FILE COPY.

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 8, 2002

Gerald W. Mies
Catherine A. Mies
19620 W. 85th N.
Colwich, KS 67030

RE: CON2002-00049 – Sedgwick County Conditional Use Amendment to CU-553 to allow an increase in the number of trucks on site and the addition of a maintenance shop. Generally located northeast of the K-96 – 85th Street North – 199th Street West intersection at 19620 W. 85th Street North.

Dear Ladies and Gentlemen:

At its regular meeting on October 24, 2002, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to platting within a year and the following conditions:

1. The applicant shall develop a hazardous material waste storage and disposal plan to meet all applicable County and State codes, policies and standards. This plan shall include the safe storage and disposal of all commercial waste, the prevention of any commercial waste from entering the application area's lagoon, to include floor drains from the garage (if used), and the safe containment of any spilled commercial waste. This approved plan must be submitted to the County prior to the issuance of any building permits.
2. The applicant shall submit the "Regulated Waste Activity Notification" form to Kansas Department of Health and Environment, and obtain a regulated waste license from the Kansas Department of Health and Environment. This approved license must be submitted to the County prior to the issuance of any building permits.
3. Development and maintenance of the site shall be in conformance with the approved site plan, which shall include all structures to be set back behind all current building line, location of the lagoon, an approved landscape plan, parking for the milk trucks and employees, and an approved surface for the parking and circulation area. The approved site plan shall be submitted prior to the issuance of any building permits.
4. Amend Condition #3 of CU-553 to allow a total of 25 milk tankers - trucks to be allowed on the site at any one time.
5. No outside storage of salvage vehicles, parts chemicals, oils, or solvents.
6. No bodywork or painting of vehicles.

9.892 Acres

S 88°59'08" E 1142.50

S 00°16'53" W 2654.78

2658.06

S 00°24'46" W 5316.12

S 00°16'53" W 500.00

N 47°23'07" W 607.30

N 56°20'45" W 122.78

N 01°00'52" E 30.00

720.00

N 88°59'08" W 2622.13

N 88°59'08" W 591.07

1311.06

30' R/W Line

85 TH STREET NORTH

Fd. 1/2" Pipe
SE Cor. SW 1/4
Sec. 29, T25S, R2W

SE Cor. W 1/2 SW 1/4
Calc. Location.

SHED 13.7' 8.6' 7.6' 14.7'

EVERGREENS TREE 3"ø

1 PINE TREE 20'ø

6 PINE TREES 20'ø

WELL

(B) 30-Ft SB

(C) 30-Ft easement

(A) 30-Ft Add Row Dedicated

(B) 30-Ft SB

(C) 30-Ft easement

(B) 30-Ft SB

(C) 30-Ft easement

(B) 25 SB

(B) 20-Ft SB

(C) 20-Ft easement

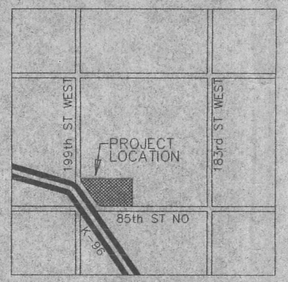
(1) – HOUSE – (74' x 31')
(2) – SHOP – (40' x 80')
(3) – POOL – (16' x 32')
(4) – POOL HOUSE – (12' x 29')
(5) – TRANSFER STATION – (60' x 100')
(6) – PROPOSE MAINTENANCE SHOP – (60' x 80')

TITLE: CONDITIONAL USE APPLICATION FOR A 60'x80' MAINTENANCE SHOP TO SUPPORT THE EXISTING "MILK TRANSFER FACILITY"

APPLICANT'S NAME: GERALD W. & CATHERINE A. MIES
19620 W. 85th NORTH
COLWICH, KS 67030

LEGAL DESCRIPTION: S 500 FT. SW 1/4 SW 1/4 EXC HWY

MODIFICATION BY THE CONDITIONAL USE:
A.) CONSTRUCT A 60'x80' MAINTENANCE SHOP FOR GENERAL MAINTENANCE OF "MIES & SONS TRUCKING" EQUIPMENT ONLY
B.) AMMEND ITEM #3 OF CU-553 TO READ AS FOLLOWS:
3.) THE TOTAL NUMBER OF TRANKERS PERMITTED ON SITE AT THIS FACILITY SHALL BE LIMITED TO 25.



