CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 28, 2013

Randy L. Brooks Trust and
Vicki A. Brooks Trust
2552 Wilderness Circle
Wichita, KS 67226

Farmers Cooperative Elevator Co.
Attn: Jack Queen
302 West 1st Street
Halstead, KS 67056

RE: **CON2012-00052** - County Conditional Use request for Grain Storage and Agricultural Sales and Service on property zoned RR Rural Residential ("RR") generally located west of North 151st Street West and north of West 109th Street North

Dear Ladies and Gentlemen:

At its regular meeting on January 10, 2013, 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 platting within one year and the following conditions:

A. The Conditional Use permits "grain storage" and "agricultural sales and service."
B. The site shall be developed, operated and maintained in substantial compliance with the approved site plan.
C. The applicant shall obtain all applicable federal, state and local permits and licenses necessary to operate a "grain storage" and "agricultural sales and service" facility.
D. 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.

The City of Bentley Planning Commission heard this request on December 17, 2012, and recommended approval subject to the same conditions noted above.

There were not any protests filed; therefore, the approval, subject to the recommended conditions and site plan, by the MAPC on January 10, 2013, is final.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Dale Miller
Current Plans Manager

Copies to: Bentley City Hall, Attn: Daylene Beckner, 150 South Wichita, Box 273, Bentley, KS 67016
BCOC 3, Karl Peterjohn, Mail Stop County, Room 320
Bob Parnacott, County Attorney, Mail Stop County Room 359
Kelly Dixon, County Code Enforcement, 1144 S Seneca, Wichita, KS 67213
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2012-00052

WHEREAS, the Vicki A. Brooks Trust and the Randy L. Brooks Trust (owner) and the Farmers Cooperative Elevator Co. (contract purchaser); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for "grain storage" and "agricultural sales and service" on approximately 47.1 acres zoned RR Rural Residential ("RR"), described as:

Begin at the SE cor of the SE/4; th. W 2864.36' to a point 214.64' W of the SE cor of the SW/4 of Section 10; th. N 1323.93' to the N line of the S/2 of the SW/4 of Sec. 10; th. E 966.39' to the SWly r/w line of the RR; th. SE along r/w 2009.26' to the E line of the SE/4 of Sec. 10; th. S 632.94' to begin exc roads & S/2 abandoned RR r/w of adjacent on the N. SE/4 & SW/4 10-25-2W.

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 10, 2013, 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 allow "grain storage" and "agricultural sales and service" on property zoned RR Rural Residential ("RR"), described as:

Begin at the SE cor of the SE/4; th. W 2864.36' to a point 214.64' W of the SE cor of the SW/4 of Section 10; th. N 1323.93' to the N line of the S/2 of the SW/4 of Sec. 10; th. E 966.39' to the SWly r/w line of the RR; th. SE along r/w 2009.26' to the E line of the SE/4 of Sec. 10; th. S 632.94' to begin exc roads & S/2 abandoned RR r/w of adjacent on the N. SE/4 & SW/4 10-25-2W.

Approved subject to the following conditions:

A. The Conditional Use permits "grain storage" and "agricultural sales and service."
B. The site shall be developed, operated and maintained in substantial compliance with the approved site plan.
C. The applicant shall obtain all applicable federal, state and local permits and licenses necessary to operate a "grain storage" and "agricultural sales and service" facility.
D. 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.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT
Bentley 12-17-2012
MAPC 1-10-2013

CASE NUMBER: CON2012-00052

APPLICANT/AGENT: Randy L. Brooks Trust (Randy Brooks Trustee), Vicki A Brooks Trust (Vicki A. Brooks Trustee) (owners) / Farmers Cooperative Elevator Co., Halstead, (Jack Queen) (prospective purchaser)

