OCA: 150004

RESOLUTION NO 53-2013

A RESOLUTION FOR A CONDITIONAL USE FOR A GOVERNMENT FACILITY (TOWNSHIP MAINTENANCE FACILITY) ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY RESOLUTION NO. 84-01, AS SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for a Government Service on 10 acres of property zoned RR Rural Residential ("RR").

Case No. CON 2012-00022

Legally described below:

Payne Township Service Center Addition, Sedgwick County, Kansas; generally located north of East 69th Street North and west of North 127th Street East

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall be developed in accordance with the approved site plan.

2. No outdoor equipment or material shall be stored closer than 50 feet from property lines, or closer to 69th Street North than buildings on the site. No material storage shall exceed eight feet in height.

3. Lighting on the site shall conform to the site plan, shall be directed away from surrounding property lines, and shall be limited to 20-foot tall poles.

4. Evergreen trees shall be planted at one per 20 feet along the front property line.

5. All on-site water and sewer facilities shall be approved by and constructed to Sedgwick County standards.

6. The applicant shall make the site available to the Sedgwick County Department of Environmental Resources for inspection of fuel and chemical storage.

7. All parking and drive aisles shall be maintained with an all weather surface, to include gravel, to minimize blowing dust.

8. All buildings and development on the site shall obtain necessary permits and conform to local, state, and federal requirements to include but not limited to building, zoning, fire, environmental and health codes.

9. If operations have not begun within one year of approval, the Conditional Use shall be null and void.

10. 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.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH	Aye
TIM R. NORTON	Aye
RICHARD RANZAU	Aye
JAMES B. SKELTON	Aye
KARL PETERJOHN	Aye

DATED this 27 day of March, 2013.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

JAMES B. SKELTON, CHAIRMAN
Fifth District

ATTEST:

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

KELLY B. ARNOLD, County Clerk

APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

AGENDA ITEM REQUEST

Proposed Agenda Item: **CON2012-00022–COUNTY CONDITIONAL USE REQUEST TO PERMIT A GOVERNMENT SERVICE FACILITY (TOWNSHIP MAINTENANCE FACILITY) ON PROPERTY ZONED RR RURAL RESIDENTIAL ("RR"); GENERALLY LOCATED NORTH OF EAST 69TH STREET NORTH AND WEST OF NORTH 127TH STREET EAST. (DISTRICT I)**

Presented By: John L. Schlegel, Director of Planning JLS

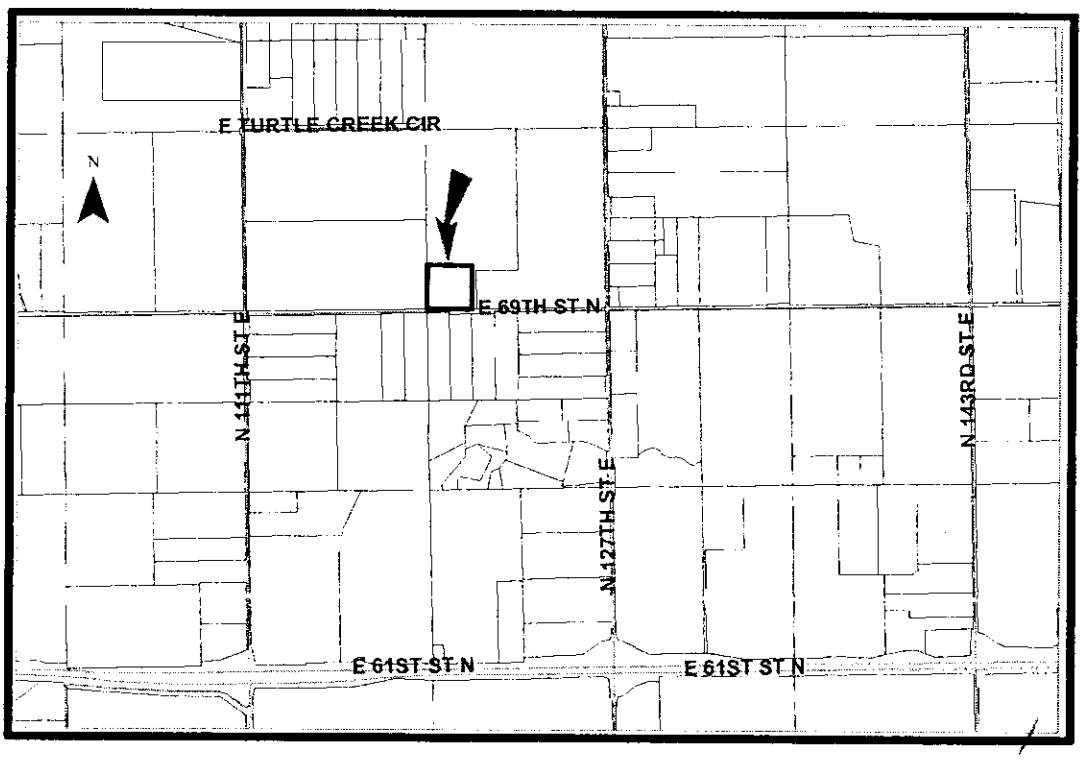
Recommended Action: Approve the Conditional Use, subject to platting in one year and the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

