



Wichita-Sedgwick County Metropolitan Area Planning Department

April 14, 2009

Justin Stucky
8303 S Emma Creek
Sedgwick, KS 67135

RE: CON2009-00006 - County Conditional Use for agricultural sales and service on property zoned RR Rural Residential, generally located north of 109th Street North, on the east side of Ridge Road.

Dear Ladies and Gentlemen:

At its regular meeting on **March 19, 2009**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions on the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner
Current Plans Division

WL:mc

Attachment (Resolution)

Copies to: BOCC, IV Kelly Parks, Mail Stop County, Room 320
Bill Buchanan, County Manager, County Room 343
Bob Parnacott, County Law, Mail Stop Room 359
Glen Wiltse County Code Enforcement, 1144 S Seneca, Wichita, KS 67213
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213
Sedgwick City Hall, 511 N Commercial, P O Box 131, Sedgwick, KS 67135
Valley Center Township, Mike Neal, 8000 N Maize Road, Valley Center, KS 67147

C0N2009-06

Exploded View of Property

Underground Electrical Service

Underground Water Line



3 Rail Vinyl White Fence

- A. 60'x64' Repairshop/Office with 4 Security lights at wall/roof level. 40'x64' is repair shop, 20'x64' is storage.
- B. 12'x12' Property Maint building
- C. Proposed Gravel Parking and Circle Driveway
- D. Gravel Drive
- E. Display Area

Mostly Wooded Lot With Room For Expansion – Elm, Cedar, Walnut, Hedge and Cottonwood mature trees

Notes: No sale of pickups or other farm related vehicles, need dealer licensing from state.

CONDITIONAL USE RESOLUTION NO. CON2009-00006

WHEREAS, the City of Wichita and T-Mobile Wireless (applicant/owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit Agricultural Sales and Service on approximately 12.675-acres zoned "RR" Rural Residential described as:

The North half of the Southwest Quarter lying South and West of the Little Arkansas River in Section 10, Township 25, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located north of 109th Street North and on the east side of Ridge Road, Sedgwick County, Kansas.

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 March 19, 2009, consider said application.

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate (approved unanimously by the Sedgwick Planning Commission March 17, 2009) 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 for Agricultural Sales and Service on approximately 12.675-acres zoned "RR" Rural Residential described as:

The North half of the Southwest Quarter lying South and West of the Little Arkansas River in Section 10, Township 25, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located north of 109th Street North and on the east side of Ridge Road, Sedgwick County, Kansas.

Approved subject to platting within a year and the following conditions:

- (1) The site will be used will be for Agricultural Sales and Service as defined by the Unified Zoning Code (UZC), Art. II, Sec II-B, 1(k), including: (a) The site will be used for the mechanical repair of farm equipment; (b) Sale of repaired farm equipment is permitted; (c) No repair and/or sale of light trucks, dump trucks, automobiles, motorcycles or scooters; (d) All service or repair work conducted on the site shall entirely within a building; (e) No body or fender work shall be permitted.
- (2) No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons. One (1) 8-foot (x) 4-foot sign will be permitted.
- (3) All parking, circulation and outdoor display areas will be on a surface approved by County Code Enforcement and County Fire. No use of elevated platforms for the display of farm equipment.
- (4) The storage of all chemicals and fluids associated with the mechanical repair of farm equipment will be on a concrete surface in containers approved by County Code Enforcement and reviewed by Equus Beds Groundwater Management District #2.
- (5) No outdoor storage of parts, equipment waiting to be repaired or chemicals.

