

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEM: ZON2000-00025 - Zone change from "RR" Rural Residential to "LI" Limited Industrial with Protective Overlay to limit uses to those required for apprenticeship program, located 1/4 mile east of Ridge Road on the south side of 95th Street South.

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: August 9, 2000

COMMISSION DISTRICT #2

MAPC Recommendation: Approve, subject to platting within 1 year and the additional provisions of a Protective Overlay (11-0).

Staff Recommendation: Approve, subject to platting within 1 year and the additional provisions of a Protective Overlay.

Background/Discussion Operating Engineers Local 101 operates an apprenticeship program for heavy equipment operators in Weston, Missouri (see attached brochure). The apprenticeship program teaches the operation and maintenance of heavy construction equipment such as bulldozers, backhoes, and graders. The apprenticeship program is a non-profit organization funded by member construction companies that provides on-the-job training through a three-year apprenticeship. Operating Engineers Local 101 intends to expand their apprenticeship program to Sedgwick County to offer on-the-job training for 15-20 heavy equipment operators at one time.

The proposed site is an 80-acre; unplatted tract located 1/4 mile east of Ridge Road on the south side of 95th Street South. The subject property is zoned "RR" Rural Residential. An abandoned hog farm is located on the subject property. The subject property is currently used for agriculture with a manufactured home located at the northwest corner of the site.

The applicant has requested "LI" Limited Industrial zoning with a Protective Overlay to limit uses to those required for the heavy equipment apprenticeship program. All of the uses proposed by the applicant are first permitted in the "GC" General Commercial district; however, at the suggestion of planning staff, the applicant requested "LI" Limited Industrial zoning with a Protective Overlay since the nature of the propose use is more industrial than commercial in nature.

As proposed in the attached site plan, the apprenticeship program involves a classroom and shop building for use as a vocational school and for indoor vehicle repair. Other

areas on the site would be used as practice areas to teach the use of earth moving construction equipment. The proposed use also involves the outdoor storage of heavy construction equipment, which would be located further than 150 feet from 95th Street South and, therefore, would not require a screening fence. The east and west portions of the subject property would be maintained as open space to buffer the proposed use from adjoining properties.

The character of the surrounding area is agricultural. The subject property is buffered from adjoining properties by existing hedgerows and Dry Creek. All of the property surrounding the site is zoned "RR" Rural Residential and is used for agricultural purposes. The nearest residence to the subject property is a manufactured home located across 95th Street South from the northwest corner of the subject property. Other residences in the area are located more than ¼ mile from the site.

The applicant sent a survey to the owners of property within 1,000 feet of the subject property to inform neighboring property owners of the proposal and to receive feedback. The attached survey responses represent 6 of the 11 properties within the notification area, and the responses to the survey are favorable.

Since the applicant has indicated that the apprenticeship program will be operated only on a portion of the site located approximately in the middle of the site east to west, planning staff recommends approval of "LI" Limited Industrial zoning only the portion of the site where the apprenticeship program will be operated. Planning staff also recommends a Protective Overlay to limit uses to only those required for the apprenticeship program and to establish high development standards for the site.

At the July 13, 2000 MAPC hearing, planning commissioners discussed the recommended conditions of approval regarding hours of operation and the recommended boundaries of the "LI" Limited Industrial Zoning. One neighboring property owner spoke in favor of the proposal, and nobody spoke in opposition to the proposal. The MAPC voted (11-0) to approve the request for the entire 80 acres without limitation on operating hours subject to platting the portion of the subject property to be developed with structures within 1-year and the following additional provisions of a Protective Overlay:

1. The permitted uses for the area zoned "LI" Limited Industrial shall be limited to agriculture; vocational school; vehicle repair, limited; storage, outdoor; and any use determined by the Zoning Administrator to be necessary for or accessory to the operation of a heavy equipment apprenticeship program.
2. Within 30 days after approval of by the Governing Body, the applicant shall submit for approval by the Director of Planning a revised site plan that is drawn to scale; indicates the approximate location of improvements and uses associated with the apprenticeship program; indicates the size and location of the open space/agricultural buffer on the east and west portion of the site; indicates the removal of all structures, facilities, and debris associated with the pre-existing

hog farm; and indicates the location and type of buffer tree planting along the north property line. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

