



**Wichita-Sedgwick County Metropolitan Area Planning Department**

January 14, 2008

Gary Klausmeyer  
15421 W. 63rd St., S.  
Clearwater, KS 67026

Sedgwick County  
Attn: Robert J. Lawrence  
538 N. Main St  
Wichita, KS 67203

**RE: CON2008-00059** - County Conditional Use for government service, generally located on the east side of 263rd Street West, approximately 1/2 mile north of 39th Street North.

Dear Ladies and Gentlemen:

At its regular meeting on **December 4, 2008**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum'.

Derrick K. Slocum  
Associate Planner  
Current Plans Division

DKS/mc  
Enclosure

cc: Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211  
Afton Township, Richard E. Flaharty, 2802 S 295Th St W, Garden Plain, KS

## CONDITIONAL USE RESOLUTION NO. CON2008-00059

**WHEREAS**, Sedgwick County, c/o Robert Lawrence (Applicant) and Gary Klausmeyer (Owner) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a government service (fire station) on 4.5 acres zoned "RR" Rural Residential ("RR") described as:

The West 588.00 feet of the North 370.29 feet of the Southwest Quarter of Section 10, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas; generally located on the east side of 263<sup>rd</sup> Street West and a half mile north of 39<sup>th</sup> Street South

**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 December 4, 2008, 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 a government service (fire station) on 4.5 acres zoned "RR" Rural Residential ("RR") described as:

The West 588.00 feet of the North 370.29 feet of the Southwest Quarter of Section 10, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas; generally located on the east side of 263<sup>rd</sup> Street West and a half mile north of 39<sup>th</sup> Street South

Approved subject to the following conditions:

1. A revised site plan showing the location of a proposed lagoon and the setback from the centerline of 263<sup>rd</sup> Street West.
2. The site will be generally developed as shown on an approved revised site plan, obtaining and conforming to all applicable permits, including but not limited to building, health and zoning, including connection to rural water and lagoon.
3. The site shall be developed and operated in compliance with all federal, state and local rules and regulations.
4. 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 VI hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.



## STAFF REPORT

Garden Plain Planning Commission November 26, 2008  
MAPC December 4, 2008

**CASE NUMBER:** CON2008-00059

**APPLICANT/AGENT:** Gary Klausmeyer (Owner)  
Sedgwick County, c/o Robert Lawrence (Applicant)  
Baughman Company, c/o Russ Ewy (Agent)

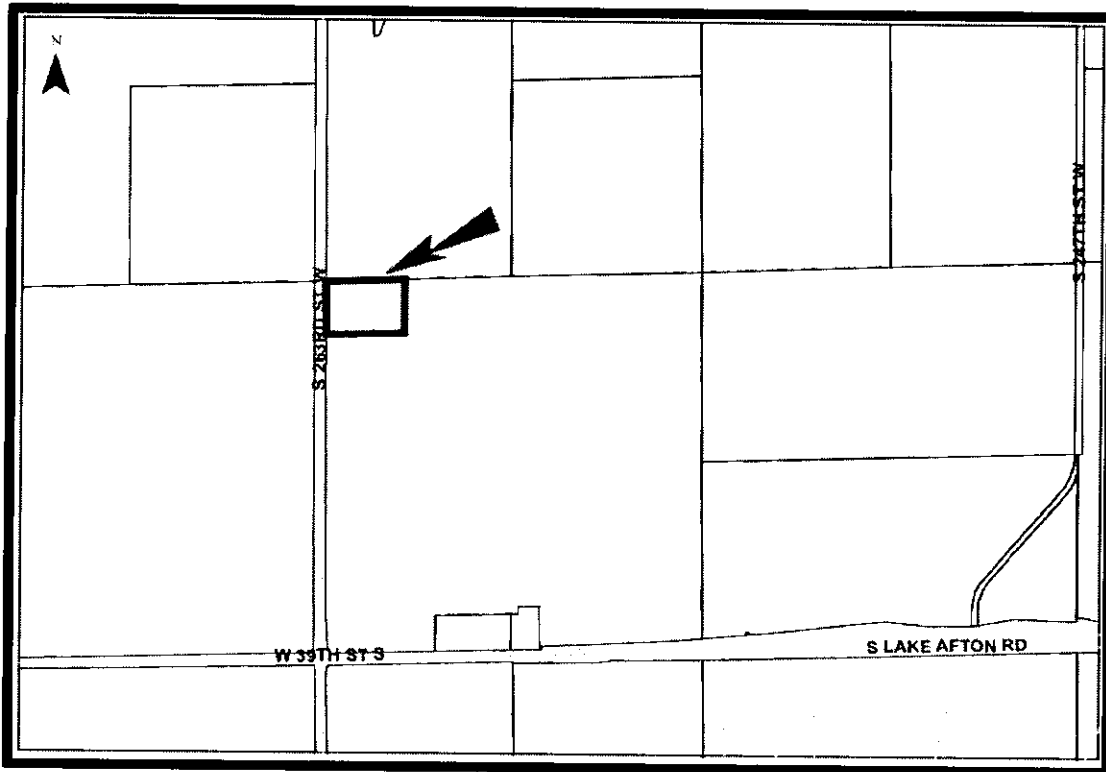
**REQUEST:** Conditional Use for a Government Service (Sedgwick County Fire Station #39)

