



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

October 1, 2008

Lucy Braswell  
5229 Merced Dr  
Fort Worth, TX 76137

**RE: CON2008-00034** - County Conditional Use for a Government Service (Township Maintenance Facility) in SF-20 Single-family Residential zoning, generally located west of Woodlawn and 1/4 mile north of 55th Street South.

Dear Ladies and Gentlemen:

At its regular meeting on **September 24, 2008**, the Board of County Commissioners considered the above-captioned request. The action of the BoCC was to **APPROVE** the request subject to the conditions stated in the enclosed 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 'Derrick K. Slocum'.

Derrick K. Slocum  
Associate Planner  
Current Plans Division

DKS:mc  
Attachment

Copies to: David Parker, 5800 E. Idlewild Circle, Derby, KS 67037  
Dale Kuhn, PO Box 44, Derby, KS 67037  
Riverside Township, Dale V. Kuhn, 6051 Southeast Blvd, Derby, KS 67037  
BoCC V, Gwen Welshimer, Mail Stop County, Room 320  
County Manager, Bill Buchanan, County Room 343  
Bob Parnacott, County Law, Mail Stop Room 359  
Glen Wiltse County Code Enforcement, 1144 S Seneca, Wichita, KS 67213  
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213  
S.E. Rock Rd. Corridor Assoc. of NH, Charles Jacobs, 4630 S. Wind Ave., Derby,  
KS 67037

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RESOLUTION NO 149-8

A RESOLUTION FOR A CONDITIONAL USE FOR A GOVERNMENT SERVICE ON 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-D AS ADOPTED BY RESOLUTION NO. 84-01, AS 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-D of the Wichita Sedgwick County unified Zoning Code, a Conditional Use for a Government Service on 5-acres of property zoned SF-20 Single-family Residential ("SF-20").

**Case No. CON 2008-00034**

Legally described below:

Lot 1, Prairie Estates Addition to Sedgwick County, Kansas.

Generally located ¼ mile north of 55<sup>th</sup> Street South, on the west side of Woodlawn Avenue

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A 15-ft landscape buffer/screening of approved evergreen trees will be planted behind all existing and new chain link fence located along the boundary as outlined in the site plan. The evergreens will be spaced at 15-ft centers and be a minimum of 5-ft in height at the time of planting. Suggested evergreens include: Austrian Pine, Southwestern Pine, Pinyon Pine and Keteleer Juniper. All landscaping shall be in place within a year of the approval of this Conditional Use.
2. Complete access control along Woodlawn will need to be vacated to allow access off of Woodlawn. Complete access control along Idlewild is to be provided as attached to the Conditional Use resolution. County public works is to be consulted in determining the proper access to the site from Woodlawn.
3. All materials stored outside shall be no taller than 7 feet and to be located within the fenced area as shown in the site plan. The material shall be behind current setbacks for SF-20 zoning. Setbacks for the north property line are 10 feet, and 100 feet from the center line of South Woodlawn Avenue on the east property line.
4. Septic and/or lagoon facilities may be located off the proposed 1.9-acres delineated on the site plan, but maintenance and repairs will be the responsibility of the applicant per the procedures and standards of Sedgwick County Code Enforcement.
5. All repairs of vehicles will be on concrete floors and inside the proposed new structure.
6. The proposed structure is to be constructed by a licensed contractor, and the existing building to be used for the storage of the road equipment shall be inspected by a licensed structural







**Background:** The applicant is requesting consideration for a Conditional Use to allow a “Government Service” Township Maintenance Facility on property zoned SF-20 Single Family Residential (“SF-20”). 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 site, Lot 1 of the Prairie Estates Addition, is 5.23 acres in size and is generally located northwest of the intersection of South Woodlawn Avenue and East 55<sup>th</sup> Street South (5355 S. Woodlawn Ave). The applicant proposes to use the subject site for a road and street maintenance facility for the Riverside Township. The equipment is used to repair roads, plow streets and generally maintain the infrastructure that is under the township’s control.

