residential described as:

A tract of land described as beginning 166.5 feet north of southeast corner of northeast quarter of section 33, township 25 south, range 1 west of the 6th p.m.; thence north 166.5 feet; thence west parallel with the south line 11318.3 feet; thence south parallel with east line 166.5 feet; thence east parallel with south line to point of beginning, Sedgwick County, Kansas. Generally located west of Ridge Road, ½ mile south of 85th and ½ mile north of 77th.

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 November 9, 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 Rural Home Occupation on 5.038 acres zoned "RR" Rural Residential described as:

A tract of land described as beginning 166.5 feet north of southeast corner of northeast quarter of section 33, township 25 south, range 1 west of the 6th p.m.; thence north 166.5 feet; thence west parallel with the south line 11318.3 feet; thence south parallel with east line 166.5 feet; thence east parallel with south line to point of beginning, Sedgwick County, Kansas. Generally located west of Ridge Road, ½ mile south of 85th and ½ mile north of 77th.

subject to the following conditions:

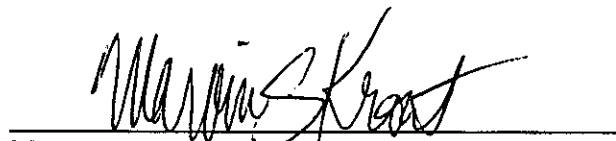
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2. The applicant shall consolidate all of his construction vehicles and materials into a storage yard that does not exceed 10,000 square feet, in the area generally indicated on the submitted site plan.
3. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Adopted this 27th day of November, 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


Chris Carraher, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT

MAPC – November 9, 2000

FILE COPY

CASE NUMBER:

CON2000-00041 *BLC*

APPLICANT/AGENT:

Bill L. Bailey (Owner/Applicant)

REQUEST:

Conditional Use for Rural Home Occupation

CURRENT ZONING:

"RR" Rural Residential

SITE SIZE:

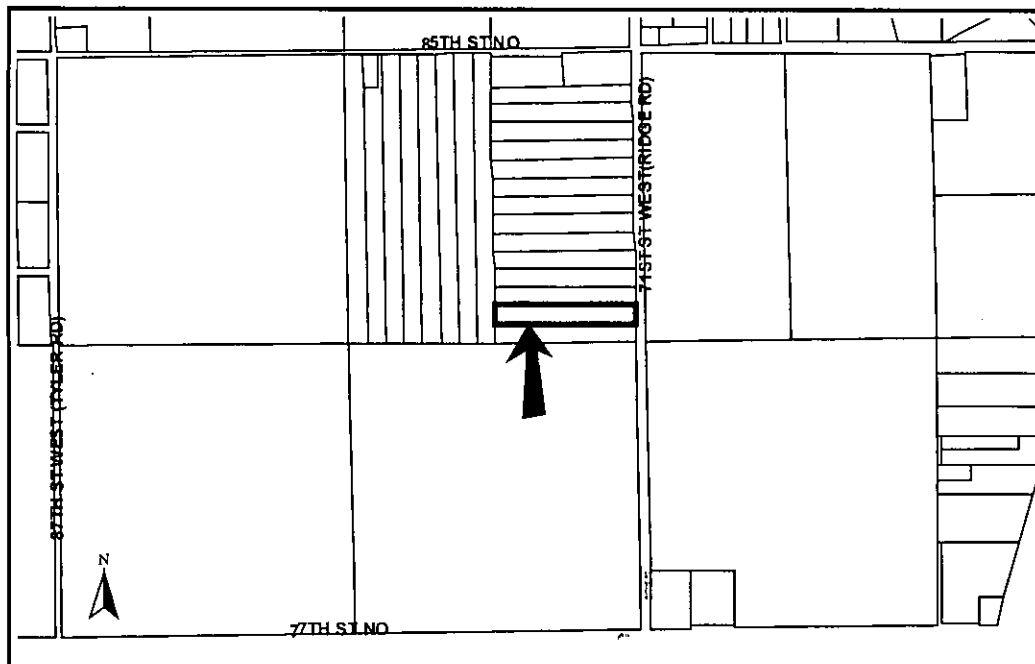
5.038-acres

LOCATION:

West of Ridge Road, ½ mile south of 85th and ½ mile north of 77th

PROPOSED USE:

Rural Home Occupation [construction business]



BACKGROUND: In July 2000, County Code Enforcement staff received an anonymous complaint regarding the applicant's property. County Code Enforcement staff made an inspection and found "manufactured homes, other than a residence, and stored and inoperable vehicles plus parts" on site. A letter was forwarded to the applicant on August 8, 2000 with instructions to remove the items or face citations. In the interim, the applicant applied for a "Legal Non-Conforming Use for the storage of construction equipment, materials and trailers." On August 22, 2000 a letter was forwarded from the Director of County Code Enforcement that denied the request. At this point, County staff suggested that the applicant could apply for a Rural Home Occupation that would require approval of a Conditional Use. County staff is taking no further enforcement action until a decision is reached regarding the pending Conditional Use request.