**CURRENT ZONING:** RR Rural Residential ("RR")

**SITE SIZE:** Total Area = 4.50 acres

**LOCATION:** Generally located on the east side of 263<sup>rd</sup> Street West and a half mile north of 39<sup>th</sup> Street South.

**PROPOSED USE:** County Fire Station



**BACKGROUND:** The applicant seeks a Conditional Use to permit a “Government Service” or Fire Station in RR Rural Residential (“RR”) zoning. The site is currently undeveloped and used for agricultural production. The site plan provided by the applicant demonstrates the Fire Station, access into and out of the station and associated parking. Staff will request that the applicant submit a revised site plan that demonstrates the location of a proposed lagoon and the setback from the centerline of 263<sup>rd</sup> Street West. The Unified Zoning Code (“UZC”) defines Government Services as “buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and recreational services.” The UZC requires a Conditional Use for “Government Services” in all residential zoning districts.

The county conducted a coverage needs assessment and determined that this location was the most advantageous due to the fact that it serves several surrounding small cities including Garden Plain, Goddard and Viola, as well as several rural subdivisions.

The site is an unplatted 4.5-acre tract zoned RR with all the surrounding properties also zoned RR. Much of the area surrounding the application area is in agricultural fields. The nearest residence is approximately 1,500-feet north of the proposed station, and another residence is located approximately 2,500-feet southeast of the proposed station. Large tract ownership is common in this part of the county.

**CASE HISTORY:** The property is currently unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	RR	Farmstead
SOUTH:	RR	Agricultural Land
EAST:	RR	Agricultural Land
WEST:	RR	Agricultural Land

**PUBLIC SERVICES:** MacArthur Avenue and 263<sup>rd</sup> Street West are both classified as paved 2-lane rural major collectors. The nearest intersection is to the south, at 263<sup>rd</sup> Street West and MacArthur Avenue, however, there are no traffic counts at this intersection or on either of these roads near this location. There are currently no projections or future traffic volumes at the intersection into 2030. The 2030 Transportation Plan does not designate any changes on this road in the future and there are no Capital Improvement Projects shown through 2012. There is no sewer to this site, but the applicant plans to utilize a lagoon and rural water provided by Rural Water District 4.

**CONFORMANCE TO PLANS/POLICIES:** The Comprehensive Plan identifies this property as being in the rural areas of Sedgwick County, approximately 6 miles west of the Wichita 2030 Urban Growth Area. Land assigned the rural designation is intended to accommodate agricultural uses, rural based uses that are no more offensive than agricultural uses commonly found in Sedgwick County, and predominately larger lot residential uses utilizing individual or community water and sewer service. The Wichita-Sedgwick County Unified Zoning Code (UZC) lists “Government Service” as a Conditional Use in the RR zone district. The UZC definition for “Government Service” is “buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and recreation services.”