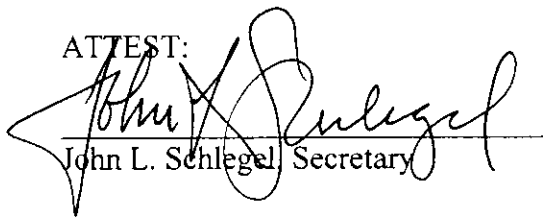
- (6) A parking barrier, such as a heavy rail type, shall be installed along all perimeter display areas adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked farm equipment does not encroach onto public right-of-way
- (7) All development on the site shall comply with the County and FEMA standards for development within the floodway and flood zone. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations
- (8) All outside trash receptacles shall have solid screening around them.
- (9) Maintain enough of the existing trees along of the north, east and south sides of the site to provide screening for the adjacent and abutting lands.
- (10) No outdoor amplification system shall be permitted.
- (11) The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be directed onto the site and away from all adjacent residential development.
- (12) The site will be developed as shown on an approved site plan. No operations, selling and/or repair of farm equipment shall be allowed until all permits have been acquired and all improvements to the site have been made.
- (13) If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 19th day of March, 2009.

METROPOLITAN AREA PLANNING COMMISSION


Darrel Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

MAPC March 19, 2009

Sedgwick Planning Commission March 17, 2009

CASE NUMBER: CON2009-00006

APPLICANT/OWNER: ~~Jason Stucky~~ *Justin*

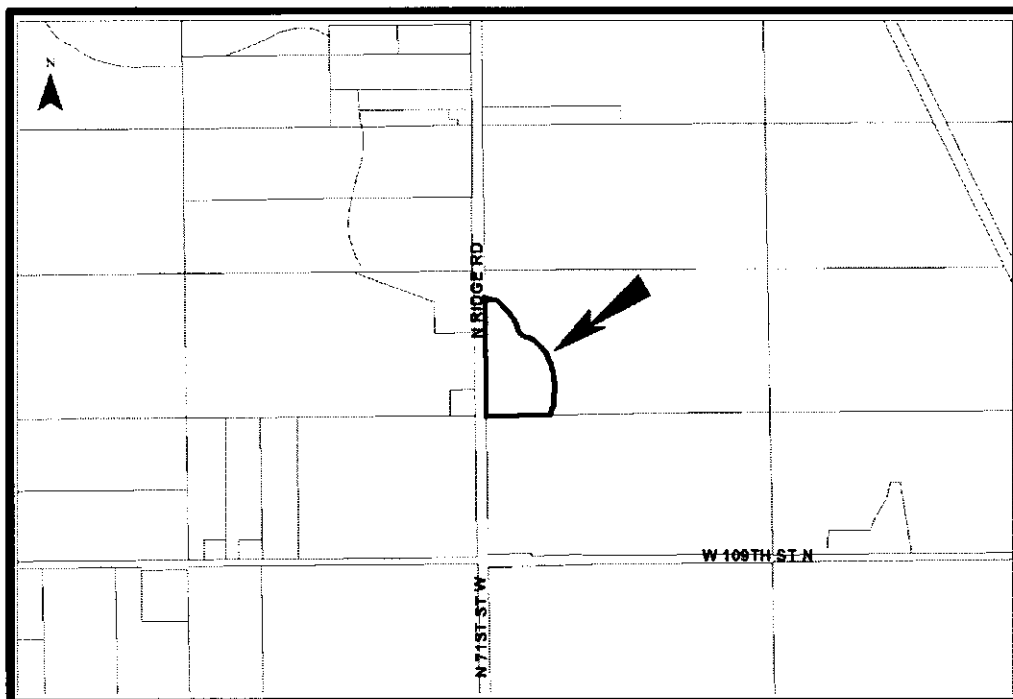
REQUEST: Agricultural sales and service

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: Approximately 12.675-acres

LOCATION: Generally located north of 109th Street North and on the east side of Ridge Road. (BoCC #4)

PROPOSED USE: Repair and sale of farm equipment



BACKGROUND: The applicant is proposing a Conditional Use for "Agricultural Sales and Service" on the 12.675-acre, RR Rural Residential ("RR") zoned tract. The Unified Zoning Code (UZC), Art. II, Sec II-B, 1(k), defines Agricultural Sales and Service as "...an establishment 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 the like, and including accessory food sales and machinery repair services." The applicant proposes to repair and sell repaired farm equipment. The applicant does not propose to repair and/or sell trucks or automobiles. The applicant does not live on-site, and does not have immediate plans to do so. The County Zoning Administrator concurred with Planning that this proposal is considered Agricultural Sales and Service, thus the Conditional Use request. The site is located within the City of Sedgwick's "zoning area of influence," and as such, will be considered by their Planning Commission at their March 17, 2009, meeting; UZC, Art. V, Sec. V-b, 4(d). The City of Sedgwick is located in both Sedgwick and Harvey counties.