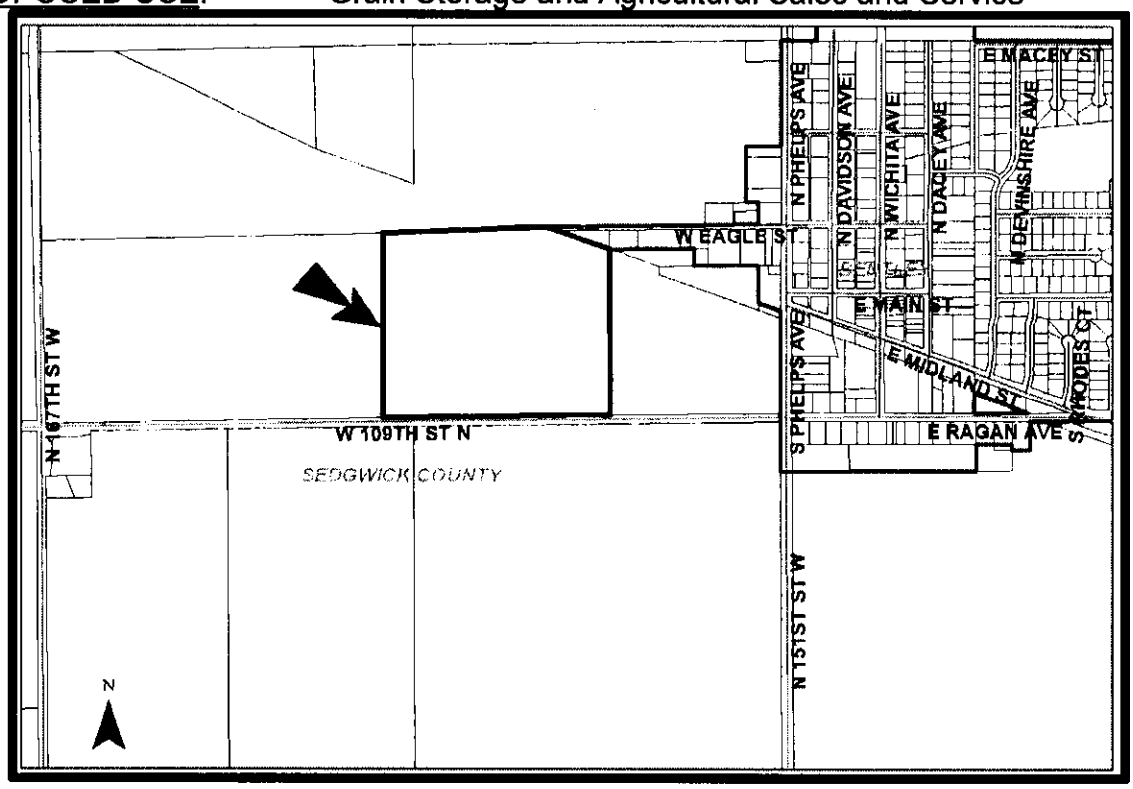
REQUEST: Agricultural Sales and Service and Grain Storage

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 47.1 acres

LOCATION: 2,275 feet west of North 151st Street West, north of West 109th Street North

PROPOSED USE: Grain Storage and Agricultural Sales and Service



BACKGROUND: The applicants are seeking Conditional Use approval for "grain storage" and "agricultural sales and service" on 47.1 unplatted acres located approximately 2,275 feet west of North 151st Street West, north of West 109th Street North. The application area is currently zoned RR Rural Residential ("RR"). The Farmers Cooperative Elevator Company (Halstead) is the prospective purchaser of the property, and intends to construct a grain storage elevator on the property. In addition to grain storage, the Coop will also store and sell liquid fertilizer and anhydrous ammonia. "Grain storage" and "agricultural sales and service" require Conditional Use approval in the RR district.

