



Wichita-Sedgwick County Metropolitan Area Planning Department

February 15, 2011

DeKalb Genetics Corporation
Attn: Michael Lenz
7159 North 247th Street West
Mount Hope, Kansas 67108-9746

Baughman Company, P.A.
Attn: Russ Ewy
315 Ellis
Wichita, Kansas 67211

RE: CON2010-00055 - County Conditional Use for Agricultural Research on property zoned RR Rural Residential, generally located on the west side of 247th Street West, approximately one-half mile north of 69th Street North (7159 North 247th Street West).

Dear Ladies and Gentlemen:

At its regular meeting on **January 20, 2011**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution.

This action was not accompanied by valid appeals of protest petitions. Therefore, the action of the Planning Commission is **FINAL**.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Miller'.

Dale Miller
Current Plans Manager
Current Plans Division

DLM:mc
Enclosure

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

CONDITIONAL USE RESOLUTION NO. CON2010-00055

WHEREAS, DeKalb Genetics Corporation (Owner/Applicant) and Russ Ewy (Agent); 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 Agricultural Research on 6.98 acres zoned RR Rural Residential ("RR") described as:

The North 660 feet of the Southeast quarter Section 3, Township 26 Range 3West; generally located on the west side of 247th Street West, approximately one-half mile north of 69th Street North (7159 North 247th Street West).

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 January 20, 2011, 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 allow Agricultural Research on 6.98 acres zoned RR Rural Residential ("RR") described as:

The North 660 feet of the Southeast quarter Section 3, Township 26 Range 3West; generally located on the west side of 247th Street West, approximately one-half mile north of 69th Street North (7159 North 247th Street West).

Approved subject to the following conditions:

- A. In addition to those uses permitted by right in the RR Rural Residential district, the Conditional Use also permits "agricultural research" activities on the area identified on the approved site plan. Individual buildings or structures need not be shown on the site plan provided that any buildings or structures constructed on the site observe the depicted building setbacks, and are placed and constructed in conformance with applicable local, state and federal codes, including building, fire, sanitation, drainage, groundwater and zoning regulations not specifically modified by this Conditional Use.
- B. Signage per the Sedgwick County Sign Code is permitted; however, the existing pole sign that is ten feet wide and six and one-half feet high is permitted.
- C. If the Zoning Administrator finds there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing other remedies set forth in Article VIII of the Unified Zoning Code may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 20th Day of January 2011

METROPOLITAN AREA PLANNING COMMISSION

Debra Miller Stevens
Debra Miller Stevens, Chair MAPC

ATTEST:

John L. Schlegel
John L. Schlegel, Secretary



AGENDA ITEM NO. 11

STAFF REPORT
Andale P.C. 1-5-2010
MAPC 1-20-2011

CASE NUMBER: CON2010-00055

APPLICANT/AGENT: DeKalb Genetics Corporation (Michael Lenz) / Baughman Company, P.A. (Russ Ewy)

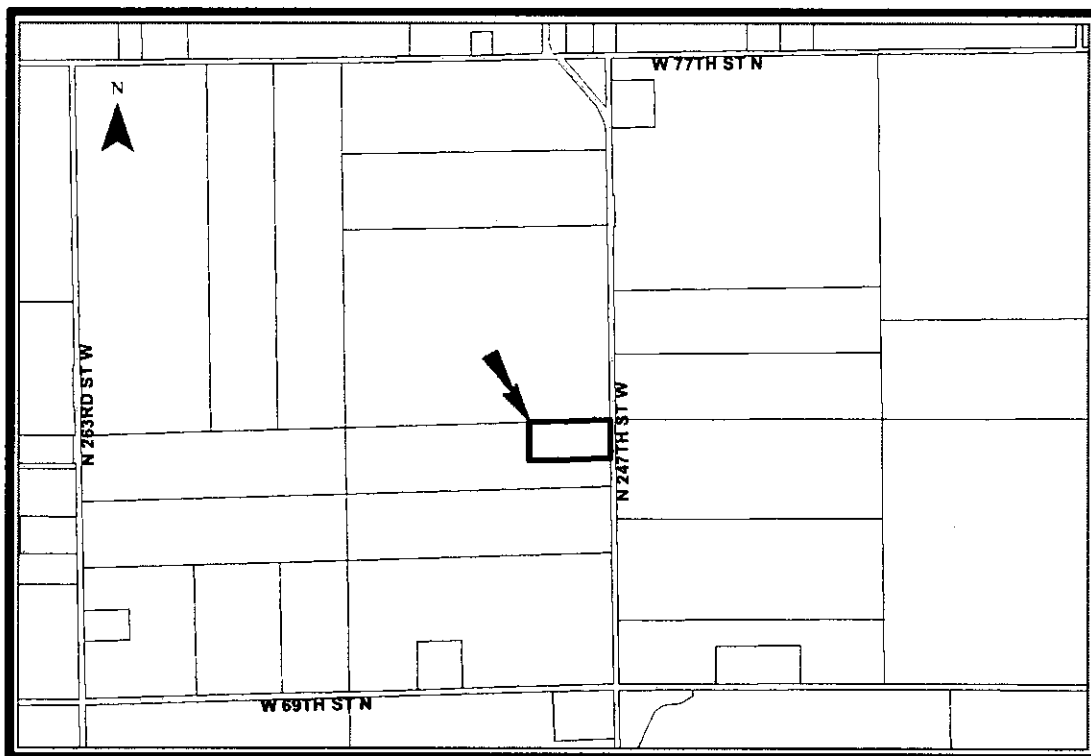
REQUEST: Conditional Use to permit "Agricultural Research"

