

1, #179-1994

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RESOLUTION NO. 179-1994

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW NON-AGRICULTURAL STORAGE IN AGRICULTURAL BUILDINGS, LOCATED IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to allow non-agricultural storage in agricultural building on property zoned "R" Rural Residential District, legally described below:

Case No. CU-376

Conditional use permit request to allow non-agricultural storage in agricultural building on property zoned "R" Rural Residential. Generally located 1/2 mile west of Ridge Road on the north side of 53rd St. North.

A tract of land beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter of Section 16, Township 26 South, Range 1 West, thence East 660 feet; thence North 300 feet; thence West 660 feet; thence South to the place of beginning;

AND

The West 35 feet of the West one-half of the Southwest Quarter of the Southeast Quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Non-agricultural items permitted to be stored on the site shall include boats, automobiles, antique and/or classic vehicles, and recreational vehicles in the three (3) buildings as indicated on the site plan. No outdoor storage or storage of hazardous materials and/or explosives shall be permitted.
- B. Approval of this permit does not authorize sales, repair, or other uses not otherwise permitted by the County Zoning Resolution
- C. The Conditional Use permit will be valid until such time as there are within a 500-foot radius a total of 5 residential units;
- D. Any violation of the conditions of approval shall render the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
ANDREW L. BIAS	<u>Aye</u>
MARK F. SCHROEDER	<u>Aye</u>
BETSY GWIN	<u>Aye</u>

DATED this 19th day of October, 1994.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



Betsy Gwin
BETSY GWIN, Chair 10-19-94

Andrew L. Bias
ANDREW L. BIAS, Chairman Pro Tem

for Susan Crockett-Spoon
SUSAN CROCKETT-SPOON
County Clerk

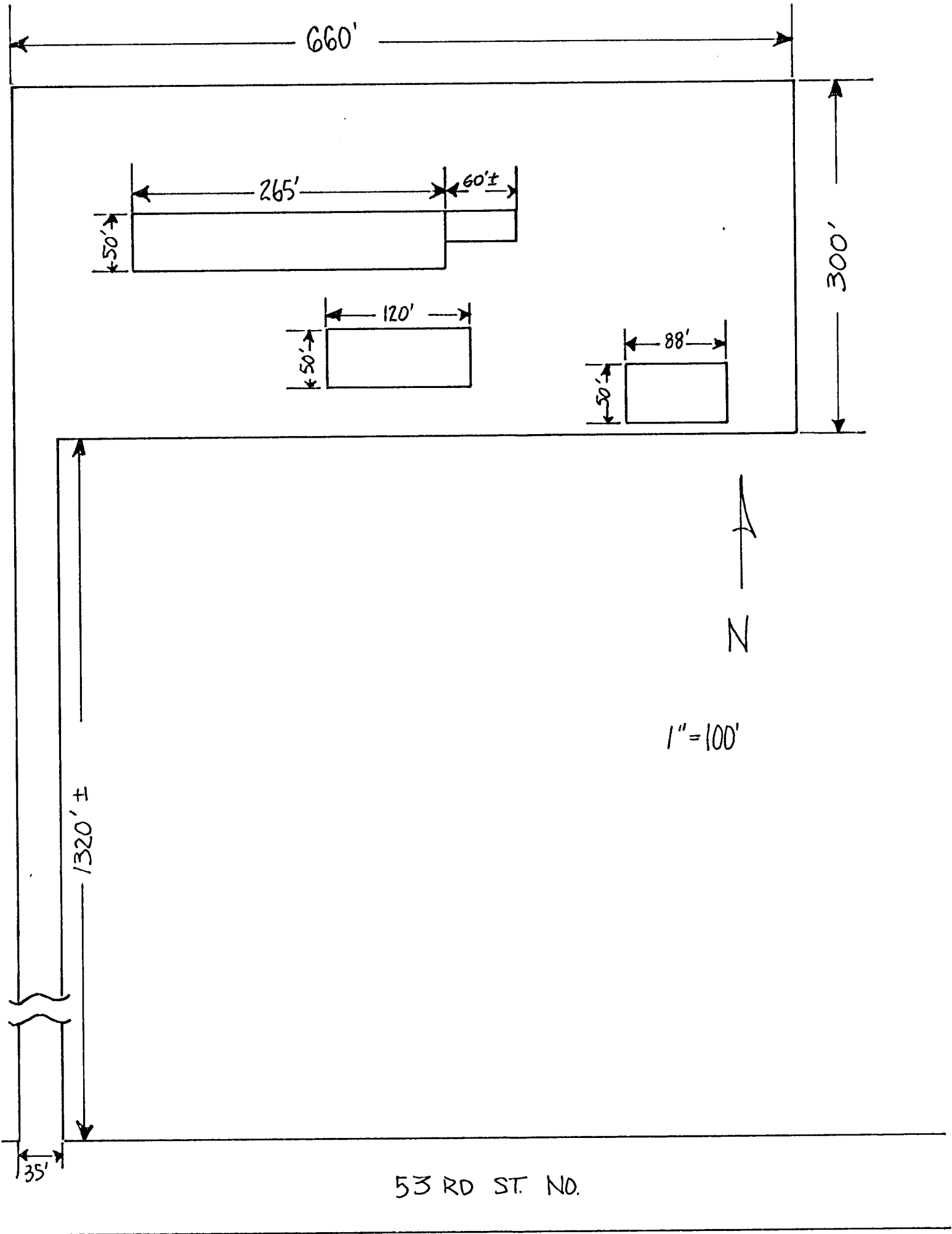
Paul W. Hancock
PAUL W. HANCOCK, Commissioner

