

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS: SCZ-0692 - Brent L. Burford (property owner) / Cheney Coop Elevator Association request zone change from "R" Rural Residential to "E" Light Industrial, located at the southwest corner of 71st Street South and 407th Street West.

PRESENTED BY: Marvin S. Krout, Director of Planning



PROPOSED AGENDA DATE: July 12, 1995

COMMISSION DISTRICT #3

MAPC Recommendation: Approve, subject to conditions (9-3).

Staff Recommendation: Approve, subject to conditions.

BACKGROUND: The applicant requests a zone change from the 'R' Rural Residential District to the 'E' Light Industrial District for a 2-acre unplatted tract located at the southwest corner of 71st Street South and 407th Street West. The subject property is currently used for agricultural purposes and the surrounding area is characterized by agricultural uses. The Cheney Coop proposes to place an anhydrous ammonia tank on the property for retail sales. Anhydrous ammonia, when pressurized or refrigerated, is a colorless liquid used as fertilizer. A preliminary site plan submitted by the applicant indicates that the storage tank / loading area would be set back at least 100 feet from both 71st Street South and 407th Street West. The facility would also have one access from both roadways.

Although anhydrous ammonia is particularly oriented towards agricultural activities, the storage requirements are considered similar to the commercial storage of feed and fuel, which requires 'E' Light Industrial zoning in the existing County Zoning Resolution. However, in the proposed "Unified Zoning Code for Wichita-Sedgwick County", the proposed use would be permitted in the existing zoning district with a Conditional Use Permit as an agricultural sales and service establishment and would not require a spot zoning to a more intensive zoning district. The agricultural sales and service category would include establishments primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies, and accessory food sales and machinery repair services.

The storage of anhydrous ammonia is regulated by the State Board of Agriculture.

Their regulations required that anhydrous ammonia facilities be located outside of municipalities or other densely populated areas and be separated from property lines and water sources by 50 feet. The Board of Agriculture inspects the tanks yearly and issues a Proof of Inspection Seal. Any tank which does not bear the Inspection Seal can not be filled with anhydrous ammonia. Improper exposure to anhydrous ammonia can cause damage to the skin, eyes, and lungs. The Board of Agriculture requires that eye goggles, rubber clothing, oxygen, and showers or other sources of water be available in case of an emergency. Officials at the Board of Agriculture indicate that a number of safety devices are required for these types of stationary facilities to minimize the possibility for accidents, and it is more likely that an accident would occur when transported by a train or a semi truck, which commonly transport anhydrous ammonia through urban population centers.

All property immediately surrounding the application area is zoned 'R' and is used for agricultural purposes, and currently there are no residences within ½ mile of this location. The Sedgwick County Development Guide of the Comprehensive Plan identifies this area for agricultural uses. Goal IV(A)(3) of the Plan indicates that agriculturally oriented industrial uses are appropriate in rural areas.

No hydric soils commonly associated with wetlands are located on the site, according to the Soil Survey of Sedgwick County. Also, it does not appear that shallow groundwater is a problem in this area, and no portion of the application area is located within a 100-year floodplain, according to the FEMA maps.

At the MAPC hearing on June 15, 1995, two citizens spoke in opposition to the request. The citizens expressed concerns about safety with the proposed facility located nearby and said that it would destroy any possibility for residential development for the adjoining landowners.

- Recommended Action:
1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the recommended conditions; adopt a resolution establishing the zone change; 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: Brent Burford, 12233 W. 14th, Wichita, KS 67235
Cheney Coop Elevator Assn., Box 340, Cheney, KS 67025

Protestors: Brad Williams, 227 N. Main, Kingman, KS 67068
Iva Baker, 7756 S. 407th St. West, Norwich, KS 67118-9600

Published in The Daily Reporter on August 25, 1995

RESOLUTION NO. 181-1995

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 7.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

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 17.C of the Zoning Regulations, the zoning district of the lands legally described below are hereby changed as follows:

Case No. SCZ-0692

Zone change from "R" Rural Residential to "E" Light Industrial.

A tract of land in the Northwest Quarter of Section 6, Township 29 South, Range 4 West of the Sixth Principal Meridian. Sedgwick County, Kansas. Beginning at the Northwest corner of said Northwest Quarter; thence East along the North line of said Northwest Quarter for 295.16 feet; thence South parallel with the West line of said Northwest Quarter for 295.16 feet; thence West for 295.16 feet to the West line of said Northwest Quarter; thence North for 295.16 feet to the Point of Beginning. Said tract containing 2.0 acres more or less. Subject to existing road Right-of-way. Generally located at the southeast corner of 71st Street South and 407th Street West.

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.

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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:

PAUL W. HANCOCK
THOMAS G. WINTERS
MELODY C. MILLER
MARK F. SCHROEDER
BETSY GWIN

[Signature]
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[Signature]
[Signature]

DATED this 12th day of July, 1995.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

[Signature]

MARK F. SCHROEDER, Chairman

[Signature]

THOMAS G. WINTERS, Chairman Pro Tem

ATTEST:

[Signature]
SUSAN CROCKETT-SPOON
County Clerk

[Signature]
BETSY GWIN, Commissioner

APPROVED AS TO FORM ONLY:

[Signature]
PAUL W. HANCOCK, Commissioner

[Signature]
County Counselor/Assistant

[Signature]
MELODY C. MILLER, Commissioner