

CONDITIONAL USE RESOLUTION NO. CU-553

WHEREAS, Jeff Gruenbacher (Owner), Catherine a. Mies and Gerald W. Mies, (Contract Purchaser), 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 agricultural sales and service (operation of a milk transfer station) on 10 acres zoned "RR" Rural Residential described as:

A tract of land in the West Half of the Southwest Quarter of Section 29, Township 25 South, Range 2 West of 6th Principal Meridian described as follows: Commencing at the Southeast corner of the West Half of the Southwest Quarter of Section 29, Township 25 South, Range 2 West of the 6th Principal Meridian; thence North 88°59'8" West (bearings based upon the bearing of the West line of the West Half of said Southwest Quarter as recorded in a deed for highway purposes filed in Book 1414, Page 198 of the Sedgwick County Register of Deeds Office) along the South line of the West Half of said Southwest Quarter 230.00 feet for the point of beginning; thence continuing North 88°59'08" West along the South line of the West Half of said Southwest Quarter 361.07 feet to the East highway right-of-way line as recorded in Book 1414, Page 198 Sedgwick County Register of Deeds Office; thence North 01°00'52" East along said highway right-of-way 30.00 feet; thence North 56°20'45" West along said highway right-of-way 122.78 feet; thence North 47°23'00" West along said highway right-of-way 607.30 feet; thence South 88°59'08" East 912.50 feet to a point 230.00 feet West of the East line of the West Half of said Southwest Quarter; thence South 00°16'53" West parallel with the East line of the West Half of said Southwest Quarter 500.00 feet to the point of beginning, containing 7.252 Acres in Sedgwick County, Kansas, subject to a road right-of-way easement across the South 30.00 feet thereof and any other easements of record.

AND

The east 230 feet of the South 500 feet of the west half of the southwest quarter of Section 29, Township 25, Range 2 West of the 6th P.M., Sedgwick County, Kansas, except for roadway along the south line. Generally located east of 199th Street West on the north side of 85th Street North.

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 January 13, 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 agricultural sales and service (operation of a milk transfer station) on 10 acres zoned "RR" Rural Residential described as:

A tract of land in the West Half of the Southwest Quarter of Section 29, Township 25 South, Range 2 West of 6th Principal Meridian described as follows: Commencing at the Southeast corner of the West Half of the Southwest Quarter of Section 29, Township 25 South, Range 2 West of the 6th Principal Meridian; thence North 88°59'8" West (bearings based upon the bearing of the West line of the West Half of said Southwest Quarter as recorded in a deed for highway purposes filed in Book 1414, Page 198 of the Sedgwick County Register of Deeds Office) along the South line of the West Half of said Southwest Quarter 230.00 feet for the point of beginning; thence continuing North 88°59'08" West along the South line of the West Half of said Southwest Quarter 361.07 feet to the East highway right-of-way line as recorded in Book 1414, Page 198 Sedgwick County Register of Deeds Office; thence North 01°00'52" East along said highway right-of-way 30.00 feet; thence North 56°20'45" West along said highway right-of-way 122.78 feet; thence North 47°23'00" West along said highway right-of-way 607.30 feet; thence South 88°59'08" East 912.50 feet to a point 230.00 feet West of the East line of the West Half of said Southwest Quarter; thence South 00°16'53" West parallel with the East line of the West Half of said Southwest Quarter 500.00 feet to the point of beginning, containing 7.252 Acres in Sedgwick County, Kansas, subject to a road right-of-way easement across the South 30.00 feet thereof and any other easements of record.

AND

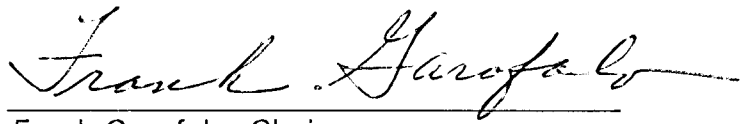
The east 230 feet of the South 500 feet of the west half of the southwest quarter of Section 29, Township 25, Range 2 West of the 6th P.M., Sedgwick County, Kansas, except for roadway along the south line. Generally located east of 199th Street West on the north side of 85th Street North.

subject to the following conditions:

1. The Conditional Use for the establishment of a milk transfer station shall be subject to all applicable local, state, and federal regulations and laws, and prior to beginning operations, all applicable local, state, and federal permits shall be acquired.
2. The use of the site as a milk transfer station shall proceed and be maintained in general conformance with the site plan required by this Conditional Use and made a part of this permit.
3. The total number of tankers permitted to operate out of this facility shall be limited to 20.
4. Any violation of these conditions shall render this Conditional Use permit null and void.

