



Wichita-Sedgwick County Metropolitan Area Planning Department

August 29, 2017

Baughman Company
Attn: Russ Ewy
315 Ellis S
Wichita, KS 67211

RE: CON2017-000030 – County Conditional Use on RR Rural Residential to allow grain storage and agricultural sales and services; generally located between 71st Street South, 183rd Street West, and K-42 Highway (7115 South 183rd Street West)

Dear Mr. Ewy,

At its regular meeting on **August 10, 2017**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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 'Kyle C. Kobe'.

Kyle C. Kobe
Associate Planner

KCK:al
Attachment

Copies to: MABCD
David Dennis, BOCC District III
Justin Waggoner, County Law

CONDITIONAL USE RESOLUTION NO. CON2017-00030

WHEREAS, Farmers Cooperative Elevator Company, (Owner) 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 the expansion of existing agricultural sales and grain storage facilities, on property zoned RR Rural Residential District at 7115 South 183rd Street West and legally described as:

A tract of land in the Southeast Quarter of Section 32, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as follows: BEGINNING at the Southeast corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of North 00 degrees 05 minutes 50 seconds West, 630.49 feet along the East line of said Quarter Section to a point that is 50.00 feet perpendicular to the centerline of the abandoned railroad; SECOND COURSE, thence South 43 degrees 03 minutes 45 seconds West, 862.22 feet parallel to said railroad to the South line of said Quarter Section; THIRD COURSE, thence South 89 degrees 56 minutes 50 seconds East, 589.79 feet along said South line to the point of beginning. The above described tract contains 4.27 acres which includes 1.05 acres of public road right of way, resulting in a net acreage of 3.22 acres, more or less.

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 August 10, 2017, 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 a Conditional Use for the expansion of existing agricultural sales and grain storage facilities, on property zoned RR Rural Residential District at 7115 South 183rd Street West and legally described as:

A tract of land in the Southeast Quarter of Section 32, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as follows: BEGINNING at the Southeast corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of North 00 degrees 05 minutes 50 seconds West, 630.49 feet along the East line of said Quarter Section to a point that is 50.00 feet perpendicular to the centerline of the abandoned railroad; SECOND COURSE, thence South 43 degrees 03 minutes 45 seconds West, 862.22 feet parallel to said railroad to the South line of said Quarter Section; THIRD COURSE, thence South 89 degrees 56 minutes 50 seconds East, 589.79 feet along said South line to the point of beginning. The above described tract contains 4.27 acres which includes 1.05 acres of public road right of way, resulting in a net acreage of 3.22 acres, more or less.

Subject to the following conditions:

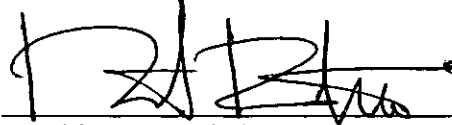
1. This parcel is currently unplatted. Prior to obtaining Building Permits the applicant will need to plat this parcel. This application can be made with the Planning Department and is necessary in order to allow for the addition on the site.

2. The exact location of the additional structure must conform to the provisions of the Unified Zoning Code for the Rural Residential District. Any exception to development standards laid out therein must be addressed via the proper land use action request (Variance, Administrative Adjustment, etc.).