Currently, the site contains an abandoned single-family residence and seven other accessory structures. The abandoned single-family residence existing on the site will be removed from the site. Along with the house, five other structures on the site will be removed. The applicant proposes to construct one new structure on the subject site and keep two of the existing structures. Although the entire property is covered by this Conditional Use application, the applicant is proposing to utilize the north central and northeastern part, approximately 1.9 acres, of the 5.32 acre site for this operation. The operations vehicles will be parked inside the two remaining structures on the site. The applicant has submitted a site plan showing the current uses, the proposed expansion and improvements. According to the attached site plan, all equipment is to be stored in Building A which will shelter the road equipment from the elements. Building B would be used for office space and for the parking of other vehicles. The applicant is also proposing to construct another structure on the property, Building C on the attached site plan, with a concrete floor for use as the repair and maintenance area for the equipment. Also included on the site plan is a location for a sand pile for ice control. Typically operations would occur during the day throughout the year, with possible 24-hour operation during the winter when street plowing and sanding could be required. The applicant will have to revise the site plan to account for employee parking, the location of the proposed fence, the location of possible additional material piles and the screening and landscaping that will be required for this application.

The properties to the east, west, south and north are zoned SF-20 and are developed with single-family residences. The site is separated from residences on the south by Idlewild Circle and residences to the east by South Woodlawn Avenue. Both streets are paved with Woodlawn being a minor arterial and Idlewild being a local residential road.

**Analysis:** The Derby Planning Commission considered this request at their August 7, 2008 meeting. There were no citizens that spoke in opposition to the case. There were no critical issues brought up by the Derby Planning Commission, just questions regarding the location of the existing maintenance facility and if this location is within the new Air Force Base Protection Overlay District (“AFBP-O”). A motion was made to approve the Conditional Use, which passed 8-0.

The MAPC considered the Conditional Use request at their August 21, 2008 meeting. There were no citizens that spoke in opposition to the case. The issues discussed during the MAPC meeting regarded the revision of Condition #3 as recommended by County Code Enforcement for the ability

of better enforcement of the site in reference to the placement of possible material piles as shown on the site plan, the revision of the tree selection as stated in Condition #1 to include more manageable tree species and the possible waving of the screening requirement, which was not favored by the MAPC. The MAPC voted (12-0) to recommend approval with the conditions recommended by Staff and the amendments to Conditions 1 and 3. The MAPC's recommended conditions of approval are:

1. A 15-ft landscape buffer/screening of approved evergreen trees will be planted behind all existing and new chain link fence located along the boundary as outlined in the site plan. The evergreens will be spaced at 15-ft centers and be a minimum of 5-ft in height at the time of planting. Suggested evergreens include: Austrian Pine, Southwestern Pine, Pinyon Pine and Keteleer Juniper. All landscaping shall be in place within a year of the approval of this Conditional Use.
2. Complete access control along Woodlawn will need to be vacated to allow access off of Woodlawn. Complete access control along Idlewild is to be provided as attached to the Conditional Use resolution. County public works is to be consulted in determining the proper access to the site from Woodlawn.
3. All materials stored outside shall be no taller than 7 feet and to be located within the fenced area as shown in the site plan. The material shall be behind current setbacks for SF-20 zoning. Setbacks for the north property line are 10 feet, and 100 feet from the center line of South Woodlawn Avenue on the east property line.
4. Septic and/or lagoon facilities may be located off the proposed 1.9-acres delineated on the site plan, but maintenance and repairs will be the responsibility of the applicant per the procedures and standards of Sedgwick County Code Enforcement.
5. All repairs of vehicles will be on concrete floors and inside the proposed new structure.
6. The proposed structure is to be constructed by a licensed contractor, and the existing building to be used for the storage of the road equipment shall be inspected by a licensed structural engineer.
7. Any outdoor lighting on the site shall be restricted to 12 feet in height, including the base, and shall be shielded away from residential zoning. All pole lights shall be located outside of all setbacks and landscape buffers.
8. Within 45 days, the applicant shall submit a revised site plan showing the locations of material piles and the area to be surfaced with an all-weather surface to be used as a driveway and parking area within 45 days. Development of the site shall be in conformance with the approved Site Plan.
9. Consult county fire department in regards to accessibility to the site for fire protection.
10. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

11. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
12. 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.


During the subsequent two-week protest period following the MAPC meeting, Staff received a protest from a resident outside the 1,000-foot County protest area. This protest equals 0% of the total land area within the notification area, which means a simple majority vote by the Commission is needed to approve the request.

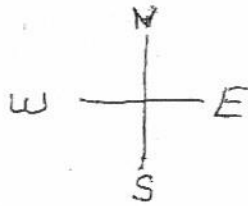
**Alternatives:**

1. Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.
2. Deny the application, by making alternative findings, and override the MAPC recommendation.
3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application.

