

STAFF REPORT
(One-Step Final Plat)

CASE NUMBER: SUB 2000-83 -- ALFRED'S SUPERIOR TREE SERVICE ADDITION

OWNER/APPLICANT: Charles A. Edwardson, 4631 W. 47th St. South, Wichita, KS 67215-9433

SURVEYOR/ENGINEER: PEC, P.A., Attn: Gary Wiley, 303 S. Topeka, Wichita, KS 67202

LOCATION: West of West Street, South of 47th Street South

SITE SIZE: 13.4 Acres

NUMBER OF LOTS

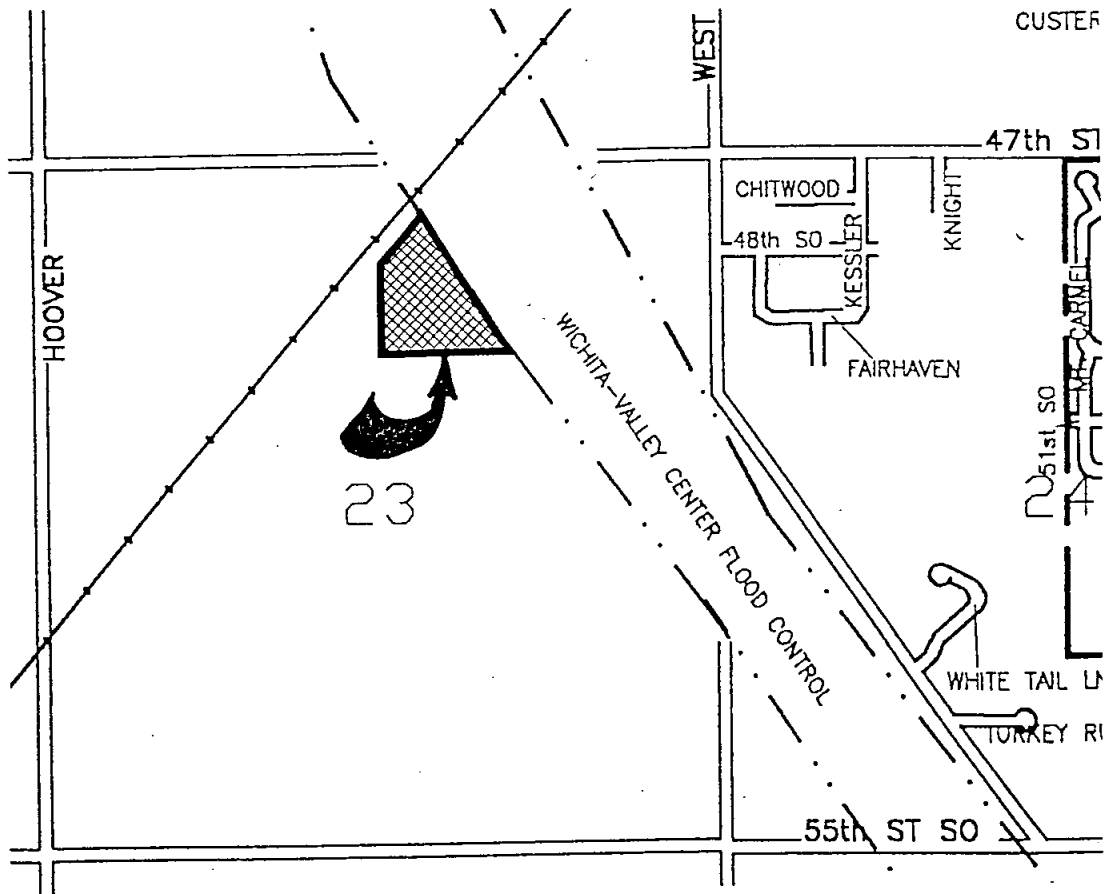
Residential:	
Office:	
Commercial:	
Industrial:	1
Total:	1

MINIMUM LOT AREA: 13.4 Acres

CURRENT ZONING: SF-20, Single-Family Residential

PROPOSED ZONING: GO, General Office; Limited Industrial

VICINITY MAP



Note: This site is located in the County within three miles of Wichita's City limits. The site was approved for a zone change (SCZ-0792) from SF-20, Single-Family Residential to GO, General Office for the northern portion of the site and LI, Limited Industrial for the remaining portion subject to platting. The site is also subject to a Protective Overlay (P-O #57) addressing permitted uses and outdoor storage.

STAFF COMMENTS:

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Environmental Health Division of the **Health Department** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval.
- B. **City Engineering** should comment on the need for future petitions for municipal water and sanitary sewer.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. *A Floodway Reserve is required along the southern portion of the plat to cover drainage. The ponding area on the south side of 47th St. South and west of the Bog Ditch has an elevation of 1278.3 MSL. This is identified as Ponding Area K of the Wichita-Valley Center Flood Control Project. The current flood study has a Base Flood Elevation (BFE) south of the plat and east of the Union Pacific railroad of 1283 MSL. Therefore the minimum pad elevation for this plat shall be established at 1286 MSL.*
- E. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay (referenced as P-O #57) and its special conditions for development on this property.
- F. The applicant shall provide a copy of the access easement connecting the site with the access road from 47th St. South. *County Engineering needs to review the ingress-egress from the quarter corner to the property line.*
- G. **County Engineering** and **County Fire Department** should comment on the need for paving of the access road. In accordance with the Subdivision Regulations, for urban subdivisions within three miles of the City of Wichita, the Applicant shall provide for paved access of section-line roads between the nearest paved segment and the entrance to the subdivision, unless waived by the governing body.
- H. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Q. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.



**Sedgwick County, Kansas
Real Property Appraisal / Tax Information for**

0

as of Tuesday, September 4, 2007

Property Owner Name: SEDGWICK COUNTY

Legal Description: BEG NW COR NE1/4 S 490.12 FT NELY 457.36 FT NWLY ALG DITCH TO N LI W 218 FT TO BEG EXC BEG 54.84 FT E NWCOR E 163.16 FT TO W LI FLDY SE ALG FLDY 49.34 FT TO NWLY LI OF 70FT DRROW TH SW 61.34 FT NW 174 FT TO BEG & EXC BEG 35.9FT S NW COR SE 197.36FT TO NWLY LI OF 70 FT DR ROW TH SW 280.38 FT TO W LI N 335.2 FT TO BEGSEC 23-28-1W EXEMPT 2146-85-TX

Key Number: WA 00154 **Parcel Id:** 206230120000100

Mill Levy Land Use: VACANT INSTITUTIONAL

Lot Square Feet: 10357 **Year Built:** **Style:** **Exterior Walls:**
No. of Bedrooms:

Living Area Square Feet: 0 **Value Per Sq Ft:** \$
Lower Level Finished Area: **Basement Finished Area:** 0

Appraisal and Assessment Values

Values reflect current year plus previous two years if available.