The site plan submitted with the application depicts a site with five sides, none of which have the same dimensions as any of the other sides. All of the improvements are proposed to be located in the south-central portion of the site. The site plan indicates a row of larger silos is to be located to the west of some smaller silos. The scale house is to be located south of the smaller silos. A large flat storage building is to be located west, northwest of the silos. To the southeast of the silos will be the anhydrous ammonia plant. South of the anhydrous ammonia plant, and located closer to the road will be the Coop's liquid fertilizer storage and another warehouse. Two drives, located approximately 484 feet apart, are proposed to provide access to 109th Street. West of the proposed Coop's improvements but located within the application area is an existing KGE easement containing power lines.

All properties surrounding the site are zoned RR and are used for agricultural purposes except for those properties located within the City of Bentley. The City of Bentley is located on the site's northeast property line, and once again a little further to the east of the application area. The properties that are located in Bentley are developed with single-family residences or are vacant.

CASE HISTORY: The application area and the land immediately surrounding it was zoned RR when Sedgwick County adopted county-wide zoning in 1985. The property is located within Bentley's Zoning Area of Influence ("ZAOI"). On December 17, 2012, the Bentley Planning Commission recommended unanimously (3-0) approval of the request.

ADJACENT ZONING AND LAND USE:

NORTH:	RR; agriculture
SOUTH:	RR; agriculture
EAST:	RR and City of Bentley zoning; agriculture, residences
WEST:	RR; agriculture

PUBLIC SERVICES: West 109th Street North is a sand and gravel road that has 30 feet of half-street right-of-way. The site does not appear to have direct access to municipal sanitary sewer or water services. If the City of Bentley is able to provide sewer or water service, that can be addressed at the time of platting. Otherwise the site will have to rely upon on-site facilities approved through Sedgwick County. If changes

are needed, such as the number or location of access drives, the site plan will need to be modified to reflect platting requirements.

CONFORMANCE TO PLANS/POLICIES: The application area is located just outside of Bentley's 2030 Urban Growth Area (Wichita and Small Cities 2030 Urban Growth Areas map), and is, therefore, designated as a "rural area." Land designated as rural encompasses land located outside of 2030 urban growth areas, and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

A. The Conditional Use permits "grain storage" and "agricultural sales and service."
B. The site shall be developed, operated and maintained in substantial compliance with the approved site plan.
C. The applicant shall obtain all applicable federal, state and local permits and licenses necessary to operate a "grain storage" and "agricultural sales and service" facility.
D. 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: All properties surrounding the site are zoned RR and are used for agricultural purposes. The City of Bentley is located closest to the site on the site's northeast property line and again, a little further to the east of the application area. The closest property to the site that is located in Bentley is developed with a single-family residence.

2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned RR which permits primarily large-lot residential uses and basic agricultural activities, by right. The site could continue to be farmed or await some other form of development which, in all likelihood, would also require rezoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: With the exception of the single-family residential uses located in the City of Bentley, all surrounding property is zoned RR and used for agricultural purposes. The site plan and the recommended conditions of approval should minimize any detrimental impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in

value or the hardship imposed upon the applicant: Development of a grain elevator at this location should be a benefit to nearby farmers and provide additional opportunities for employment in the Bentley area, thereby, promoting the public welfare.

