

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0718 - Zone change from 'RR' Rural Residential to 'LI' Limited Industrial, generally located south of 85th Street North, approximately 1/4 mile west of Hoover Road.

PRESENTED BY: Marvin S. Krout, Director of Planning

MK

PROPOSED AGENDA DATE: July 24, 1996

COMMISSION DISTRICT #4

Valley Center PC Recommendation: Approve (8-0).

MAPC Recommendation: Approve (10-1), subject to Protective Overlay limiting the property to agricultural-related uses.

Staff Recommendation: Approve.

Background/Discussion: The applicant requests a zone change from 'RR' Rural Residential to 'LI' Limited Industrial for a 5 acre unplatted tract generally located in an area south of 85th Street North, approximately 1/4 mile west of Hoover Road. The Andale Farmer's CO-OP is requesting the zone change to allow the placement of one 18,000 gallon liquid petroleum gas (propane) storage tank.

The application area is located in a relatively remote area west of the Big Ditch, approximately 1.5 miles west of Valley Center. The site is surrounded by 'RR' Rural Residential zoning, and is currently used for agricultural uses. The property owner's house is located approximately 1/4 mile north of the proposed site of the storage tank.

The site plan shows a ladle-shaped application area that includes an 1/8 mile access road and a triangular-shaped area that will be the location of the storage tank. Although the application area contains 5 acres, the Andale CO-OP plans to use approximately 1 to 2 acres for the LP tank that will be fenced with 6 foot chainlink. Both the fenced storage area and the access road will be graveled, and there will be gates at the entrance to the access road at 85th Street as well as at the storage tank.

The storage of LP gas is regulated by the State Board of Agriculture. The Board makes yearly inspections of these facilities, while the CO-OP's insurance company conducts 6 month inspections. All employees working with LP gas are required to be certified

by the State. Currently, there is one truck carrying propane for the CO-OP's 400 customers within a 10 mile radius of this site. Traffic to this site will be cyclical depending on such factors as heating seasons and periods of crop irrigation.

No hydric soils commonly associated with wetlands are located on the site, according to the Soil Survey of Sedgwick County. Also, no portion of the application area is located within a 100-year floodplain, according to the FEMA maps.

During the Planning Commission's discussion of this matter, questions concerning the environmental impacts of the storage tanks were asked by the Commission. The applicant detailed the safety measures used to maintain the storage tanks, as well as the Andale CO-OP's need to locate the tanks at this site. After discussion, the MAPC voted (10-1) to approve the request as recommended by staff with additional provisions.

Recommended Action: 1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change, subject to the recommended Protective Overlay limiting the property to agricultural-related uses.

2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants:

Charles Manning 5915 W 85th N Valley Center KS 67147
Andale Farmers Coop Thomas Strunk PO Box 18 Andale KS 67001

Protestors:

None

RESOLUTION NO. 175-1996

FILE COPY

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 46-1996.

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 V-C of the Wichita Sedgwick County unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. SCZ-0718

Zone change request from 'RR' Rural Residential to 'LI' Limited Industrial District and to 'P-O' Protective Overlay District #2, on property described as:

A 5 Acre tract in the N1/2NE of Section 34 Township 25 south Range 1W Sedgwick County, Kansas. Said tract described as: Beginning at the intersection of the north line of said N1/2NE and the west line of the floodway taken in case no. A-34049, thence westerly along north line of said N1/2NE, 28'; thence southwesterly parallel with west line of said floodway, 920'; thence westerly parallel to the north line of said N1/2NE, 760'; thence southeasterly, 660' to a point on the south line of said N1/2NE, said point being 200' west of the west line of said floodway; thence east to the west line of said floodway, thence north along the west line of said floodway 1320' to the point of beginning. Generally located south of 85th Street North, approximately 1/4 mile west of Hoover Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. All uses on this property shall be for agricultural-related purposes only.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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.