Appraisal Value				
Year	Class	Land	Improvements	Total
2007	EXEMPT: COUNTY	\$10400	\$0	\$10400
2006	EXEMPT: COUNTY	\$10400	\$0	\$10400
2005	EXEMPT: COUNTY	\$18000	\$0	\$18000
Assessment Value				
Year	Class	Land	Improvements	Total
2007	EXEMPT: COUNTY	\$0	\$0	\$0
2006	EXEMPT: COUNTY	\$0	\$0	\$0
2005	EXEMPT: COUNTY	\$0	\$0	\$0

2007 Special Tax

Specials Breakdown							
Code	Cert #	Description	2007 Payment	2007 Thru Payout	Beg Yr	End Yr	
			Principal	+	Interest	=	TOTAL
		Total Specials Due for 2007	\$0		\$0		\$0

Disclaimer: The value per square foot is the total appraised value divided by the square foot living area. When comparing this figure with other properties please be mindful of differences in physical characteristics (like basement finish, detached structures, and lot size.)

#165-1976

FILED 201 153

RESOLUTION RELATING TO THE GRANTING OF AN INGRESS AND EGRESS EASEMENT TO RANDALL J. VOTH TO SERVE THE REAL ESTATE DESCRIBED HEREIN.

STATE OF KANSAS
Sedgwick County
FILED FOR RECORD AT
JUL 2 1976
2 57871
BETIE F. MCCARTY
REGISTER OF DEEDS

RESOLUTION

WHEREAS, proceedings have been duly had and taken, authorizing the construction of certain Flood Control Works in Sedgwick County, Kansas, in cooperation with the City of Wichita, and the United States Government as set forth in a certain Resolution adopted by the Board of County Commissioners on March 22, 1948, and

WHEREAS, under and by virtue of the provisions of Sections 19-3301 to 19-3308, inclusive, of the 1953 supplement to the 1949 General Statutes of Kansas, said County is granted the power and authority to acquire the necessary lands, rights of way and easements in connection with said Flood Control Works, and

WHEREAS, Randall J. Voth is the owner of the following described real estate, to-wit:

That part of the South Half (S/2) of the Northeast Quarter (NE/4) of Section 23, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying West of the land condemned for floodway purposes, in Case No. A-29459; and except that part taken for floodway purposes, in Case No. A-31849; and except the South 130 Feet thereof, condemned for Protection Drainage Ditch, in Case No. 73916 and Case No. 75155, in the District Court of Sedgwick County, Kansas,

which said real estate has no access thereto except across and over the Wichita and Valley Center Big Slough-Cowskin Floodway, and

WHEREAS, in order to prevent said real estate from being legally landlocked it is necessary to grant an easement to the owner thereof, his successors and assigns.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, being duly assembled in regular session in the Office of the Commission in the Courthouse at Wichita, Kansas, this 2nd day of July, 1976, with all members present and voting as follows, to-wit:

- JOHN HALE, Chairman
- TOM SCOTT, Commissioner
- EARL E. RUSH, Commissioner

THAT until such time as other means of public access is available, an easement be granted to Randall J. Voth, the owner of the above described real estate, his successors, administrators and assigns, across the Wichita - Valley Center Flood Control Project, as follows, to-wit:

ORA
Per Clerk - Sedgwick

FILM 201 164

A strip of land 20 Feet in width lying 10 Feet either side of the following described line: Beginning at a point 240 Feet South of the North Line of the Northeast Quarter (NE/4) of Section 23, Township 28 South, Range 1 West and 75 Feet from the centerline of the Missouri Pacific Railroad; thence Southeasterly at right angles to the Missouri Pacific Railroad 135 Feet; thence Southwesterly at right angles to a point 10 Feet normally distant from and parallel to the Westerly right-of-way line of the Wichita-Valley Center Flood Control Project as acquired in condemnation Case Number A-29459; thence Southeasterly along a line 10 Feet distant from and parallel to said Flood Control right-of-way line to a point 1420 Feet South of the North Line of the Northeast Quarter (NE/4) of Section 23, Township 28 South, Range 1 West, Sedgwick County, Kansas.

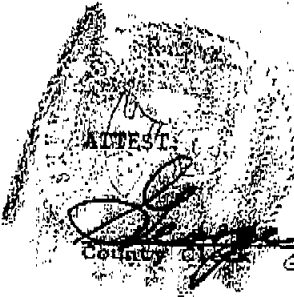
ADOPTED at Wichita, Kansas, this 21st day of July, 1976.

BOARD OF COUNTY COMMISSIONERS

John Hale
 Chairman JOHN HALE

Tom Scott
 TOM SCOTT

Earl E. Rush
 EARL E RUSH



Attest:
George Pierce
 County Clerk GEORGE PIERCE

*Approved as to form only
 Thomas H. Hall
 County Counselor*

Gerr / City of Wichita

DEED RECORD

NR 954

53

WARRANTY DEED - (General)

THIS INSTRUMENT, Made this 23rd day of December A.D., 1954,
 between Reish Waldo Bigelow and Leta Ann Bigelow, husband and wife
 of Sedgwick County, in the State of Kansas, parties of the first part and
Sedgwick County of Sedgwick County, in the State of Kansas, party of the second part.

WITNESSETH, That the said parties of the first part, in consideration of the sum of Three Thousand Eighty-Five and 50/100 DOLLARS, and agreement by the second party to cause to be constructed a private crossing for use by parties of the first part for ingress and egress over and through the Mo.Pac.RR tracks and right-of-way at a location previously agreed to by parties of the first part and party of the second part, and further agreement by party of the second part to grant access to and from aforementioned crossing, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said party of the second part its heirs and assigns all the following described Real Estate, situated in the County of Sedgwick and State of Kansas to-wit:

Tract No. 310-R

A tract of land in the NE¹/₄, Sec. 23, T-28-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point 80°27'00"E 400.12' from the NE corner of said Sec. 23; thence N35°34'30"E 457.36' m.l. to the westerly right-of-way line of the Wichita Valley Center Flood Control Project; thence along said southerly right-of-way line 326.40'30"E 189.93' m.l. thence S35°34'30"W 525.14' m.l.; thence N0°27'00"W 255.04' to the point of beginning, shown by actual survey to contain 1.79 acres, more or less.