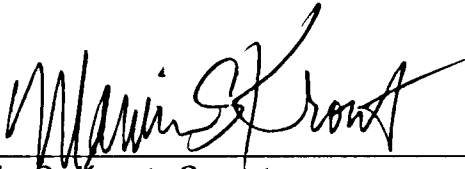
Adopted this 13th day of January, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

A handwritten signature in cursive script, reading "Frank Garofalo", written over a horizontal line.

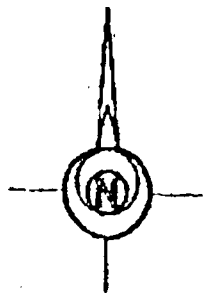
Frank Garofalo, Chair

ATTEST:

A handwritten signature in cursive script, reading "Marvin S. Krout", written over a horizontal line.

Marvin S. Krout, Secretary

an: 06 2000 04:22PM P1
FAX NO.: 3167960638
TROY - TILLY & SONS TRUCKING, INC.



- 1 - House (74 x 31)
- 2 - Garage (40 x 80)
- 3 - Pool (16 x 32)
- 4 - Pool House (12 x 29)
- 5 - Shed (7 x 14)
- **6 - Transfer Station (Estimated site of new building) (60 x 100)

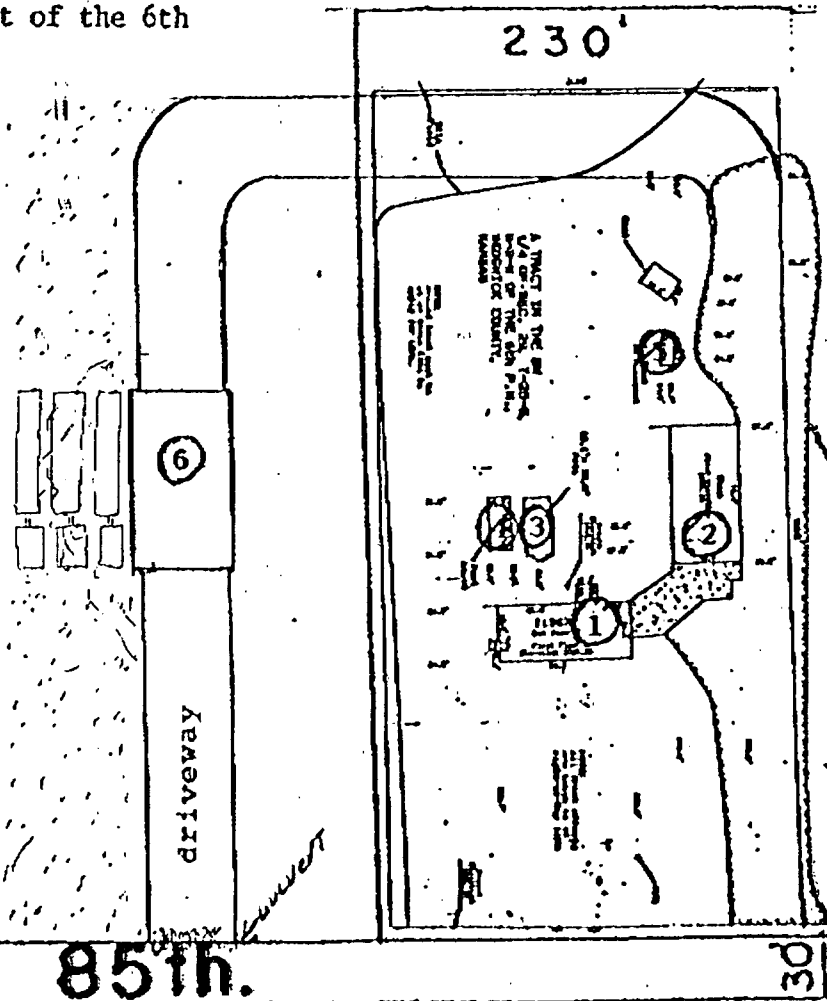
The East 230 feet of the South 500 feet of the West Half of the Southwest Quarter of Section 29, Township 25 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas.

