

AGENDA ITEM REQUEST

FILE COPY

Proposed Agenda Item: ZON2002-00038 – Sedgwick County Zone change from “RR” Rural Residential to “LC” Limited Commercial. Generally located on the north side of 53rd Street North approximately ¼ mile west of Ridge Road. (District IV)

Presented By: Dale Miller, Chief Planner, MAPD

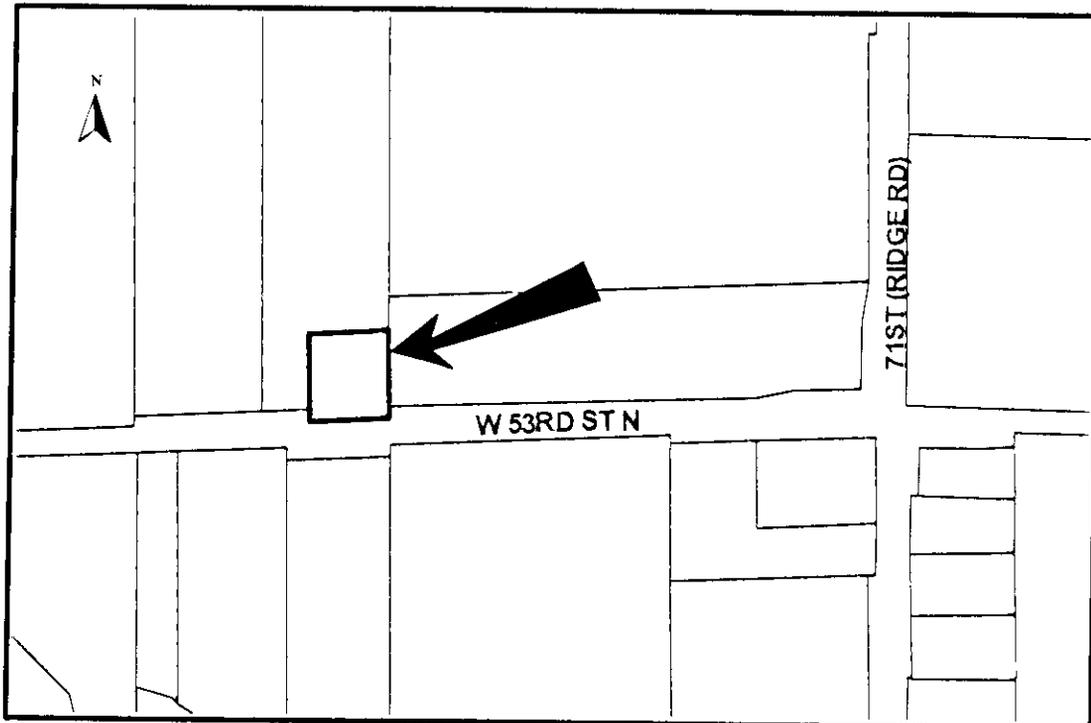
Recommended Action: Approve, subject to platting within one year and the provisions of Protective Overlay District #115, and prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution

Proposed Agenda Date: September 11, 2002

Outside Attendees: Randy’s Repair Service, %Randall Lance, 7510 W. 53rd N., Wichita, KS 67205

Multimedia Presentation: PowerPoint

Donations: n/a



BACKGROUND: The applicant requests a zone change from "RR" Rural Residential to "LC" Limited Commercial for "vehicle repair, limited", on a 1.1 acre unplatted tract located on the north side of 53rd Street North, approximately ¼ mile west of Ridge. The property is located within the zoning area of influence for the City of Maize.

The surrounding area is mixed with agricultural and large lot rural residential uses in the majority of the vicinity. However, the abutting property to the north is zoned "LI" Limited Industrial and is the bus storage facility for the Maize school district. The abutting property to the west is zoned "GO" General Office and is in office use. The adjoining tract is the office facility for bus facility and the next property is a private office. A sand pit is located approximately 1/8 mile to the northeast, and a sand and gravel extraction operation is located about ½ mile to the northwest. The nearest urban area is the City of Maize, which is located 1 1/2 miles west of the site.

Analysis:

Planning staff recommended denial of the request for "LC" Limited Commercial, but approval of "GO" General Office. This recommendation was based on the character of the surrounding land uses, particularly to the north and northwest of the subject tract that are in non-residential use. The Maize Planning Commission considered this recommendation at its meeting on August 1, 2002, and recommended the zoned request be approved for "LC" Limited Commercial, but with a protective overlay designed to limit the scope of "LC" uses to vehicle repair, only, and to ensure proper handling and disposal of any hazardous materials and adequate screening of the vehicle repair activities from 53rd Street North. At the MAPC meeting held August 8, 2002, MAPC voted (12-0) to recommend approval of "LC" subject to platting the property within one year and subject to the following provisions of Protective Overlay District #115:

1. Permitted uses shall be those allowed in the "GO" General Office zoning district and vehicle repair, limited.
2. The Site shall be equipped with a KDHE/EPA approved catch basin for containment of possible spillage of stored hazardous material and be subject to annual inspection of same.
3. All parking of vehicles will be behind a privacy/screening fence and not visible from 53rd Street.
4. Site plan and drainage plan be approved by appropriate agencies.
5. Signage shall conform with County Code.

Alternatives:

1. Concur with the findings of the MAPC, approve the zone change subject to platting within one year and provisions of the Protective Overlay District #115, and authorize the chairman, direct staff to prepare the appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution.
2. Return the application to the MAPC for reconsideration.
3. An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.

Financial Considerations: n/a

Policy Considerations: n/a

Legal Considerations:  *MP* **Approved as to form and signed by County Counselor's Office**

(150004) Published in The Derby Reporter April 29, 2004.

RESOLUTION NO. 63-04

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 THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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. ZON2002-00038

Zone change from "RR" Rural Residential to "LC" Limited Commercial and Protective Overlay District #115 on property described as:

Lot 1, Block A, Randy's Repair Addition, Sedgwick County, Kansas. Generally located on the north side of 53rd Street North approximately ¼ mile west of Ridge Road.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY #115, AS FOLLOWS:

1. Permitted uses shall be those allowed in the "GO" General Office zoning district and vehicle repair, limited.
2. The Site shall be equipped with a KDHE/EPA approved catch basin for containment of possible spillage of stored hazardous material and be subject to annual inspection of same.
3. All parking of vehicles will be behind a privacy/screening fence and not visible from 53rd Street.
4. Site plan and drainage plan be approved by appropriate agencies.
5. Signage shall conform with County Code.
6. If additional sewer facilities are needed, an alternative sewer system shall be used.

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.

Commissioners present and voting were:

BETSY GWIN	<u>Age</u>
TIM R. NORTON	<u>Age</u>
THOMAS G. WINTERS	<u>Age</u>
CAROLYN MCGINN	<u>Age</u>
BEN SCIORTINO	<u>Age</u>

DATED this 26th day of April 2004

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
Thomas G. Winters, Chairman

ATTEST:

Don Brace
DON BRACE
County Clerk



APPROVED AS TO FORM ONLY:

Robert W. Parnacott
ROBERT W. PARNACOTT
Assistant County Counselor



AGENDA ITEM NO. 10

STAFF REPORT

Maize August 1, 2002

MAPC August 8, 2002

CASE NUMBER: ZON2002-00038

APPLICANT/AGENT: Randall L. Lance (Owner)

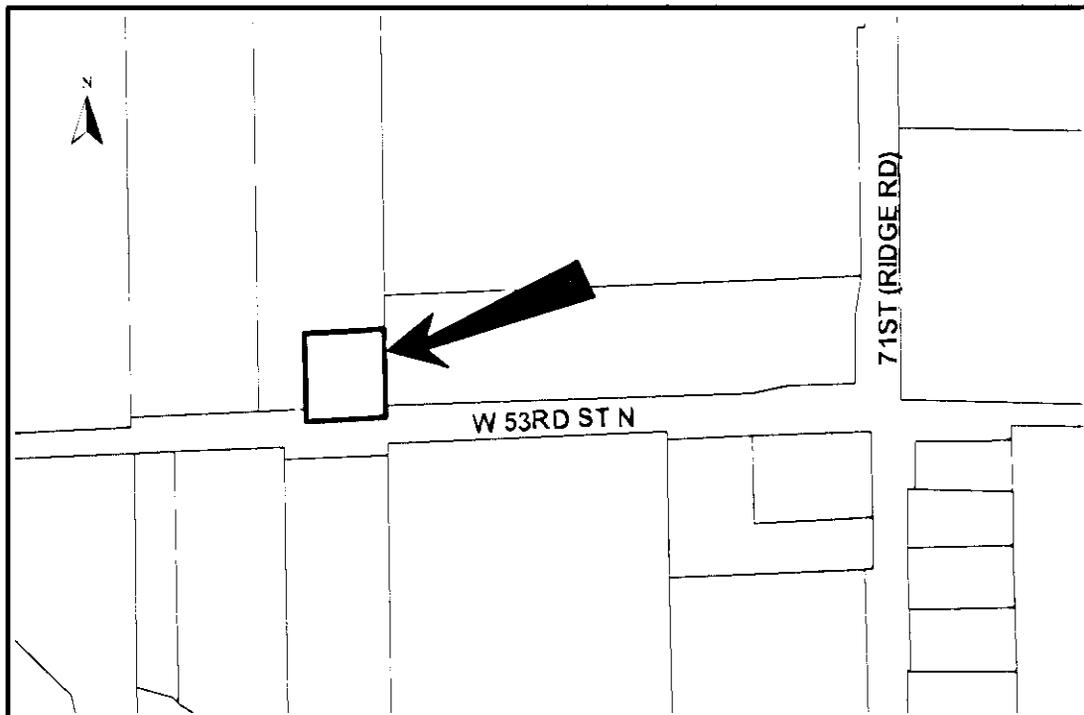
REQUEST: "LC" Limited Commercial

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 1.1 acres

LOCATION: North side of 53rd Street North approximately ¼ mile west of Ridge Road

PROPOSED USE: Vehicle repair, limited



BACKGROUND: The applicant requests a zone change from "RR" Rural Residential to "LC" Limited Commercial for "vehicle repair, limited", on a 1.1 acre unplatted tract located on the north side of 53rd Street North, approximately ¼ mile west of Ridge. The property is located within the zoning area of influence for the City of Maize.

The surrounding area is mixed with agricultural and large lot rural residential uses in the majority of the vicinity. However, the abutting property to the north is zoned "LI" Limited Industrial and is the bus storage facility for the Maize school district. The abutting property to the west is zoned "GO" General Office and is in office use. The adjoining tract is the office facility for bus facility and the next property is a private office. A sand pit is located approximately 1/8 mile to the northeast, and a sand and gravel extraction operation is located about ½ mile to the northwest. The nearest urban area is the City of Maize, which is located 1 1/2 miles west of the site.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial	Maize school district bus storage
SOUTH:	"RR" Rural Residential	Agriculture, large lot residential
EAST:	"RR" Rural Residential	Agriculture, sand pit
WEST:	"GO" General Office	Office

PUBLIC SERVICES: The site has access to 53rd Street North, a two-lane County arterial street with traffic volumes of approximately 2,000 vehicles per day. The 2030 Transportation Plan projects that traffic volumes on 53rd Street North will increase to approximately 5,900 vehicles per day. Municipal water and sanitary sewer service are not available to the site; therefore, on-site water and sanitary sewer service would need to be provided. The property is located within the Equus Beds Groundwater Management District in area where ground water is likely to be within 10 feet of the ground surface.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide, as amended January 2002, of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "Rural" development. Rural areas consist of land outside the 30 year Wichita urban service area and small city growth areas. The Rural 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. The property to the west of the subject tract is shown as "Office" and the property to the north is shown as "Industrial/Transportation/Utility/Communication", reflecting its use as the Maize bus storage facility.

The Goals, Objectives, and Strategies of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan also provide guidance regarding land use. The Land Use-Commercial/Office section contains a strategy (III.B4) that states, "in those portions of rural unincorporated Sedgwick County outside the projected growth area, limit commercial development to those activities that are agriculturally oriented or provide necessary convenience services to residents in the immediate area, or provide highway-oriented services at interchange areas." The Land Use-Industrial section contains a strategy (IV.A2) that states, "in those portions of rural unincorporated Sedgwick County outside the projected urban growth area, allow industrial development only when it is agriculturally oriented, dependent upon a natural resource, or, as part of an appropriate expansion of an existing industrial area." The requested zone change to allow a vehicle repair facility is not consistent with the Land Use Guide or the Goals, Objectives, and Strategies of the Comprehensive Plan. The Amended Comprehensive Development Plan 1980-2000 for the City of Maize does not address the subject property.

The City of Maize currently is making major revisions to its comprehensive plan, and those revisions may address the subject property in the future. Preliminary consideration is being given to recommending retail/commercial activity along 53rd Street North extending eastward from Maize. Based on this tentative policy, a similar case for "OW" Office Warehouse located about ¾ mile closer to Maize than this request was recommended for approval in 2001 by the Maize Planning Commission, and ultimately approved by the County Commission.

RECOMMENDATION: The use of this property for vehicle repair poses a threat to the groundwater supplies in the Equus Bed unless all petrochemical and organic compounds are properly stored and disposed, regardless of the amount of these substances being accumulated. Even if the amount is less than the threshold requiring a permit by KDHE, a potential spill into the groundwater could result in contamination. Even storage of old vehicles and parts poses a threat as a point source from leaking fluids.

The proposed change is in not in conformance with the MAPC Comprehensive Plan and the area is not included in the adopted Maize Comprehensive Plan.

Based on this information and other information available prior to the public hearing and upon the property immediately to the west being shown on the Comprehensive Plan as "Office", planning staff recommends that the request be DENIED, but that "GO" General Office be approved, subject to platting of the property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding land is zoned "RR" Rural Residential and is used for agriculture or large lot residential uses to the east and south. The area abutting to the north and west is zoned "LI" Limited Industrial and "GO" General Office, and is used for an office and the Maize school bus storage facility. These two uses are more intense than the other uses in the vicinity, which are rural in character.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which restricts the site to very large lot residential or agricultural uses. Due to the presence of the "LI" zoning on the north and the "GO" zoning on the west, this tract is less suitable for residential use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Granting the requested "LC" Limited Commercial zoning will intensify the uses in this rural area by adding to the bus storage use that is considerably more intense than the other surrounding uses. Improper storage and disposal of petrochemicals, organic compounds, vehicles, parts and batteries all pose a threat to contamination of the Equus Beds. Limiting the zone change to "GO" General Office would allow similar intensity as the property to the west and serve as a buffer to the "LI" property to the north.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested change is not consistent with the Wichita-Sedgwick County Comprehensive Plan policies and strategy guidelines. The requested use is not agriculturally oriented, does not provide necessary convenience services to residents in the immediate area, and is not dependent upon a natural resource. According to the Wichita-Sedgwick County Comprehensive Plan recommendations, the requested use should be located within the urban service area of a city. If future revisions to the Comprehensive Plan for the City of Maize indicate that the subject property should be included in their urban service area, then the requested use may be appropriate at that time if the property meets the other criteria for a commercial use.
5. Impact of the proposed development on community facilities: The requested change would introduce a commercial/industrial land use to an area lacking appropriate community facilities. Fire and crime protection services cannot be adequately provided to a commercial business at this remote location. On-site water and sanitary sewer service for a commercial business at this location would lead to a significant potential for groundwater pollution since the site is located within the Equus Beds Groundwater Management District in a area where ground water is likely to be within 10 feet of the ground surface.