Consequently, the applicant is requesting a Conditional Use for a Rural Home Occupation on a 5.038-acre tract located on the west side of Ridge Road, ½ mile south of 85th and ½ mile north of 77th. The property is narrow in width (north to south) and long in depth (east to west). There are some trees that screen the north and south property lines at the eastern end of the property (near Ridge Road). Although the property is zoned for rural residential use, it is currently being used as a residence, an office and storage for the applicant's construction business. The applicant has no full time and only part-time seasonal employees. There are no sales conducted on the property. The applicant has owned the property since 1989. In 1990, the applicant's manufactured home and storage buildings were destroyed in a tornado. He currently lives in a manufactured home on-site (see site plan).

The application area has one large metal storage shed and an assortment of small sheds and chicken coups. The applicant, a Navy WWII veteran, has chickens, ducks, geese, dogs and other wildlife on the property. The west end of the property is set aside as a wildlife refuge and has no storage materials or sheds. There are several small ponds on the property as well. There is a backhoe, a dump truck and trailer and pick-up truck on-site. There is construction-related material stored on the grounds as well.

There are two small, non-residential, manufactured homes on site. One has been refurbished and the other is in the process of being refurbished. The applicant leases the small mobile homes to construction companies on an as-needed basis. These small manufactured homes are routinely returned, refurbished, leased, and stored on-site until needed again.

Construction sales and service is first permitted in the "GC" General Commercial zoning district per UZC unless the business is primarily a retail business and not a wholesale or service business. In that situation, it is a permitted use in the "LC" Limited Commercial zone. The applicant wants to continue to use his property, as he has since 1989, as a residence and for storage of construction equipment and materials.

The application area is located in an agricultural area that has "RR" Rural Residential zoning surrounding it on all sides. There are residences to the north and south of the property. The areas east, west and southwest are used for agricultural purposes.

The applicant has submitted a site plan drawn to scale for review (see attached Site Plan). *Additionally, the applicant has secured a petition, signed by ten of his neighbors, in support of his request for a Rural Home Occupation (see attached petition).*

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Residential/Agriculture
EAST :	"RR" Rural Residential	Agriculture
SOUTH:	"RR" Rural Residential	Residential/Agriculture
WEST:	"RR" Rural Residential	Agriculture

PUBLIC SERVICES: Access to the property is via Ridge Road, a two-lane arterial paved to county standard. Traffic volumes in 1997 were rated as 3,220 ADTs for the segment of Ridge Road between 77th and 85th. Volumes are predicted to increase to approximately 5,548 by 2030. The 1998-2003 Sedgwick County Capital Improvement Program does not include any improvements, at this time, for Ridge Road between 77th and 85th. The applicant has well water and a septic tank/lateral sewer system. Rural water is not available at the current time.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "rural residential" use. Rural Home Occupations may be allowed with a Conditional Use on sites in the "RR" and "SF-20" zoning districts under the following conditions: a) *"Rural home occupations as specified in Sec. IV-E.7 that do not meet one or more of the stated conditions, but are limited to no less than five acres and no more than four non-residents employed in the home occupation, may be approved as Conditional Uses in accordance with the requirements and procedures for Conditional Uses in this code."*

RECOMMENDATION: The property will be developed in general conformance with the site plan approved by the MAPC or County Commission. Based on the information available prior to the public hearing, and a site plan showing the location of the construction office and storage, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The Conditional Use shall only be permitted for a Rural Home Occupation involving a construction office and storage of construction equipment and materials.