(For Railroad Purposes)

And, also,

Tract No. 316-R

A tract of land 70' in width in the NE¹/₄, Sec. 23, T-28-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point 80°27'00"E 371.10' from the NE corner of said Sec. 23; thence N35°34'30"E 401.79' m.l. to the southerly right-of-way line of the Wichita Valley Center Flood Control Project; thence along said southerly right-of-way line S22°21'30"E 45.46' m.l. and S25°48'30"E 34.56' m.l.; thence S35°34'30"W 45.36' m.l.; thence N0°27'00"W 119.02' to the point of beginning, shown by actual survey to contain 0.69 acres, more or less.



DAVID RECORD

981

54

---page 2---

Tract No. 316-2-4

A tract of land in the NE $\frac{1}{4}$ of Sec. 23, T-28-S, R-1-W of the 6th P.M., Sedgewick County, Kansas, described as follows: Beginning at the NE corner of said Sec. 23, thence N87 $^{\circ}$ 43'30"E 210.00' w/1 to the N right-of-way line of the Wichita-Valley Center Flood Control Project; thence along said N Flood Control line S22 $^{\circ}$ 21'30"E 49.34'; thence S33 $^{\circ}$ 34'30"W 401.79'; thence N0 $^{\circ}$ 27'00"W 371.10' to the point of beginning, shown by actual survey to contain 1.12 acres, more or less.

(Subject to any and all easements of record and subject to the retention of mineral rights and the right of reversionary interest by party of the first part.)



SEDGWICK COUNTY, KANSAS

Public Works

1144 S. Seneca

Wichita, Kansas 67213-4443

(316) 383-7901

FAX: (316) 263-9241

FAX TRANSMISSION SHEET

TO: Leslie Hicks

FAX #: 219-6313

DATE: _____

FROM: Sherry Bonewitz

SUBJECT: 47th WA-154

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET) 5

ORIGINALS WILL: _____ Follow by Mail

Not Follow

MESSAGE: Here is the info you requested.

Thanks,

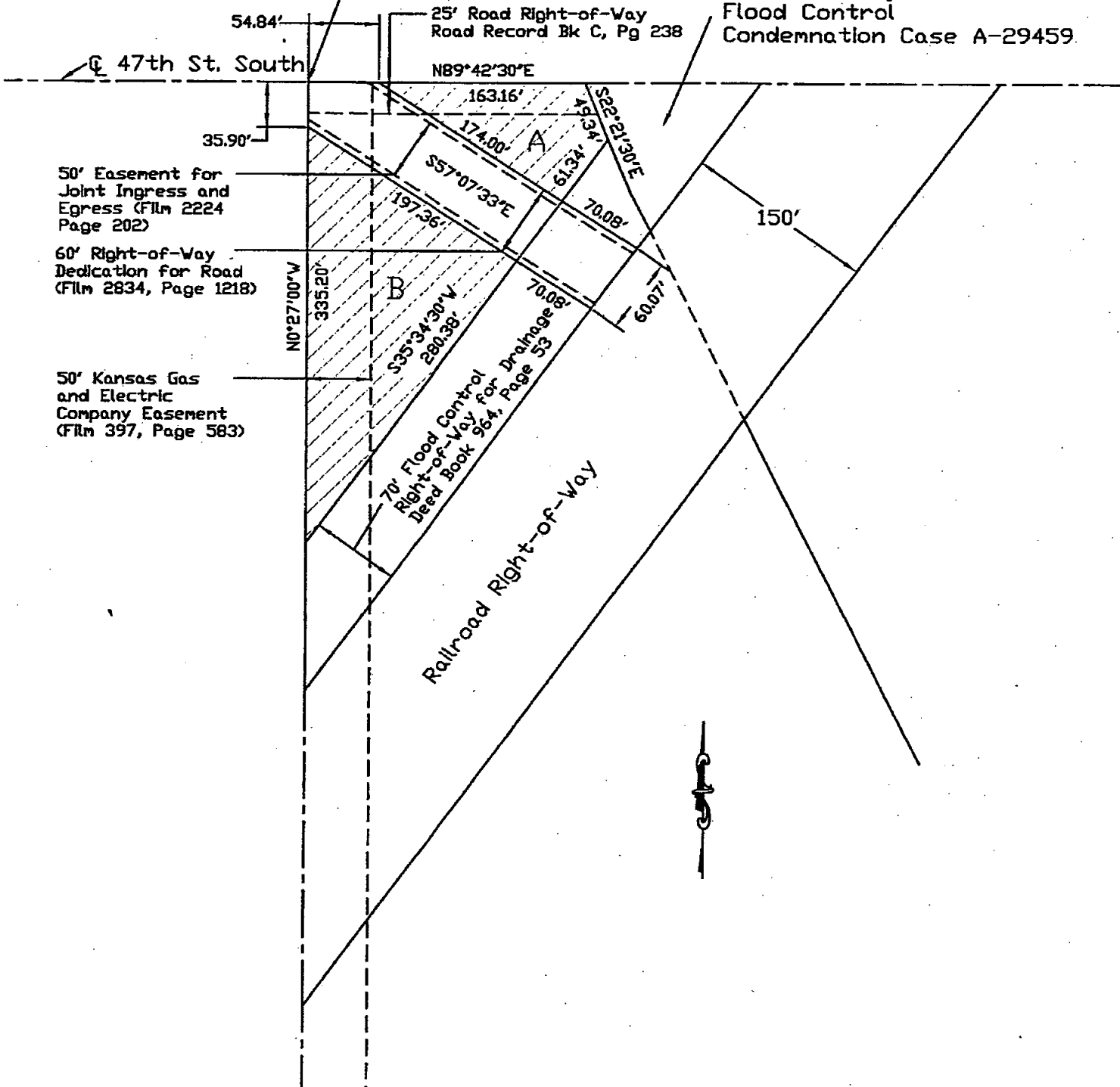
Sherry

FILE COPY
FINAL

EXHIBIT 'B'

North 1/4 Corner,
Section 23, T28S, R1W

Wichita-Valley Center
Flood Control
Condemnation Case A-29459





Sedgwick County
 Registrar of Deeds - Bill Meek
 DOC.#/FLM-PG: 28714393

Receipt #: 1597785
 Pages Recorded: 3

Recording Fee: \$16.00

Cashier Initials: DH
 Date Recorded: 9/14/2005 2:57:08 PM



010965

QUIT CLAIM DEED

THIS INDENTURE, Made this 12th day of September, 2005, between Sedgwick County, Kansas, a political subdivision of the state of Kansas, of the first part, and Charles and Bonnie Edwardson, of the second part.

