CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 26, 2013

Marian A. Smarsh & Judith A. Smarsh
2300 N. 199th Street West
Colwich, KS, 67030

REFERENCE: CON2012-00053 - Conditional Use for vehicle storage yard, specifically the outdoor storage of recreational vehicles and boats; generally located on the northeast corner of 199th Street West and 21st Street North. (BoCC #3)

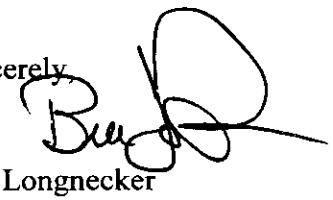
Dear Applicant:

At its regular meeting on **February 7, 2013**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the Conditional Use, subject to the following conditions:

1. All conditions of the Unified Zoning Code, Sec.III-D.6.mm shall be enforced; including that The Vehicle Storage Yard shall be screened so it is not visible from 21st Street North and the neighboring properties.
2. The indoor storage of RVs and boats shall be limited to the existing approximately 60' x 300' building on the site. A zone change to GC and platting is required for any additional indoor storage buildings.
3. Access to and from the site is limited to 21st Street North.
4. A revised site plan shall be submitted, showing compliance with the Conditional Use and including dimensional verification.
5. 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.

Because there were no protest to the request by **February 21, 2013, at 5 PM.** , the end of the two week protest period and you have completed all of the conditions the recommendation of the MAPC is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Bill Longnecker
Senior Planner

Copies to: BoCC 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. CON2012-00053

WHEREAS, Marian A. Smarsh & Judith A. Smarsh (owners); pursuant to Section V-D of the Wichita Sedgwick County Unified Zoning Code (herein referred to as the Unified Zoning Code), request a Conditional Use for a "Vehicle Storage Yard", specifically the outdoor storage of recreational vehicles and boats, on approximately 14.91-acres zoned RR Rural Residential ("RR"), described as:

Beginning at the Southwest corner of the Southwest Quarter of Section 5, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence N 90 degrees East along the South line of said Southwest Quarter a distance of 850.15 feet; thence N 01 degrees 11'33" W parallel with the West line of said Southwest Quarter a distance of 1091.09 feet; thence S 88 degrees 41'30"W, a distance of 849.97 feet; thence S 01 degrees 11'33" E along the West line of said Southwest Quarter, a distance of 1071.68 feet to the point of beginning, EXCEPT the following tract beginning at a point on the West line 606.23 feet North of the Southwest corner of said Southwest Quarter of Section 5, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, thence continuing North along the West line of said Southwest Quarter on an assumed bearing of N 01 degrees 11'33" W a distance of 465.45 feet; thence N 88 degrees 41'30" E, 467.94 feet; thence S 01 degrees 11'33" E 465.45 feet; thence S 88 degrees 41'30" W, 467.94 feet to the point of beginning; generally located on the northeast corner of 21st Street North and 199th Street West.

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 February 7, 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 a Conditional Use for a "Vehicle Storage Yard", specifically the outdoor storage of recreational vehicles and boats, on approximately 14.91-acres zoned RR Rural Residential ("RR"), described as:

Beginning at the Southwest corner of the Southwest Quarter of Section 5, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence N 90 degrees East along the South line of said Southwest Quarter a distance of 850.15 feet; thence N 01 degrees 11'33" W parallel with the West line of said Southwest Quarter a distance of 1091.09 feet; thence S 88 degrees 41'30"W, a distance of 849.97 feet; thence S 01 degrees 11'33" E along the West line of said Southwest Quarter, a distance of 1071.68 feet to the point of beginning, EXCEPT the following tract beginning at a point on the West line 606.23 feet North of the Southwest corner of said Southwest Quarter of Section 5, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, thence continuing North along the West line of said Southwest Quarter on an assumed bearing of N 01 degrees 11'33" W a distance of 465.45 feet; thence N 88 degrees 41'30" E, 467.94 feet; thence S 01 degrees 11'33" E 465.45 feet; thence S 88 degrees 41'30" W, 467.94 feet to the point of beginning; generally located on the northeast corner of 21st Street North and 199th Street West.

Approved subject to the following conditions:

1. All conditions of the Unified Zoning Code, Sec.III-D.6.mm shall be enforced; including that The Vehicle Storage Yard shall be screened so it is not visible from 21st Street North and the

neighboring properties.

2. The indoor storage of RVs and boats shall be limited to the existing approximately 60' x 300' building on the site. A zone change to GC and platting is required for any additional indoor storage buildings.
3. Access to and from the site is limited to 21st Street North.
4. A revised site plan shall be submitted, showing compliance with the Conditional Use and including dimensional verification.
5. 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 7th day of February 2013.

