



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 18, 2000

Donald W. and Bonnie S. Curtright
7128 W. 77th Street North
Valley Center, KS 67147

RE: CON2000-00001 – Conditional Use to allow for Parking/Storage of Commercial vehicles and a Rural Home Occupation on property zoned “RR” Rural Residential. Generally located east of Ridge Road and North of 77th Street North, Valley Center, Kansas.

Dear Donald and Bonnie Curtright:

At its regular meeting on March 30, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to APPROVE, the request subject to the following conditions:

1. The *Conditional Use* shall only be permitted for a *home occupation* involving the parking of one tractor-trailer in accordance with the site plan attached to this resolution. There shall be no additional outside employees or the parking of any additional commercial vehicles (or an additional trailer) without amending the *Conditional Use* permit.
2. The applicants shall maintain the solid row of evergreen trees along the south, west and north property lines except at the driveway entrances.
3. The applicants shall maintain the existing trees in their orchard along the east property line (in conjunction with their neighbor's orchard) or plant and maintain a solid row of evergreen trees along the east property line (per Valley Center Planning Commission).
4. The applicants shall comply with all other conditions for a rural home occupation except for the standards that were specifically waived as part of this *Conditional Use*.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

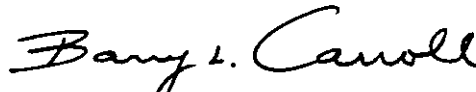
T 316.268.4421 F 316.268.4390

www.wichitagov.org

5. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.
6. This *Conditional Use* shall be effective for a period of eight years. At the end of eight years, the applicant will need to file for a renewal of this *Conditional Use* and be subject to additional public hearings. The eight year period begins from the date of final approval.

This action was not accompanied by valid appeals of protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,



Barry L. Carroll
Associate Planner

BC/rs

cc: Valley Center City Hall, %Lynn Ireland, Box 188, Valley Center, KS 67147
County Commissioner District #4, Carolyn McGinn
Glen Wiltse, Sedgwick County Code Enforcement

CONDITIONAL USE RESOLUTION NO. CON2000-00001

WHEREAS, Donald W. and Bonnie S. Curtright (Applicants/Owners) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to Allow for Parking/Storage of Commercial Vehicles and a Rural Home Occupation described as:

West 400 feet of the South 545 feet of the Southwest Quarter except road on The West in Section 34, Township 25 South, Range 1 West, Sedgwick County, Kansas. Generally located East of Ridge Road and North of 77th Street North, Valley Center, Kansas.

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 March 30, 2000, 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 permit a Conditional Use to Allow for Parking/Storage of Commercial Vehicles and a Rural Home Occupation described as:

West 400 feet of the South 545 feet of the Southwest Quarter except road on The West in Section 34, Township 25 South, Range 1 West, Sedgwick County, Kansas. Generally located East of Ridge Road and North of 77th Street North, Valley Center, Kansas.

subject to the following conditions:

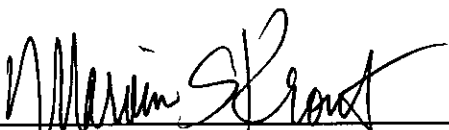
1. The *Conditional Use* shall only be permitted for a *home occupation* involving the parking of one tractor-trailer in accordance with the site plan attached to this resolution. There shall be no additional outside employees or the parking of any additional commercial vehicles (or an additional trailer) without amending the *Conditional Use* permit.
2. The applicants shall maintain the solid row of evergreen trees along the south, west and north property lines except at the driveway entrances.
3. The applicants shall maintain the existing trees in their orchard along the east property line (in conjunction with their neighbor's orchard) or plant and maintain a solid row of evergreen trees along the east property line (per Valley Center Planning Commission).
4. The applicants shall comply with all other conditions for a rural home occupation except for the standards that were specifically waived as part of this *Conditional Use*.
5. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.
6. This Conditional use shall be effective for a period of eight years. At the end of eight years, the applicant will need to file for a renewal of this Conditional Use and be subject to additional public hearings. The eight year period begins from the date of final approval.