SITE MAP

ADJACENT ZONING AND LAND USE:
1. NORTH-RR-AGRICULTURAL USES
2. SOUTH-RR-AGRICULTURAL USES & STREET RIGHT OF WAY
3. EAST-RR-AGRICULTURAL USES
4. WEST-RR-AGRICULTURAL USES & STREET RIGHT OF WAY

LEGEND:

- EXISTING RECLAIMED ASPHALT
- NEW RECLAIMED ASPHALT
- TREE
- △ – Sectional Monument Found
- ● – 5/8" x 24" Iron Rebar Set w/G.S.S. Cap

SEE PLATTED Subdivision = (A) Add Row dedicated plus platted setBacks

April 6, 2006

per Mies & Sons Trucking Adm

(B) Platted 20-Ft SB @ 30-Ft SB @ 25 SB

(C) 20-Ft utility easement

SITE PLAN

APPROVED 06/4/06 BY

SITE PLAN
SCALE: 1" = 50'-0"

GENERAL NOTES:
1. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN A FLOOD ZONE A, AS SHOWN ON SEDGWICK COUNTY FIRM MAP, COMMUNITY PANEL #200321 0050A, EFFECTIVE DATE OF JUNE 3, 1986. EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION SURVEY.
2. ALL FRONT OFFSETS ARE TAKEN TO 30' RIGHT-OF-WAY LINE
3. GROUND LEVEL MUST BE AT OR ABOVE 1394 TO APPLY FOR LOMA

MIES & SONS TRUCKING

SCALE: 1" = 50'-0"	APPROVED BY:	DRAWN BY: JH
DATE: 04/SEPTEMBER/2002	JOB NUMBER:	REVISED:

SITE PLAN

DESIGN – BUILD CONSTRUCTION, INC.

DRAWING NUMBER: C-1

7. All maintenance work on vehicles shall take place inside the maintenance shop, which shall have a concrete floor.
8. The maintenance shop shall be used for the milk tanker-trucks used in the applicant's milk transfer station only and the shop shall not be advertised as a maintenance repair shop for trucks or vehicles not used by the applicant in this business. If the applicant proposes to repair any milk tankers – trucks or not used by the applicant in this business or any other vehicles not used to move milk the appropriate zone change must be obtained by the applicant. Vehicle repair shops, limited, in "RR" zoning are not a permitted or conditional use.
9. Sedgwick County Code Enforcement and Fire Department shall approve maintenance building plans, prior to the issuance of a building permit.
10. 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 action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. When conditions of approval 1, 2, & 3 listed above is submitted to our office and/or completed, we will prepare and mail the Conditional Use Resolution.

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

Sincerely,

Bill Longnecker
Senior Planner

WL/rms

Cc: DBC, %Louis M. Eftink, David W. Jones, 9325 W. 53rd St. N., Suite B, P O Box 457, Maize, KS 67101
Mt. Hope City Hall, 112 W. Main, Box 56, Colwich, KS 67030-0158
County Law, Bob Parnacott, Mail Stop, County Room 359
Tom Winters, County Commissioner District III, Mail Stop, County Room 320
County Code Enforcement, %Glen Wiltse, 1144 S. Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2002-00049

WHEREAS, Gerald W. and Catherine A. Mies (Owners/Applicants), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request an Amendment to CU-553 to allow an increase in the number of trucks on site and the addition of a maintenance shop on 9.892 acres zoned "RR" Rural Residential described as:

> Lot 1, Block A, Mies & Sons Trucking Addition. Generally located northeast of the State Highway K-96 – 85th Street North – 199th Street West intersection (19620 West 85th Street North).

