CITY OF
WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 6, 2009

Elsworth Berg
18333 W. 39th St., S.
Goddard KS 67052

RE: **CON2008-70** - County Conditional Use for vehicle storage in RR Rural Residential zoning, generally located south of 39th Street South and east of 183rd Street West (18333 West 39th Street South).

Dear Ladies and Gentlemen:

At its regular meeting on **January 22, 2009**, 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,

Jess McNeely, AICP
Senior Planner
Current Plans Division

JMC/mc
Enclosure

Cc: Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211
Roger D. Daniels, 4103 S. 183rd St., West, Goddard, KS 67052
E-mail Alfred Richard
BCOC III, Karl Peterjohn, Mail Stop, County Room 320
County Manager, Bill Buchanan, Mail Stop, County Room 343

CONDITIONAL USE RESOLUTION NO. CON2008-70

WHEREAS, Elsworth and Vicky Berg (Owner/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 for a Vehicle Storage Yard on 4.2 acres zoned RR Rural Residential described as:

The West 436 feet of the North 500 feet of the Northwest Quarter, Except for the roads on the North and West of Section 16, Township 28, Range 2 West of the 6th P.M., Sedgwick County, Kansas; generally located south of 39th Street South and east of 183rd Street West (18333 West 39th Street South).

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 22, 2009, 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 for a Vehicle Storage Yard on 4.2 acres zoned RR Rural Residential:

The West 436 feet of the North 500 feet of the Northwest Quarter, Except for the roads on the North and West of Section 16, Township 28, Range 2 West of the 6th P.M., Sedgwick County, Kansas; generally located south of 39th Street South and east of 183rd Street West (18333 West 39th Street South).

APPROVED, subject to the following conditions:

A. The vehicle storage yard Conditional Use shall conform to all Unified Zoning Code supplemental use regulations as specified in Section III-D.6.mm.
B. The maximum number of vehicles to be stored on the site is 12.
C. The site shall be developed and utilized in general conformance with the approved site plan.
D. The site shall have no light poles.
E. The applicant shall submit a revised site plan, to be approved by planning staff, which shall include a screening fence on the south side of the parking area, and shall include a minimum of 10 evergreen trees along the south property line adjacent to the parking area.
F. 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 the Conditional Use null and void.

Adopted this 22nd DAY of January, 2009. 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

Darrel Downing, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

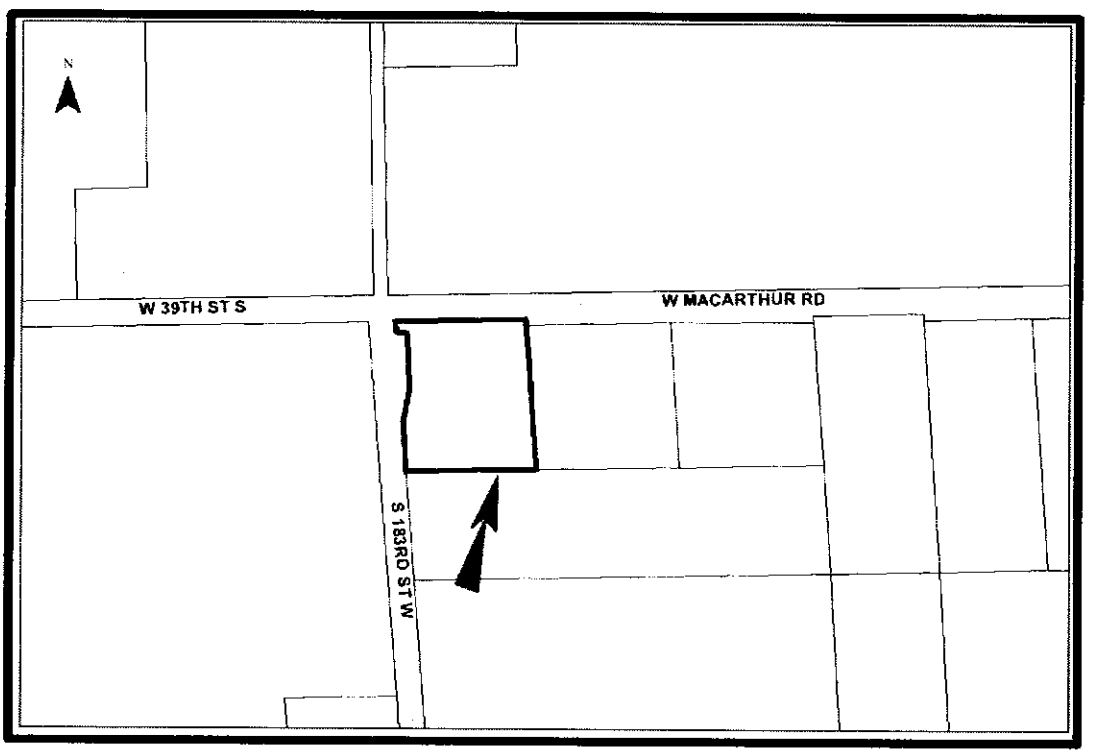
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