WITNESSETH, That said party of the first part, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does by these presents, remise, release and quit claim, unto said part of the second part its heirs and assigns, all the following described real estate situated in the County of Sedgwick, State of Kansas, to-wit:

As described on attached EXHIBIT A

TO HAVE AND TO HOLD, the same, together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand the day and year first above written.

BOARD OF COUNTY COMMISSIONERS OF
 SEDGWICK COUNTY, KANSAS

David M. Unruh
 David M. Unruh, Chairman
 First District

APPROVED AS TO FORM:

Unruh

000028714393

STATE OF KANSAS, SEDGWICK COUNTY, ss:

The foregoing instrument was acknowledged before me this 12th day of September 2005, by David M. Unruh, Chairman of the Board of County Commissioners of Sedgwick County, Kansas, a political subdivision of the state of Kansas, on behalf of said County.

Janice A Fine
Notary Public

My appointment expires: 3/29/2008



RIGHT-OF-WAY EASEMENT

The undersigned do(es) hereby grant and convey to KANSAS GAS AND ELECTRIC COMPANY, a corporation, its successors and assigns; the Right-of-Way to clear timber, trim necessary trees for and build, maintain, alter, repair, operate and remove transmission lines consisting of poles, wires, equipment and fixtures over and across the following described lands situated in Sedgwick County, State of Kansas, to-wit:

The West fifty (50) feet of all of that part of the
North 1/2 of the Northeast 1/4 of Section 23, Township 23 South,
Range 1 West lying West of the Wichita-Valley Center Flood Con-
trol Project and South of the Missouri Pacific Railroad.

STATE OF KANSAS
NOTARY PUBLIC
FILED FOR RECORD

11.15

JUN 17 1957

NO. 16557

ROBERT E. BURNETT
REGISTER OF DEEDS



with the right of ingress and egress to and from the same. The said grantor(s), heirs or assigns to fully use and enjoy the said premises except for and subject to the rights of grantee for the purposes hereinbefore granted to said grantee, its successors or assigns, who by its acceptance hereof and entry upon the premises for the use thereof hereby agrees to pay any damages which may be caused to crops and fences from the building, maintaining and operating of said lines, said damages, if not mutually agreed upon to be ascertained and determined by three disinterested persons; one of whom shall be selected by the said grantor(s), heirs or assigns, the second by the grantee, its successors or assigns, and the third by the two so appointed as aforesaid. The awards of such three persons to be final and conclusive.

Grantors agree that they will not locate any building, hay stack, straw stack, trees, structure, or any combustible material under or near enough to said poles, wires and fixtures to endanger the same or interfere with the operation thereof or to be likely to result in damage thereto if a fire should occur. Receipt of payment of one dollar and other good and valuable considerations herefor is hereby acknowledged.

Dated this 4th day of May 19 57

Ralph Waldo Bigelow
Leta Ann Bigelow

STATE OF KANSAS,
Sedgwick COUNTY } ss.

I hereby certify that on this 4th day of May, A.D. 19 57, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came

Ralph Waldo Bigelow and Leta Ann Bigelow
his wife, to me personally known to be the same person(s) who signed and executed the above instrument, and they each duly acknowledged the execution of the same.

WITNES my hand and Notarial Seal on the day and date last above written
NOTARY PUBLIC
My commission expires April 2, 1961
Roger E. Burnett
Notary Public ROGER E. BURNETT

BOOK 397 PAGE 583

EASEMENT FOR JOINT INGRESS AND EGRESS

KNOW all men by these presents:

That for good and valuable consideration, The Board of County Commissioners of Sedgwick County, Kansas, hereinafter referred to as grantor, do hereby grant an Ingress/Egress Easement over and across the following described property:

BEGINNING AT THE NORTH 1/4 CORNER, SECTION 23, TOWNSHIP 28 SOUTH, RANGE 1 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE N89°58'40"E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23 A DISTANCE OF 45.70 FEET; THENCE S56°51'34"E A DISTANCE OF 251.50 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC SYSTEM RAILROAD; THENCE S35°50'32"W ALONG SAID NORTHERLY LINE A DISTANCE OF 50.06 FEET; THENCE N56°51'34"W A DISTANCE OF 270.96 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE N00°10'58"W ALONG SAID WEST LINE A DISTANCE OF 29.92 FEET TO THE POINT OF BEGINNING, EXCEPT EXISTING ROAD RIGHT-OF-WAY.

This easement shall provide joint Ingress/Egress to 47th Street South to the owners of the following described property:

LOT 1, BLOCK 1, ALFRED'S SUPERIOR TREE SERVICE ADDITION TO SEDGWICK COUNTY, KANSAS;

AND

THE WICHITA-VALLEY CENTER FLOOD CONTROL;

AND

THAT PART OF THE SOUTH HALF OF THE NE 1/4 OF SECTION 23, T28S, R1W OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS, LYING WEST OF THE LAND CONDEMINED FOR FLOODWAY PURPOSES IN CASE NO. A-29459; EXCEPT THAT PART TAKEN FOR FLOOWAY PURPOSES IN CASE NO. A-31849; AND EXCEPT THE SOUTH 130 FEET THEREOF.

Said easement shall run with the land and be binding upon and inure to the benefit of the success or assigns of the grantor.

Dated this _____ day of _____, 2001.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

Carolyn McGinn, Chair

RECOMMENDED:

David C. Spears, P.E. Director
Public Works/County Engineer

APPROVED AS TO FORM:

Robert W. Pamacott, Assistant County
Counselor

ATTEST:

Don Brace, County Clerk

000028714393

FILE COPY
FINAL

EXHIBIT "A"

Tract A

Commencing at the North Quarter Corner of Section 23, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence N 89°42'30" E along the North line of the Northeast Quarter of said Section 23 a distance of 54.84 feet to the POINT OF BEGINNING; thence continuing along said North line a distance of 163.16 feet more or less to the West line of the Wichita-Valley Center Flood Control Condemned in Case Number A-29459; thence S 22°21'30" E along the West line of said Flood Control a distance of 49.34 feet to a point on the Northwesterly line of a 70 foot wide Flood Control Right-of-Way for drainage, located parallel and adjacent to the Northwesterly line of the Railroad as described in Deed Book 964, Page 53 as Tract 316-R; thence S 35°34'30" W along said Northwesterly line a distance of 61.34 feet; thence N 57°07'33" W a distance of 174.00 feet to the POINT OF BEGINNING. Said Tract contains 0.12 acres, more or less, excluding the North 25 feet for Road Right-of-way.