Adopted this 30th day of March, 2000. 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


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT
MAPC – March 30, 2000

CASE NUMBER: CU-2000/00001

APPLICANT/AGENT: Donald W. and Bonnie S. Curtright (Applicants/Owners)

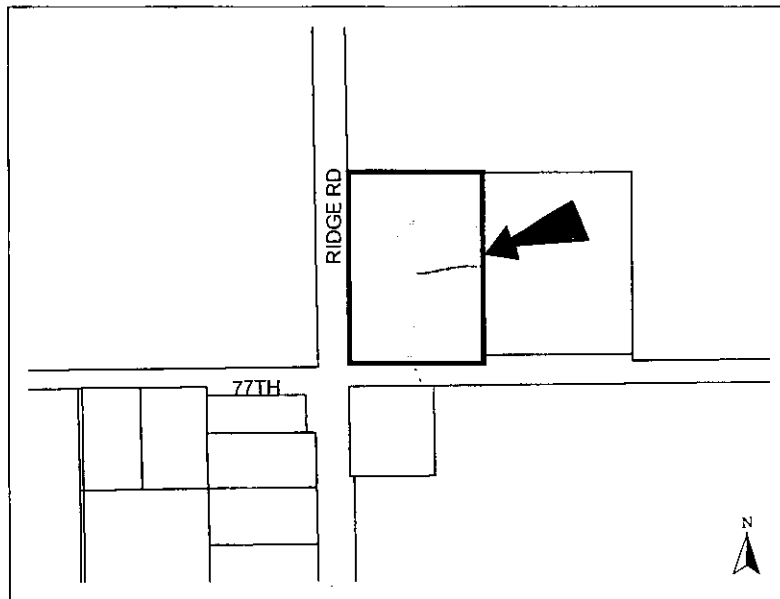
REQUEST: *Conditional Use* to Allow for Parking/Storage of Commercial Vehicles and a Rural Home Occupation

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 4.2 acres (formerly 5-acre parcel)

LOCATION: East of Ridge Road and North of 77th Street North, Valley Center, -Kansas

PROPOSED USES: To Allow for Parking/Storage of a Semi-Tractor and Trailer



BACKGROUND: The applicants are requesting a *Conditional Use* to permit a *home occupation* on an unplatted 4.2-acre tract of land. This property is zoned "RR" *Rural Residential* and is located north of 77th Street North and east of Ridge Road. The applicants are requesting this *Conditional Use* permit to allow a tractor-trailer truck to be parked on these 4.2 acres as part of a *home occupation*. Mr. Curtright is an independent, over-the-road, truck driver. The applicant recently purchased his truck and driving is his primary profession. The truck will be parked on the eastern edge of applicants' driveway, approximately 108 feet north of 77th Street North and 400 feet from the east property line. The applicants reported that they have spoken to the resident to the east (Norman Kelly) about their request. According to the applicants, their neighbor has no objections and is supportive of the request. The applicant will be on the road most of the time and only parked for short periods of time.

The home occupation guidelines of the *Unified Zoning Code* permit the parking of one commercial vehicle as part of a home occupation that does not exceed 26,000 pounds gross vehicle weight rating. The applicants, however, do not meet the following requirements of rural home occupations: "*rural home occupations must be located on a minimum of 20 acres; the rural home occupation may not be conducted within 600 feet of a dwelling wherein no rural home occupation is conducted; and outdoor storage is permitted provided the size of the storage area does not exceed 10,000 square feet, is located behind the principal structure and 200 feet from all property lines, screening of the storage area by structures, solid or semi-solid fencing and/or landscaping materials from adjacent roads and properties is required with 600 feet of a property line or public right-of-way.*" The applicants only have 4.2 acres of land, the truck would be located 600 feet from a neighboring dwelling unit that is not conducting a home occupation, and does not provide the required screening to the east.

