

STAFF REPORT
MAPC July 11, 2019

CASE NUMBER: ZON2019-00019 and CON2019-00023

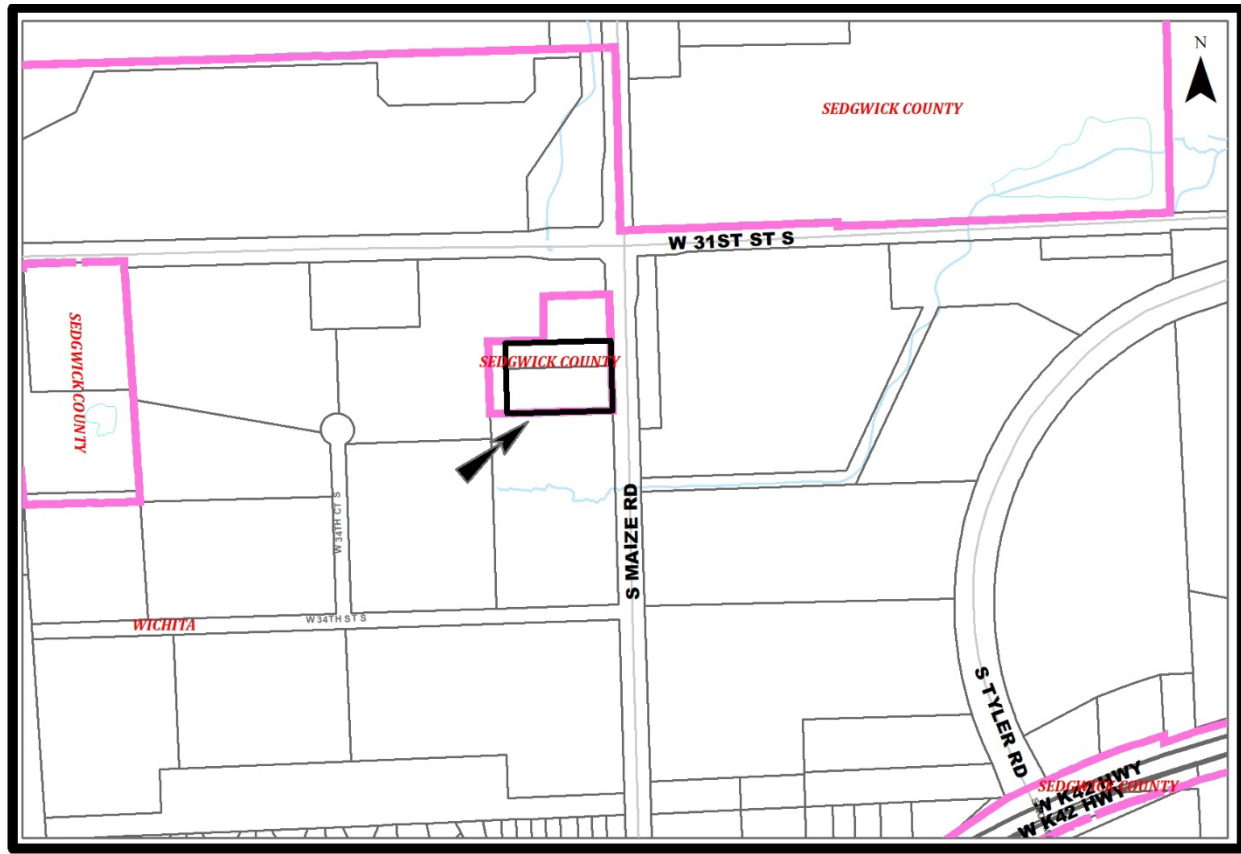
APPLICANT/AGENT: Gary A. Fulmer (Owner/Applicant); Connie Reynolds (Agent)

REQUEST: Rezone to RR Rural Residential and a County Conditional Use Permit to permit a Vehicle Storage Yard.

CURRENT ZONING: SF-20 Single-Family Residential

SITE SIZE: 3.68 acres

LOCATION: Located on the west side of South Maize Road and south of West 31st Street South



BACKGROUND: The applicant recently acquired the subject property (May, 2019) and is requesting the rezoning of the property from SF-20 Single-Family Residential (SF-20) to Rural Residential (RR) and a conditional use permit to permit a vehicle storage yard on the subject 3.68 acre property. The ability to request the conditional use permit for the vehicle storage yard in the unincorporated part of Sedgwick County is allowed only in the RR Rural Residential District. The activity proposed will be the storage of recreational vehicles and boats, which has been occurring on the property for some time.

The previous owner had been storing vehicles on the property and, according to the County zoning enforcement officials, the applicant was presented a violation notice on May 8, 2019, indicating the operation of the existing vehicle storage operation was being conducted in violation of the Unified Zoning Code. The notice originated because of an anonymous report of the operation of the business. According to old aerial photos of the property, there were no vehicles stored on the property in the 1997 photo, but there are some being shown beginning in 2000. Copies of those aeriels are attached. The applicant/agent is seeking this rezoning and conditional use to bring the operation into compliance.