The applicant has provided a survey and a site plan/exploded view of the property. The site plan shows an existing 60-foot (x) 64-foot metal building, with attached security lights. The plan designates a 40-foot (x) 64-foot portion for repair work and a 20-foot (x) 64-foot portion for storage. There is a 12-foot (x) 12-foot property maintenance building, and proposed gravel drive, parking and display areas. The site plan also shows an existing 3-rail vinyl fence and underground water and electrical services. The site plan does not show any additional buildings, outside storage area, pole lights, or trash receptacles. The RR zoning district does not permit outdoor storage or a vehicle storage yard.

The area around the site is zoned RR, and is mostly active agricultural fields broken up by the Little Arkansas River, which flows through and along the north and east sides of the site. At this site, a dense run of trees follows the river and provides screening along the site's north, east, and a portion of the south sides. The nearest residences are two single-family residences (built 1910 and a manufactured home) located across Ridge Road, west of the site. There are another seven single-family residences (1914-2001) within a ½-mile of the site located along Ridge Road or 109th Street North.

CASE HISTORY: The property is an unplatted, 12.675-acre, RR Rural Residential ("RR") zoned tract, with an existing 60-foot (x) 64-foot metal building. The site is located within the Little Arkansas floodway and flood zone. The site is located within the Equus Beds Groundwater Management District #2.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Little Arkansas River, farm land, single-family residence
SOUTH:	RR	Little Arkansas River, farmland
EAST:	RR	Little Arkansas River, farmland
WEST:	RR	Ridge Road, two single-family residences, farm land

PUBLIC SERVICES: There is no public water or sewer available. The site is outside of all Rural Water Districts. The site has direct access onto Ridge Road, a paved two-

lane, Sedgwick County highway/arterial. Ridge Road has 100 feet of right-of-way (ROW) at this site. Current standards are 120 feet of ROW; the County Engineer request 10-feet of (ROW). Ridge Road is the main north – south arterial into the City of Sedgwick. The City of Sedgwick's 2008-2030 Comprehensive Plan shows approximately 1,972 trips for this portion of Ridge Road. A portion of the site is located in an area that is the FEMA (Little Arkansas) flood zone and floodway, which means any additional development within it, must be addressed with an approved drainage plan and must meet all standards for construction of buildings/structures on the site, per the County Engineer and Code Enforcement.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies this area as "rural" and just outside of the City of Sedgwick's growth area. The rural classification is outside of any city's growth area and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large lot residential development. The proposed repair and sale of repaired farm equipment on this site could be considered as a complimentary land use for this predominately agricultural area with certain considerations, including: screening, storage and disposing of chemicals generated by repairing of the farm equipment, lighting and compliance with the County standards for development within the floodway and flood zone. The RR zoning district does not permit outdoor storage or a vehicle storage yard.

The UZC provides for Agricultural Sales and Service as a Conditional Use limited to "...an establishment 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 the like, and including accessory food sales and machinery repair services." The applicant proposes to repair and sale repaired farm equipment. The applicant does not propose to repair and/or sale light trucks, dump trucks or automobiles. The County Zoning Administrator concurred with Planning that this proposal is considered Agricultural Sales and Service, thus the Conditional Use request. The UZC does not have specific standards for Agricultural Sales and Service as a Conditional Use, but refers (UZC, Art. V, Sec V-D.8) to the nine review criteria as listed in Art V-C.8. Additionally, the MAPC may attach additional specific conditions to a proposed Conditional Use in order to ensure that it fully complies with the criteria of this Code; UZC Art. V-D.6

