CONDITIONAL USE RESOLUTION NO. CU-537

WHEREAS, Kathy L. Hultman (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 a home occupation on 5 acres zoned "RR" Rural Residential described as:

> Beginning at a point in the East line and 448.74 feet North of the Southeast corner of the Northwest Quarter of Section 19, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence N 87 degrees 48'49"Wp parallel with the South line of said Northwest Quarter, a distance of 485.15 feet; thence N 00 degrees 04'29"W, a distance of 449.41 feet; thence S 87 degrees 48'49"E, a distance of 484.40 feet to a point in the East line of said Northwest Quarter; thence S 00 degrees 10'15"E, a distance of 449.44 feet to the point of beginning. Generally located south of 101st Street North and ½ mile east of Meridian.

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 September 30, 1999, 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 home occupation on 5 acres zoned "RR" Rural Residential described as

> Beginning at a point in the East line and 448.74 feet North of the Southeast corner of the Northwest Quarter of Section 19, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence N 87 degrees 48'49"W parallel with the South line of said Northwest Quarter, a distance of 485.15 feet; thence N 00 degrees 04'29"W, a distance of 449.41 feet; thence S 87 degrees 48'49"E, a distance of 484.40 feet to a point in the East line of said Northwest Quarter; thence S 00 degrees 10'15"E, a distance of 449.44 feet to the point of beginning. Generally located south of 101st Street North and ½ mile east of Meridian.

subject to the following conditions:

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

2. The applicant shall maintain the solid row of evergreen trees along the south and north property lines. If in the future, the property to the east is developed with residential uses, the applicant shall plant a solid row of evergreen trees (at maturity) to provide screening except at the driveway entrances.

3. 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 Conditional Use.

4. Any violation of the previously stated conditions shall render the Conditional Use permit null and void.

5. The site shall be developed in general conformance as with the approved site plan attached to and made a part of this resolution.

Adopted this 30th day of September, 1999. 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