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 October 24, 2002, 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 an Amendment to CU-553 to allow an increase in the number of trucks on site and the addition of a maintenance shop on 9.892 acres zoned "RR" Rural Residential described as:

> Lot 1, Block A, Mies & Sons Trucking Addition. Generally located northeast of the State Highway K-96 – 85th Street North – 199th Street West intersection (19620 West 85th Street North).

APPROVE subject to the following conditions:

1. The applicant shall develop a hazardous material waste storage and disposal plan to meet all applicable County and State codes, policies and standards. This plan shall include the safe storage and disposal of all commercial waste, the prevention of any commercial waste from entering the application area's lagoon, to include floor drains from the garage (if used), and the safe containment of any spilled commercial waste. This approved plan must be submitted to the County prior to the issuance of any building permits.
2. The applicant shall submit the "Regulated Waste Activity Notification" form to Kansas Department of Health and Environment, and obtain a regulated waste license from the Kansas Department of Health and Environment. This approved license must be submitted to the County prior to the issuance of any building permits.
3. Development and maintenance of the site shall be in conformance with the

approved site plan, which shall include all structures to be set back behind all current building line, location of the lagoon, an approved landscape plan, parking for the milk trucks and employees, and an approved surface for the parking and circulation area. The approved site plan shall be submitted prior to the issuance of any building permits.

4. Amend Condition #3 of CU-553 to allow a total of 25 milk tankers - trucks to be allowed on the site at any one time.
5. No outside storage of salvage vehicles, parts chemicals, oils, or solvents.
6. No bodywork or painting of vehicles.
7. All maintenance work on vehicles shall take place inside the maintenance shop, which shall have a concrete floor.
8. The maintenance shop shall be used for the milk tanker-trucks used in the applicant's milk transfer station only and the shop shall not be advertised as a maintenance repair shop for trucks or vehicles not used by the applicant in this business. If the applicant proposes to repair any milk tankers – trucks or not used by the applicant in this business or any other vehicles not used to move milk the appropriate zone change must be obtained by the applicant. Vehicle repair shops, limited, in "RR" zoning are not a permitted or conditional use.
9. Sedgwick County Code Enforcement and Fire Department shall approve maintenance-building plans, prior to the issuance of a building permit.
10. 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 15th DAY of JUNE, 2006. 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

Harold Warner, Jr., Chair MAPC

ATTEST:

John L. Schegiel, Secretary

All Aye 14-0

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC 10-24-02

CASE NUMBER: CON2002-00049

APPLICANT/OWNERS: Gerald and Catherine Mies (owners/applicants)

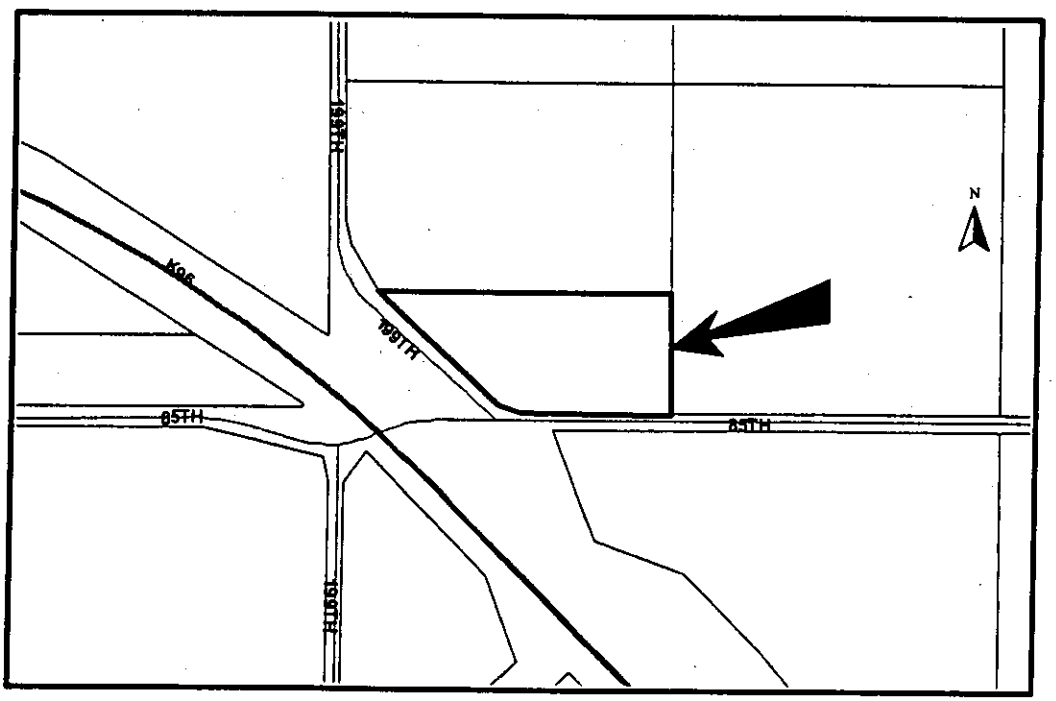
REQUEST: Amendment to CU-553 to allow an increase in the number of trucks on site and the addition of a maintenance shop.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 9.892 acres