Proposed Agenda Date: June 20, 2012

Outside Attendees: Gerald Andrews (agent)

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The Township of Payne, owner of the unplatted 10-acre site located north of East 69th Street North and west of North 127th Street East, seeks a Conditional Use to allow a Government Service facility. The site is zoned RR Rural Residential ("RR"); Government Service facilities are permitted in the RR district with an approved Conditional Use. The Township's current facility at 5053 North 143rd Street East is leased on a short term basis; the Township purchased the subject property from the County.

The applicant proposes office, storage and maintenance facilities on the site for the storage and maintenance of township equipment, see the attached site plan. The township currently owns two dump trucks, a backhoe, a front loader, a grader and a tractor. They plan on an above ground fuel storage tank, and storage of oil, antifreeze, and other chemicals indoors. The township has one employee, and intends to hold board meetings on the site. With minimal water use on the site, the applicant plans to use an advanced septic system, pending County Code approval.

All property surrounding the site is zoned RR. Property to the north, east and west is used for agricultural purposes/farmland. Nine 10-acre or larger residential properties exist on the south side of 69th Street north, between Greenwich and 127th Street East.

Analysis: The MAPC considered the Conditional Use request at their May 17, 2012 meeting. Several neighboring property owners spoke in opposition regarding the request, some of whom are concerned with existing storm water drainage issues. A petition containing the neighbor's concerns is attached. The MAPC voted (7-3) to recommend approval of the Conditional Use, subject to platting in one year and the following conditions:

1. The Conditional Use shall be developed in accordance with the approved site plan.

2. No outdoor equipment or material shall be stored closer than 50 feet from property lines, or closer to 69th Street North than buildings on the site. No material storage shall exceed eight feet in height.

3. Lighting on the site shall conform to the site plan, shall be directed away from surrounding property lines, and shall be limited to 20-foot tall poles.

4. Evergreen trees shall be planted at one per 20 feet along the front property line.

5. All on-site water and sewer facilities shall be approved by and constructed to Sedgwick County standards.

6. The applicant shall make the site available to the Sedgwick County Department of Environmental Resources for inspection of fuel and chemical storage.

7. All parking and drive aisles shall be maintained with an all weather surface, to include gravel, to minimize blowing dust.

8. All buildings and development on the site shall obtain necessary permits and

conform to local, state, and federal requirements to include but not limited to building, zoning, fire, environmental and health codes.

9. If operations have not begun within one year of approval, the Conditional Use shall be null and void.

10. 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.

Six neighboring property owners within 1,000 feet of the application area filed valid protest petitions that equal 28.66 percent; therefore, it will take a three-fourths majority vote to approve the request. One neighbor who protested is located more than 1,000 feet from the application area.