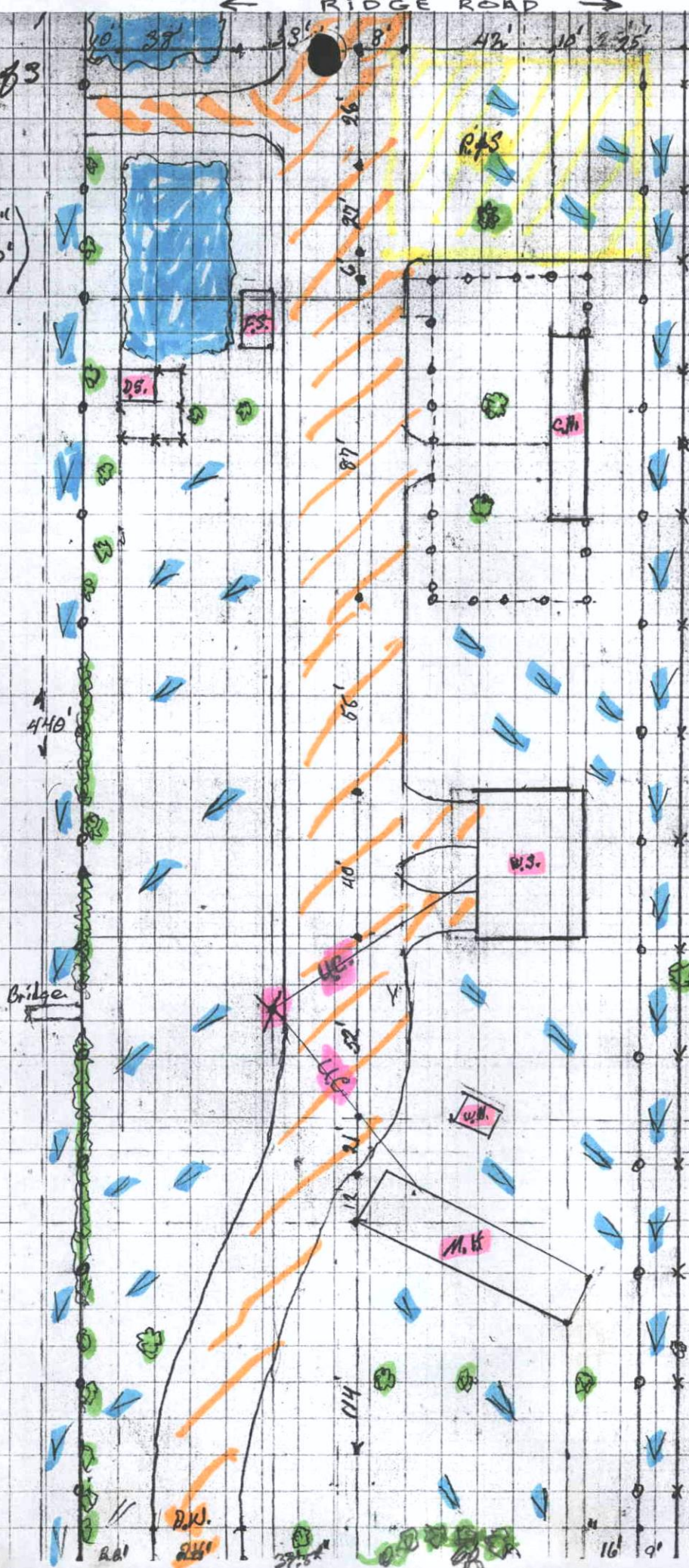
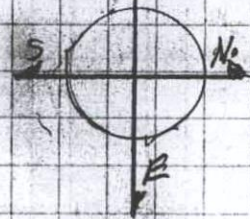
2. The applicant shall consolidate all of his construction vehicles and materials into a storage yard that does not exceed 10,000 square feet, in the area generally indicated on the submitted site plan.
3. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and adjacent properties are zoned "RR" Rural Residential. The land in the immediate vicinity of the property is used either for large-lot residential and/or agricultural purposes. The character of the application area is low-density rural residential. To the north and south are large-lot residential uses. The properties to the east, west and southwest have agricultural uses with a few large-lot residential uses.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be used agriculturally or as a large-lot, low-density, residential use as it is today. The zoning code does, however, provide for certain non-residential uses to be permitted as a "home occupation" with an approved Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed Conditional Use introduces non-residential uses into an area that is reserved for low-density residential use area. Construction yards do not always blend well with residential or agricultural uses. The applicant has, however, met with his neighbors who have signed a petition in support of his request for a Rural Home Occupation (see petition).
4. The length of time the subject property has remained vacant as zoned: The property has been used as the applicant's residence, office and construction business site since 1989.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The "Wichita Land Use Guide" in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "rural residential" use. Rural Home Occupations may be allowed with a Conditional Use on sites in the "RR" and "SF-20" zoning districts under the following conditions: *Rural home occupations as specified in Sec. IV-E.7 that do not meet one or more of the stated conditions, but are limited to no less than five acres and no more than four non-residents employed in the home occupation, may be approved as Conditional Uses in accordance with the requirements and procedures for Conditional Uses in this code.*

6. Impact of the proposed development on community facilities: Traffic impact should be minimal. Currently, the applicant has well water and a septic/lateral sewage system. Granting this Conditional Use permit should have no negative impact on the general area.

