CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 29, 2008

Mary Stark
800 Lakewood Dr
Wichita, KS 67230

RE: **CON2008-00002** - County Conditional Use request for a government service, generally located south of U.S. 54, west of 159th Street East and north of Lincoln (800 S. Lakewood Dr.).

Dear Ladies and Gentlemen:

At its regular meeting on **August 7, 2008**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division

WL:mc
Attachment

Copies to: Robert Kaplan, 430 N. Market, Wichita, KS 67202
Don Richardson, 15236 Castle Circle, Wichita, KS 67230
Cedar Mercier, 15210 Castle Circle, Wichita, KS 67230
Brett White, 15256 Castle Circle, Wichita, KS 67230
James Wilson, 1224 Sagebrush, Wichita, KS 67230
Lakecrest, 14531 E. Spring Valley Circle, Wichita, KS 67230
Minneha Township, Don Stephan, 35 Via Verde, Wichita, KS 67230
Park East, Larry Frutiger, 102 Cardinal Lane, Wichita, KS 67230
Springdale Country Club Estates, Victor Fitz, 14726 E. Twinlake Dr., Wichita, KS

the Sedgwick County Road Code for private drives for a non residential use.

9. A revised site plan must be turned in for review and approval by Planning. Development of the site shall be in conformance with the approved Site Plan.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The approximately one (1) acre site is part of an unplatted 124.8-acre SF-20 zoned tract, located in the county, on the south side of US 54 Highway, on the west side of 159th Street East (the Butler – Sedgwick county line) and on the north side of Lincoln Street. The tract is an agricultural field with a single-family residence and some agricultural accessory buildings. The city limits of Wichita abut the south and west sides of the site. These areas located within the city are developed as numerous single-family residential subdivisions, zoned SF-5 Single-family Residential ("SF-5"). The single-family residences located closest to the site were mostly built in the 1990s.

2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used as it is, part of a large, 124.8-acre agricultural field with a single-family residence and its agricultural accessory buildings. However the large tract itself, with its proximity to US 54 and the combination of residential and commercial development occurring or planned to occur in the area has more development potential than its current use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The results of the dialogue between the applicant, the single-family residential neighborhood and Sedgwick County are largely reflected in the conditions, which should help minimize the impact of the currently out of compliance Minneha Township equipment storage and staging area/facility.

