



Wichita-Sedgwick County Metropolitan Area Planning Department

October 15, 2019

Kanza Cooperative Association
Attn: Jeff Bolen
200 North Main
Iuka, KS 67066

RE: CON2019-00033 - County conditional use to allow Agricultural Sales and Service on property zoned RR Rural Residential on the east side of North 247th Street West and ½ north of West 53rd Street North (5750 North 247th Street West)

At its regular meeting on September 19, 2019, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution. No protests were filed, so this matter is considered complete, subject to the conditions outlined in the resolution.

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

Sincerely,

A handwritten signature in black ink that reads 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: MABCD – Kelly Dixon
BCCC #3 David T. Dennis
Justin Waggoner

CONDITIONAL USE RESOLUTION NO. CON2019-00033

WHEREAS, Kanza Cooperative Association, (Owner) through Jeff Bolen (Manager) 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 an Agricultural Sales and Service facility on property zoned RR, Rural Residential District, at 5750 North 247th Street West, and legally described as:

A portion of the Southwest Quarter of Section 14, Township 26 South, Range 3 West of the 6th Principal Meridian, Sedgwick County, Kansas described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence North 89°37'36" East (basis of bearing is NAD83 Grid Kansas South Zone) along the North line of said Southwest Quarter 45.00 feet to the Easterly right-of-way line of 247th Street West; thence South 00°48'11" East parallel with the West line of said Southwest Quarter 313.34 feet for the point of beginning; thence North 89°11'49" East 295.00 feet; thence North 00°48'11" West parallel with the West line of said Southwest Quarter 248.47 feet to the Southerly right-of-way line of the Kansas & Oklahoma Railroad; thence following the arc of a curve along the Southerly right-of-way line of said Railroad to the left having a radius of 2342.00 feet Easterly 606.98 feet (chord bears South 82°35'24" East 605.28 feet); thence South 00°48'11" East parallel with the West line of said Southwest Quarter 597.98 feet; thence South 89°33'39" West 894.09 feet to the Easterly right-of-way line of 247th Street West, said point being 45.00 feet East of the West line of said Southwest Quarter; thence North 00°48'11" West along the Easterly right-of-way line of 247th Street West and parallel with the West line of said Southwest Quarter 430.29 feet to the point of beginning, containing 11.531 Acres.

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 September 19, 2019, 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 permit an Agricultural Sales and Service facility on property zoned RR, Rural Residential District, at 5750 North 247th Street West, and legally described as:

A portion of the Southwest Quarter of Section 14, Township 26 South, Range 3 West of the 6th Principal Meridian, Sedgwick County, Kansas described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence North 89°37'36" East (basis of bearing is NAD83 Grid Kansas South Zone) along the North line of said Southwest Quarter 45.00 feet to the Easterly right-of-way line of 247th Street West; thence South 00°48'11" East parallel with the West line of said Southwest Quarter 313.34 feet for the point of beginning; thence North 89°11'49" East 295.00 feet; thence North 00°48'11" West parallel with the West line of said Southwest Quarter 248.47 feet to the Southerly right-of-way line of the Kansas & Oklahoma Railroad; thence following the arc of

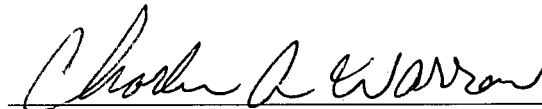
a curve along the Southerly right-of-way line of said Railroad to the left having a radius of 2342.00 feet Easterly 606.98 feet (chord bears South 82°35'24" East 605.28 feet); thence South 00°48'11" East parallel with the West line of said Southwest Quarter 597.98 feet; thence South 89°33'39" West 894.09 feet to the Easterly right-of-way line of 247th Street West, said point being 45.00 feet East of the West line of said Southwest Quarter; thence North 00°48'11" West along the Easterly right-of-way line of 247th Street West and parallel with the West line of said Southwest Quarter 430.29 feet to the point of beginning, containing 11.531 Acres.

Subject to the following conditions:

1. Within 60 days of approval, the applicant shall provide a revised site plan showing compliance with the screening requirements of the Unified Zoning Code (Section IV.B.4.d cited herein).
2. 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.