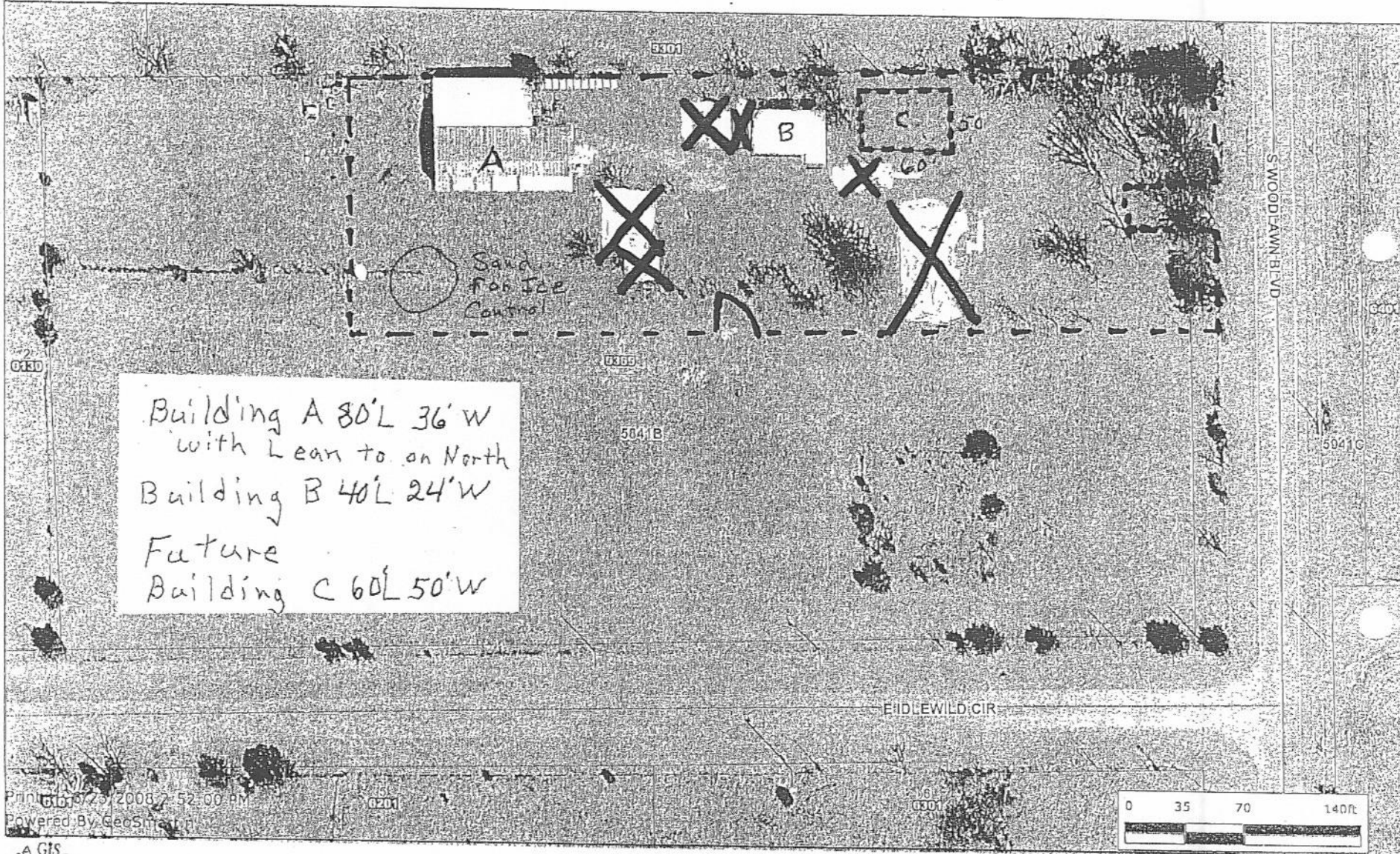
**Financial Considerations:** None.

**Policy Considerations:** The MAPC recommendation for approval is based on the findings found in the MAPC minutes.

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



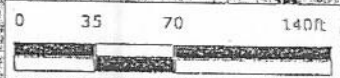
# 5355 S. Woodlawn Blvd.



Building A 80'L 36' W  
 with Lean to an North  
 Building B 40'L 24' W  
 Future  
 Building C 60'L 50' W

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