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 6.978 acres

LOCATION: On the west side of North 247th Street West, approximately ½ mile north of West 69th Street North

PROPOSED USE: Expansion of an existing non-conforming agricultural research facility



BACKGROUND: DeKalb Genetics Corporation owns approximately 80 unplatted acres located on the west side of North 247th Street West, approximately one-quarter to one-half mile north of West 69th Street North, north of the City of Andale. The applicant's property is used for the development, cultivation and field testing of crop hybrids. The extreme northeastern 2.479 acres of the applicant's 80 acres have been developed with an office, machinery barn, greenhouses and other accessory buildings that constitute a nonconforming "agricultural research" use per the *Wichita-Sedgwick County Unified Zoning Code*.

The applicant's property is zoned RR Rural Residential ("RR"); however, "agricultural research" requires Conditional Use approval in the RR district. The site does not currently have Conditional Use approval for "agricultural research" making the applicant's current research activities nonconforming with respect to Zoning Code requirements. The use's nonconforming status limits the company's ability to expand their research activities. The applicant wishes to make the existing facilities conforming in order to have the potential to expand their crop research activities to a larger area; 6.978 acres, surrounding and including the existing developed 2.479 acres. The site plan submitted with the application depicts existing buildings, future expansion area, access points from 247th Street, signage and 35-foot building setbacks. The site's sign is 10 feet wide by 6.5 feet tall and is mounted on a pedestal.

The Zoning Code defines "agricultural research" as the use of land and buildings for agricultural research and the cultivation of new agricultural products and includes greenhouses use for research purposes only.

All surrounding property is zoned RR and used for crop production. Most of the neighboring tracts are 40 acres or more in size. There are approximately seven residences located within one-half mile of the applicant's ownership. These residences probably are associated with areas extensive farming operations that characterize the areas dominate land use.

Based upon a phone conversation with the site manager, it is his opinion that the facilities' practices and operations are no more intense than farming operations conducted on neighboring properties.

CASE HISTORY: The property was zoned RR in 1985 when county-wide zoning was adopted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR Rural Residential; crop production
SOUTH:	RR Rural Residential; crop production
EAST:	RR Rural Residential; crop production
WEST:	RR Rural Residential; crop production

PUBLIC SERVICES: The property is served by on-site water and sewer facilities.

CONFORMANCE TO PLANS/POLICIES: The Wichita and Small Cities 2030 Urban Growth Areas map depicts this site as a rural area. Areas designated as rural are located outside the 2030 urban growth areas for Wichita and the small cities. Rural areas are intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County. The property also lies within the City of Andale's zoning area of influence. Andale's planning commission heard this case on January 5, 2010, and recommended approval.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year, and the following conditions:

- A. In addition to those uses permitted by right in the RR Rural Residential district, the Conditional Use also permits "agricultural research" activities on the area identified on the approved site plan. Individual buildings or structures need not be shown on the site plan provided that any buildings or structures constructed on the site observe the depicted building setbacks, and are placed and constructed in conformance with applicable local, state and federal codes, including building, fire, sanitation, drainage, groundwater and zoning regulations not specifically modified by this Conditional Use.
- B. Signage per the Sedgwick County Sign Code is permitted; however, the existing pole sign that is ten feet wide and six and one-half feet high is permitted.
- C. If the Zoning Administrator finds there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing other remedies set forth in Article VIII of the Unified Zoning Code may, 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: All surrounding property is zoned RR and used for crop production. Most of the neighboring tracts are 40 acres or more in size. There are approximately seven residences located within one-half mile of the applicant's ownership. These residences probably are associated with areas extensive farming operations that characterize the areas dominate land use.
- 2. The suitability of the subject property for the uses to which it has been restricted: Other than the fact the crops to be grown are hybrids that may or may not ultimately be available on the commercial market and greenhouses are used in part of the growing process the applicant's activities are similar to those employed by neighboring farmers.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: The use has been operating as a nonconforming use for some time

and has not generated any known complaints. Approval of this request should not detrimentally impact nearby property.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will make a nonconforming use conforming and allow them to expand so that they can continue to develop the most promising crop varieties possible.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita and Small Cities 2030 Urban Growth Areas map depicts this site as a rural area. Areas designated as rural are located outside the 2030 urban growth areas for Wichita and the small cities. Rural areas are intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.
6. Impact of the proposed development on community facilities: None identified.