3. Only one practice area may be operated at a time, and the size of each practice area shall be limited to the size indicated on the approved site plan. After a practice area is closed, the ground shall be covered within the next planting season with a perennial drought-resistant grass.
4. Existing hedgerows and other trees on the site shall not be removed unless necessary for the construction of improvements associated with the apprenticeship program. If trees are required to be removed, they shall be replaced with a like number of trees serving the purpose of screening the use of the site from neighboring properties.
5. Prior to the issuance of a building permit, the grading operations associated with apprenticeship program shall be submitted for review and approved by the Sedgwick County Department of Public Works, which may impose conditions on the grading operation to limit the impact of the operation on drainage and erosion.
6. Prior to the issuance of a building permit, the plan for removal of all structures, facilities, and debris associated with the pre-existing hog farm shall be submitted for review and approved by the Wichita-Sedgwick County Department of Community Health, which may impose conditions on the site clean-up to ensure remediation of environmental impacts of the pre-existing hog farm.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the additional recommended provisions of a Protective Overlay District and subject to 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. 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:

Gerald C Neese 6415 W 95th Street South Clearwater, KS 67026
Robert Matter Adm Manager Local 101 POBox 197 Platte City MO 64079
Savoy, Ruggles & Bohm 924 North Main Wichita KS 67203
Larry Schriener 1007 Post Oak Road Derby KS 67037
Robert D Hay 9171 S West Street Haysville KS 67060

Protestors:

None

Published in The Wichita Eagle on June 2, 2001.

RESOLUTION NO. 137-00

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. 178-1997.

BE IT RESOLVED BY THE GOVERNING BODY 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. ZON2000-00025

Zone change request from "RR" Rural Residential District to "LI" Limited Industrial District, and to 'P-O' Protective Overlay District #75, on property described as:

The east half of the Northwest Quarter of Section 22, Township 29 South, Range 1 West of the 6th P.M. Sedgwick County, Kansas. Generally located 1/4 mile east of Ridge Road on the south side of 95th Street South.

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

1. The permitted uses for the area zoned "LI" Limited Industrial shall be limited to agriculture; vocational school; vehicle repair, limited; storage, outdoor; and any use determined by the Zoning Administrator to be necessary for or accessory to the operation of a heavy equipment apprenticeship program.
2. Within 30 days after approval of by the Governing Body, the applicant shall submit for approval by the Director of Planning a revised site plan that is drawn to scale; indicates the approximate location of improvements and uses associated with the apprenticeship program; indicates the size and location of the open space/agricultural buffer on the east and west portion of the site; indicates the removal of all structures, facilities, and

debris associated with the pre-existing hog farm; and indicates the location and type of buffer tree planting along the north property line. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.

3. Only one practice area may be operated at a time, and the size of each practice area shall be limited to the size indicated on the approved site plan. After a practice area is closed, the ground shall be covered within the next planting season with a perennial drought-resistant grass.
4. Existing hedgerows and other trees on the site shall not be removed unless necessary for the construction of improvements associated with the apprenticeship program. If trees are required to be removed, they shall be replaced with a like number of trees serving the purpose of screening the use of the site from neighboring properties.
5. Prior to the issuance of a building permit, the grading operations associated with apprenticeship program shall be submitted for review and approved by the Sedgwick County Department of Public Works, which may impose conditions on the grading operation to limit the impact of the operation on drainage and erosion.
6. Prior to the issuance of a building permit, the plan for removal of all structures, facilities, and debris associated with the pre-existing hog farm shall be submitted for review and approved by the Wichita-Sedgwick County Department of Community Health, which may impose conditions on the site clean-up to ensure remediation of environmental impacts of the pre-existing hog farm.

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 in the official county paper.

Commissioners present and voting were:

BETSY GWIN	<u>aye</u>
BILL HANCOCK	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN McGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

STAFF REPORT

MAPC July 13, 2000

CASE NUMBER: ZON2000-00025

APPLICANT/AGENT: Larry Schriner (Owner); Operating Engineers Local 101 c/o Robert Matter (Contract Purchaser/Applicant)