(Scale)
1" = 40'



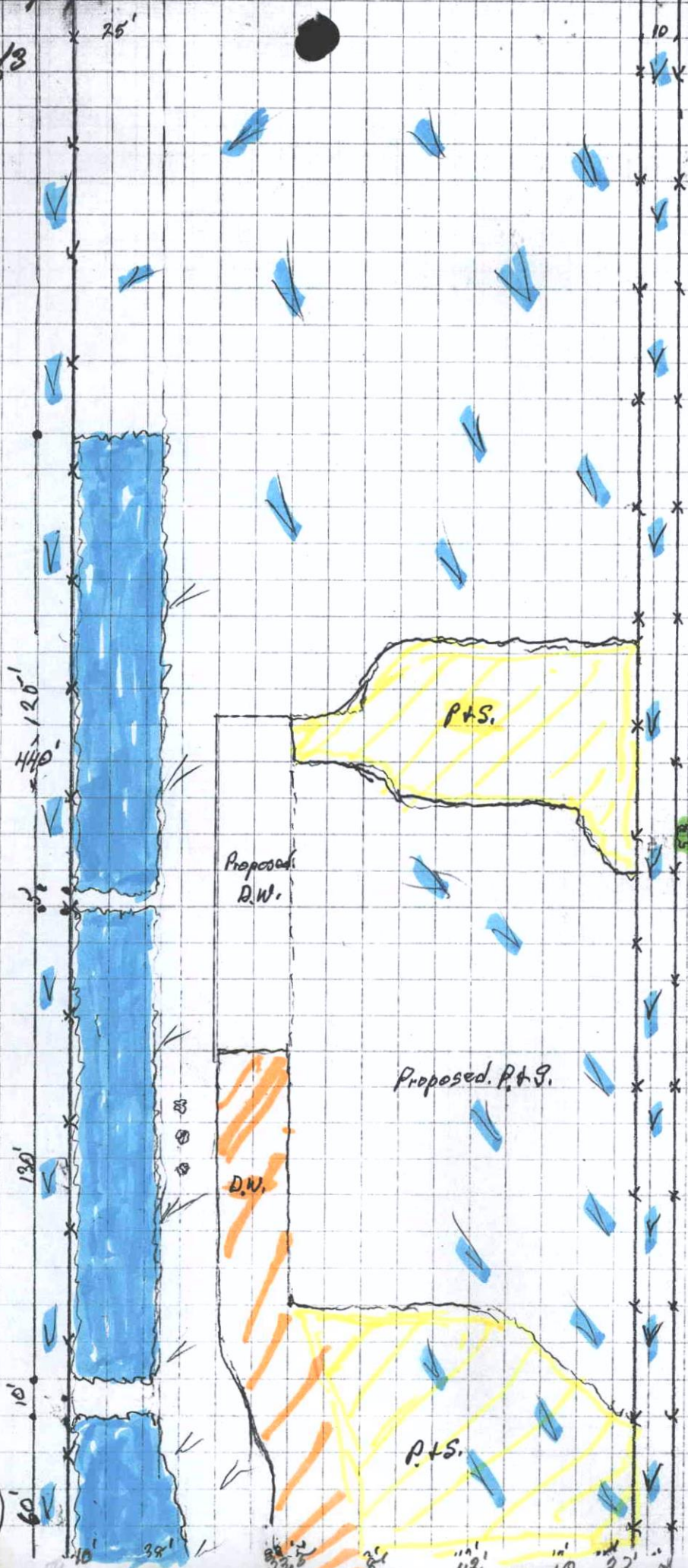
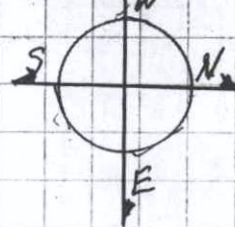
"CODE"

- M.H. - Mobile Home, 14'x24'
- W.H. - Well House 8'x10'
- W.S. - Work Shop 30'x40'
- C.H. - Chicken House 10'x25'
- P.S. - Feed Storage 8'x11'
- D.S. - Duck Shelter 6'x8'
- x-x-x - Barb Wire or Hog Fence
- o-o-o - Chain Link Fence
- D.W. - Drive Way
- P.S. - Parking & Storage
- Pond - Fish & Duck
- Trees
- Small Trees or Shrubs
- X - Power Poles
- U.G. - Under ground Electric
- Drainage Flow or Ditch

SITE PLAN

APPROVED 11/9/00 BY Barry L. Conwell

BILL BAILEY CONST.
8255 N. Ridge Rd.
Valley Center, KS 67147
Phone 755-3516

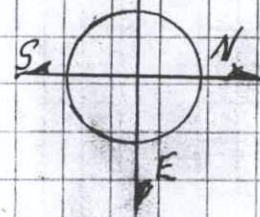


(Scale)
1" = 40'

("Scale")
1" = 50'

138.3'

156.5'



Wild Life
Habitat

320'

("Scale")
1" = 40'