

CONDITIONAL USE RESOLUTION NO. CU-494

WHEREAS, Debra K. And Kelly P. Parks, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow agricultural sales and service on 2.5 acres zoned "RR" Rural Residential described as:

The North 200 feet of the South 1390 feet of the Southeast Quarter of Section 34, Township 25, Range 1 West, lying East of the Wichita-Valley Center Floodway, Sedgwick County, Kansas. Generally located north of 77th Street North and on the west side of Hoover (8005 N. Hoover Road).

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 August 27, 1998, 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 a conditional use to allow agricultural sales and service on 2.5 acres zoned "RR" Rural Residential described as:

The North 200 feet of the South 1390 feet of the Southeast Quarter of Section 34, Township 25, Range 1 West, lying East of the Wichita-Valley Center Floodway, Sedgwick County, Kansas. Generally located north of 77th Street North and on the west side of Hoover (8005 N. Hoover Road).

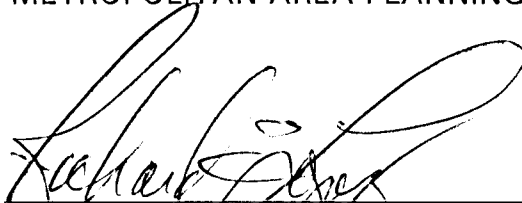
subject to the following conditions:

1. The property shall be developed in accordance with the site plan approved as part of the Condition Use permit application.
2. All storage should be kept indoors or behind the attached one car garage and detached 2 car garage.
3. The Conditional Use is only for the sale of equestrian tack and related items. Outside display or storage of horse trailer, fence panels, feeding troughs or similar items is permitted.
4. Signage shall be limited to one sign not exceed twelve square feet in area, and any lights used to illuminate the sign shall be so arranged as to reflect the light away from adjoining premises.

5. Any violation of the conditions approved as part of this request shall render the Conditional Use null and void.

Adopted this 27th day of August, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



Richard E. Lopez, Chairman

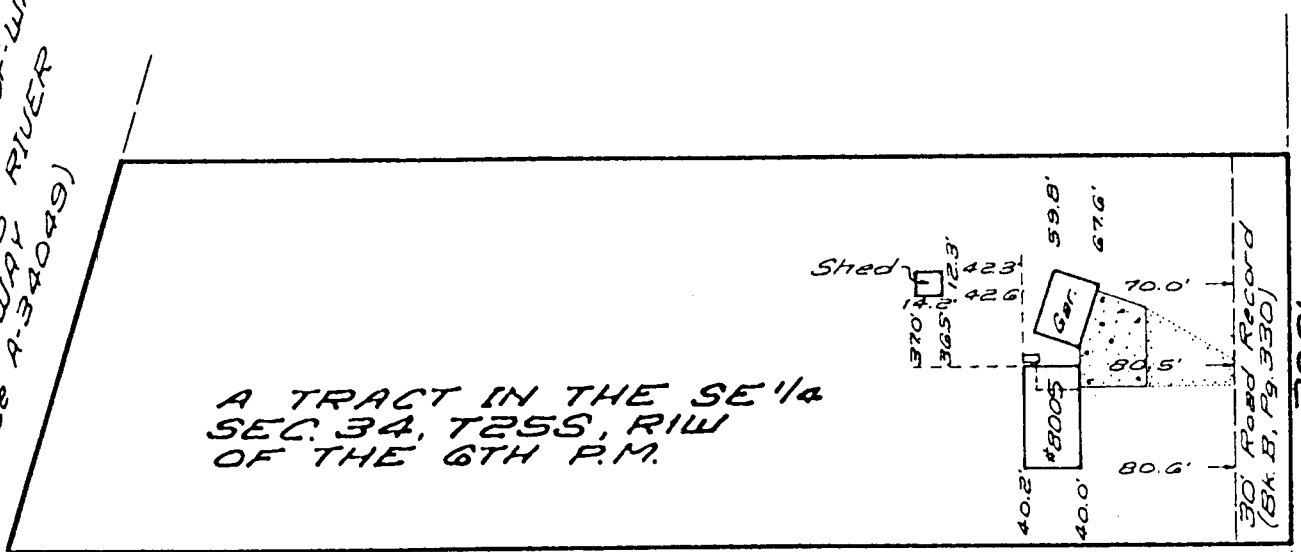
ATTEST:



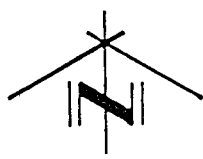
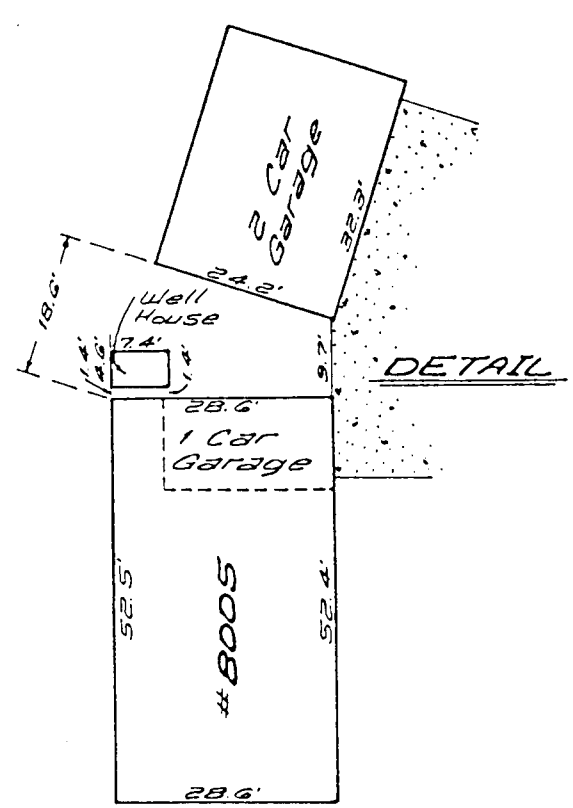
Marvin S. Krout, Secretary

MORTGAGEE TITLE INSPECTION
 (this does not constitute a boundary survey)

WICHITA-VALLEY CENTER
 FLOOD CONTROL RIGHT-OF-WAY
 LITTLE ARKANSAS
 FLOOD WAY RIVER
 (Cond. Case A-34049)



200'
 E HOOPER



FILE #891407
 20 NOVEMBER, 1989
 Off-set Tolerances ±0.5'

Subject property is determined to be in Flood Zone C, as shown on Sedgwick County FIRM Map, Community Panel #200321 0125 A, dated June 3, 1986.

STAFF REPORT

Valley Center PC August 25, 1998
MAPC August 27, 1998

CASE NUMBER: CU-494

APPLICANT/AGENT: Debra K. and Kelly P. Parks, 8005 N. Hoover Road, Valley Center, KS 67147(applicant/owner)

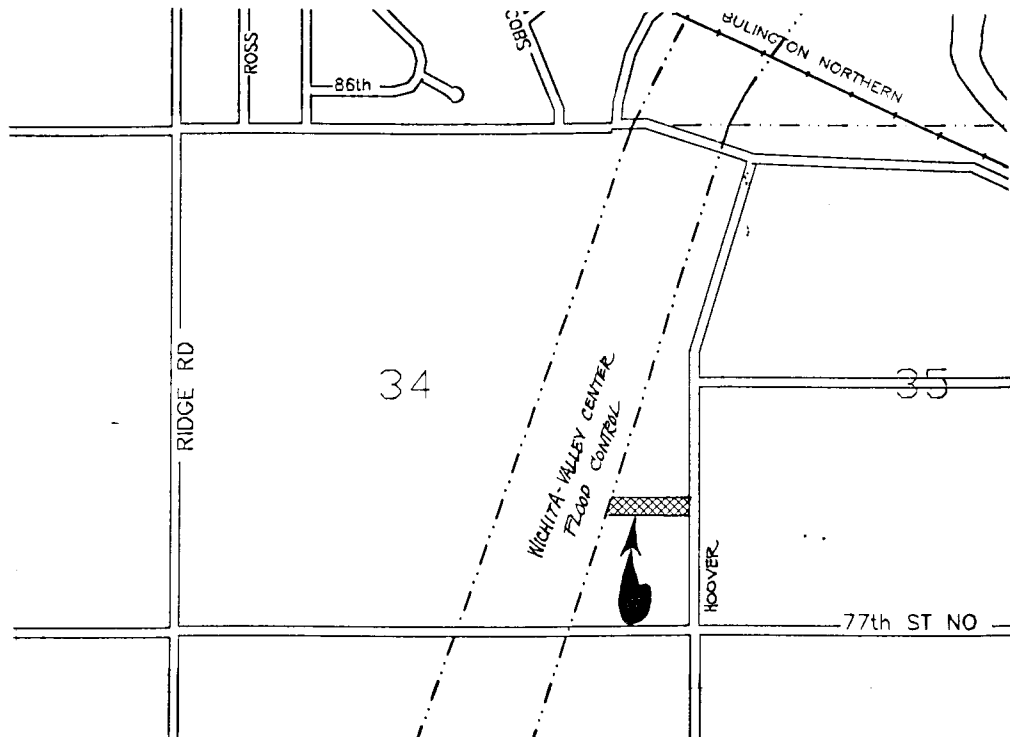
REQUEST: Conditional Use to allow agricultural sales and service.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 2.5 acres