DESCRIPTION

A tract of land in the West Half of the Southwest Quarter of Section 29, Township 25 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, containing the Southwest Quarter of Section 29, Township 25 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, and the West Half of said Southwest Quarter of Section 29, Township 25 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas, as recorded in a deed for highway purposes dated in Book 1414, Page 138 of the Sedgwick County Register of Deeds Office, along the South line of the West Half of said Southwest Quarter 230.00 feet for the point of beginning, thence continuing North 88°35'08" East along the South line of the West Half of said Southwest Quarter 304.97 feet to the East Highway right-of-way line as recorded in Book 1414, Page 138 Sedgwick County Register of Deeds Office, thence North 0°00'00" East along said Highway right-of-way 30.00 feet thence North 88°20'43" West along said Highway right-of-way 122.78 feet thence North 87°23'00" West along said Highway right-of-way 807.39 feet thence South 88°34'08" East 312.50 feet to a point 228.00 feet of the East line of the West Half of said Southwest Quarter thence South 80°10'33" West parallel with the East line of the West Half of said Southwest Quarter 308.80 feet to the point of beginning, containing 2.252 Acres in Sedgwick County, Kansas, subject to a road right-of-way easement across the South 30.00 feet thereof and any other easements of record.

SITE PLAN

APPROVED 1-13-2000 BY *J. Hertz*



RR BK.-C PG. 222 7-12-1892

CU-553

STAFF REPORT
MAPC January 13, 1999

CASE NUMBER: CU-553

APPLICANT/AGENT: Jeff Gruenbacher (owner); Catherine and Gerald Mies (contract purchasers)

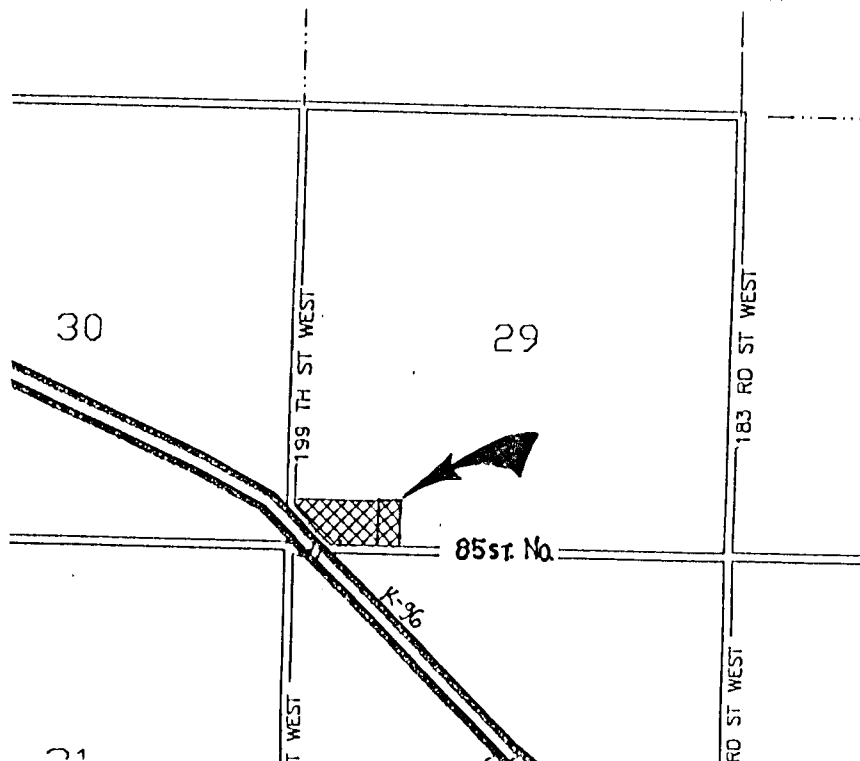
REQUEST: Conditional Use to allow agricultural sales and service

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 Acres

LOCATION: East of 199th Street West on the north side of 85th Street North

PROPOSED USE: Operation of a milk transfer station



BACKGROUND: The applicants are requesting a Conditional Use permit to allow an agricultural sales and service business to operate on 10 acres of unplatted property in Sedgwick County. The applicants currently own and operate 9 tankers that are used to pick-up and transport milk locally and out-of-state; they operate this trucking business from their residence. With the approval of this Conditional Use permit, the applicants plan to construct an accessory building to be used as a milk Transfer Station to transfer raw milk from one tanker to another. Farm pick-up tankers would be brought to this location and the milk from these tankers would be transferred to a transport tanker to be hauled to a processing plant. The interior of the empty tanker would then be washed out within the transfer station. No exterior washing of the trucks or tankers would take place on the site.