LOCATION: Generally located northeast of the K-96 – 85th Street North – 199th Street West intersection, at 19620 West 85th Street North

PROPOSED USE: Applicant operates a milk transfer station (CU-553) on the site and proposes to allow an additional 5 trucks on the site at any one time and proposes a maintenance shop on the site.



BACKGROUND: The applicant is requesting an amendment to CU-553 to allow the number of trucks permitted (Condition #3) on the unplatted site be increased from the current 20 trucks to 25 trucks. CU-553 was approved, with conditions, by the MAPC at their 01-13-2000 meeting. The Conditional Use was for milk transfer facility which is considered an 'agricultural sales and service' activity. The applicant is also proposing the construction of a 60-foot (x) 80-foot maintenance shop for milk trucks used in their milk transfer business. This would be considered as an 'agricultural sales and service' activity and was not included in the original Conditional Use, thus another need to amend CU-553.

The applicant has submitted a site plan showing the existing milk transfer building, the applicant's house, pool, pool house, sheds, an existing shop by the residence, existing trees, the parking-circulation area for the milk transfer station and the proposed maintenance shop. The maintenance shop will be used for tune-ups, brake repair, transmission and engine repair, lubrication, etc, etc, but will not include painting or body repair work.

The application area is in the Equus Beds Groundwater Management District #2, one of only two water sources for the City of Wichita, and therefore raises concerns about hazardous material management for the maintenance shop. The Equus Beds District staff considers this area a "sensitive" groundwater area. Sedgwick County Environmental Code, and both County and Kansas Department of Health and Environment (KDHE) policies prohibit any commercially generated waste, to include chemical waste from commercial floor drains, from being discharged into lagoons or septic systems. The storage and disposal of waste oil, transmission fluids, lubricants, batteries, cleaning solvents and any other similar types of chemicals/oils used in the maintenance of the trucks must be done according to both County and KDHE policies. There is a monitoring well approximately ¾ of a mile east of the site. Sedgwick County Code Enforcement and Fire Department require building approval for the proposed maintenance shop.

The surrounding properties are used for agricultural purposes and are zoned "RR" Rural Residential. The closest homes are approximately ½ to the north and the southwest across K-96. The property is bounded on the south by 85th Street North, on the west by the 199th Street West - K-96 intersection, with farmland abutting its north and east sides.