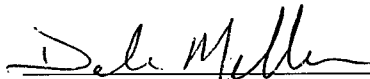
Adopted this 19th Day of September, 2019

METROPOLITAN AREA PLANNING COMMISSION



Charles A. Warren, Chair MAPC

ATTEST:

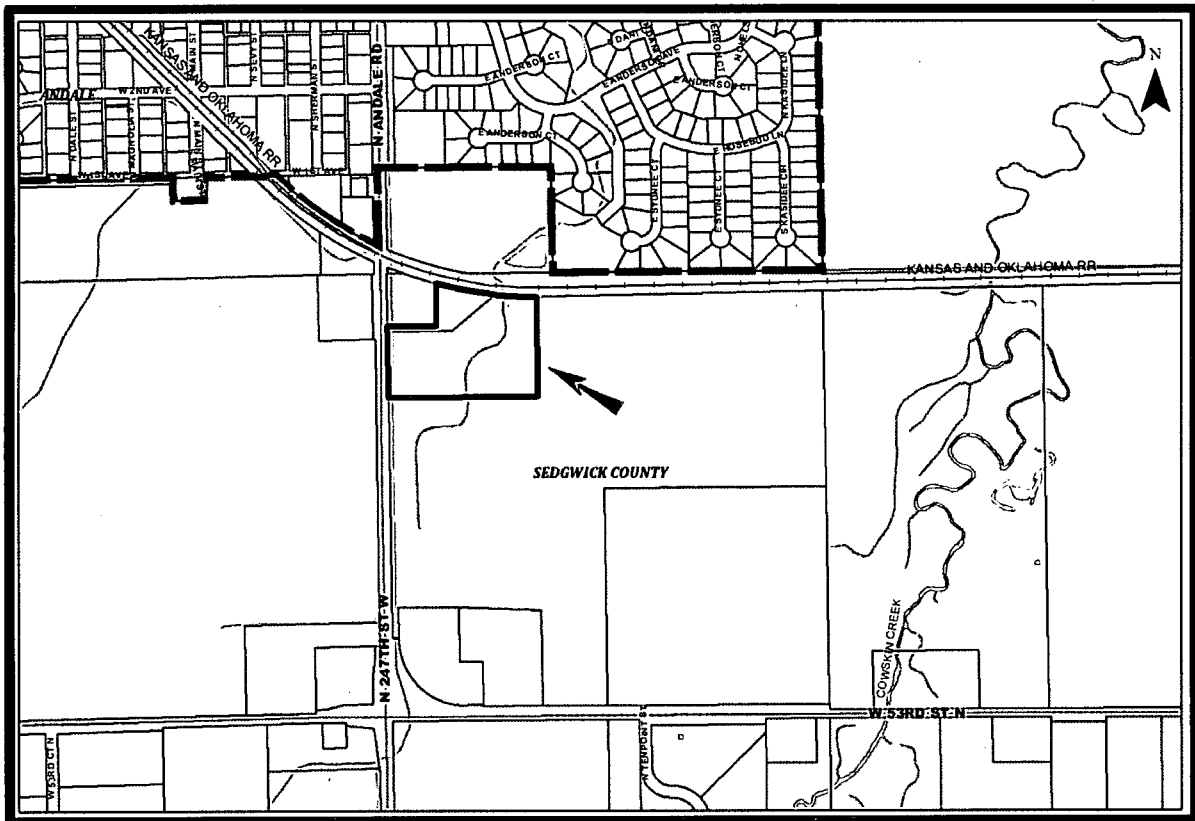

Dale Miller, Secretary

STAFF REPORT

MAPC September 19, 2019

City of Andale Area of Influence – No comment

- CASE NUMBER:** CON2019-00033
- OWNER/APPLICANT:** Kanza Cooperative Association – Jeff Bolen (Owner)
- REQUEST:** To permit the expansion of existing agricultural sales facilities.
- CURRENT ZONING:** RR - Rural Residential District
- SITE SIZE:** 12-acres
- LOCATION:** Generally located on the east side of North 247th Street West and ½ mile north of West 53rd Street North (5750 North 247th Street West)
- PROPOSED USE:** Agricultural Sales and Service



BACKGROUND: This County application was filed to request a Conditional Use for the expansion of the existing agricultural sales and service facilities adjacent to the present operation. The property is located on the east side of North 247th Street West approximately one-half mile north of West 53rd Street North. The site is zoned Rural Residential District (RR), and adjacent to the City of Andale. The applicant acquired the former Andale Farmer's Coop facility and adjacent land to accommodate this expansion. The entirety of the subject property is presently being platted to allow the expansion.

The applicant indicates the intention is to expand the total agricultural operation at this location, with a new office building south of the existing facilities. This building will also provide warehouse storage of other materials and commodities supporting the agricultural community. There are other future buildings shown to the east of the new office/warehouse building on the eastern portion of the subject property. These include a proposed facility to be used for liquid fertilizer tanks and a washout area. The overall plan for the site is to upgrade the existing operation to increase safety and efficiency of operation. A copy of the site plan is attached.

