

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0790 - Zone change from "SF-20 Single Family Residential, "LC", Limited Commercial, "GI", General Industrial and "LI" Limited Industrial to "GI" General Industrial and "LI" Limited Industrial; and

CU-525 – Request for Conditional Use to allow a rock crusher on 20.9 acres of property located east of West street and south of 37th Street North extended.

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: July 7, 1999

COMMISSION DISTRICT #4

MAPC Recommendation:

Approve, "GI" and "LI" zoning, subject to the additional provisions of a Protective Overlay (PO # 55)(10-1-1).

Approve Conditional Use, subject to conditions (11-0).

Staff Recommendation:

Approve the zone change, subject to the additional provisions of a Protective Overlay (PO #55).

Approve the Conditional Use, subject to conditions.

Background/Discussion: Ritchie Corporation owns an unplatted tract of land bounded by West Street, 37th Street North extended, the Wichita-Valley Center Floodway and 29th Street North extended. Over the years, this property has been zoned for "SF-20", Single-family Residential, "LC", Limited Commercial, "LI", Limited Commercial, "GI", General Industrial uses, as well as received approval of a Conditional Use for sand extraction. In recent years, an asphalt plant and related activities, rock crushing and sand extraction have occurred on this site. There are also material stockpiles on site. The existing asphalt plant has reached the end of its production effectiveness. The applicant would like to replace the existing plant with a newer asphalt plant which will have improved operating characteristics (reduced emissions), and which necessitates re-arrangement of the site layout, including the re-location of the rock crusher and asphalt plant.

Prior to 1996, asphalt and concrete batch plants were "permitted uses" in the "LI" district. With the adoption of the Unified Zoning Code in 1996, such uses now require Conditional Use permits, so the asphalt plant is current a legal nonconforming use. However, County Code Enforcement has determined that, with the plant's relocation further into the site, the plant site will have to meet current code.

To accomplish the re-configuration of the site, the applicant is requesting to rezone the north 855 feet of the application area from "LC" and SF-20 to "LI", Limited Industrial, and the western 540 feet of the south 450 feet from "LI" to "GI", General Industrial zoning. The application area is 790 feet wide by 1,305 feet long. With a Conditional Use permit (to be heard June 10), the rock crusher could be then be relocated to the north. With approval of the "GI" zoning on the south, the asphalt plant can be moved north and east. The applicant has installed a berm and evergreen landscaping along West Street.

Property to the north of the site is zoned "LC", Limited Commercial and "SF-20", Single-family Residential and is used for single-family residential and agricultural purposes. The Wichita-Valley Center Floodway. Ritchie Corporation owns the Limited Industrial zoned land to the south and uses it for their sand plant operations. Ritchie Corporation also owns the vacant Limited Commercial and "SF-20", Rural Residential zoned land located to the west. On land further west, a Conditional Use permit has been approved for a solid waste transfer station.

At the May 27th hearing, the applicant's agent presented the zone change request. After debate about the need to plat the property, the Planning Commission voted unanimously to approve the request subject to the additional provisions of a Protective Overlay and other conditions of an asphalt plant.

At the June 10th MAPC hearing, the applicant 's agent presented the request. The MAPC voted to approve the request subject to the standard conditions of a rock crusher.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional provisions of a Protective Overlay and the Conditional Use; adopt the resolution and authorize the chairman to sign; and instruct the Planning Department publish the zoning Resolution establishing the zone change; 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).

Applicants:

Ritchie Corporation % HT Ritchie, Pres Box 4048 Wichita KS 67204
Baughman Company PA 315 Ellis Wichita KS 67211

Protestors:

None

Published in The Daily Reporter on September 23, 1999

RESOLUTION NO. 182A-1999

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 RESOLUTION NO. 178-1997.

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. SCZ-0790

Zone change request from "LI" Limited Industrial to "GI" General Industrial on property described as:

Commencing at the NW corner of the NW ¼ of section 36, T-26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas; thence south along the west line of said NW ¼, 855 feet for a point of beginning; thence east parallel with the north line of said NW ¼, 400 feet; thence south parallel with the west line of said NW ¼, 400 feet; thence east parallel with the north line of said NW ¼, 200 feet; thence south parallel with the west line of said NW ¼, 50 feet; thence west parallel with the north line of said NW ¼, 600 feet to a point on the west line of said NW ¼; thence north to beginning, except the west 60 feet thereof for road.

Zone change request from "LC" Limited Commercial to "LI" Limited Industrial on property described as:

The north 600 feet of the west 600 feet of the NW ¼ of Section 36, T-26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, except the west 60 feet thereof for road.

Zone change request from "SF-20" Single-Family Residential to "LI" Limited Industrial on property described as:

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Beginning at the NW corner of the NW ¼ of Section 36, T-26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas; thence south along the west line of said NW ¼, 855 feet; thence east parallel with the north line of said NW ¼, 850 feet; thence north parallel with the west line of said NW ¼, 855 feet to a point on the north line of said NW ¼; thence west 850 feet to beginning, except the north 600 feet of the west 600 feet of the NW ¼ and except the west 60 feet thereof for road. Generally located east of West Street and south of 37th Street north extended.

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. This resolution is enacted to correct the legal description in Resolution #182-1999

SECTION IV. 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
BILL HANCOCK
THOMAS G. WINTERS
CAROLYN MCGINN
BEN SCIORTINO

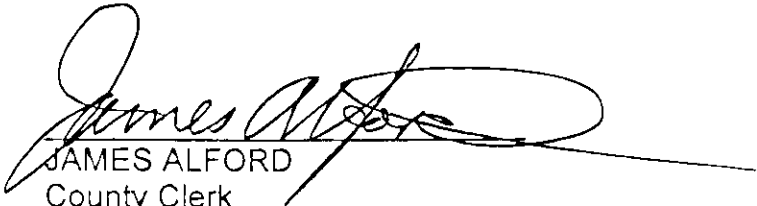
Yes
Yes
Yes
Yes
Yes

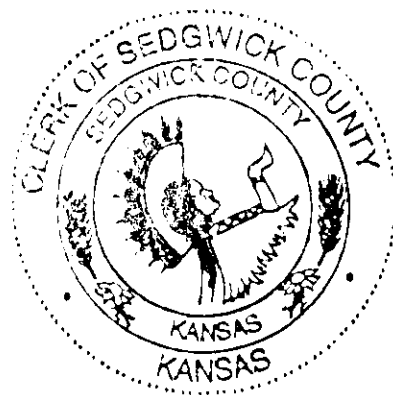
DATED this 1 day of September, 1999.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Bill Hancock
BILL HANCOCK, Chairman

ATTEST:


JAMES ALFORD
County Clerk



APPROVED AS TO FORM ONLY:


MICHELLE DAISE
Assistant County Counselor