CASE HISTORY: CU-553 was approved by the MAPC 01-13-2000 & by the BCOC 01-28-2000.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	agricultural fields
SOUTH:	"RR"	85th St N, agricultural fields
EAST:	"RR"	agricultural fields
WEST:	"RR"	199th St N – K-96, agricultural fields

PUBLIC SERVICES: The site is served by on-site septic and well-water systems. Direct access to the site is available from 85th Street North, a 2-lane county sand road. The site also abuts 199th Street West, an unpaved 2 lane township road, on its west side. Approximately 800-850-feet west of the site is State Highway K-96, a divided 4-lane highway. Traffic volumes are not available.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "rural." This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses and large lot residential subdivisions with provisions for future water and sewer services. A 1996 update to the Unified Zoning Code (UZC) established 'agricultural sales and services' as a conditional use in the 'RR' & 'SF-20' zoning districts. The maintenance shop for the applicant's trucks would be considered an 'agricultural sales and services' activity and require an amendment to the original Conditional Use, CU-553. The request to increase the total number of trucks, condition #3 of CU-553, allowed on the site from 20 to 25 is an amendment to CU-553. The UZC requires an amendment to a conditional use to follow the same procedures as a conditional use.

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

1. The applicant shall develop a hazardous material waste storage and disposal plan to meet all applicable County and State codes, policies and standards. This plan shall include the safe storage and disposal of all commercial waste, the prevention of any commercial waste from entering the application area's lagoon, to include floor drains from the garage (if used), and the safe containment of any spilled commercial waste. This approved plan must be submitted to the County prior to the issuance of any building permits.
2. The applicant shall submit the "Regulated Waste Activity Notification" form to Kansas Department of Health and Environment, and obtain a regulated waste license from the Kansas Department of Health and Environment. This approved license must be submitted to the County prior to the issuance of

any building permits.

3. Development and maintenance of the site shall be in conformance with the approved site plan, which shall include all structures to be set back behind all current building line, location of the lagoon, an approved landscape plan, parking for the milk trucks and employees, and an approved surface for the parking and circulation area. The approved site plan shall be submitted prior to the issuance of any building permits.
4. Amend Condition #3 of CU-553 to allow a total of 25 milk tankers - trucks to be allowed on the site at any one time.
5. No outside storage of salvage vehicles, parts chemicals, oils, or solvents.
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7. All maintenance work on vehicles shall take place inside the maintenance shop, which shall have a concrete floor.
8. The maintenance shop shall be used for the milk tanker-trucks used in the applicant's milk transfer station only and the shop shall not be advertised as a maintenance repair shop for trucks or vehicles not used by the applicant in this business. If the applicant proposes to repair any milk tankers – trucks not used by the applicant in this business or any other vehicles not used to move milk the appropriate zone change must be obtained by the applicant. Vehicle repair shops, limited, in "RR" zoning are not a permitted or conditional use.
9. Sedgwick County Code Enforcement and Fire Department shall approve maintenance building plans, prior to the issuance of a building permit.
10. 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 surrounding area: All property surrounding the application area is used for agricultural purposes, the nearest residential neighbor is over ½ mile to the southwest and north. The character of the area is clearly agricultural.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which primarily permits agricultural uses, rural based uses and large lot residential uses. The site could continue to be used without the Conditional Use. The number of trucks allowed on site at any one time has increased over what the applicant has anticipated and thus the application for the amendment. The need for maintenance on the trucks is a support activity.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: So long as the maintenance of only the applicant's milk-tankers-trucks takes place in the maintenance shop only, with a County and KDHE approved hazardous material waste storage and disposal plan, complies with all applicable laws and policies, and has no outdoor storage, this accessory use should have a minimal effect on the surrounding properties. The proposed amendment to CU-553 that would increase the total number of milk tanker - trucks allowed on the site at any one time from 20 to 25 will have a minimal effect on the surrounding area.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The amendment to the approved conditional use is in conformance with the intent of Sedgwick County Development Guidelines for agricultural - rural based uses and the Unified Zoning Code's intent for agricultural sales and service.

5. Impact of the proposed development on community facilities: The impact would include a minimal amount traffic increase on the 85th Street North – 199th Street West – K-96 intersection. Impact on the Equus beds, which supply water to the City, can be monitored to minimize the chance for contamination with the recommended conditions.