LOCATION: North of 77th Street North and on the west side of Hoover (8005 N. Hoover Road)

PROPOSED USE: The applicant requests a Conditional Use to allow agricultural sales and services on leather goods, tack and related show.



BACKGROUND: The applicant is requesting a Conditional Use permit to allow agricultural sales and service on an unplatted tract of land approximately 2.5 acres in size, zoned "RR" Rural Residential, located north of 77th Street North and on the west side of Hoover.

The applicants do not fall under the home occupations category in the Unified Zoning Code, Article IV, Site Development Regulations, Section IV-E, Home Occupations, item g, which states: "No inventory (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises."

The applicants has a 3 foot by 4 foot sign on the property. There is currently no outside storage or regular hours of operation; most customers see the sign and stop or call to make an appointment for the tack shop.

The business, Tack and More, is currently being operated by the applicants in the attached one car garage. The one car garage is approximately 20 feet by 10 feet. Merchandise for Tack & More generally consists of equestrian tack.

Surrounding uses are large single-family lots on the north and south. The closest home is located to the south, approximately 900 feet from the applicant's garage. The west line of the property abuts up to the Wichita-Valley Center Floodway Control Ditch. The property to the east is partially agricultural and partially developed into large single-family lots.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Residential
SOUTH:	"RR"	Residential
EAST:	"RR"	Agricultural and Large Lot Single-Family homes
WEST:	"RR"	Wichita-Valley Center Floodway Control Ditch

PUBLIC SERVICES: Neither municipal water nor sewer are available to this site. The operation of Tack & More would not have any effect on these services. The site has access to the property only from Hoover, an unimproved section line road.

CONFORMANCE TO PLANS/POLICIES: The Land Use Map of the Comprehensive Plan identifies this area as appropriate for suburban use. This 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. Such areas are characterized by residential lots in the range of 1 to 20 acres. The "suburban" category seeks to accommodate flexibility of choice for individuals preferring more suburban lifestyles, but is generally located in areas which are not prime agricultural resources. The plan

also recognizes that outside of the cities, there may be a need for “other uses common in rural areas,” and the Conditional Use provision was added to the zoning code in 1996 to provide a better way to accommodate these uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The property shall be developed in accordance with the site plan approved as part of the Condition Use permit application.
2. All storage should be kept indoors or behind the attached one car garage and detached 2 car garage.
3. The Conditional Use is only for the sale of equestrian tack and related items. Outside display or storage of horse trailer, fence panels, feeding troughs or similar items is permitted.
4. Signage shall be limited to one sign not exceed twelve square feet in area, and any lights used to illuminate the sign shall be so arranged as to reflect the light away from adjoining premises.
5. Any violation of the conditions approved as part of this request shall render the Conditional Use

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property adjoining it are zoned “RR” Rural Residential District. The area is characterized by large lot single-family homes and agricultural uses.
2. The suitability of the subject property for the uses to which it has been restricted: The current zoning of “RR” Rural Residential does not allow for the agricultural sales and services without a Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the rural nature of the application area, the limited scope of the use and being approximately 900 feet to the closest home, there should not be any detrimental effects on nearby property.
4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The plan does recognize the need to accommodate agricultural-related uses in the rural areas of the county. The zoning code anticipated these uses

and made specific provision for the process. This site appears comply with all of the provisions outlined in the code.

5. Impact of the proposed development on community facilities: Municipal water and sewer services are not necessary for the proposed use.