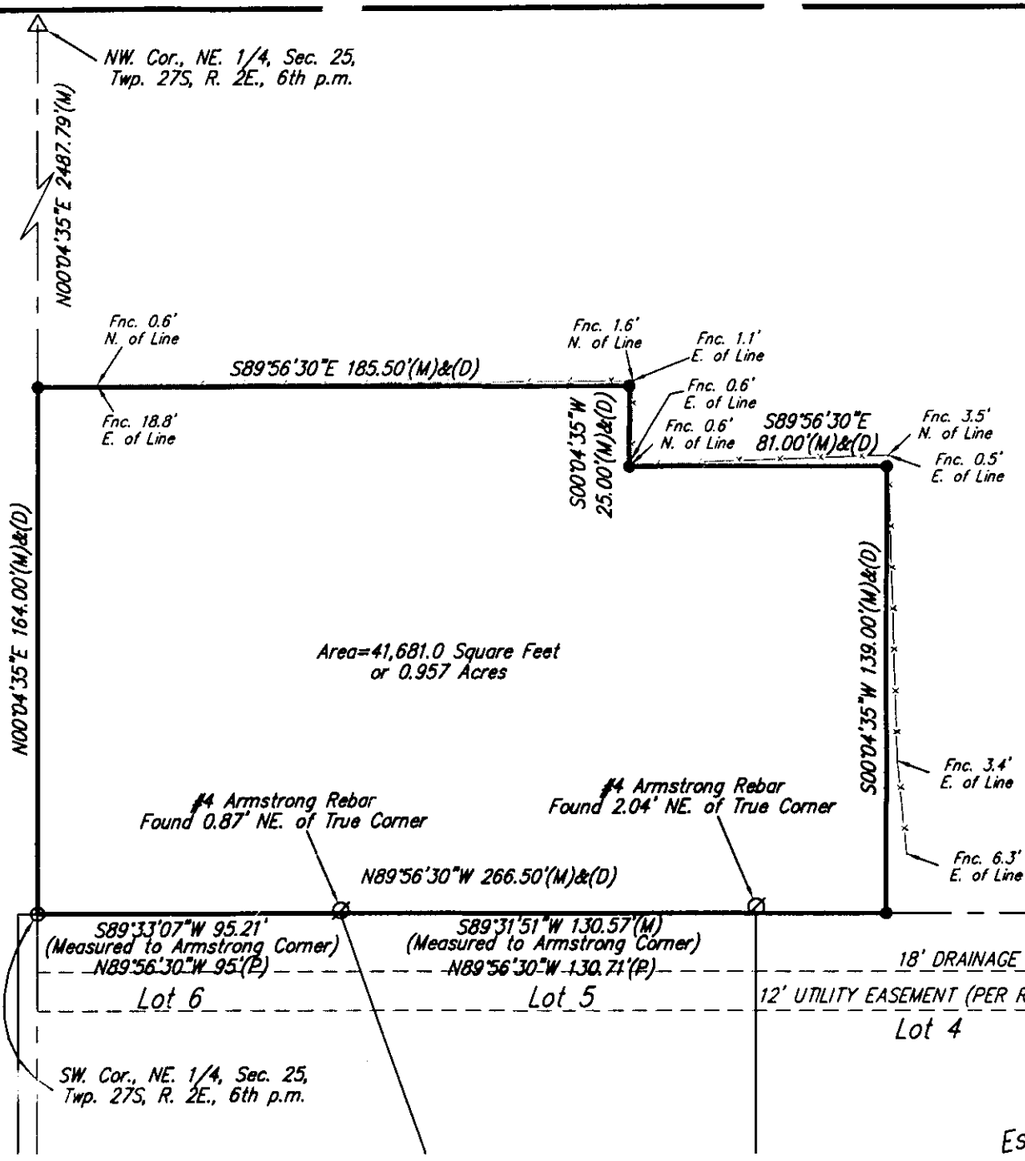
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide" (Guide) of the Comprehensive Plan identifies this property as "urban development mix" and within the 2030 Wichita urban growth area. The urban development mix category encompasses land that will likely be developed within the next 30 years with uses predominately found in the "urban residential use" category of the Guide. There is also the strong likelihood that concentrations and pockets of uses found in the "major institutional" and "local commercial" categories, as well as "regional commercial" and "employment centers," (if in the proximity of a future Northwest Bypass) could develop in this area. Needless to say these categories ponder the possibility of a wide range of uses, including all housing types, public and civic uses, the smallest to largest retail and manufacturing-warehousing-shipping

developments. The 124.8-acre agricultural field the site is located in has direct access onto US 54 and is open to a wide range of development possibilities. The proposed Minneha Township equipment storage and staging area/facility does fit into this wide range of possible uses.

The UZC requires a Conditional Use for Government Service, in all residential zoning districts, plus the NO Neighborhood Office ("NO"), GO General Office ("GO") and NR Neighborhood Retail ("NR") non-residential zoning districts. The proposed Minneha Township equipment storage and staging area/facility is located on property zoned SF-20, thus it can be considered for a Conditional Use.

The UZC considers Government Services a "public and civic" use. The "Public/Institutional Location Guidelines of the Comprehensive Plan" states that these uses that serve residential areas should be grouped together along with the neighborhood commercial centers and located near parks or along intersections of greenways/recreational corridors. It also states that they should have convenient access to arterial streets and public transportation. The proposed Minneha Township equipment storage and staging area/facility is located up against urban density single-family residential development on its west and south sides, but is part of a 124.8-acre agricultural field (with one single-family residence and its agricultural accessory buildings) on its north and east sides. Access is onto Lincoln Street, a paved Minneha Township road, which is projected to become a two-lane arterial. Access to Lincoln is from an unimproved private drive, with the site itself located more than a ¼-mile from Lincoln. Traffic to and from the site will be mostly through open field to the intersection. In this portion of consideration for the application, the site and its proposed use is at best only partially conforming and at worst short of meeting locational criteria; the site's immediate proximity to single-family residences and lack of convenient access to an arterial are negatives.