METROPOLITAN AREA PLANNING COMMISSION

David Dennis, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 4

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC February 7, 2013

CASE NUMBER: CON2012-00053

OWNER/APPLICANT: Marion Smarsh and Judith Smarsh (owners/applicants)

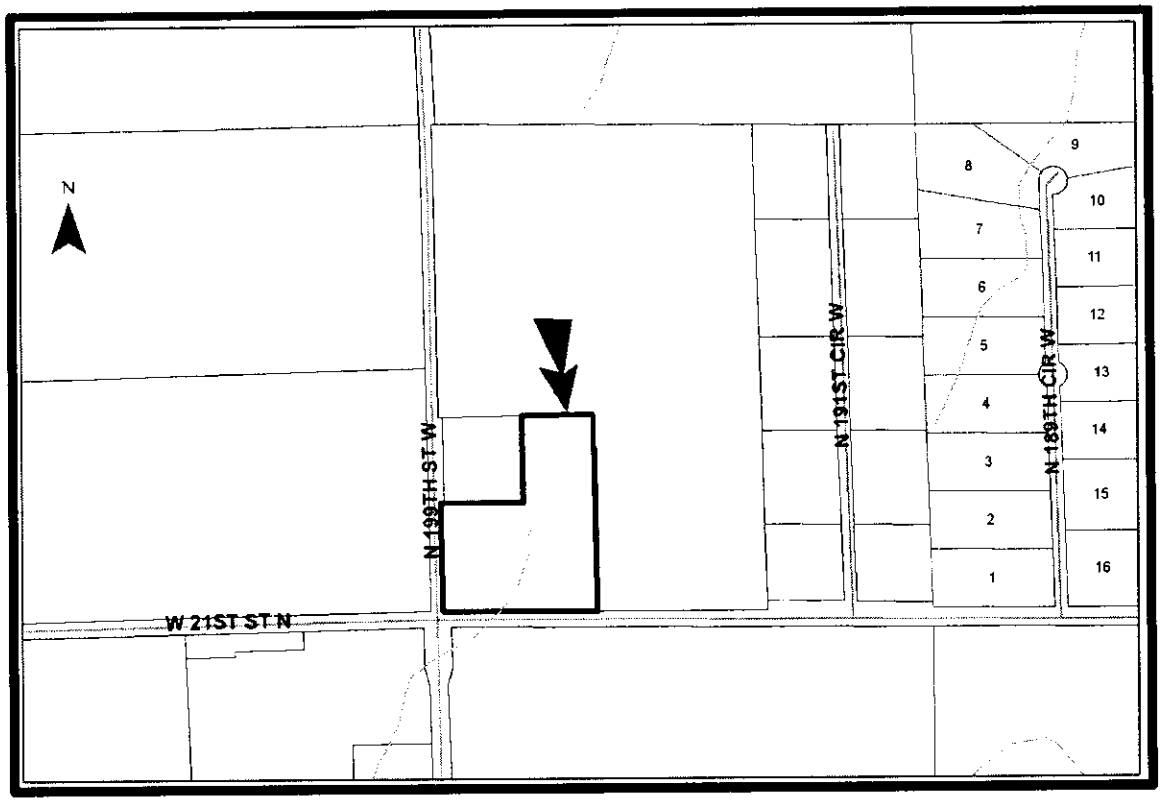
REQUEST: Conditional Use for vehicle storage yard, specifically the outdoor storage of recreational vehicles and boats

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: Approximately 14.91 acres

LOCATION: Generally located on the northeast corner of 199th Street West and 21st Street North (BoCC #3)

PROPOSED USE: Storage of recreational vehicles and boats



BACKGROUND: The applicant is requesting a Conditional Use to allow a 'Vehicle Storage Yard,' specifically outdoor storage of Recreational Vehicles (RVs) and boats on the RR Rural Residential ("RR") zoned unplatted tract. The site is a farmstead with multiple agricultural accessory structures. Per the Unified Zoning Code (UZC, Sec.II-B.14.j), a Vehicle Storage Yard is "the keeping outside of an enclosed Building for more than 72 consecutive hours of one or more Motor Vehicles (except Inoperable Vehicles), boats, Trailers, or unoccupied Recreational Vehicles." A Vehicle Storage Yard may be permitted with a Conditional Use in the RR zoning district with the following supplemental conditions of the UZC, Sec.III-D.6.mm:

(1) The storage area shall be located behind the property's Principal Structure; and at no time shall any Vehicles be driven or Parked on or over any component of onsite wastewater treatment systems: *The corner lot's short frontage is 119th Street West, which is by definition (UZC, Sec.III-E.1.e.(6)) the front of the site. The site plan shows the entire proposed outside vehicle storage area to be behind the property's Principal Structure, the applicants' home. The site plan shows a lagoon, which is not impacted by the proposed location of the outside of vehicle storage areas*

(2) For sites two acres or less in area, a Vehicle Storage Yard may occupy up to 11 percent of the property's square footage; for sites greater than two acres the area devoted to the Vehicle Storage Yard shall not exceed 10,000 square feet. *The site is 14.91-acres. The applicants' site plan shows two outside vehicle storage areas of 5,000-sqaure feet, for a total of 10,000 square feet.*

(3) The Vehicle Storage Yard shall be used for the storage of licensed operable Vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any Vehicles or equipment, or for storage of materials or supplies. Non-mechanical servicing such as replacing windshield washer fluid, light bulbs and interior cleaning shall be allowed.

(4) The minimum Setback for any stored Vehicles from any residence constructed before the Conditional Use is approved shall be 20 feet. The Setback requirements can be modified or waived if the applicant demonstrates there is sufficient Screening to substitute for the Setback protections. *The outside storage area site appears to be located more than 20 feet beyond the property lines.*

(5) The storage area and all entrance/exit drives on private property shall be surfaced with an all-weather surface that meets the approval of the Director of County Code Enforcement and shall be maintained in good condition and free of weeds, trash and other debris.

(6) Visual Screening of areas Contiguous to residential zoning Districts shall be provided to protect Adjacent properties from light, debris and noise, and to preserve Adjacent property values. In no case shall Screening be less than that required by Sec. IV-B.1-3, unless the applicant demonstrates adequate Screening may be provided through alternative means, and the requirements imposed by Sec. IV-B.1-3 would be overly burdensome on the applicant. *The applicants' site plan shows the outside vehicle storage areas to be partially screened by existing accessory buildings and/or existing groupings of trees.*

(7) If lighting facilities are provided, lighting shall be in compliance with lighting standards of Sec. IV-B.4. *The site plan shows no lighting*

(8) The compatibility noise standards of Sec. IV-C.6 shall be complied with provided, however, outdoor speakers and sound amplification systems shall not be permitted

The site plan does not identify an existing approximately 60 foot x 300 foot (18,000 square feet)

building that is currently being used for the indoor storage of RVs and boats. The inside storage exceeds the definition of a Vehicle Storage Yard and more closely resembles a "Self Storage Warehouse," with the exception being that the building does not provide independent, fully enclosed bays (UZC Sec.II-B14.i), but has one or two openings on each end of the building. The building itself appears to have been originally used for some agricultural activity, such as housing poultry or livestock. A Self Storage Warehouse is not permitted in the RR zoning district, but is first permitted by right in the GC General Commercial ("GC") zoning district as is a Vehicle Storage Yard.

The area around the site is a mix of RR zoned agricultural fields and scattered farmsteads and large tract single-family residences. The site is a farmstead with multiple agricultural accessory structures. There is also a cluster of large tract/lot single-family residential development (maybe 23 houses) located approximately 900 feet east of the site.

CASE HISTORY: The Metropolitan Area Building & Construction Department has required the applicants to come into compliance with the UZC.

ADJACENT ZONING AND LAND USE:

NORTH: RR	Agricultural fields, single-family residences/farmsteads, wireless communication facility/tower
SOUTH: RR	Agricultural fields, single-family residences/farmsteads
EAST: RR	Agricultural fields, large tract single-family residential development
WEST: RR	Agricultural fields, single-family residences/farmsteads

PUBLIC SERVICES: The subject property has direct access to 21st Street North and 199th Street West. 21st is a paved, two-lane Sedgwick County Highway. 199th is a dirt section line road at this location. There is no public sewer available to this site. This site is located within Rural Water District #4 and appears to be served by a lagoon. All other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The '2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "Rural." The Rural category encompasses land outside the 2030 urban growth areas for Wichita and the small cities. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and the predominately larger lot residential exurban subdivisions (normally with lot sizes of two-acres or more) with provisions for individual, or community water and sewer services.