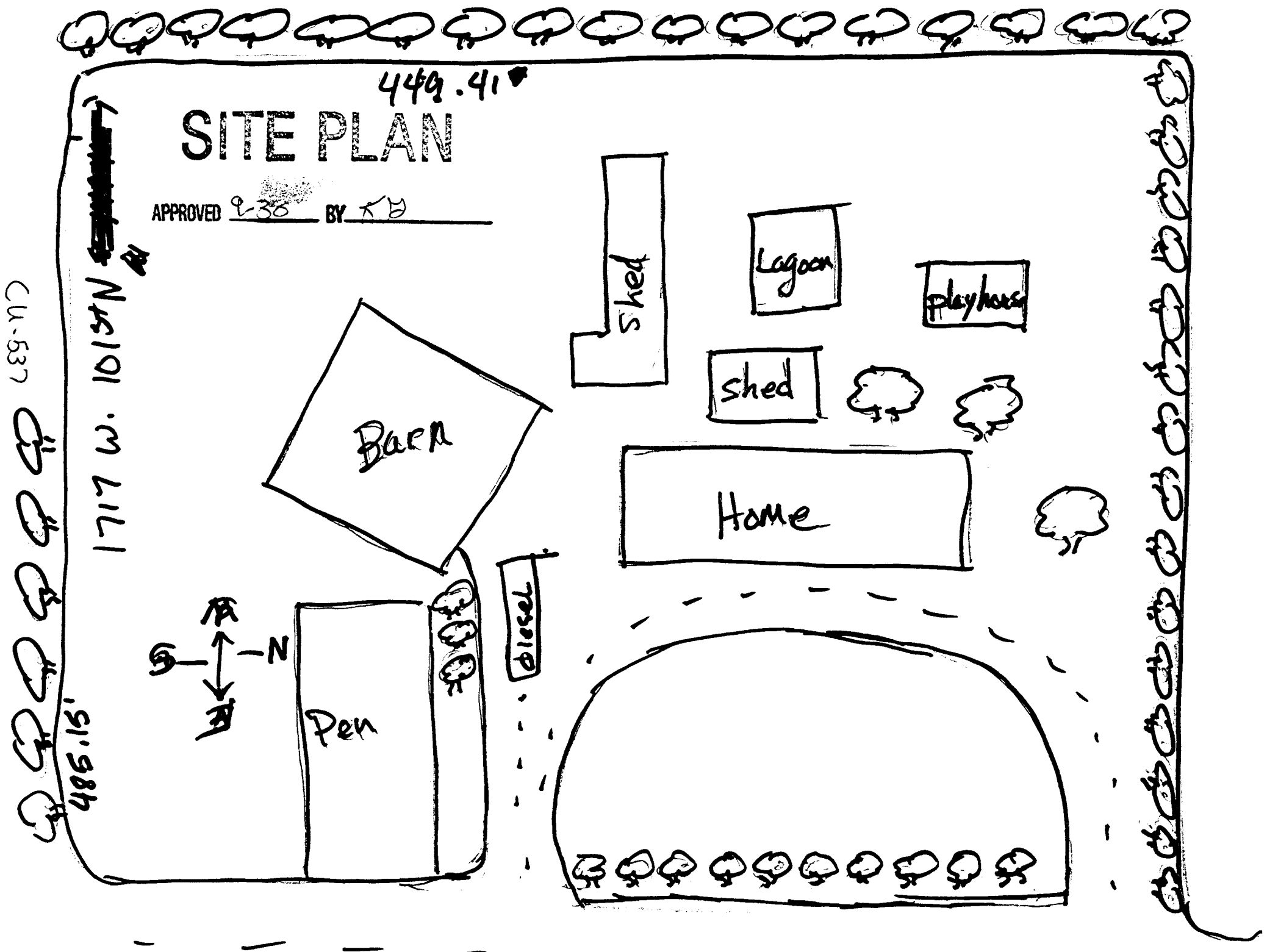
Frank Garofalo, Chair

ATTEST:

Marvin S. Krout, Secretary

SITE PLAN

APPROVED 9-30 BY KG



CU-537

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

Valley Center Planning Commission September 28, 1999
MAPC September 30, 1999

CASE NUMBER: CU-537

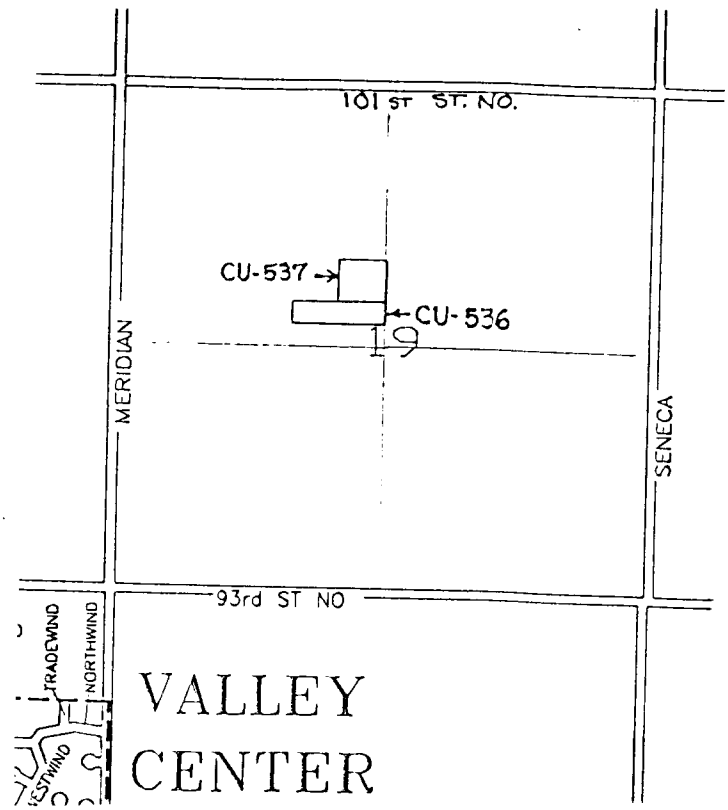
APPLICANT/AGENT: Kathy L. Hultman (Owner/Applicant)