In the platting of this property, the applicant has created a Reserve along the east and a portion of the south side of the property that is identified as being for drainage and landscaping. This site is subject to the requirements in the Unified Zoning Code concerning screening from adjacent residential property along the side and rear lot lines. The reserve does not cover the entirety of the side lot line and there will need to be revisions to the site plat showing the screening extended to the west property line. The applicable provision in the Unified Zoning Code is in Section IV.B.4.d as follows:

d. Screening along interior side and rear yards.

- (1) **General.** Screening of all nonresidential Uses shall be provided along all side or rear Lot Lines Abutting or across an Alley from a residential zoning District and screening of Multi-Family and Manufactured Home Park Uses shall be provided along all side or rear Lot Lines Abutting or across an Alley from property zoned TF-3 or more restrictive.

The surrounding neighborhood is mostly zoned RR to the east, west and south. The existing operation is presently zoned LI Limited Industrial. That zoning classification has been in effect for many decades. The Sedgwick County Public Works Andale Yard is to the north of the subject property on the north side of the railroad tracks. The character of the surrounding uses is primarily vacant agricultural land to the south and east, with a residential structure on 5 acres of land to the west across 247th Street. As noted above, the County Public Works Yard is to the north across the railroad tracks.

CASE HISTORY: This property is currently being platted. There is no other record of any specific zoning actions on this parcel over the past several years.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	County Public Works Yard
SOUTH:	RR	vacant agricultural
EAST:	RR	vacant agricultural
WEST:	RR	single-family residence

PUBLIC SERVICES: The applicant has indicated through the platting process that onsite water and wastewater facilities will be utilized. The site plan indicates the area south of the proposed office building to be used for the onsite wastewater system. All onsite facilities will need to be approved through the appropriate

Sedgwick County officials. There is sufficient capacity on North 247th Street West to accommodate traffic volume from the facility.

CONFORMANCE TO PLANS/POLICIES: The “*Community Investment Plan*” shows this location to be in the Urban Growth Area for the City of Andale. The City of Andale replied to this request indicating the Comprehensive Plan for Andale shows the subject property as being appropriate for industrial development. As such, it the City felt no need to comment further since it is felt the use is in conformance with the City of Andale Comprehensive Plan.

RECOMMENDATION: The proposed expansion of the facilities on site will not alter the use from what has been present for the life of this property. Given that this does not represent any significant change from a zoning or planning perspective, and the fact that this use takes place on unincorporated Sedgwick county land, there does not appear to be any issue of significance that should impede the approval of this request. Based upon information available prior to the public hearings, planning staff recommends that the Conditional Use be **APPROVED**, subject the following conditions:

1. Prior to obtaining Building Permits the applicant shall provide a revised site plan showing compliance with the screening requirements of the Unified Zoning Code (Section IV.B.4.d cited herein).
2. 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.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding neighborhood is mostly zoned RR to the east, west and south. The existing operation is presently zoned LI Limited Industrial. That zoning classification has been in effect for many decades. The Sedgwick County Public Works Andale Yard is to the north of the subject property on the north side of the railroad tracks. The character of the surrounding uses is primarily vacant agricultural land to the south and east, with a residential structure on 5 acres of land to the west across 247th Street. As noted above, the County Public Works Yard is to the north across the railroad tracks.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject land has been used for agricultural purposes in the past and could continue for such use, but at a much lesser value to the owner.
3. **Extent to which removal of the restrictions will detrimentally effect nearby property:** The requested authorization is to expand an existing business. The expansion is to the south and east, which is away from the only residential use in the area. This will have no other detrimental effects on other properties in the area.
4. **Length of time the property has been vacant as currently zoned:** The property has been used agriculturally for years. The expansion of the existing business is reasonable.