Tract B

Commencing at the North Quarter Corner of Section 23, Township 28 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence S 0°27'00" E along the West line of the Northeast Quarter of said Section 23 a distance of 35.90 feet to the POINT OF BEGINNING; thence S 57°07'33" E a distance of 197.36 feet to a point on the Northwesterly line of a 70 foot wide Flood Control Right-of-Way for drainage, located parallel and adjacent to the Northwesterly line of the Railroad as described in Deed Book 964, Page 53 as Tract 316-R; thence S 35°34'30" W along said Northwesterly line a distance of 280.38 feet to a point on the West line of said Northeast Quarter; thence N 0°27'00" W along said West line a distance of 335.20 feet to the POINT OF BEGINNING. Said Tract contains 0.63 acres, more or less.



Printed: 9/4/2007 10:31:58 AM
Powered By GeoSmart.net



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



**FINAL BOUNDARY CLOSURE FOR
ALFRED'S SUPERIOR TREE SERVICE ADDITION**

1016 North: 14561.6960 East : 12646.0340
Line Course: S 00-10-58 E Length: 596.79'

1017 North: 13964.9090 East : 12647.9360
Line Course: S 89-58-44 E Length: 906.46'

1012 North: 13964.5740 East : 13554.3960
Line Course: N 28-57-30 W Length: 384.36'

1011 North: 14300.8760 East : 13368.3010
Line Course: N 27-48-26 W Length: 511.14'

1010 North: 14752.9860 East : 13129.8570
Line Course: N 26-30-34 W Length: 316.32'

1028 North: 15036.0440 East : 12988.6720
Line Course: S 35-50-31 W Length: 585.16'

1016 North: 14561.6960 East : 12646.0340

Perimeter: 3300.23' Area: 581,818 sq.ft. 13.36 acres

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: SCZ-0792 - Zone change request from "SF-20" single-family residential to "GO" General Office and "LI" Limited Industrial, located ½ mile east of Hoover on the south side of 47th Street South.

PRESENTED BY: Marvin S. Krout, Director of Planning *M Krout*

PROPOSED AGENDA DATE: September 15, 1999

COMMISSION DISTRICT #2

MAPC Recommendation: Approve, subject to staff recommendations (13-0).

Staff Recommendation: Approve, subject to platting within one year and the additional provisions of a (P-O) Protective Overlay.

Background/Discussion: The applicant is requesting a zone change from "SF-20" Single Family to "GO" General Office for the northern corner of the property and "LI" Limited Industrial for the remaining portion. The property is currently being used as farmland. The applicant intends to use the northern portion of the property for an office and residence, and the remainder of the site for a maintenance and storage yard for his tree service business, Alfred's Superior Tree Service, Inc. The primary activities of the business are tree trimming and spraying, with some cutting, storing, and sale of wood as an ancillary activity. Currently, the business has a total of seven employees. The applicant intends to use a septic system for the office/home use since the amount of sewage generated is expected to be comparable to a "domestic" source.

The application area is an isolated tract, located on a six-acre triangular site that is bounded on the northeast by the Wichita-Valley Center Flood Control Project, also known as the "Big Ditch", and on the northwest by the Kansas Southwestern Railroad and an electric transmission line. The land to the south is farmed and is zoned "SF-20" Single Family. The Cowskin Creek lies to the south of this agricultural land. The property has access from 47th Street South via an undefined road across the property owned by Sedgwick County, and a recorded ingress and egress easement through the Big Ditch property. This is also the access for the farm ground to the south of the application area.

The majority of land surrounding the application area is zoned for single family use, but is in agricultural use. The area northeast of the site and beyond the Big Ditch is zoned "LI" and is a Sedgwick County maintenance yard. These properties are only separated by ¼ mile in distance, but 47th Street South does not connect over the Big Ditch. Traffic

to the application area would be via Hoover Road, while traffic to the Sedgwick County maintenance yard is via West Street. Another industrial property close to the application area is Murray Gill Power Center (KGE electric generation facility), which is 1 ½ mile southeast. There is a significant amount of industrial development along Hoover Road, north of MacArthur Road, but the land along Hoover between MacArthur Road and 47th Street South still is primarily in agricultural use, with scattered single-family subdivisions. The nearest neighbor to the application area is a residence located at the southeast corner of 47th and Hoover. This property also appears to have farm equipment and construction equipment stored on the site, and is zoned "LC" Limited Commercial.

At the meeting held on August 26, 1999, MAPC recommended approval (13-0) of the zone change with a Protective Overlay with the following conditions:

1. Permitted uses on the property zoned "LI" Limited Industrial shall be limited to those uses permitted in "SF-20" Single Family, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business, or other similar low traffic and low sewage generating uses as may be approved by the Director of Planning, but not including any landfill operations, or any storage/baling as prohibited in Sec. III-D(6)(dd).
2. Permitted uses on the property zoned "GO" General Office shall be limited to those uses permitted in "SF-20" Single Family, and to an office associated with the tree service business only, or other similar low traffic and low sewage generating uses as may be approved by the Director of Planning.
3. Outside storage of combustible materials shall comply with the 1994 Uniform Fire Code, as adopted by the Sedgwick County Fire Department.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting within one year and subject to the Protective Overlay; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or
2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

Charles A. Ewardson 7058 S Volutsia Wichita KS 67216
PEC, PA % Gary Wiley 303 S Topeka Wichita KS 67202

Protestors:

None

CASE NUMBER: SCZ-0792

APPLICANT/AGENT: Charles A. Edwardson (owner); P.E.C. c/o Gary Wiley (agent)