3. 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 10 Day of August 2017

METROPOLITAN AREA PLANNING COMMISSION



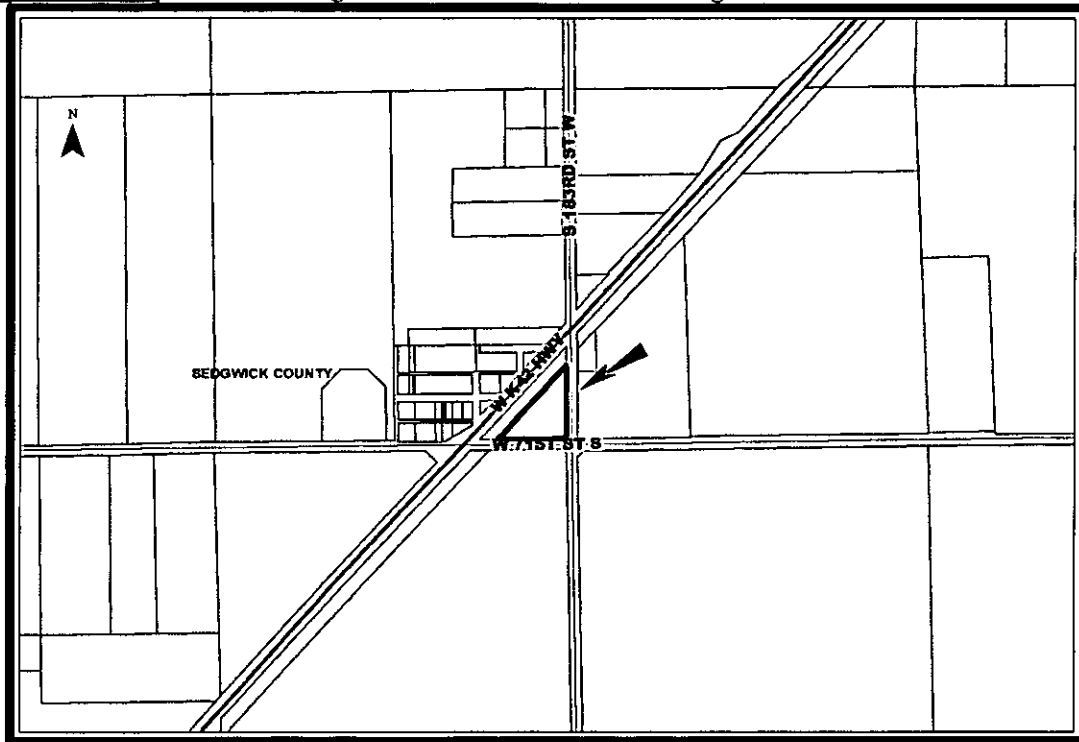
David Foster, Chair MAPC

ATTEST:


Dale Miller, Secretary

STAFF REPORT
MAPC August 10, 2017
CAB III August 14, 2017

- CASE NUMBER:** CON2017-00030
- OWNER/APPLICANT:** Formers Cooperative Elevator Company, Steve Goebel /Baughman Company, P.A., Russ Ewy
- REQUEST:** To permit the expansion of existing agricultural sales and grain storage facilities.
- CURRENT ZONING:** RR - Rural Residential District
- SITE SIZE:** 3.22-acres
- LOCATION:** Generally located between West 71st Street South, South 183rd Street West, and West K-42 Highway. (7115 South 183rd Street West)
- PROPOSED USE:** Agricultural Sales and Grain Storage



BACKGROUND: This County application was filed to request a Conditional Use for the expansion of the existing agricultural sales and grain storage facilities on site. The property is located between West 71st Street South, South 183rd Street West, and West K-42 Highway. The site is zoned Rural Residential District (RR).

According to city records the original structure was built in 1982 and has been operating as a legal nonconforming use since county zoning was enacted in 1985. This Conditional Use case has come about due to the expansion of the facilities on site. The applicant is proposing an additional grain elevator be built in the south east corner of the parcel. Though there will be an expansion of the scale of services and amount of structures on site, the uses will remain the same as they have been for several decades.

The surrounding parcels are all zoned RR, with the exception of one lot directly to the north zoned LC Limited Commercial (LC). The character of the surrounding uses is primarily vacant agricultural land, with some residential and institutional uses to the east and west.

The parcel between the subject site and K-42 is listed as belonging to AT & SF Railway Company, though there are no rail lines running through the parcel at this time. The applicant has indicated that an agreement has been made between the two property owners to allow for this use.

CASE HISTORY: This property is currently unplatted. The applicant will need to plat the parcel in order to acquire building permits.

In 1994 a setback variance was approved along the southern property line for the fertilizer tanks on site. This variance was to allow an 85 foot setback instead of the required 100 foot setback.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	vacant parcel
SOUTH:	RR	vacant agricultural area
EAST:	RR	vacant agricultural area, single family house
WEST:	RR	vacant parcel

PUBLIC SERVICES: The addition of a grain elevator will not require extension of public utilities on this site. There is sufficient capacity on West K-42, South 283rd Street West, and West 71st Street South to accommodate traffic volume from the facility.

CONFORMANCE TO PLANS/POLICIES: The “*Community Investment Plan*” Future Growth Concept Map, does not extend to this parcel as it is outside of the projected urban grown areas and is considered rural unincorporated.

RECOMMENDATION: The proposed expansion of the facilities on site will not alter the use from what has been present for the life of this property. Given that this does not represent any significant change from a zoning or planning perspective, and the fact that this use takes place on unincorporated Sedgwick county land, there does not appear to be any issue of significance that should impede the approval of this request. Based upon information available prior to the public hearings, planning staff recommends that the Conditional Use be APPROVED, with the following conditions:

1. This parcel is currently unplatted. Prior to obtaining Building Permits the applicant will need to plat this parcel. This application can be made with the Planning Department and is necessary in order to allow for the addition on the site.

2. The exact location of the additional structure must conform to the provisions of the Unified Zoning Code for the Rural Residential District. Any exception to development standards laid out therein must be addressed via the proper land use action request (Variance, Administrative Adjustment, etc.).
3. 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.