APPROVED AS TO FORM ONLY:

Thomas G. Winters
THOMAS G. WINTERS, Commissioner

[Signature]
County Counselor/Assistant

Mark F. Schroeder
MARK F. SCHROEDER, Commissioner



STAFF REPORT

September 22, 1994

CASE NUMBER: CU-376

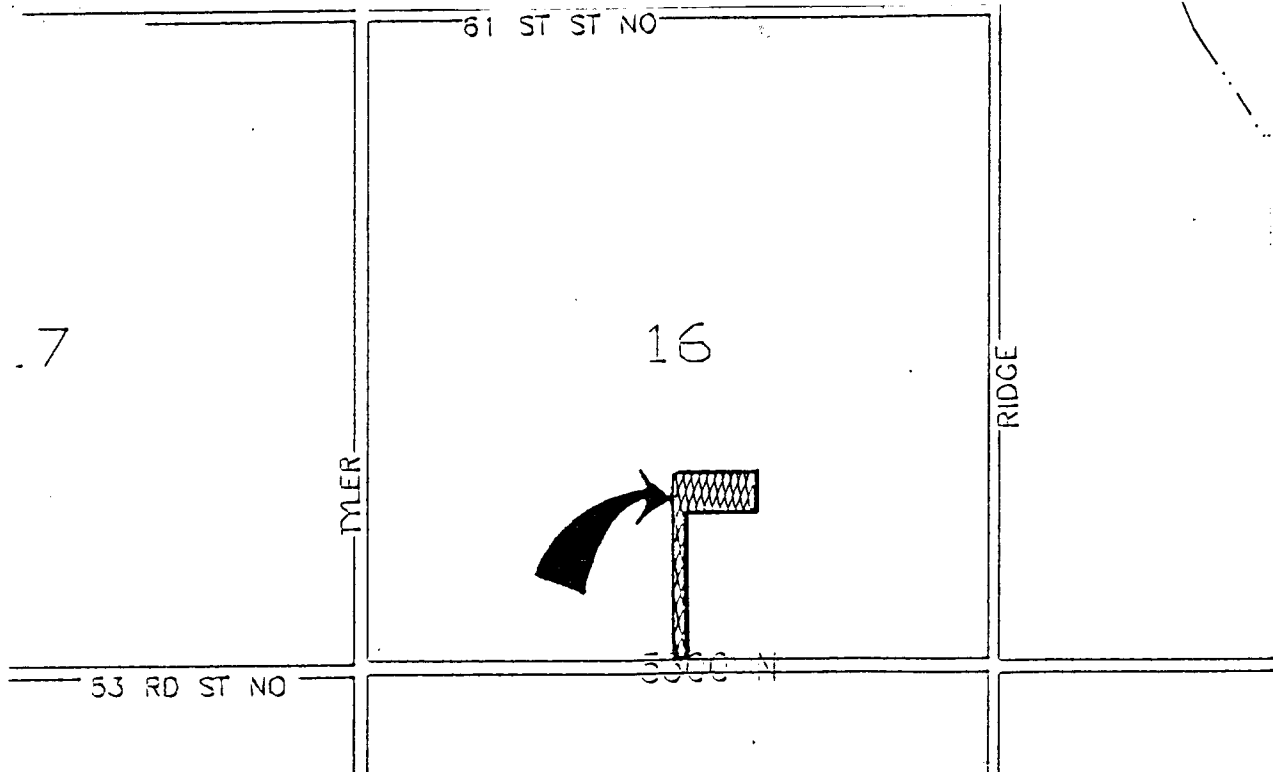
APPLICANT/AGENT: Glenn A. Collins / Vernon D. Just

REQUEST: Conditional Use permit to allow storage of non-agricultural items in agricultural buildings.