APPROVED

DM

Date: 2-10-2011

LUCILLE MEYER REV. TRUST
ZONED "RR"
AGRICULTURAL PRODUCTION

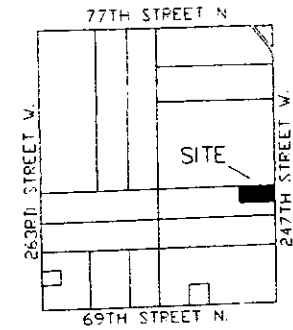
MARGARET WINTER LIV. TRUST
ZONED "RR"
AGRICULTURAL PRODUCTION

MONSANTO CO.
ZONED "RR"
AGRICULTURAL PRODUCTION

MONSANTO CO.
ZONED "RR"
AGRICULTURAL PRODUCTION

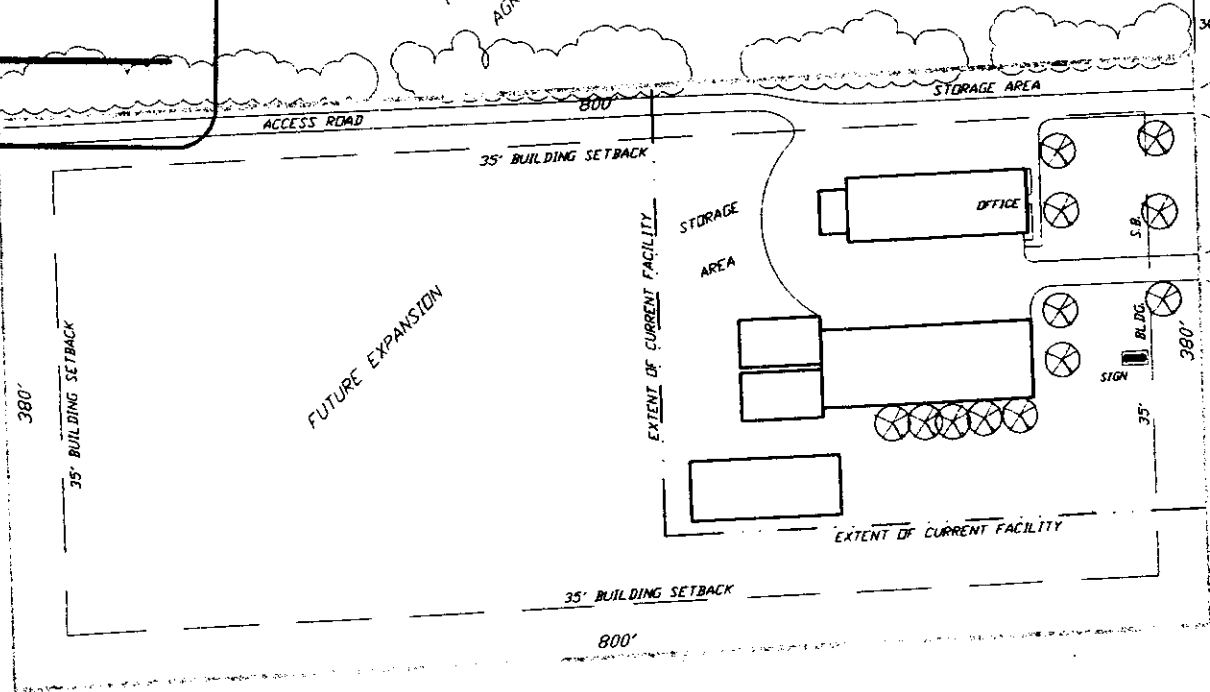
MARGARET WINTER LIV. TRUST
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AGRICULTURAL PRODUCTION

VICINITY MAP



LEGAL DESCRIPT

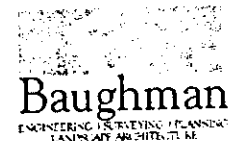
That part of the Southeast 1/4 of Sec. 3, Twp. 26-S, R-3-W of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at the Northeast corner of said Southeast 1/4; thence south along the east line of said Southeast 1/4, 380 feet; thence west parallel with the north line of said Southeast 1/4, 830 feet; thence north parallel with the east line of said Southeast 1/4, 380 feet; thence east along the north line of said Southeast 1/4, 830 feet to the point of beginning; EXCEPT that part taken for road right-of-way of record.



SITE PLAN - CON2010-??
MONSANTO COMPANY - ANDALE, KANSAS



SCALE: 1" = 100'



CON2010-55