The applicants have submitted a site plan showing the proposed location of the Transfer Station west of the existing residence. The 60 feet by 100 feet building will have driveway access in and out of the building and completely enclose the tankers during the transfer and washout process. The applicants estimate that 100 gallons of food-grade wastewater will be generated from each washout. According to the Health Department, with approved sanitizers and detergents, this wastewater volume can be accommodated within the on-site septic system. However, the proposed location of the transfer station is shown on a separate parcel from the intended septic repository. In order to use the existing septic system, the two lots would need to be combined into one lot and require approval from the Health Department.

The Kansas Department of Agriculture stipulates regulations for such milk transfer stations, which are enforced through quarterly inspections by a State Certified Dairy Inspector. Under these regulations, the operator will not be allowed to store any items, or perform any functions within the building that are not directly connected to the operation of transferring milk. The building contents will be limited to the wash system, which consists of the following: two 10-horsepower pumps, stainless steel pipes & plumbing, two hot water heaters, and any other miscellaneous items that might be necessary to perform a Grade A Transfer and Washout.

The surrounding property is used for agricultural purposes and is zoned "RR" Rural Residential. The closest houses are 0.4 miles to the southwest and 0.6 miles to the north. The property is bounded on the south by 85th Street North and K-96 rights-of-way and on the west by the 199th Street North and K-96 rights-of-way.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" – Agricultural uses
SOUTH: "RR" – Agricultural uses and street right-of-way
EAST: "RR" – Agricultural uses
WEST: "RR" – Agricultural uses and street right-of-way

PUBLIC SERVICES: The site is serviced by on-site septic and well-water systems. Direct access to this site is available from 85th Street North and 199th Street West, both being two-lane unpaved roads. K-96, a divided four-lane highway borders the property along the southwest corner. Traffic volumes are not available.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "agricultural" and related uses. In 1996, the Unified Zoning Code established Agricultural Sales and Service as uses conditionally permitted in the Rural Residential and "SF-20" Residential districts. These uses are permitted, by right, in the Limited Commercial, General Commercial, CBD, Light Industrial, and General Industrial districts.

RECOMMENDATION: Based on information available prior to public hearings, planning staff recommends that the request for a Conditional Use be APPROVED, subject to the following conditions:

1. The Conditional Use for the establishment of a milk transfer station shall be subject to all applicable local, state, and federal regulations and laws, and prior to beginning operations, all applicable local, state, and federal permits shall be acquired.
2. The use of the site as a milk transfer station shall proceed and be maintained in general conformance with the site plan required by this Conditional Use and made a part of this permit.
3. The total number of tankers permitted to operate out of this facility shall be limited to 12.
4. Any violation of these conditions shall render this Conditional Use permit null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding land is zoned "RR" Rural Residential. There are agricultural and street right-of-way uses surrounding the site. The character of the area is predominantly agricultural.

2. Suitability of the subject property for the uses to which it has already been restricted: This site is zoned "RR" Rural Residential and could be used for agricultural or residential uses. However, the close proximity to K-96 makes the property ultimately less desirable for residential uses, especially along the west edge of the property, since the intersection of highways and section line roads typically develops with non-residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site is buffered on two sides by street/highway rights-of-way and agricultural operations on the other sides. The conditions attached to the approval of this request and the state licensing procedure minimize any detrimental effects. There is one home that is 0.4 miles southwest of the application area, across K-96, and another home that is 0.6 miles north of the application area.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Comprehensive Plan identifies this area as appropriate for agricultural and related uses. This milk transfer station supports many small dairy operations in south central Kansas and is an appropriate related agricultural use.
5. Impact of the proposed development on community facilities: None.