The site is located within the City of Sedgwick's 2008-2030 Comprehensive Plan, which shows the site to be and continued to be used for agriculture. This Plan's current and projected land use for the site agrees with the "2030 Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan*. The Sedgwick Plan places the site within the Equus Beds Groundwater Management District #2 and is sensitive to activities that would contaminate this water resource, which is a water source for the Sedgwick County metro areas as well as being used for irrigation of the county's agricultural fields.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed Conditional Use be APPROVED, subject to the following conditions:

- (1) The site will be used for the mechanical repair of farm equipment. Sale of repaired farm equipment is permitted. No repair and/or sale of light trucks, dump trucks, automobiles, motorcycles or scooters. All service or repair work conducted on the site shall entirely within a building. No body or fender work shall be permitted.
- (2) No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons. All other signage will be per the RR zoning district → 8x4 sign as per the
- (3) All parking, circulation and outdoor display areas will be on a surface approved by County Code Enforcement and County Fire. No use of elevated platforms for the display of farm equipment.
- (4) The storage of all chemicals and fluids associated with the mechanical repair of farm equipment will be on a concrete surface in containers approved by County Code Enforcement and reviewed by Equus Beds Groundwater Management District #2.
- (5) No outdoor storage of parts, equipment waiting to be repaired or chemicals.
- (6) A parking barrier, such as a heavy rail type, shall be installed along all perimeter display areas adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked farm equipment does not encroach onto public right-of-way
- (7) All development on the site shall comply with the County and FEMA standards for development within the floodway and flood zone. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations
- (8) All outside trash receptacles shall have solid screening around them.
- (9) Maintain enough of the existing trees along of the north, east and south sides of the site to provide screening for the adjacent and abutting lands.
- (10) No outdoor amplification system shall be permitted.
- (11) Dedicate by separate instrument 10-foot of right-of-way,
- (12) The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be directed onto the site and away from all adjacent residential development.
- (13) The site will be developed as shown on an approved site plan. No selling or

repair of farm equipment shall be allowed until all permits have been acquired and all improvements to the site have been made.

(14) If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: The area around the site is zoned RR and is mostly active agricultural fields broken up by the Little Arkansas River, which flows through and along the north and east sides of the site. At this site, a dense run of trees follows the river and provides screening along the site's north, east, and a portion of the south sides. The Little Arkansas' floodway and flood zone restricts development of the area. The area is located in the northeast portion of the Equus Beds, which is a water source for the Sedgwick County metro areas as well as being used for irrigation of the county's agricultural fields. The nearest residences are two single-family residences (built 1910 and a manufactured home) located across Ridge Road, west of the site. There are another seven single-family residences (1914-2001) within a ½-mile of the site located along Ridge Road or 109th Street North.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture uses and large lot residential uses. The site could be used for a single-family residence or agriculture without the Conditional Use. The proposed repair and sale of repaired farm equipment on this site could have a low negative impact on this predominately agricultural area when matched with certain considerations, including; screening, storage and disposing of chemicals generated by repairing of the farm equipment, lighting and compliance with the County standards for development within the floodway and flood zone. The RR zoning district does not permit outdoor storage or a vehicle storage yard.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site will introduce a new use into the area, the repair of farm equipment and the sale of repaired equipment. The proposed uses in immediate proximity to the agricultural community around it could be complimentary. Development of the all of the (+) 12-acre site is restricted by its location next to the Little Arkansas River and its floodway and flood zone, which makes a smaller site and lessens the negative aspects of the proposed use, because of its restricted size. The conditions attached to the Conditional Use should minimize negative impact of the development.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in general

conformance with the *Wichita-Sedgwick County Comprehensive Plan*. Per the UZC, Agricultural Sales and Service may be considered as a Conditional Use in the RR zoning district, on a site by site consideration. **The site is located within the City of Sedgwick's 2008-2030 Comprehensive Plan, which shows the site to be and continued to be used for agriculture. The site's size and conformation is defined by ownership, Ridge Road and the Little Arkansas River, with its dense grouping of trees, all which make the site a less than ideal agricultural field. The Sedgwick plan does not address this type of use outside of its city limits.**

5. Impact of the proposed development on community facilities: Anticipated impacts should be minimal and are addressed by the recommended conditions.