As noted above, the property will be eligible for a conditional use for a Vehicle Storage Yard if it is rezoned to RR Rural Residential; however, there are specific requirements associated with that use, which are found in the UZC Supplementary Use Regulations at IIID(6)(mm), which read as follows:

mm. Vehicle Storage Yard in RR. Only Lots developed with a residence as the Principal Structure are eligible to apply for a Conditional Use to permit outdoor vehicle storage in excess of those permitted as an Accessory Use (see Sec. II-B.10.d and Sec. IV-E.7.1). A Vehicle Storage Yard, approved as a Conditional Use in the RR District shall be subject to the following minimum standards, provided, however, the Planning Commission may establish additional conditions if determined necessary in order to protect adjacent property owners and the public interest. All applicable requirements, inspections and permits shall be in place prior to the commencement of Vehicle storage.

- (1) **Location.** 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.
- (2) **Area.** 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.
- (3) **Use.** 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) **Setbacks.** 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.
- (5) **Paving.** 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) **Screening.** 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.
- (7) **Lighting.** If lighting facilities are provided, lighting shall be in compliance with lighting standards of Sec. IV-B.4.
- (8) **Noise.** 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 submitted by the applicant is not dimensioned, but it appears from the information provided the request is to use approximately 2.4 acres of the property for the vehicle storage yard, which is far in excess of the 10,000 square feet permitted by the Unified Zoning Code. Additionally, there was no supplemental information provided addressing the other standards outlined above; especially concerning the screening required from the residential property to the north and west and the placement of some stored vehicles in front of the home. The applicant/agent has indicated the desire to utilize the property as shown on the site plan, which can only be granted as a waiver of the size restriction by action of the Board of County Commissioners. The proposed Site Plan submitted is attached.

The area surrounding the subject property is mostly agricultural land, but zoned for industrial development, with the exception of the property to the north, which is zoned SF-20 Single-Family Residential and used residentially. Significant development has occurred further to the south as one nears K-42 Highway along South Maize Road, with both residential and industrial uses. Eisenhower National Airport is further to the east.

CASE HISTORY: The property is platted as the W.C. Stephens Addition and was recorded with the Sedgwick County Register of Deeds on December 7, 1979. Other than the plat and the violation notice referenced above, no other zoning activity is on record regarding this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Residential
SOUTH:	IP	Agricultural
EAST:	LI	Agricultural
WEST:	IP	Agricultural

PUBLIC SERVICES: South Maize Road is a paved, two-lane road with open ditch sections on either side. The subject property relies upon onsite water and wastewater services. All other utilities are available to the property.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “New Employment.” The New Employment category: Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. The requested use is consistent with the intent of the Comprehensive Plan to expand business and employment uses.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends the request be **APPROVED** to rezone the property from SF-20 Single-Family Residential (SF-20) to RR Rural Residential (RR); and recommend **APPROVAL** of the Conditional Use for a Vehicle Storage Yard, subject to the following conditions:

1. The conditions outlined in the Supplementary Use Regulations of the Unified Zoning Code, Section III(d)(6)(mm) shall apply, with modifications, as follows:
 - (1) **Location.** 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.
 - (2) **Area.** The Vehicle Storage Yard shall remain confined to the area outlined on the Site Plan approved by the MAPC and Board of County Commissioners.
 - (3) **Use.** The Vehicle Storage Yard shall be used for the storage of licensed operable Vehicles, recreational vehicles and boats 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) **Setbacks.** The minimum Setback for any stored Vehicles from existing residential structures shall be 20 feet.
 - (5) **Paving.** 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) **Screening.** 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. This shall apply along the north property line.
 - (7) **Lighting.** If lighting facilities are provided, lighting shall be in compliance with lighting standards of Sec. IV-B.4.
 - (8) **Noise.** No outdoor speakers and sound amplification systems shall not be permitted.
2. A revised, final Site Plan shall be submitted for approval by the Director of Planning prior to issuance of any permits for construction of any facilities on the subject property.
3. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
4. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning

Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The area surrounding the subject property is mostly agricultural land, but zoned for industrial development, with the exception of the property to the north, which is zoned SF-20 Single-Family Residential and used residentially. Significant development has occurred further to the south as one nears K-42 Highway along South Maize Road, with both residential and industrial uses. Eisenhower National Airport is further to the east.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned SF-20 Single-Family Residential and could remain used residentially with no impacts.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed use has existed without harm, per se; however, the use has been in violation of the Unified Zoning Code. Bringing the use into compliance will have no detrimental effects on nearby property.
4. **Length of time the property has been vacant as currently zoned:** The property has been used for a residence for many years.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “New Employment.” The New Employment category: Encompasses areas that likely will be developed or redeveloped by 2035 with uses that constitute centers or concentrations of employment primarily in manufacturing, warehousing, distribution, construction, research, technology, business services, or corporate offices. The requested use is consistent with the intent of the Comprehensive Plan to expand business and employment uses.
7. **Impact of the proposed development on community facilities:** Rezoning of the property would not have any impact on community facilities or resources. All public improvements are available to serve the property.

Staff Report Attachments:

1. Site Plan
2. Aerial Photos