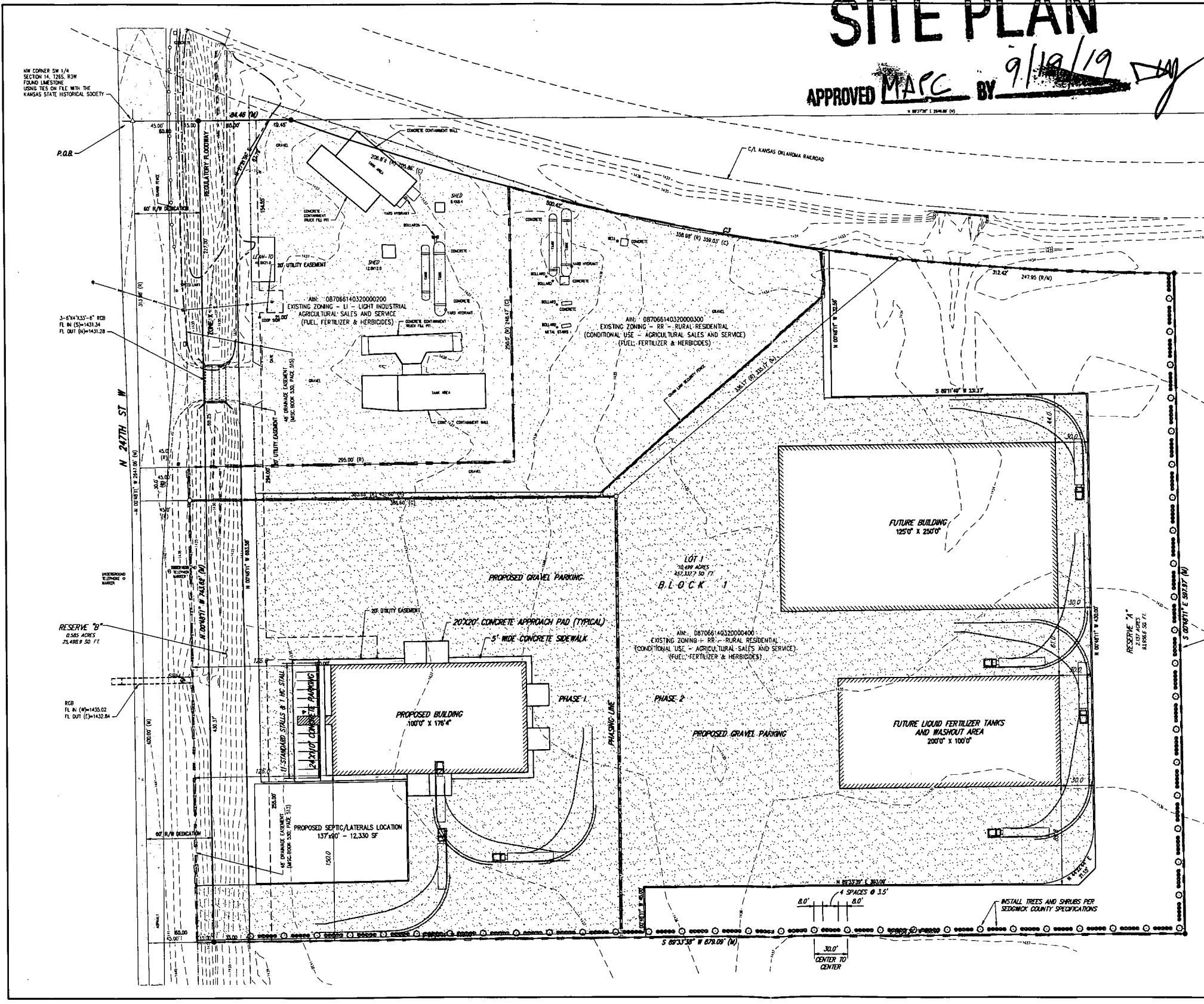
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** The expansion of the business will benefit the agricultural community with expanded services. There is no harm to the community by this expansion. The requested use is reasonable and will enhance value of the land.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "*Community Investment Plan*" shows this location to be in the Urban Growth Area for the City of Andale. The City of Andale replied to this request indicating the Comprehensive Plan for Andale shows the subject property as being appropriate for industrial development. As such, it the City felt no need to comment further since it is felt the use is in conformance with the City of Andale Comprehensive Plan.
7. **Impact of the proposed development on community facilities:** The proposed use will have no detrimental impact on community facilities.

Staff Report Attachments:

Proposed Site Plan

SITE PLAN

APPROVED MAPC BY 9/19/19



PURPOSE FOR CONDITIONAL USE

THE OWNER IS NEEDING TO EXPAND THEIR EXISTING FACILITY IN ORDER TO BE ABLE TO PROVIDE A BETTER SERVICE FOR THEIR CUSTOMERS. THERE ARE THREE PARCELS TO THE PROPERTY. THE NORTH PROPERTY IS CURRENTLY ZONED L1-LIMITED INDUSTRIAL, THE MIDDLE AND SOUTH PROPERTIES ARE CURRENTLY ZONED RR-RURAL RESIDENTIAL. UNDER THE CURRENT RR-RURAL RESIDENTIAL ZONING, PERMITTED USES IT DOES NOT ALLOW FOR THE AGRICULTURAL SALES AND SERVICE BUT IS ALLOWED UNDER THE CONDITIONAL USES, AGRICULTURAL USES. THEREFORE WE ARE SUBMITTING A CONDITIONAL USE APPLICATION.