The *Unified Zoning Code* (UZC) was recently amended to allow a permitted rural home occupation that does not meet one or more of the *rural home occupation* requirements, as a *Conditional Use*, as long as the property "is no less than five acres in size and no more than four non-residents are employed in the home occupation." Due to improvements to Ridge Road, which encroached upon the applicants' property, the tract is 4.2 (not five acres) in size. The applicants do not employ any outside employees.

The applicant has submitted a site plan which shows the tractor trailer parked in front of the principal structure on-site, which also does not conform to the requirements of the UZC but may be waived as part of a *Conditional Use* request. There is a solid cedar hedgerow located between this property and the properties to the west, north and south. There is no screening provided to the east, which would not meet the requirements for outside storage for the UZC.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Farm Field
EAST:	"RR" Rural Residential	Single-Family Residence
SOUTH:	"RR" Rural Residential	Single-Family Residence
WEST:	"RR" Rural Residential	Single-Family Residence

PUBLIC SERVICES: The site has access to a private driveway, which is to be maintained by the property owners. The private road feeds onto 77th Street North; this street is approximately 192 feet east of Ridge Road, a two-lane county highway with estimated traffic volumes of 3,400 trips per day on Ridge Road. 77th Street North is a township road with no traffic data available.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this area as appropriate for "agricultural" use. This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage. This category can allow other uses common in rural areas, which are no more offensive than normal agricultural uses.

The Valley Center Planning Commission on March 28, 2000 considered this request and unanimously recommended approval. The terms listed below reflect the recommendations made by the Valley Center Planning Commission.

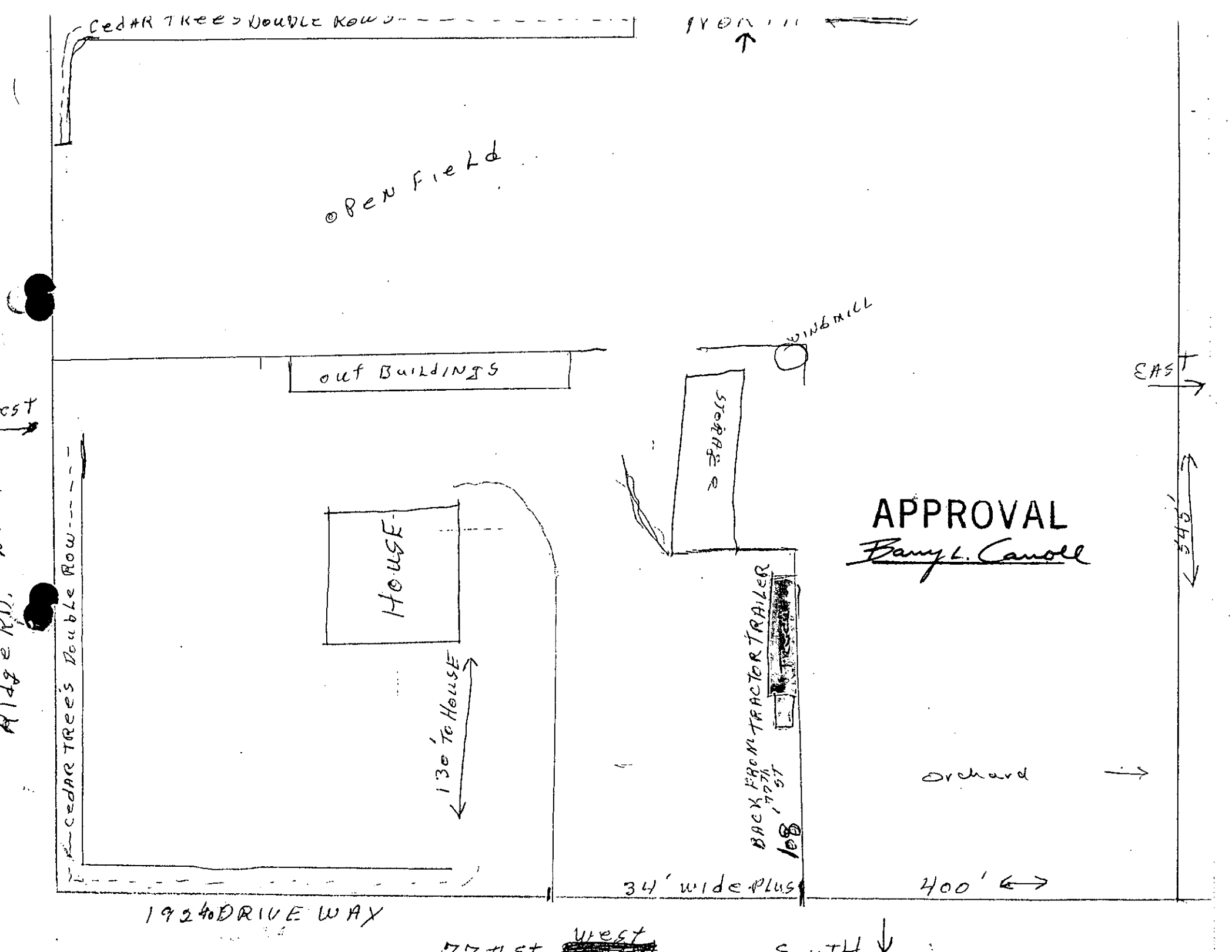
RECOMMENDATION: The property will be developed in general conformance with the site plan approved by the MAPC or County Commission. Based on the information available prior to the public hearing, and a site plan showing the location of the parked tractor-trailer truck, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The *Conditional Use* shall only be permitted for a *home occupation* involving the parking of one tractor-trailer. There shall be no additional outside employees or the parking of any additional commercial vehicles (or an additional trailer) without amending the *Conditional Use* permit.
2. The applicants shall maintain the solid row of evergreen trees along the south, west and north property lines except at the driveway entrances.
3. The applicants shall maintain the existing trees in their orchard along the east property line (in conjunction with their neighbor's orchard) or plant and maintain a solid row of evergreen trees along the east property line (per Valley Center Planning Commission).