5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be no more than they presently are, as the noncompliant facility has been in operation for over two years.



State of Kansas)
) SS
County of Sedgwick)

January 4, 2008

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we did on this 4th day of January 2008, survey the following:

A portion of the NE. 1/4, Sec. 25, Twp. 27S, R. 2E, of the sixth p.m., Sedgwick County, Kansas, described as beginning at the SW. corner of said NE. 1/4; thence north along the west line of said NE. 1/4, 164.00 feet; thence east parallel with the south line of said NE. 1/4, 185.50 feet; thence south parallel with the west line of said NE. 1/4, 25.00 feet; thence east parallel with the south line of said NE. 1/4, 81.00 feet; thence south parallel with the west line of said NE. 1/4, 139.00 feet to a point on the south line of said NE. 1/4; thence west along the south line of said NE. 1/4, 266.50 feet to the point of beginning.

The accompanying sketch is a true and correct exhibit of said survey based on actual field measurements where the monuments are of the character and occupy the positions as indicated.

PRESTON A. STEWART LICENSED LS-1386 KANSAS LAND SURVEYOR

Preston A. Stewart #1386 — Date

(C) = Calculated
(D) = Described
(M) = Measured
(P) = Platted

● = #4 Baughman Rebar to be Set
○ = 3/4" Iron Pipe with LS#555 cap Found
□ = Butler County Disc Found
△ = Mag Nail Found
Ø = #4 Armstrong Rebar Found

0 50 100

Baughman

Boundary Survey
Minneha Township, NE. 1/4, Sec. 25, Twp. 27S, R.2E
Sedgwick County, Kansas

Baughman Company, P.A. 315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

REVISIONS	APPROVED	DRAWN
	GFS	PAS
	SCALE	DATE
	1"=50'	January 7, 2008

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CONDITIONAL USE RESOLUTION NO. CON2008-00002

WHEREAS, Mary Louise Stark (owner) and the Minneha Township, c/o Don Stephan (applicant); 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 a Minneha Township equipment storage and staging area (Government Services) on approximately 1.0-acres zoned SF-20 Single-family Residential ("SF-20") described as:

The Minneha Township equipment storage and staging area;
A portion of the Northeast Quarter of Section 25, Township 27 S, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Southwest corner of said Northeast Quarter; thence North along the West line of said Northeast Quarter, 164 feet; thence East parallel with the South line of said Northeast Quarter, 185.50 feet; thence South parallel with the West line of said Northeast Quarter, 25 feet; thence East parallel with the South line of the Northeast Quarter, 81.00 feet; thence South parallel with the West line of said Northeast Quarter, 139 feet to a point on the South line of said Northeast Quarter; thence West along the South line of said northeast Quarter, 266.50 feet to the point of beginning.
AND
The access road to the Minneha Township equipment storage and staging area;
A portion of the NE ¼, Sec. 25, Twp. 27S, R, 2-E, of the sixth P.M., Sedgwick County, Kansas, described as commencing at the SE corner of said NE ¼; thence N89°56'30"W, along the south line of said NE ¼, 1271.06 feet to the point of beginning; thence continue N89°56'30"W, along the south line of said NE ¼, 44.14 feet; thence N24°57'18"W,
22.40 feet; thence N18°34'39"W, 98.60 feet to a P.C. of a curve to the left; thence northwesterly along said curve to the left an arc length of
374.46 feet, having a radius of 430.00 feet, a chord length of 362.74 feet and a chord bearing of N43°31'30"W; thence N68°28'21"W, 188.41 feet to a P.C. of a curve to the right; thence northwesterly along said curve to the right an arch length of 211.36 feet, having a radius of 1,620.00 feet, a chord length of 211.21 feet and a chord bearing of N64°44'05"W; thence N60°59'50"W, 32.41 feet to a P.C. of a curve to the left; thence southwesterly along said curve to the left an arc length of 50.94 feet, having a radius of 30.00 feet, a chord length of 45.04 feet an a chord bearing of S70°21'18"W; thence S21°42'26"W, 237.97 feet to the P.C. of a curve to the left; thence southwesterly along said curve to the left; an arc length of 117.36 feet, having a radius of 405.00 feet, a chord length of 116.95 feet and a chord bearing of S13°24'19"W; thence S05°06'13"W, 122.05 feet to the P.C. of a curve to the right; thence southwesterly along said curve to the right an arc length of 104.80 feet, having a radius of 70.00 feet, a chord length of 95.28 feet and a chord bearing of S47°59'34"W; thence N89°07'04"W, 84.16 feet; thence S87°25'11"W, 54.53 feet to a point on a line 266.50 feet east of the west line of said
NE ¼; thence N00°04'35"E, parallel with the west line of said NE ¼, 40.04 feet; thence N87°25'11"E, 53.88 feet; thence S89°07'04"E,
85.36 feet to the P.C. of a curve to the left and arc length of 44.91 feet, having a radius of 30.00 feet, a chord length of 40.84 feet and a chord bearing of N47°59'34"E, thence N05°06'13"E, 122.05 feet to the P.C. of a curve to the right; thence northeasterly along said curve to the right an arc length of 128.96 feet, having a radius of 445.00 feet, a chord length of 128.50 feet and a chord bearing of N13°24'19"E; thence N21°42'26"E 237.97 feet to the P.C. of a curve to the right; thence northeasterly along said curve to the right an arc length of 118.87 feet, having a radius of 70.00 feet, a chord length of 105.09 feet and a chord bearing of N70°21'18"E; thence S60°59'50"E, 32.41 feet to the P.C. of a curve to the left; thence southeasterly along said curve to the left an arc length of 206.14 feet, having a radius of 1,580.00 feet, a chord length of

205.99 feet and a chord bearing of S64°44'05"E; thence S68°28'21"E, 188.41 feet to the P.C. of a curve to the right; thence southeasterly along said curve to the right an arc length of 409.29 feet, having a radius of 470.00 feet, a chord length of 396.48 feet and a chord bearing of S43°31'30"E; thence S18°34'39"E, 96.37 feet; thence S24°57'18"E, 38.83 feet to the point of beginning: Generally located south of US 54 Highway, west of 159th Street East, and north Lincoln Street, 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 August 7, 2008, 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 for a Minneha Township equipment storage and staging area (Government Services) on approximately 1.0-acres zoned SF-20 Single-family Residential ("SF-20") described as:

The Minneha Township equipment storage and staging area;
A portion of the Northeast Quarter of Section 25, Township 27 S, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Southwest corner of said Northeast Quarter; thence North along the West line of said Northeast Quarter, 164 feet; thence East parallel with the South line of said Northeast Quarter, 185.50 feet; thence South parallel with the West line of said Northeast Quarter, 25 feet; thence East parallel with the South line of the Northeast Quarter, 81.00 feet; thence South parallel with the West line of said Northeast Quarter, 139 feet to a point on the South line of said Northeast Quarter; thence West along the South line of said northeast Quarter, 266.50 feet to the point of beginning.
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Approved subject to the following conditions:

1. A 7-foot masonry/concrete wall be built where the site abuts Lots 1 & 2, Block 6, Springdale East Addition, where it abuts Lots 5 & 6, Block 4, Timber Lakes Estates 3rd Addition, and in addition along the entire north lot of Lot 4, Block 4, Timber Lakes Estates 3rd Addition. The wall shall be placed so that it will not disturb the existing hedge row that runs between the abutting south and west residential properties. The wall will be placed on the applicant's site, with the hedge row being between it and the abutting residences. A drainage plan must be reviewed and approved by the County Engineer, prior to the construction of the wall.
2. A 20-foot buffer and a 25-foot compatibility setback will run along the west and south sides of the site. There will be no parking, storage, staging, stockpiling of materials or lights within the setbacks. All lighting must be directed onto the site and away from the abutting residential neighborhoods. Pole lights shall be a maximum of 12-feet tall, including the base.
3. Stockpiling of materials shall not exceed seven (7) feet in height and will be placed a maximum distance from the abutting southern and western single-family residential developments, which is general described as the northeastern portion of the site. Water will be used to keep dust from blowing off of the stockpiles.
4. Parking and storage of vehicles will be in the metal storage/office, except when in use during the day, then they will be parked on a gravel surface located on the east side of the metal storage/office building. Vehicular repair will be done inside a building on a concrete floor.
5. Hours of operation are 8 AM-6 PM, with the exceptions being in the summer (July – August) when hours may begin at 7AM and winter when snow removal from the township roads could require 24 hour shifts.
6. A septic or lagoon sewer system and well will be installed, as permitted and inspected by Sedgwick County, within 6 months of approval of the Conditional Use by the appropriate governing body.
7. The proposed office space must be permitted, built and inspected per Sedgwick County Building Code. All buildings must meet all the provisions of the Sedgwick County Building Code
8. The private drive which provides access to the site must meet all the provisions of

the Sedgwick County Road Code for private drives for a non residential use.

9. A revised site plan must be turned in for review and approval by Planning. Development of the site shall be in conformance with the approved Site Plan.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this September 25, 2008.

METROPOLITAN AREA PLANNING COMMISSION

Darrell Dowining, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC August 7, 2008

CASE NUMBER: CON2008-00002

APPLICANT/OWNER: Mary L. Stark (owner), Minneha Township, c/o Charles Wiggens (applicant), Robert Kaplan (agent)

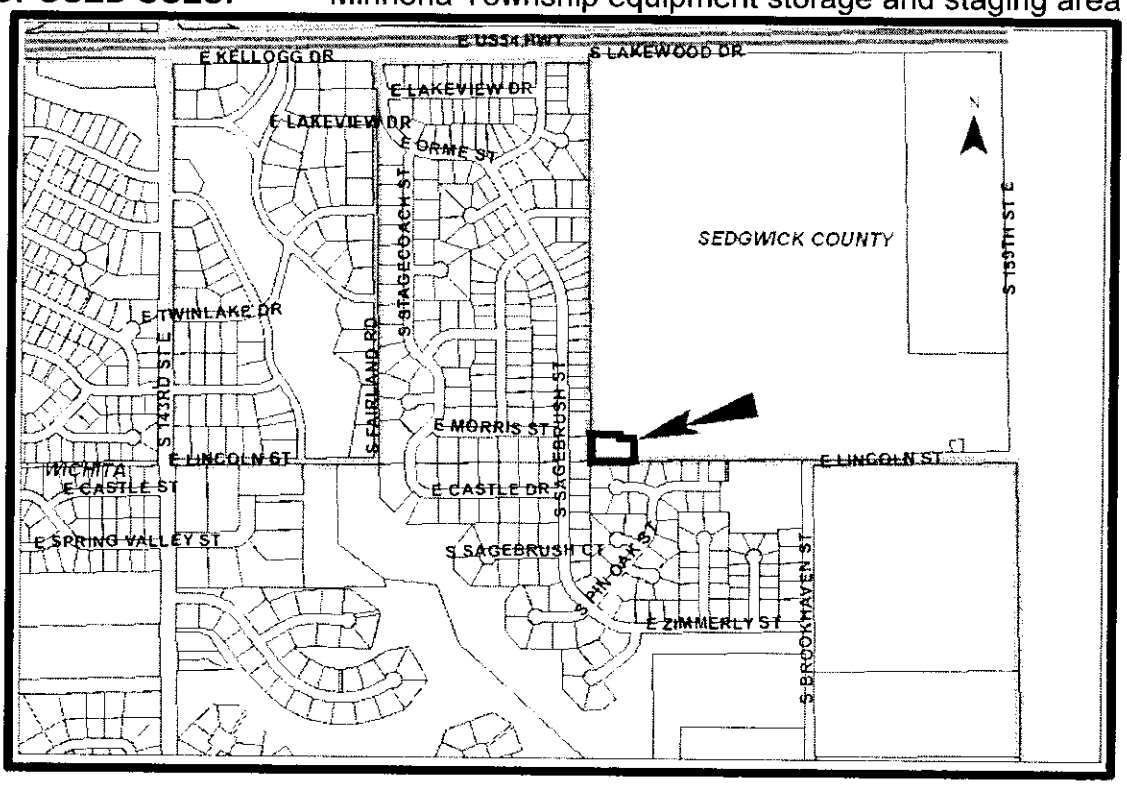
REQUEST: Conditional Use to allow Government Service