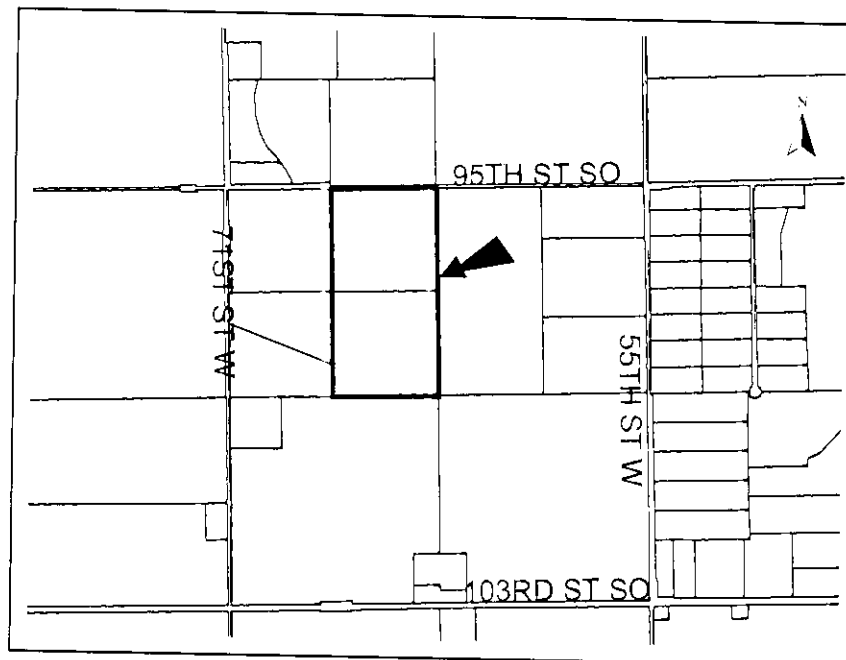
REQUEST: "LI" Limited Industrial with Protective Overlay to limit uses to those required for apprenticeship program

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 80 acres

LOCATION: ¼ mile east of Ridge Rd. on the south side of 95th St. South

PROPOSED USE: Heavy equipment apprenticeship program



BACKGROUND: Operating Engineers Local 101 operates an apprenticeship program for heavy equipment operators in Weston, Missouri (see attached brochure). The apprenticeship program teaches the operation and maintenance of heavy construction equipment such as bulldozers, backhoes, and graders. The apprenticeship program is a non-profit organization funded by member construction companies that provides on-the-job training through a three-year apprenticeship. Operating Engineers Local 101 intends to expand their apprenticeship program to Sedgwick County to offer on-the-job training for 15-20 heavy equipment operators at one time.

The proposed site is an 80 acre, unplatted tract located ¼ mile east of Ridge Road on the south side of 95th Street South. The subject property is zoned "RR" Rural Residential. An abandoned hog farm is located on the subject property. The subject property is currently used for agriculture with a manufactured home located at the northwest corner of the site.

The applicant has requested "LI" Limited Industrial zoning with a Protective Overlay to limit uses to those required for the heavy equipment apprenticeship program. All of the uses proposed by the applicant are first permitted in the "GC" General Commercial district; however, at the suggestion of planning staff, the applicant requested "LI" Limited Industrial zoning with a Protective Overlay since the nature of the propose use is more industrial than commercial in nature.

As proposed in the attached site plan, the apprenticeship program involves a classroom and shop building for use as a vocational school and for indoor vehicle repair. Other areas on the site would be used as practice areas to teach the use of earth moving construction equipment. The proposed use also involves the outdoor storage of heavy construction equipment, which would be located further than 150 feet from 95th Street South and, therefore, would not require a screening fence. The east and west portions of the subject property would be maintained as open space to buffer the proposed use from adjoining properties.

The character of the surrounding area is agricultural. The subject property is buffered from adjoining properties by existing hedgerows and Dry Creek. All of the property surrounding the site is zoned "RR" Rural Residential and is used for agricultural purposes. The nearest residence to the subject property is a manufactured home located across 95th Street South from the northwest corner of the subject property. Other residences in the area are located more than ¼ mile from the site.

The applicant sent a survey to the owners of property within 1,000 feet of the subject property to inform neighboring property owners of the proposal and to receive feedback. The attached survey responses represent 6 of the 11 properties within the notification area, and the responses to the survey are favorable.

Since the applicant has indicated that the apprenticeship program will be operated only on a portion of the site located approximately in the middle of the site east to west, planning staff recommends approval of "LI" Limited Industrial zoning only the portion of the site where the apprenticeship program will be operated. Planning staff also recommends a Protective Overlay to limit uses to only those required for the apprenticeship program and to establish high development standards for the site.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: The site is located on 95th Street South, a gravel section line road with no traffic volume figures available. The proposed use is anticipated to add approximately 50-75 trips per day to the traffic volume on 95th Street South. Due to the remoteness of the site, on-site water and sewer service will be required.