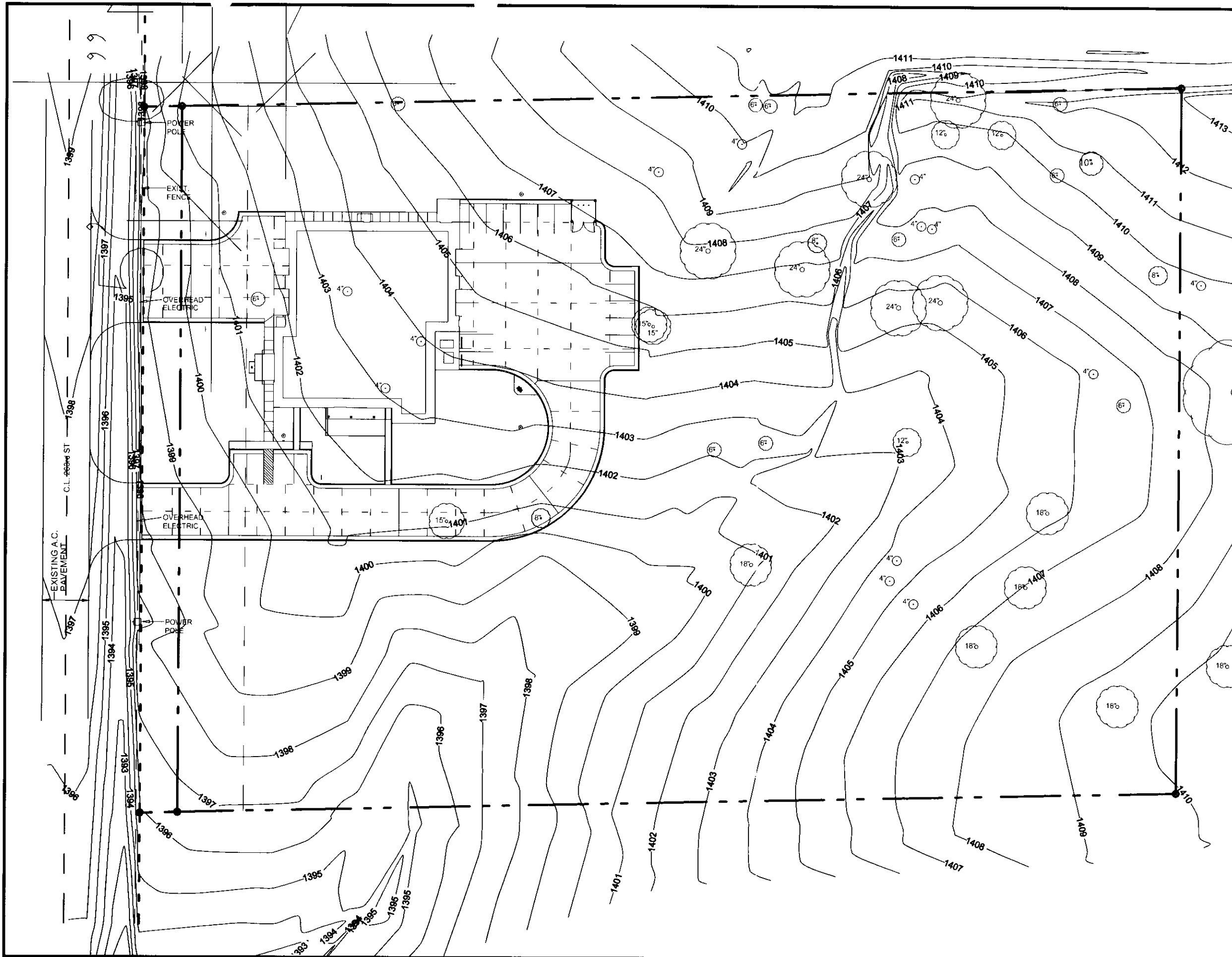
**RECOMMENDATION:** Based on the information available prior to the public hearing, staff recommends the application be APPROVED subject to the following conditions being completed within one year:

1. A revised site plan showing the location of a proposed lagoon and the setback from the centerline of 263<sup>rd</sup> Street West.
2. The site will be generally developed as shown on an approved revised site plan, obtaining and conforming to all applicable permits, including but not limited to building, health and zoning, including connection to rural water and lagoon.
3. The site shall be developed and operated in compliance with all federal, state and local rules and regulations.
4. 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 VI hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The site is an unplatted 4.5-acre tract zoned RR with all the surrounding properties also zoned RR. Much of the area surrounding the application area is in agricultural fields. The nearest residence is approximately 1,500-feet north of the proposed station, and another residence is located approximately 2,500-feet southeast of the proposed station. Large tract ownership is common in this part of the county.
2. **The suitability of the subject property for the uses to which it has been restricted:** the site is zoned RR, which primarily permits large lot residential uses. The site could be used as a residence without the Conditional Use.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Any detrimental affects should be mitigated by the recommended conditions of approval and code required development standards.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Comprehensive Plan identifies this property as being in the rural areas of Sedgwick County, approximately 6 miles west of the Wichita 2030 Urban Growth Area. The Wichita-Sedgwick county Unified Zoning Code (UZC) lists "Government Service" as a Conditional Use in the RR zone district. The UZC definition for "Government Service" is "buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and recreation services."
5. **Impact of the proposed development on community facilities:** With a new fire station in the area, this will improve response times to fire/medical calls in the surrounding area,

thus lowering previous response times.



SCALE: 1" = 50'

# SITE PLAN

**SEDGWICK COUNTY  
 FIRE STATION #39  
 CON2008-??**

**Baughman**  
 ENGINEERING | SURVEYING | PLANNING  
 LANDSCAPE ARCHITECTURE