CURRENT ZONING: SF-20 Single-family Residential ("SF-20")

SITE SIZE: Approximately 1 acre

LOCATION: Generally located south of US 54, west of 159th Street East, on the north side of Lincoln Street (BoCC #5)

PROPOSED USES: Minneha Township equipment storage and staging area



BACKGROUND: The applicant is requesting consideration for a Conditional Use to allow "Government Services" for the Minneha Township equipment storage and staging area/facility on property zoned SF-20 Single-family Residential ("SF-20"). The Unified Zoning Code (UZC) defines Government Services as "buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and recreational services." The UZC requires a Conditional Use for Government Service in all residential zoning districts.

The approximately one (1) acre site is part of an unplatted 124.8-acre SF-20 zoned tract, located in the county, on the south side of US 54 Highway, on the west side of 159th Street East (the Butler – Sedgwick county line) and on the north side of Lincoln Street. The tract is an agricultural field with a single-family residence and some agricultural accessory buildings, which are located approximately 300 yards southwest of the residence. A creek runs north to south through the tract. The site is located in the southwest corner of the tract, which is where the accessory buildings are located. Access to the site is off of Lincoln from an unimproved private drive. The city limits of Wichita abut the south and west sides of the site. These areas located within the city are developed as numerous single-family residential subdivisions, zoned SF-5 Single-family Residential ("SF-5"). The single-family residences located closest to the site were mostly built in the 1990s. There is an existing hedge row between the proposed site and the abutting single-family residences.

The equipment stored on the site include a dump truck (which also serves as a snow plow) two tractors, a grader, a pick-up truck, a skid loader, a bobcat, trailers, an excavator, a roller, a crack sealer and an air compressor. Materials typically stockpiled on the site include culvert pipe, gravel and top soil. Asphalt for road repair is not stored on the site. There are three fuel tanks located on the west side of a metal building, which is open on its east side. This building also serves as the office for the facility. Typical hours of operation are 8 AM-6 PM, with the exception being in the winter when snow removal from the township roads could require 24 hour shifts.

CASE HISTORY: The applicant has moved onto the site prior to applying for/obtaining a Conditional Use and was directed to apply for one or move off of the site by Sedgwick County Code Enforcement, which was responding to complaints from the abutting single-family residential neighbors. The application was deferred from its initial public hearing date (February 21, 2008) to allow the applicant to look for another site or address the concerns of the established single-family neighborhood. The applicant subsequently met with the neighbors to address their concerns.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Agricultural field
EAST:	SF-20	Agricultural field, single-family residence
SOUTH:	SF-5	Single-family residences
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: Lincoln is a paved Minneha Township road. This portion of Lincoln

has a low water bridge on it, which is posted warning traffic to stay off the bridge during high water from the creek running through the tract the site is located in. Lincoln bends south and becomes Brookhaven Street (township road) just past the intersection of Lincoln with the private drive to the tract and site. 159th Street East appears to be a paved county road. The "2030 Transportation Plan" projects all three roads to be two-lane arterials. There are no traffic counts for this portion of Lincoln. Franchised utilities are available or can be extended to the site. The applicant will install a septic system or lagoon for sewage. A well will provide water to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" (Guide) of the Comprehensive Plan identifies this property as "urban development mix" and within the 2030 Wichita urban growth area. The urban development mix category encompasses land that will likely be developed within the next 30 years with uses predominately found in the "urban residential use" category of the Guide. There is also the strong likelihood that concentrations and pockets of uses found in the "major institutional" and "local commercial" categories, as well as "regional commercial" and "employment centers," (if in the proximity of a future Northwest Bypass) could develop in this area. Needless to say these categories ponder the possibility of a wide range of uses, including all housing types, public and civic uses, the smallest to largest retail and manufacturing-warehousing-shipping developments. The 124.8-acre agricultural field the site is located in has direct access onto US 54 and is open to a wide range of development possibilities. The proposed Minneha Township equipment storage and staging area/facility does fit into this wide range of possible uses.