CONFORMANCE TO PLANS/POLICIES: The 1999 Update to the Comprehensive Plan recently adopted by the MAPC indicates that the subject property is appropriate for "Rural" development. 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. The proposed use is no more offensive than normal agricultural uses. The 1999 Update to the Comprehensive Plan contains the following strategy: "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 proposed use requires the an extensive land area for earth moving, which is a resource only available in rural areas of the community. The proposed use is also no more offensive than normal agricultural uses. The 1999 Update to the Comprehensive Plan also contains the following strategy: "expand educational programs and improve academic performance as a means to improve the quality of the local labor force."

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends APPROVAL of "LI" Limited Industrial zoning only for the portion of the subject property necessary for operating the apprenticeship program. Within 14 days after approval of by the MAPC, the applicant shall submit a legal description for the area to be zoned "LI" Limited Industrial. The area to be zoned "LI" Limited Industrial shall be no larger than the area necessary to operate the classroom and shop building, the parking area, the equipment parking area, and the practice areas

and shall not include any portion of the subject property that is within the 100-year floodway fringe of Dry Creek. The rezoning should be subject to platting the portion of the subject property to be developed with structures within 1-year and the following additional provisions of a Protective Overlay:

1. The permitted uses for the area zoned "LI" Limited Industrial shall be limited to vocational school; vehicle repair, limited; storage, outdoor; and any use determined by the Zoning Administrator to be necessary for or accessory to the operation of a heavy equipment apprenticeship program.
2. Within 30 days after approval of by the Governing Body, the applicant shall submit for approval by the Director of Planning a revised site plan that is drawn to scale; indicates the approximate location of improvements and uses associated with the apprenticeship program; indicates the size and location of the open space/agricultural buffer on the east and west portion of the site; indicates the removal of all structures, facilities, and debris associated with the pre-existing hog farm; and indicates the location and type of buffer tree planting along the north property line. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
3. The hours of operation shall be limited to 7 a.m. to 7 p.m. with no operation on Sunday or official holidays.
4. Only one practice may be operated at a time, and the size of each practice area shall be limited to the size indicated on the approved site plan. After a practice area is closed, the ground shall be covered within the next planting season with a perennial drought-resistant grass.
5. Existing hedgerows and other trees on the site shall not be removed unless necessary for the construction of improvements associated with the apprenticeship program. If trees are required to be removed, they shall be replaced with a like number of trees serving the purpose of screening the use of the site from neighboring properties.
6. Prior to the issuance of a building permit, the grading operations associated with apprenticeship program shall be submitted for review and approved by the Sedgwick County Department of Public Works, which may impose conditions on the grading operation to limit the impact of the operation on drainage and erosion.
7. Prior to the issuance of a building permit, the plan for removal of all structures, facilities, and debris associated with the pre-existing hog farm shall be submitted for review and approved by the Wichita-Sedgwick County Department of Community

Health, which may impose conditions on the site clean-up to ensure remediation of environmental impacts of the pre-existing hog farm.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is agricultural. The subject property is buffered from adjoining properties by existing hedgerows and the Spring Creek. All of the property surrounding the site is zoned "RR" Rural Residential and is used for agricultural purposes. The nearest residence to the subject property is a manufactured home located across 95th Street South from the northwest corner of the subject property. Other residences in the area are located more than ¼ mile from the site.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "RR" Rural Residential. The purpose of the "RR" Rural Residential district is to accommodate very large lot, single family residential development in areas where a full range of municipal facilities and services are not available and not likely to be available in the near future. The subject property is suitable for the uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use is no more offensive than the industrial uses permitted by Conditional Use in the "RR" Rural Residential district and is of similar intensity to normal agricultural operations. The site development regulations of the Unified Zoning Code and the additional provisions of the Protective Overlay should limit any detrimental affects on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 1999 Update to the Comprehensive Plan recently adopted by the MAPC indicates that the subject property is appropriate for "Rural" development. 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. While the proposed use is not by necessity rural, it is a use that requires a large contiguous tract typically found only in rural areas. The proposed use is also no more offensive than normal agricultural uses. The 1999 Update to the Comprehensive Plan also contains the following strategy: "expand educational programs and improve academic performance as a means to improve the quality of the local labor force."
5. Impact of the proposed development on community facilities: The development as proposed should have limited impact on community facilities.