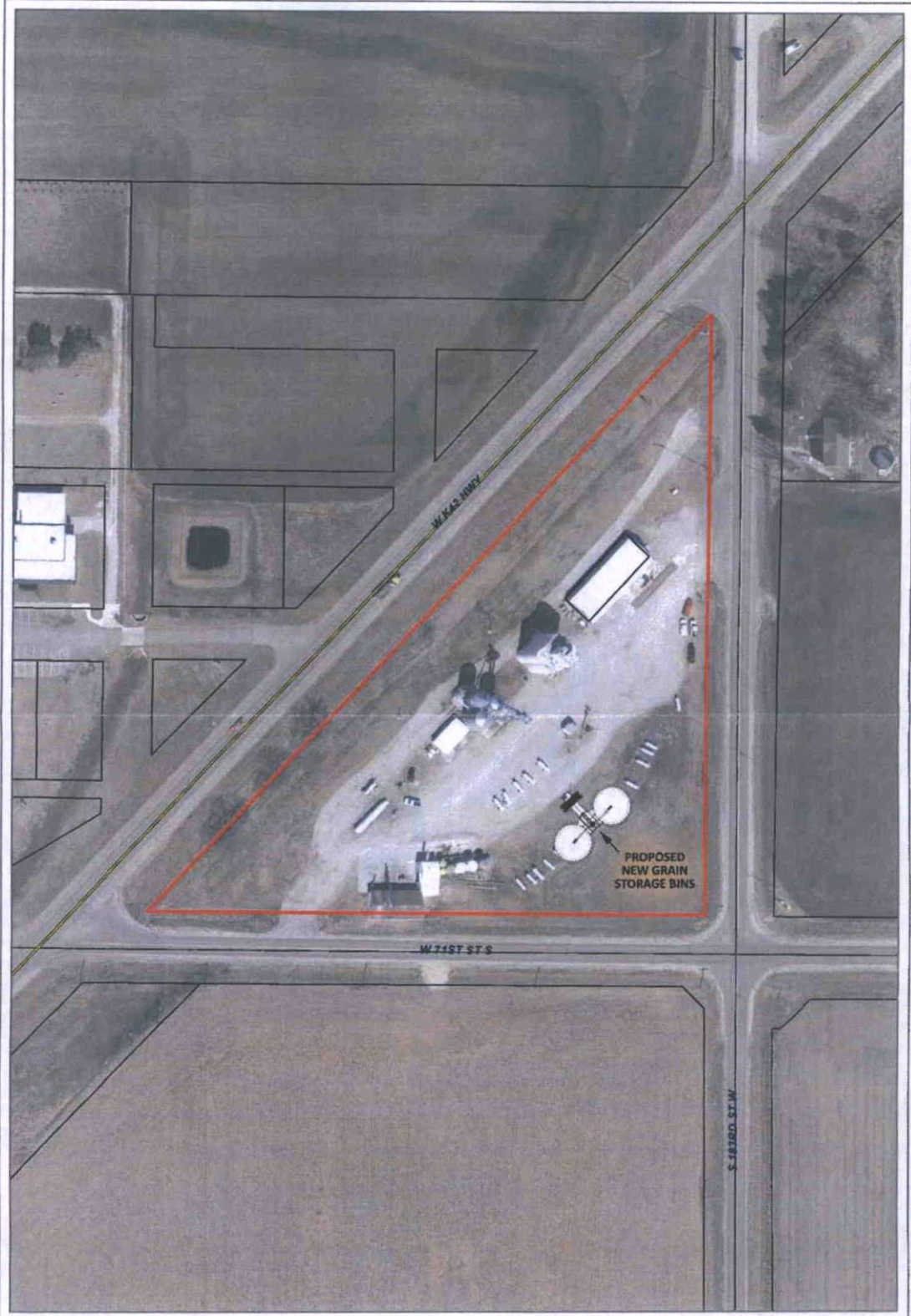
This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding parcels are all zoned RR, with the exception of one lot directly to the north zoned LC Limited Commercial. The character of the surrounding uses is primarily vacant agricultural land, with some residential and institutional uses to the east and west.
2. **The suitability of the subject property for the uses to which it has been restricted:** Approval of a Conditional Use in the RR district will allow the site expansion and upgrades. The Conditional Use approval is the most appropriate way to review the impact of the site expansion in the RR district.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The use on this site is well established already. Removal of these restrictions will not detrimentally affect nearby property as it will remain the same use as it has been for several decades but with an additional structure and capacity.
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 enhance the business' ability to expand their operations and provide their services to the surrounding area. Denial of the application would impact the business' ability to expand its level of operation, effectively capping the level of production that could be achieved on this site.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "*Community Investment Plan*" Future Growth Concept Map, does not extend to this parcel as it is outside of the projected urban grown areas and is considered rural unincorporated.

Staff Report Attachments:

1. Area Map
2. Urban Growth Area Map Excerpt
3. Site Plan

CON2017-00030 Site Plan



CON2017-?? SITE PLAN