CURRENT ZONING: "R" Rural Residential

SITE SIZE: 5.3 acres

LOCATION: ½ mile west of Ridge Road on the north side of 53rd Street North



BACKGROUND: The applicant requests a Conditional Use permit to allow storage of non-agricultural items in agricultural buildings on a 5.3 acre site zoned "R" Rural Residential, located ½ mile west of Ridge Road on the north side of 53rd Street North. The site, formerly occupied by the Collins Sheep & Wool Company, is developed with three large storage buildings, as well as several agricultural buildings. The applicant's single family home is located adjacent to the property on the south.

The applicant wishes to store non-agricultural items for other people such as boats, automobiles, antique and/or classic vehicles, and recreational vehicles in an existing 50' x 120' building, an existing 50' x 265' building including an open front covered with a roof, and a portion of a third existing building (approximately 50' x 88') which includes an open front covered with a roof. The remaining buildings will continue to be used for agricultural purposes.

The applicant was recently cited by the County Zoning Administrator for violation of the County Zoning Resolution for storing non-agricultural items in the "R" district without a Conditional Use permit. Section 4.A.9(g) of the County Zoning Resolution permits farm buildings to be used for nonagricultural storage with a Conditional Use permit until such time as there are a total of 5 residential units within a 500-foot radius.

The area surrounding the subject property is used primarily for agricultural purposes and extraction of natural resources. Three single family homes are located nearby along 53rd Street North. However, except for the applicant's residence, there are no homes located within the 500 feet of the portion of the site occupied by the storage buildings. Two residential properties are located within 500 feet of the portion of the site used for driveway access from 53rd Street North. Meter Engineers, Inc. complex and the Waste Management of Wichita office are located south and east of the subject property along 53rd Street North.

CASE HISTORY: None.

In 1982 the Board of County Commissioners denied a request for a sand extraction operation on property located to the west of the subject property (CU-252). However, the County Commission approved a similar request for the adjacent property in 1993 (CU-357). In 1984, the Board of County Commissioners approved a zone change request (SCZ-0539) from "R" Rural Residential to "E" Light Industrial for 17.5 acres currently platted as the B & B Bailiwick Addition and the Johnny on the Spot Addition (south and east of the subject property on the north side of 53rd Street North). Also in 1984, the County Board of Zoning Appeals approved a requested expansion of a legal nonconforming light industrial use located on the property currently platted as the B & B Bailiwick Addition.

In 1989, the County Commission approved a zone change (SCZ-0606) from "R" to "BB" Office District to accommodate the Waste Management of Wichita office located in the Johnny on the Spot Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	"R"	Agricultural Uses
SOUTH:	"R"	Agricultural Uses, Meter Engineers, Inc., Waste Management of Wichita
EAST:	"R"	Agricultural Uses
WEST:	"R"	Agricultural Uses, single family home,

PUBLIC SERVICES: Municipal water and sewer services are not available to serve the site. The site has access to 53rd Street North, a 2-lane paved section line arterial with adequate street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The subject property is located in the Maize Zoning Area of Influence. The site is approximately 1-mile east of the area depicted in the Future Land Use Guide of the Maize Comprehensive Plan, which does not identify proposed uses for this area. The Plan recommends that part of the Planning Area outside of Maize should continue to be used mainly for agricultural purposes.

The Sedgwick County Development Guide of the Wichita-Sedgwick County Comprehensive Plan identifies this area for suburban residential uses. The suburban category provides for large-lot residential living areas where the full range of municipal services including public water and sewer systems is not available or planned.

RECOMMENDATION: On September, 13, 1994, the Maize Planning Commission met to consider this request and voted 5-0 to recommend APPROVAL, subject to the conditions recommended by MAPD staff. Metropolitan Area Planning Department staff recommends that the request be APPROVED, subject to the following conditions:

1. Non-agricultural items permitted to be stored on the site shall include boats, automobiles, antique and/or classic vehicles, and recreational vehicles in the three (3) buildings as indicated on the site plan. Storage of hazardous materials and/or explosives shall not be permitted.
2. Approval of this permit does not authorize sales, repair, or other uses not otherwise permitted by the County Zoning Resolution.
3. The Conditional Use permit will be valid until such time as there are within a 500-foot radius a total of 5 residential units; HOWEVER,

4. Any violation of the conditions of approval shall render the conditional use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is characterized predominately by agricultural uses, with some industrial and office uses located nearby. Some suburban residential homes are located near a portion of the application area used for access to the site. However, except for the applicant's residence, there are no homes located within 500 feet of the portion of the site occupied by the storage buildings.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the odor which can sometimes be generated from an agricultural operation, such as the sheep operation that formerly occupied the site, the proposed use may be more compatible and less offensive to nearby residential properties.
3. Conformance of the requested change to adopted or recognized Plans/Policies: The Wichita-Sedgwick County Comprehensive Plan identifies this area for suburban uses.
4. Impact of the proposed development on community facilities: The proposed use does not require municipal water or sewer services and it should have a minimal impact upon traffic on area roadways.