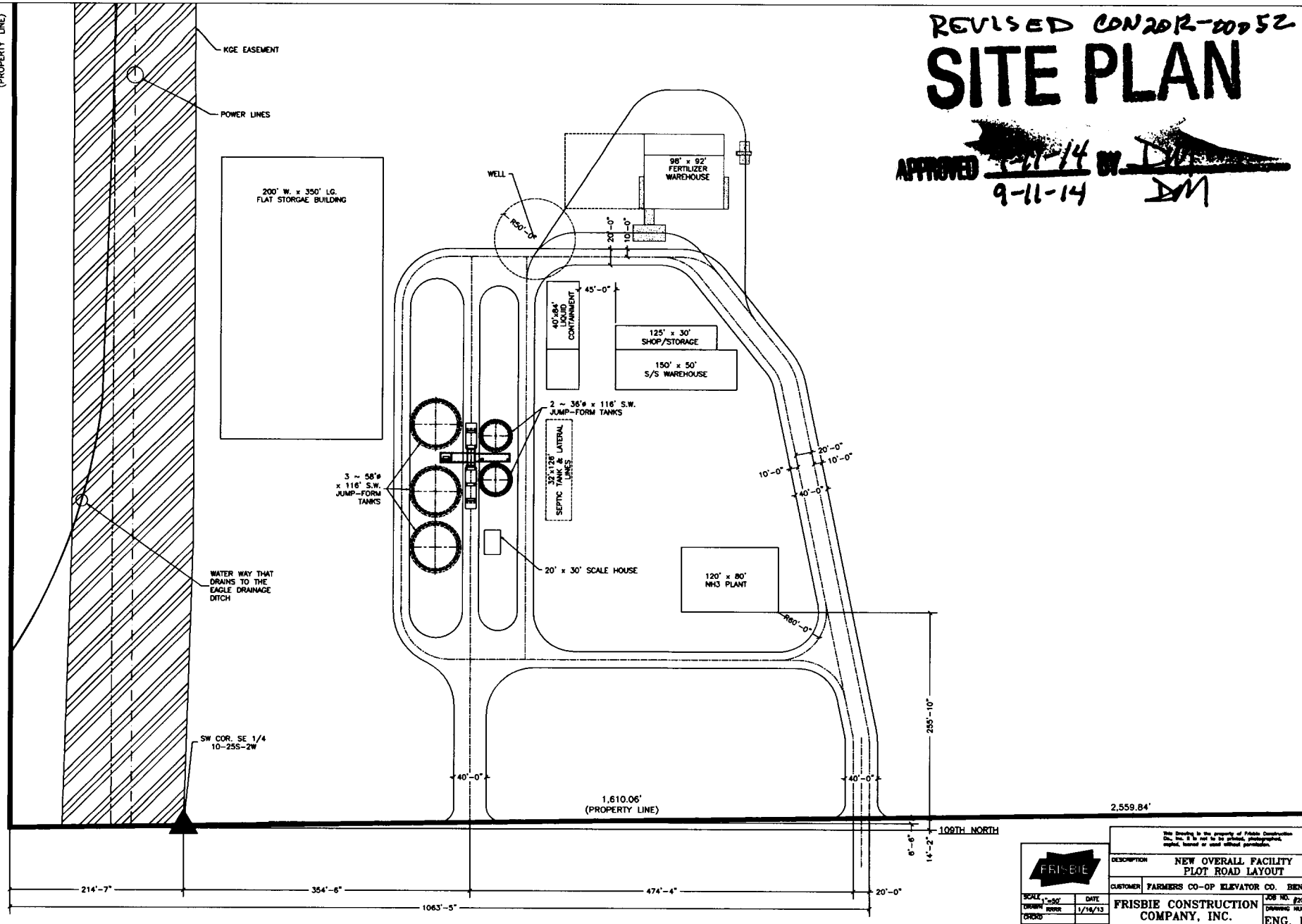
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located just outside of Bentley's 2030 Urban Growth Area (Wichita and Small Cities 2030 Urban Growth Areas map), and is, therefore, designated as a "rural area." Land designated as rural encompasses land located outside of 2030 urban growth areas, and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

6. Impact of the proposed development on community facilities: The facility most likely will increase truck traffic on 109th Street and there may be an increased need for road maintenance if the road remains unpaved.

REVISED CON20R-20052

SITE PLAN

APPROVED 9-11-14 BY DM



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DESCRIPTION	NEW OVERALL FACILITY PLOT ROAD LAYOUT
CUSTOMER	FARMERS CO-OP ELEVATOR CO. BENTLEY, KS.
SCALE	1"=50'
DRAWN	RWR
DATE	1/16/13
CHKD	
APPRVD	
JOB NO.	12080
DRAWING NUMBER	ENG. DWG. 2

FRISBIE CONSTRUCTION COMPANY, INC.
GYPSUM JAN. 16, 2013 KANSAS