ORIGINAL DESCRIPTIONS

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 3 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE SOUTH 313.68 FEET; THENCE WITH AN ANGLE OF 90° TO THE LEFT A DISTANCE OF 340 FEET; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 250 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY OF THE MISSOURI PACIFIC RAILROAD; THENCE NORTHWESTERLY ALONG THE RAILROAD RIGHT OF WAY A DISTANCE OF 206.8 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE WEST 144.53 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, EXCEPT THE WEST 35 FEET THEREOF FOR HIGHWAY AND EXCEPT THAT PART DEEDED FOR HIGHWAY IN DEED BOOK 1315, PAGE 257; TOGETHER WITH BEGINNING AT A POINT 313.68 FEET SOUTH AND 45 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 3 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF S0°00'00"W, A DISTANCE OF 30.00 FEET; THENCE S89°37'00"E, 383.66 FEET; THENCE N50°41'43"E, 336.17 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF THE MISSOURI PACIFIC RAILROAD, SAID POINT BEING A POINT OF CURVE; SAID CURVE HAVING A RADIUS OF 2402 FEET, A CENTRAL ANGLE OF 83°34'30" AND A CHORD BEARING AND DISTANCE OF N78°40'00"W, 358.65 FEET; THENCE ALONG SAID CURVE A DISTANCE OF 358.65 FEET; THENCE S0°00'00"W, 252.19 FEET; THENCE N89°37'00"W, 295.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 3 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S 0°48'11" E (BASIS OF BEARING IS NAD83 GRID KANSAS SOUTH ZONE) ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 343.68 FEET; THENCE N 89°37'30" E 45.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 247TH STREET WEST FOR THE POINT OF BEGINNING, THENCE CONTINUING IN 82°33'39" E 386.61 FEET (RECORD: 383.34 FEET); THENCE N 50°41'17" E 335.6 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE KANSAS & OKLAHOMA RAILROAD; THENCE FOLLOWING THE ARC OF A CURVE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID RAILROAD TO THE LEFT HAVING A RADIUS OF 2342.00 FEET EASTERLY 247.85 FEET (CHORD BEARS S 86°58'55" E 247.83 FEET); THENCE S 0°48'11" E PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 587.88 FEET; THENCE S 89°33'39" E 894.09 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 247TH STREET WEST, SAID POINT BEING 45.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE N 0°48'11" W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 247TH STREET WEST AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 400.00 FEET TO THE POINT OF BEGINNING.

CONDITIONAL USE DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 26 SOUTH, RANGE 3 WEST OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89°37'30" EAST (BASIS OF BEARING IS NAD83 GRID KANSAS SOUTH ZONE) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER 45.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 247TH STREET WEST; THENCE SOUTH 0°48'11" EAST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 313.34 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89°11'49" EAST 295.00 FEET; THENCE NORTH 0°48'11" WEST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 248.47 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE KANSAS & OKLAHOMA RAILROAD; THENCE FOLLOWING THE ARC OF A CURVE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD TO THE LEFT HAVING A RADIUS OF 2342.00 FEET EASTERLY 606.88 FEET (CHORD BEARS SOUTH 82°35'24" EAST 606.28 FEET); THENCE SOUTH 0°48'11" EAST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 587.88 FEET; THENCE SOUTH 89°33'39" WEST 894.09 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 247TH STREET WEST, SAID POINT BEING 45.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 0°48'11" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 247TH STREET WEST AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 430.29 FEET TO THE POINT OF BEGINNING, CONTAINING 11.531 ACRES.

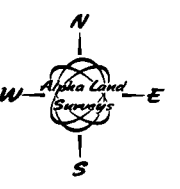
PROPOSED CONDITIONAL USE BOUNDARY CONTAINS 11.531 ACRES

OWNER/SUBDIVISION

KANZA COOPERATIVE ASSOCIATION
200 NORTH MAIN STREET
LUKA, KANSAS 67066

SURVEYOR

LLOYD P. DORZWELER, LS 885
ALPHA LAND SURVEYS, INC.
102 EAST 4TH AVENUE
HUTCHINSON, KS 67501
PHONE: 620-728-0012



SCALE 1"=40'

OWNER: **KANZA COOPERATIVE**

SURVEY TYPE: **SITE PLAN**

Alpha Land Surveys, Inc.
102 EAST 4TH AVENUE
HUTCHINSON, KANSAS 67501
PH: (620) 728-0012 FAX: (620) 728-0413

SURVEY DATE: 05/15/2019 PLOT DATE: 10/09/2019
DRAWN BY: RDB PROJ NO: 19072SP
CHECKED BY: LPD SHEET 1 OF 1