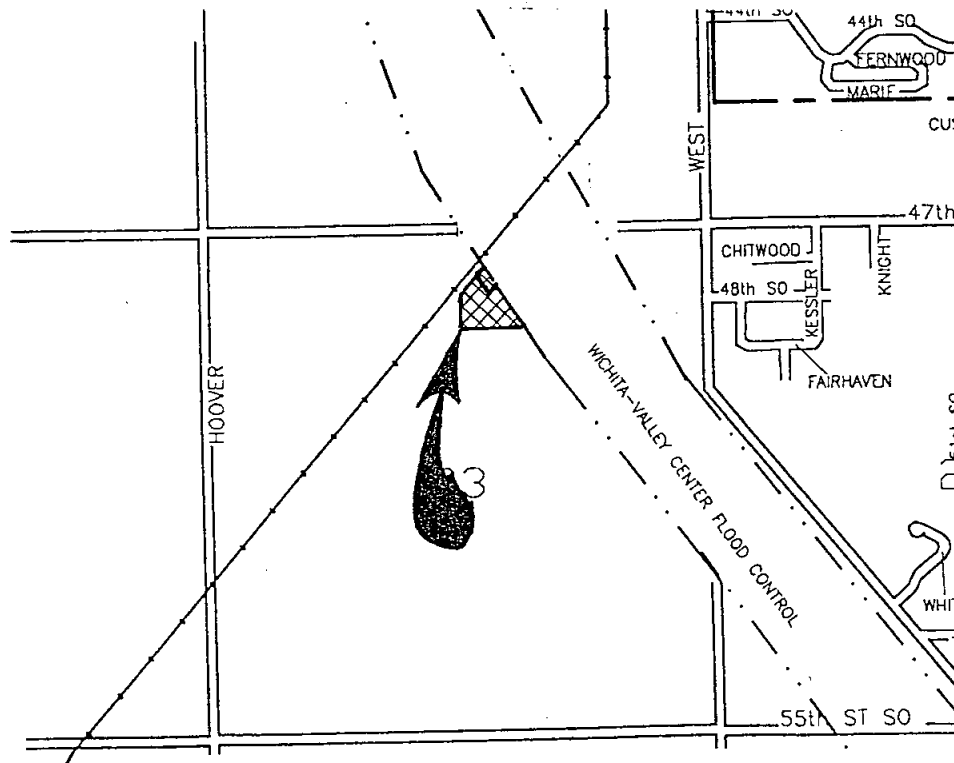
REQUEST: Zone change to "GO" General Office and "LI" Limited Industrial

CURRENT ZONING: "SF-20" Single Family

SITE SIZE: 6.0 ± acres

LOCATION: ½ mile east of Hoover on the south side of 47th Street South

PROPOSED USE: To develop property for office, maintenance facilities, and storage yard for tree service business



EXCERPT FROM PLANNING COMMISSION MINUTES OF AUGUST 26, 1999

Case No. SCZ-0792 – Charles A. Edwardson (Owner); P.E.C. c/o Gary Wiley (agent) request a zone change from "SF-20" single-family residential to "GO" General Office and "LI" Limited Industrial on property described as:

"SF-20" to "LI"

A tract of land in the NE ¼, Section 23, T28S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning 745.16 feet South of the Northwest corner of said NE ¼; thence South along the West line of said NE ¼, 596.79 feet; thence East 905.82 feet to the West line of the Big Ditch Cowskin Floodway; thence Northwesterly along the West line of the Big Ditch Cowskin Floodway to the South line of the Missouri Pacific Railroad right-of-way; thence Southwest along said South line 585.14 feet to the Point of Beginning; except the South 400 feet thereof; and except beginning at a point on the South line of the Missouri Pacific Railroad right-of-way and the West line of the Big Ditch Cowskin floodway; thence Southeasterly along the West line of the Big Ditch Cowskin Floodway 260.0 feet; thence Southwest at 90°, 125.0 feet; thence Northwest at 90°, 190 feet ± to the South line of the Missouri Pacific Railroad; thence Northeast along the South line of the Missouri Pacific Railroad right-of-way to the point of beginning.

"SF-20" to "GO"

A tract of land in the NE1/4, Sec 23, T28S, R1W of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning at a point on the South line of the Missouri Pacific Railroad right-of-way and the West line of the Big Ditch Cowskin Floodway; thence Southeasterly along the West line of the Big Ditch Cowskin Floodway 260.0 feet; thence Southwest at 90° 125.0 feet; thence Northwest at 90°, 190 feet ± to the South line of the Missouri Pacific Railroad; thence Northeast along the South line of the Missouri Pacific Railroad right-of-way to the Point of Beginning. Generally located ½ mile east of Hoover on the south side of 47th Street South.

DONNA GOLTRY, Planning staff, pointed out land use and zoning; and showed slides of the general area. She reviewed the following staff report:

BACKGROUND: The applicant is requesting a zone change from "SF-20" Single Family to "GO" General Office for the northern corner of the property and "LI" Limited Industrial for the remaining portion. The property is currently being used as farmland. The applicant intends to use the northern portion of the property for an office and residence, and the remainder of the site for a maintenance and storage yard for his tree service business, Alfred's Superior Tree Service, Inc. The primary activities of the business are tree trimming and spraying, with some cutting, storing, and sale of wood as an ancillary activity. Currently, the business has a total of seven employees. The applicant intends to use a septic system for the office/home use since the amount of sewage generated is expected to be comparable to a "domestic" source.

The application area is an isolated tract, located on a six-acre triangular site that is bounded on the northeast by the Wichita-Valley Center Flood Control Project, also known as the "Big Ditch", and on the northwest by the Kansas Southwestern Railroad and an electric transmission line. The land to the south is farmed and is zoned "SF-20" Single Family. The Cowskin Creek lies to the south of this agricultural land. The property has access from 47th Street South via an undefined road across the property owned by Sedgwick County, and a recorded ingress and egress easement through the Big Ditch property. This is also the access for the farm ground to the south of the application area.