4. The applicants shall comply with all other conditions for a rural home occupation except for the standards that were specifically waived as part of this *Conditional Use*.
5. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.
6. Compliance with the terms of this *Conditional Use* will reviewed in eight years (2008) in an effort to determine whether the use should be continued or discontinued (per Valley Center Planning Commission).

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are single-family homes located to the south, southwest and east of this property, zoned "RR." The property to the north and west is also zoned "RR" but is undeveloped agricultural land.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. The property to the south, west and north is undeveloped land. Staff is recommending that the applicant plant a solid row of evergreen trees along the east property and add plantings to the hedgerow on the west (where there are missing cedar trees).
3. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: The *Land Use Map* of the *Comprehensive Plan* identifies this area as appropriate for "agricultural" use. The category can allow other uses common in rural areas, which are no more offensive than normal agricultural uses. *This request does not conform to the agricultural intent of the Comprehensive Plan.*
4. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "RR" and is developed with a single-family home. If the applicant were able to meet all of the *Unified Zoning Code* requirements for a home occupation then the applicant would be permitted to park the tractor-trailer on this property "by-right."
5. Impact of the proposed development on community facilities: The private driveway is required to maintained by the applicants. 77th Street North will be impacted somewhat but should not be significant.



CEDAR TREES DOUBLE ROW

NORTH ↑

OPEN FIELD

OUT BUILDINGS

WINMILL

EAST →

WEST →

HOUSE

STORAGE

BACK FROM TRACTOR TRAILER
77th ST
108

APPROVAL
Barry L. Canoll

540' ↓

HIDGE RD.

CEDAR TREES DOUBLE ROW

130' TO HOUSE ↓

Orchard →

34' wide PLUS

400' ←

1924 DRIVEWAY

West ←

SOUTH ↓