REQUEST: Conditional Use permit to allow a home occupation

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 5 acres

LOCATION: South of 101st Street North and ½ mile east of Meridian



BACKGROUND: The applicant is requesting a Conditional Use to permit a home occupation on an unplatted five acre tract of land. This property is zoned "RR" Rural Residential and is located south of 101st Street North and ½ mile east of Meridian. The applicant is requesting this Conditional Use permit to allow a tractor-trailer to be parked on these five acres as part of a home occupation. The applicant is an independent truck driver and uses this vehicle as part of the business.

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 of 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; and 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-solid 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 applicant only has five acres of land, is located within 600 feet of a dwelling unit which is not conducting a home occupation, and does not provide the required screening to the south, east or west.

The Unified Zoning Code 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 property is five acres in size and does not employ any outside employees.

The applicant has submitted a site plan which shows the tractor trailer parked in front of the principal structure on-site, which also does not conform to the requirements of the UZC but may be waived as part of a Conditional Use request. There is a solid hedge row located between this property and the property to the north and south. The property just south of this application area is also requesting a Conditional Use to permit the same use. There is not any additional screening provided to the east or west which would meet the requirements for outside storage of the UZC. Staff is recommending that the applicant will be required to provide plantings along the east property line if the property to the east is developed with residential uses.

The property adjacent to this site is all zoned "RR." The property owner to the south is also attempting to obtain a Conditional Use to permit a tractor-trailer. There is undeveloped property located to the east and west of the application area. North of this property is a single-family home.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Single-family home
SOUTH:	"RR"	Single-family home
EAST:	"RR"	Undeveloped agriculture land
WEST:	"RR"	Undeveloped land

PUBLIC SERVICES: This site has access to a private road which is to be maintained by the property owners located along this street. The private road feeds into 101st Street North, a two-lane County highway with current traffic volumes of 547. The 2030 Transportation Plan estimates these volumes will increase to approximately 2,000. This property has no access to municipal services or rural water.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "agricultural" use. 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, which are no more offensive than normal agricultural uses.

RECOMMENDATION: Based upon the information available prior to the public hearing, Planning staff is recommending approval of the request subject to the following conditions:

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

2. The applicant shall maintain the solid row of evergreen trees along the south and north property lines. If in the future, the property to the east is developed with residential uses, the applicant shall plant a solid row of evergreen trees to provide screening except at the driveway entrances.

3. 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 Conditional Use.

4. Any violation of the previously stated conditions 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: There are single-family

homes located to the north and south of this property, zoned "RR." The property to the east and west is also zoned "RR" but is undeveloped agriculture land.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The property to the south is also requesting a Conditional Use to allow a home occupation, while the property to the east and west is undeveloped land. Staff is recommended that the applicant plant a solid row of evergreen trees along the east property line, if the property to the east is ever developed with residential uses. North of the application area is an existing single-family home which should be buffered by the solid row of evergreen trees. Planning staff also understands that the applicant has contacted the owner of this home, and he/she does not object to this request.

3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "agricultural" use. This category can allow other uses common in rural areas, which are no more offensive than normal agricultural uses. This request does conform to the agricultural intent of the Comprehensive Plan.

4. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "RR" and is developed with a single-family home. If the applicant was able to meet all of the Unified Zoning Code requirements for a home occupation then the applicant would be permitted to park the tractor-trailer on this property "by-right."

5. Impact of the proposed development on community facilities: The private road is required to be maintained by the applicants and other owners of property along it and therefore should not be impacted. 101st Street North will be impacted somewhat but should not be significant.