The majority of land surrounding the application area is zoned for single family use, but is in agricultural use. The area northeast of the site and beyond the Big Ditch is zoned "LI" and is a Sedgwick County maintenance yard. These properties are only separated by ¼ mile in distance, but 47th Street South does not connect over the Big Ditch. Traffic to the application area would be via Hoover Road, while traffic to the Sedgwick County maintenance yard is via West Street. Another industrial property close to the application area is Murray Gill Power Center (KGE electric generation facility), which is 1 ½ mile southeast. There is a significant amount of industrial development along Hoover Road, north of MacArthur Road, but the land along Hoover between MacArthur Road and 47th Street South still is primarily in agricultural use, with scattered single-family subdivisions. The nearest neighbor to the application area is a residence located at the southeast corner of 47th and Hoover. This property also appears to have farm equipment and construction equipment stored on the site, and is zoned "LC" Limited Commercial.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20" Single Family	Agricultural
SOUTH:	"SF-20" Single Family	Agricultural, scattered residences
EAST:	"SF-20" Single Family	Wichita Valley Center Flood Control
WEST:	"SF-20" Single Family	Railroad, agricultural

PUBLIC SERVICES: Access to the property is via 47th Street South, an unimproved two-lane county road that ends at the Big Ditch, next over an undefined easement across a tract owned by Sedgwick County and the railroad property, and, then via an ingress/egress easement. Permanent access is an issue that needs to be addressed at the time of platting. Traffic counts on 47th are unavailable. Traffic volumes in 1997 along Hoover Road from 47th to 55th Street South were estimated in the range of 2,000 to 4,999 ADTs. Public water and sewer service is not available; fire protection is constrained by the lack of water service.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for agricultural use, and is located just outside the "new growth" limits recommended by the Sedgwick County Development Guide.

The Land Use – Industrial Objective of the Comprehensive Plan is to enhance industrial activities and development so as to limit the detrimental impacts upon the man-made or natural environment. Strategies to accomplish this objective are: (1) to protect identified industrial areas from encroachment from residential uses by buffers, (2) encourage "planned industrial developments," (3) allow industrial development in rural areas only when agriculturally-oriented, dependent on a natural resource, or as part of an appropriate expansion of an existing industrial area, and (4) channel traffic generated by industrial uses to the closest major thoroughfare with minimum impact upon local residential streets.

RECOMENDATION: The Land Use Guide recommends the area for agricultural use, with any industrial development in rural areas to be agriculturally-oriented, natural resource dependent, or as part of an appropriate expansion of an existing industrial area. The site is relatively near a similar industrial use. Additionally, the site offers the unique characteristics of strong buffering due to the railroad on one side, a levee adjacent on a second side, and another levee nearby on the third side of the triangular property. Based on these characteristics, Staff recommends the application by APPROVED, subject to platting within one year, and subject to a Protective Overlay with the following conditions:

1. Permitted uses on the property zoned "LI" Limited Industrial shall be limited to those uses permitted in "SF-20" Single Family, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business, but not including any landfill operations, or any storage/baling as prohibited in Sec. III-D(6)(dd).
2. Permitted uses on the property zoned "GO" General Office shall be limited to those uses permitted in "SF-20" Single Family, and to an office associated with the tree service business only.
3. The above permitted businesses shall be screened and buffered so as not to

permit visibility of any outdoor storage from 47th Street or from the adjacent property zoned "SF-20".

4. Outside storage of combustible materials shall comply with the 1994 Uniform Fire Code, as adopted by the Sedgwick County Fire Department.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The adjacent property consists of the railroad line and electric transmission line, the levee for the Big Ditch, and an agricultural field. The levee for the Cowskin Creek lies beyond the adjoining agricultural land to the south. The surrounding property is zoned "SF-20" Single Family, except to the northeast of the Big Ditch, which is zoned "LI" Limited Industrial. The surrounding property is used agriculturally, with a residence and commercial use located on the southeast corner of 47th and Hoover.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as a farmstead and agricultural use. The property could be developed as "SF-20" Single Family with large lot development, but would require private water and sewer service.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The Protective Overlay would limit the additional use permitted on the site to a tree service business, which is more compatible with surrounding agricultural activities than other uses permitted in the "LI" Limited Industrial zoning district. The main effect would be the increase in heavy truck traffic along the two-lane unpaved segment of 47th Street South and the commensurate increase in traffic on Hoover Road.
4. Impact of the proposed development on community facilities: As recommended with the Protective Overlay, the impact on community facilities is minimal, and is primarily the expected increase in truck traffic along 47th and Hoover. If the property were developed at a greater intensity of office or industrial use, it could generate additional impacts due to the unavailability of water service, sewer service and fire protection.

GOLTRY "Are there questions? "

WARREN "Does the applicant own the agricultural land also in that triangle?"

GOLTRY (Indicating) "They own this property, basically."

WARREN "Okay, so they don't own that on back?"

GOLTRY "No. They don't own this portion and they don't own this portion."

JOHNSON "Are there any other questions of staff?"

MARNELL "On No. 3 requirement..."

GOLTRY "Oh, excuse me. We did have a fourth requirement, which was that outside storage of combustible materials be in conformance with the Uniform Fire Code of the Sedgwick County Fire Department. Excuse me for interrupting you."

MARNELL "I don't understand No. 3 even being on there, given the certification
UNABLE TO HEAR THE REST."

GOLTRY "This is a little bit trickier. Normally, when you have 'LI' property that is adjacent to 'SF-6', there is an automatic zoning code requirement for screening along it. You have a very isolated tract here where there wouldn't be as much visibility from the road, for instance. So, it was an attempt to try to merge together those conditions."

MARNELL "With all due respect, it appears to be a road to nowhere. I can't see why you would require the screening to a road that goes nowhere. This involves expense on the part of the property owner. With the description of this land and its coverage, it would seem like what would satisfy this is if the land to the south, which if it is the land zoned 'SF-20', the screen would only be required if that land actually develops."

KROUT "I don't have a problem with deleting Requirement No. 3. There is a requirement in the Zoning Code for screening. It will have to be administratively adjusted. I think we have made Gary aware of this. I think we can deal with a deferral unless or until something happens to the south or for a deferral, as long there is screening to the south and the same ownership, or however we work it out. You can eliminate No. 3 and add No. 4 as Donna suggested, and then we will deal with the screening administratively."

JOHNSON "Are there any other questions of staff? Thank you. Applicant or agent."

GARY WILEY "Mr. Chair, Commissioners, I am here on behalf of the applicant. I might just state that Alfred's Superior Tree Service has been in business since 1980. They now operate out of Haysville and have purchased this land earlier this year. I think in May.

The reason for the dual zoning, the General Office along with the Industrial was to allow the applicant to retain the home, to update it, live there, and utilize the home as his office. That is the reason we went for the General Office, knowing that residential is not permitted in the 'LI' zoning district.

Alfred's is a relatively small company that plans to expand. They now have seven employees, which includes the owner. He has five people that work the field right now and two in the office, but he does plan to expand. That is one of the reasons we are in here today asking for this zoning. He owns, in total over 12 acres. There are some 7 plus acres to the south of this ownership that he does own, but we didn't need all of that for the Industrial so we only asked for what we thought we might need now and in the future.