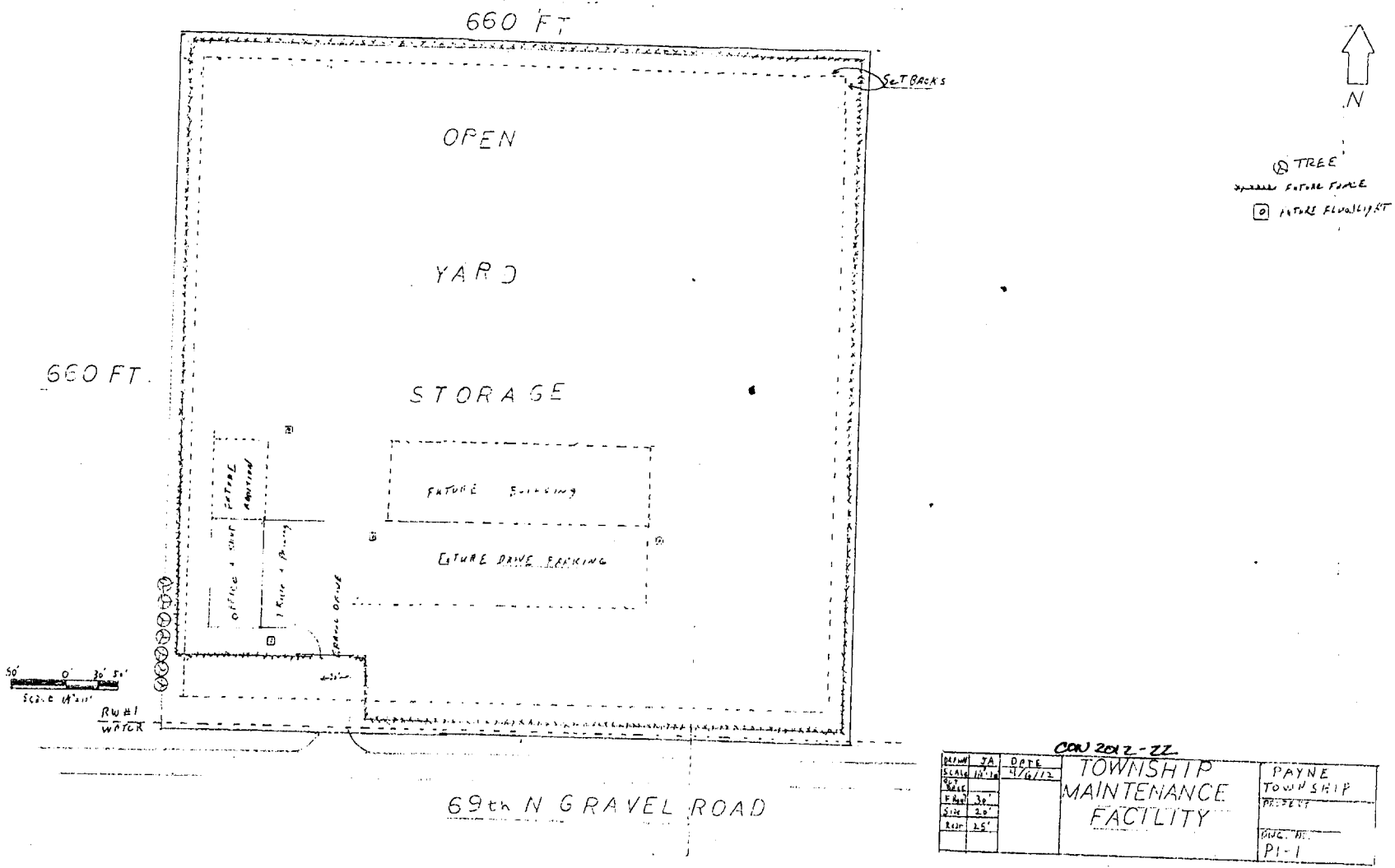
Alternatives:

1. Approve the Conditional Use, subject to platting in one year and the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution (requires a three-fourths majority vote); or
2. Deny the application, by making alternative findings, and override the MAPC recommendation. (Two-thirds majority vote required.).
3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application (requires a simple majority vote).

Financial Considerations: There are not any additional financial considerations to the County associated with this application.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations ➡ ☐ ***Approved as to form and signed by County Counselor's Office***


660 FT
SET BACKS
OPEN
YARD
660 FT.
STORAGE
FUTURE BUILDING
FUTURE DRIVE PARKING
FUTURE ADDITION
OFFICE + SHOP
1 RISER + PARKING
TRAVEL DRIVE
50' 0 30' 50'
SCALE 1" = 30'
RURAL WATER
69th N GRAVEL ROAD
N
TREE
FUTURE FENCE
FUTURE FLOODLIGHT
CON 2012-22
DATUM NAD 83
SCALE 1" = 30'
GRID
FROM 30'
SIDE 20'
REAR 25'
DATE 4/6/12
TOWNSHIP MAINTENANCE FACILITY
PAYNE TOWNSHIP
PROJECT
DWG. NO. P1-1

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 22, 2012

Payne Township c/o Gerald Andrews
5601 N. 143rd Street E.
Wichita, KS 67226

RE: CON2012-22 - County Conditional Use request for a township equipment and storage yard with meeting room (governmental service) in RR Rural Residential ("RR") zoning, generally located midway between North Greenwich Road and North 127th Street East, along the north side of East 69th Street North.

Dear Applicants:

At its regular meeting on **June 20, 2012**, the Sedgwick County Commission considered the above captioned request. The action of the Commission was to **APPROVE** the request subject to platting within one year and conditions.

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

Sincerely,

Jess McNeely, AICP
Senior Planner

JM:mc

Copies to: Alex and Joni Young, 11321 E. 69th St., N., Wichita, KS 67226
Harry and Susan Clayton, 11701 E. 69th St., N., Wichita, KS 67226
Connie L. Lee, 11815 E. 69th St., N., Wichita, KS 67226
Clayton Burton and Tatum Henson, 12015 E. 69th St., N., Wichita, KS 67226
Richard and Emily Frederick, 12115 E. 69th St., N., Wichita, KS 67226
W.D. and Karen Curnutt, 12315 E. 69th St., N., Wichita, KS 67226
Virgil Uhlnian, 6721 N. 127th East, Wichita, KS 67226
Michael P. Moskol, 5121 N. 131st St. East, Wichita, KS 67228
Kathleen Schneider, 12215 E. 69th St., Wichita, KS 67226
Paul Matzek, 922 E. 69th St., North, Valley Center, KS 67147