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The UZC considers Government Services a "public and civic" use. The "Public/Institutional Location Guidelines of the Comprehensive Plan" states that these uses that serve residential areas should be grouped together along with the neighborhood commercial centers and located near parks or along intersections of greenways/recreational corridors. It also states that they should have convenient access to arterial streets and public transportation. The proposed Minneha Township equipment storage and staging area/facility is located up against urban density single-family residential development on its west and south sides, but is part of a 124.8-acre agricultural field (with one single-family residence and its agricultural accessory buildings) on its north and east sides. Access is onto Lincoln Street, a paved Minneha Township road, which is projected to become a two-lane arterial. Access to Lincoln is from an unimproved private drive, with the site itself located more than a ¼-mile from Lincoln. Traffic to and from the site will be mostly through open field to the intersection. In this portion of consideration for the application, the site and its proposed use is at best only partially conforming and at worst short of meeting locational criteria; the site's immediate proximity to single-family residences and lack of convenient access to an arterial are negatives.

RECOMMENDATION: The applicant moved onto the site prior to the current application for a Conditional Use. Complaints from the already established (houses built tin the 1990s) single-family residential neighborhood to Sedgwick County Code Enforcement caused the township to apply for the Conditional Use. The application was deferred from its initial public hearing date (February 21, 2008) to allow the applicant to look for another site or address the concerns of the established single-family neighborhood. The applicant has stated to staff that they were not able to find another site. The applicant subsequently met with the neighbors to address their concerns. The dialogue with the neighbors and County Code Enforcement seems to have produced some development standards that have been agreed to by both parties. The condition of the private drive to the site must be per County Fire's standard, which would apply to all emergency service vehicles. Based on the information available prior to the public hearing, staff recommends the application be APPROVED, with the following conditions being completed within 6 months of approval by the appropriate governing body.

1. A 7-foot masonry/concrete wall be placed along the west and south sides of the site and if needed extended along the east side of the abutting Lot 1, Block 6, Springdale East Addition and the north side of the abutting Lot 4, Block 4, Timber Lakes Estates 2rd Addition. The wall shall be placed so that it will not disturb the existing hedge row that runs between the abutting south and west residential properties. The wall will be placed on the applicant's site, with the hedge row being between it and the abutting residences.
2. A 20-foot buffer and a 25-foot compatibility setback will run along the west and south sides of the site. There will be no parking, storage, staging, stockpiling of materials or lights within the setbacks. All lighting must be directed onto the site and away from the abutting residential neighborhoods. Pole lights shall be a maximum of 12-feet tall, including the base.
3. Stockpiling of materials shall not exceed seven (7) feet in height and will be placed a maximum distance from the abutting southern and western single-family residential developments, which is general described as the northeastern portion of the site. Water will be used to keep dust from blowing off of the stockpiles.
4. Parking and storage of vehicles will be on the east side of the tin storage/office building on a gravel surface. Vehicular repair will be done inside a building on a concrete floor.
5. Hours of operation are 8 AM-6 PM, with the exceptions being in the summer (July – August) when hours may begin at 7AM and winter when snow removal from the township roads could require 24 hour shifts.
6. A septic or lagoon sewer system and well will be installed, as permitted and inspected by Sedgwick County, within 6 months of approval of the Conditional Use by the appropriate governing body.
7. The proposed office space must be permitted, built and inspected per Sedgwick County Building Code. All buildings must meet all the provisions of the Sedgwick County Building Code
8. The private drive which provides access to the site must meet all the provisions of