A Vehicle Storage Yard is classified as an industrial use. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial sites should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses. The proposed use has direct access to 21st Street North, a paved two-lane county highway. The proposed use is not an extension of an existing industrial use, but introduces a new use to the RR zoned area, with the restrictions of the Conditional Use. Industrial traffic should not feed directly into local streets in residential areas and industrial uses should be generally located away from existing or

planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. The site has no access through residential areas. The traffic generated by the proposed Vehicle Storage Yard (specifically the outdoor storage of RVs and boats) will depend on when and how many times the owners of these RVs and boats move them on and off the site. The Conditional Use limits sites greater than two acres to no more than a 10,000 square foot Vehicle Storage Yard. This size limits traffic coming and going off the site. The current use of the 60 foot x 300 foot building for indoor storage shall not expand beyond that building without a zone change to GC to allow Self Service Storage Warehouse; see 'Background' section of report. A Self Storage Warehouse is classified as a commercial use. A positive aspect of storing RVs and boats inside the building is that they are not visible to the area. A negative is that there is 18,000 square feet of storage beyond the 10,000 square feet allowed for a Vehicle Storage Yard, which means an increase to traffic to and from the site

RECOMMENDATION: The site's proposed Conditional Use for a Vehicle Storage Yard (an industrial use) does not entirely match the site being identified on the '2030 Land Use Guide of the Comprehensive Plan' as Rural. However, the UZC does allow consideration of a Conditional Use for a Vehicle Storage Yard in the RR zoning districts with supplemental use conditions which are intended to help mitigate the negative impact of the Vehicle Storage Yard. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. Recommended conditions of approval include:

1. All conditions of the Unified Zoning Code, Sec.III-D.6.mm shall be enforced; including that The Vehicle Storage Yard shall be screened so it is not visible from 21st Street North and the neighboring properties.
2. The indoor storage of RVs and boats shall be limited to the existing approximately 60 foot x 300 foot building on the site. A zone change to GC General Commercial ("GC")
3. and platting is required for any additional indoor storage buildings.
4. Access to and from the site is limited to 21st Street North.
5. A revised site plan shall be submitted, showing compliance with the Conditional Use and including dimensional verification.
6. 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.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area around the site is a mix of RR zoned agricultural fields, scattered farmsteads and large tract single-family residences. There is also a cluster of large tract/lot single-family residential development (maybe 23 houses) located approximately 900 feet east of the site.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site could continue to be used as a farmstead with its accessory agricultural buildings, which is in character with the RR zoned rural area it is located in.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The applicant is attempting to come into compliance with the UZC. A Vehicle Storage Yard may be permitted with a Conditional Use in the RR zoning district with the supplemental conditions of the UZC, Sec.III-D.6.mm, which are intended to lessen the negative impact on the area. The traffic generated by the proposed Vehicle Storage Yard (specifically the outdoor storage of RVs and boats) will depend on when and how many times the owners of these RVs and boats move them on and off the site.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The '2030 Land Use Guide of the Comprehensive Plan' (Plan) identifies the site as "Rural." The Rural category encompasses land outside the 2030 urban growth areas for Wichita and the small cities. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and the predominately larger lot residential exurban subdivisions (normally with lot sizes of two-acres or more) with provisions for individual, or community water and sewer services.

   A Vehicle Storage Yard is classified as an industrial use. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial sites should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial uses. The proposed use has direct access to 21st Street North, a paved two-lane county highway. The proposed use is not an extension of an existing industrial use, but introduces a new use to the RR zoned area, with the restrictions of the Conditional Use. Industrial traffic should not feed directly into local streets in residential areas and industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas. The site has no access through residential areas. The traffic generated by the proposed Vehicle Storage Yard (specifically the outdoor storage of RVs and boats) will depend on when and how many times the owners of these RVs and boats move them on and off the site. The Conditional Use limits sites greater than two acres to no more than a 10,000 square foot Vehicle Storage Yard. This size limits traffic coming and going off the site. The current use of the 60 foot x 300 foot building for indoor storage shall not expand beyond that building without a zone change to GC to allow Self Service Storage Warehouse; see 'Background' section of report. A Self Storage Warehouse is classified as a commercial use. A positive aspect of storing RVs and boats inside the building is that they are not visible to the area. A negative is that there is 18,000 square feet of storage beyond the 10,000 square feet allowed for a Vehicle Storage Yard, which means an increase to traffic to and from the site

5. **Impact on Community Facilities:** An increase in traffic to and from the subject site will be the biggest impact on Community Facilities.

CON2012-53

2300 N 199th St W

Conditional Use for RV/Boat Storage
In Rural Residential Zoning District

Legal Description: BEG SW COR SW1/4 E 850.15 FT NLY 1091.09 FT WLY 382.03 FT TH S 465.45 FT W 467.94 FT S 606.23 FT TO BEG EXC RDS SEC 5-27-2W