We are in agreement with the platting. I would like to discuss Items No. 1 and No. 2. They are very, very specific on the Protective Overlay. We are not in disagreement with the Protective Overlay, but what I would like to suggest, and maybe Marvin can relate to this, is maybe going along with the tree service or other low traffic uses as may be determined appropriate by the Director of Planning, so that we wouldn't have to come back and do a change in overlay if we had an appropriate use. I can see a lawn sprinkler construction yard coming in here, a small welding shop, a little transmission shop, or something that would not be a high traffic generator and that can still be utilized in this area.

That would pertain to No. 1 and 2, so if that is something that would be a possible addition to the Protective Overlay and still give the Planning Department, at least, the right to review anything other than the tree service that went in here. Actually, the railroad has started elevating to the south and west of here because the railroad has to cross the Big Ditch. It is very high and you can't see anything from 47th Street, as the gentleman had referred to. We do own to the south and there is just actually one little piece of ownership that we don't own. It is residential (indicating) this little piece right here. It is next to the railroad and I wouldn't not see any residential development for this area in the near future. So, we would be in agreement to requesting an Administrative Adjustment on the screening. I would be happy to answer any questions."

WARREN "Gary, read that suggestion that you had as a revision or modification to that screening."

WILEY "What I would like it to say is to continue with the tree service as originally written here in Item No. 1, or other low traffic uses as may be determined appropriate by the Director of Planning. That gives the Planning staff the right to review anything else that would go in here."

JOHNSON "How about Item No. 2?"

WILEY "That is what I was suggesting, that Items 1 and 2 be incorporated with that type of language."

JOHNSON "I heard No. 1 and I just wanted to make sure we understood you."

WILEY "I suggested Nos. 1 and 2 because of the office, it could go with whatever other use might be there."

OSBORNE-HOWES "Would you have to do any screening to the adjacent property to the south?"

WILEY "No. We own the next 7 plus acres to the south."

OSBORNE-HOWES "On 47th Street."

WILEY "On 47th Street here, or down in this area?"

OSBORNE-HOWES "Go to your left, right off the.."

FRYE "What you said was privately owned."

WILEY "This is owned by another individual, but there is nothing but this little piece of triangle here. It is less than .4 of an acre and it is bounded on the west by a railroad track. There is a 138,000-volt KG&E transmission line that runs along the east property line. We don't think it will ever develop in the way of residences."

OSBORNE-HOWES "Is there a residence there?"

WILEY "No. There isn't."

OSBORNE-HOWES "I thought I heard you say there was."

WILEY "No. The only residence is the applicant's property, and it is right here at this location."

HENTZEN "Just some personal information. Who owns that big house over at 47th Street and West?"

WILEY "The one on the corner? That is owned by Mr. Cain of Foundations, Inc. Don Cain."

JOHNSON "Are there any other questions? Thank you, Gary. Is there anyone else to speak in favor of this? Is there anyone here to speak in opposition? Seeing none, I will bring it back to the Commission."

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The adjacent property consists of the railroad line and electric transmission line, the levee for the Big Ditch, and an agricultural field. The levee for the Cowskin Creek lies beyond the adjoining agricultural land to the south. The surrounding property is zoned "SF-20" Single Family, except to the northeast of the Big Ditch, which is zoned "LI" Limited Industrial. The surrounding property is used agriculturally, with a residence and commercial use located on the southeast corner of 47th and Hoover. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as a farmstead and agricultural use. The property could be developed as "SF-20" Single Family with large lot development, but would require private water and sewer service. Extent to which removal of the restrictions will detrimentally affect nearby property: The Protective Overlay would limit the additional use permitted on the site to a tree service business, which is more compatible with surrounding agricultural activities than other uses permitted in the "LI" Limited Industrial zoning district. The main effect would be the increase in heavy truck traffic along the two-lane unpaved segment of 47th Street South and the commensurate increase in traffic on Hoover Road. Impact of the proposed development on community facilities: As recommended with the Protective Overlay, the impact on community facilities is minimal, and is primarily the expected increase in truck traffic along 47th and Hoover. If the property were developed at a greater intensity of office or industrial use, it could generate additional impacts due to the unavailability of water service, sewer service and fire protection.) I move that the request be approved, subject to staff recommendations, and the agent's suggestion that this be worked by the Planning Director, allowing some latitude for additional uses, and to a Protective Overlay with the following conditions:

1. Permitted uses on the property zoned "LI" Limited Industrial shall be limited to

those uses permitted in "SF-20" Single Family, and a tree service business, with associated outdoor wood storage, splitting and chopping, and the sale of wood products, as customarily found with a tree service business, or other low traffic and low sewage generating uses as may be approved by the Director of Planning, but not including any landfill operations, or any storage/baling as prohibited in Sec. III-D(6)(dd).

2. Permitted uses on the property zoned "GO" General Office shall be limited to those uses permitted in "SF-20" Single Family, and to an office associated with the tree service business only, or other, similar low traffic and low sewage generating uses as may be approved by the Director of Planning.
3. Removal of Condition.
4. Outside storage of combustible materials shall comply with the 1994 Uniform Fire Code, as adopted by the Sedgwick County Fire Department.

WARREN moved, **PLATT** seconded the motion.

OSBORNE-HOWES "Marvin, can you define that?"

KROUT "It is a pretty broad discretion, but this is kind of an unusual tract. Would you say that we could we say low traffic and low sewage generating uses?"

WILEY "Sure."

KROUT "Okay, because that is part of our concern with the 'LI' zoning out in the country. I think they are related to each other, but I would feel more comfortable if you said low traffic and low sewage generating."

WARREN "That would be all right."

PLATT "Yes."

JOHNSON "The maker of the motion approves that change as well the second."

WHEELER "Did the motion include, though, our conversations on Item 3 about the screening?"

WARREN "Oh, I'm sorry. Could I amend my motion to delete item No.3?"

PLATT "All right."

JOHNSON "The second approves. Is there any other discussion?"

AMENDED MOTION: I move that the request be approved, subject to staff recommendations, and the agent's suggestion that this be worked out by the Planning Director, allowing some latitude for additional uses, for low traffic and low sewage generating uses, and deleting item No. 3.

WARREN moved, **PLATT** seconded the motion, and it carried unanimously (13-0).