Goddard P.C. 1-8-2009
MAPC 1-22-2009

CASE NUMBER:	CON2008-70
APPLICANT/AGENT:	Elsworth and Vicky Berg (applicants), Baughman Company P.A. c/o Russ Ewy (agent)
REQUEST:	Conditional Use for a vehicle storage yard
CURRENT ZONING:	RR Rural Residential
SITE SIZE:	4.2 acres
LOCATION:	South of 39th Street South and east of 183rd Street West (18333 West 39th Street South)
PROPOSED USE:	Vehicle Storage Yard



BACKGROUND: The applicant requests a Conditional Use to permit a "vehicle storage yard" on 4.2 acres located southeast of the 39th Street South and 183rd Street West intersection (18333 West 39th Street South) on property zoned RR Rural Residential ("RR"). The applicant operates a dump truck business, and wishes to store a maximum of 12 vehicles on the site. The site is currently developed with a single-family residence, three outbuildings, and the paved vehicle storage area. The site has significant existing vegetation; the attached site plan demonstrates a proposed screening fence south of the paved vehicle parking area.

The application area is located in a rural area with agricultural activity and large-lot ex-urban residences. North and west of the site is RR zoned property used for agriculture. East, south, and northwest of the site are RR zoned single-family residences. The residence immediately south of the application area is approximately 125 feet from the vehicle parking area; the residence to the east is approximately 365 feet from the vehicle parking area. This application is within the Goddard Zoning Area of Influence and will therefore be heard by the Goddard Planning Commission on January 8, 2009.

The Unified Zoning Code was recently amended to allow vehicle storage yards as Conditional Uses in RR zoning. The Code requires that the property be developed with a residence as the primary use; requires that storage areas be behind the residential structure; limits the parking area to 10,000 square feet; prohibits on-site sales, repair, servicing, and material storage; requires a 20-foot setback from adjacent residences; requires all-weather paving; requires visual screening from residential zoning districts; and requires the Zoning Code lighting and noise compatibility standards with no outdoor speakers or sound amplification systems permitted. The application area appears to meet these requirements.

CASE HISTORY: The subject site is not platted. The residence on the site was built in 1999.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	farmland; large lot residential
SOUTH:	RR	farmland; large lot residential
EAST:	RR	farmland; large lot residential
WEST:	RR	farmland

PUBLIC SERVICES: The application area is within Rural Water District #4. Municipal sewer is not available; an on-site lagoon is in use. 39th Street South and 183rd Street West are both paved, two-lane, section-line roads at this location. Neither road has traffic counts available.

CONFORMANCE TO PLANS/POLICIES: The application area is located in an area designated by the 2030 Urban Growth Area map as the "rural functional land use category." This category includes land located outside any cities' 2030 urban growth areas. This area is designated to accommodate agricultural uses, rural based uses that are no more offensive than agricultural uses, and larger residential exurban lots, typically two acres or larger with provision for individual or community water and sewer services.

RECOMMENDATION: Based upon information available prior to the public hearings, planning

staff recommends that the request be APPROVED, subject to the following conditions:

A. The vehicle storage yard Conditional Use shall conform to all Unified Zoning Code supplemental use regulations as specified in Section III-D.6.mm.
B. The maximum number of vehicles to be stored on the site is 12.
C. The site shall be developed and utilized in general conformance with the approved site plan.
D. The site shall have no light poles.
E. The applicant shall submit a revised site plan, to be approved by planning staff, which shall include a screening fence on the south side of the parking area, and shall include a minimum of ten evergreen trees along the south property line.
F. 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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located in a rural area with agricultural activity and large-lot ex-urban residences. North and west of the site is RR zoned property used for agriculture. East, south, and northwest of the site are RR zoned single-family residences. The residence immediately south of the application area is approximately 125 feet from the vehicle parking area; the residence to the east is approximately 365 feet from the vehicle parking area.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR and is developed with a residence. The site could continue to be used as it is currently zoned and developed.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: This is predominately a rural area characterized by large-lot residences and agricultural uses. Nearby residences could be subjected to truck traffic, noise, light, and debris from the vehicle storage area. Vehicle storage yards are a Conditional Use in RR zoning, the supplementary conditions of the Unified Zoning Code and the additional proposed conditions should mitigate negative effects.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request would cause the applicant to cease the current vehicle storage on the property, presumably with a negative effect on the applicant. From the public's perspective, a denial would preserve the consistency of this area's rural zoning and character.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located in an area designated by the 2030 Urban Growth Area map as the "rural functional land use category." This category includes land

located outside any cities' 2030 urban growth areas. This area is designated is to accommodate agricultural uses, rural based uses that are no more offensive than agricultural uses, and larger residential exurban lots, typically two acres or larger with provision for individual or community water and sewer services.

6. Impact of the proposed development on community facilities: Approval of the request would increase daily traffic on 39th Street South and 183rd Street West. Both of these paved streets can absorb the small increase in daily traffic.

39TH STREET S

183RD STREET W

POND

HOUSE

SHED

SHED

HOUSE

SHED

PARKING AREA

SHED

PROPOSED SCREENING FENCE

SHED

SCALE: 1" = 100'

SITE PLAN

CONDITIONAL USE
CON2008-??

Baughman

ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE