

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2001-00017 – Request for zone change from “RR” Rural Residential to “OW” Office Warehouse, located south of 53rd Street North and west of Tyler Road.

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: June 5, 2001

COMMISSION DISTRICT #4

MAPC Recommendation: Approve, subject to platting within 1 year (10-3).

Maize Recommendation: Approve (7-0)

Staff Recommendation: Deny.

Background/Discussion The applicant requests a zone change from “RR” Rural Residential to “OW” Office Warehouse on a 4.8 acre unplatted tract located south of 53rd Street North and west of Tyler. The property is located within the zoning area of influence for the City of Maize.

The site is currently developed with two agricultural buildings. The applicant proposes to redevelop the site with a small office and an attached garage for approximately 12 trucks for use by the applicant's contractor business. The Unified Zoning Code defines the proposed use as “Construction Sales and Service” and first permits it in the “OW” Office Warehouse district when the business is not primarily a retail establishment.

The surrounding area is rural in character. The property in all directions surrounding the site is zoned “RR” Rural Residential and is used for agriculture with the exception of manufactured homes on large lots to the north. The nearest non-residential or non-agricultural land uses are sand and gravel extraction located approximately 1/3 of a mile east of the site and a non-conforming manufacturing business located approximately 1 mile south of the site. The nearest urban area is the City of Maize, which is located approximately 2/3 of a mile west of the site.

At the May 10, 2001 MAPC hearing, two adjoining property owners spoke against the request citing concerns with traffic, pollution, noise, incompatibility with residential properties, and the hearing process used by the Maize Planning Commission which rescheduled the hearing and did not notify neighboring property owners of the new

hearing. The MAPC recommended approval (10-3) of the request subject to platting the property within one year.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject the condition of platting within one year; adopt the resolution and authorize the Chairman to sign; and instruct the Planning Department to withhold publication of the resolution until the plat has been recorded with the Register of Deeds; or
2. Adopt the findings of fact of staff and deny the request; or
3. 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:

Jack D and Leslie L Hale 10915 W 37th Street North Wichita KS 67205
James M and Mary Lou Voegeli 5007 N 199th West Colwich KS 67030

Protestors:

Mike Naegele 9220 West 53rd Street North Wichita KS 67101
Ken Naegele 9232 West 53rd Street North Wichita KS 67101

(150004) Published in The Wichita Eagle on March 19, 2002.

RESOLUTION NO. 107-01

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. 84-01.

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:

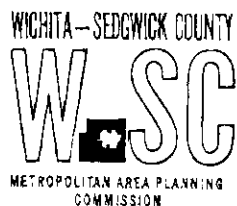
Case No. ZON2001-00017

Zone change request from "RR" Rural Residential to "OW" Office Warehouse on property described as:

Lot 1, Block 1, All Boer Land Addition, Sedgwick County, Kansas. Generally located south of 53rd Street North and west of Tyler.

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.



AGENDA ITEM NO. _____

STAFF REPORT

Maize May 3, 2001

MAPC May 10, 2001

CASE NUMBER: ZON2001-00017

APPLICANT/AGENT: Jack D. & Leslie L. Hale (Owner); James M. & Mary Lou Voegeli (Contract Purchaser/Applicant)

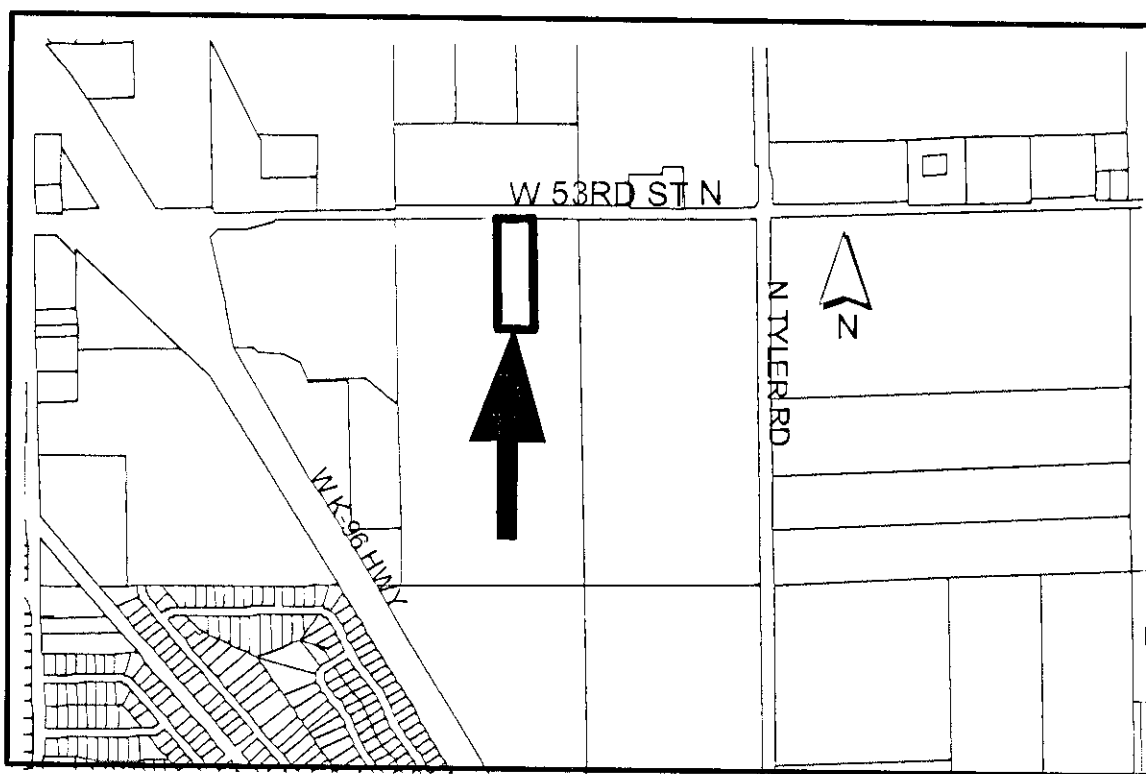
REQUEST: "OW" Office Warehouse

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 4.8 acres

LOCATION: South of 53rd Street North and west of Tyler

PROPOSED USE: Contractor's office/storage



BACKGROUND: The applicant requests a zone change from "RR" Rural Residential to "OW" Office Warehouse on a 4.8 acre unplatted tract located south of 53rd Street North and west of Tyler. The property is located within the zoning area of influence for the City of Maize.

The site is currently developed with two agricultural buildings. The applicant proposes to redevelop the site with a small office and an attached garage for approximately 12 trucks for use by the applicant's contractor business. The Unified Zoning Code defines the proposed use as "Construction Sales and Service" and first permits it in the "OW" Office Warehouse district when the business is not primarily a retail establishment.

The surrounding area is rural in character. The property in all directions surrounding the site is zoned "RR" Rural Residential and is used for agriculture with the exception of manufactured homes on large lots to the north. The nearest non-residential or non-agricultural land uses are sand and gravel extraction located approximately 1/3 of a mile east of the site and a non-conforming manufacturing business located approximately 1 mile south of the site. The nearest urban area is the City of Maize, which is located approximately 2/3 of a mile west of the site.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Manufactured homes on large lots
SOUTH:	"RR"	Agriculture
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

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 5,100 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 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 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 is not consistent 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. However, the City of Maize is currently making major revisions to their comprehensive plan, and those revisions may address the subject property in the future.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding land is zoned "RR" Rural Residential and is used for agriculture or large lot residential uses. The area is 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. Only two commercial/industrial uses are permitted by right in the "RR" district, those being a kennel for 10 dogs or less and an asphalt plant at the site of a road construction project. Given the lack of public services and its distance from urban areas, the subject property is suitably restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Granting the requested "OW" Office Warehouse zoning will set a precedent for this type of zoning at this rural location. In fact, planning staff has already been contacted by another contractor's business considering relocating in this vicinity if the requested zone change is approved. The "OW" district permits a wide variety of intense commercial and industrial uses that would not be appropriate at this location.
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/industrial 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/industrial business at this remote location. On-site water and sanitary sewer service for a commercial/industrial 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.