

**EXCERPT MINUTES OF THE MAY 7, 2015 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

Case No.: ZON2015-00016 – Farmer’s Oil Inc. (Owner); Chad Abbott (Agent) Abbott Land Survey request a County request for rezoning from RR Rural Residential to LI Limited Industrial on property described as:

Parcel 1:

A tract of ground in the Northwest Quarter of Section 9, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence Northerly along the West line of said Northwest Quarter, with an assumed bearing of N 00°00'08" W, a distance of 315.00 feet; thence Easterly, parallel with the South line of said Northwest Quarter, S 89°43'54" E, a distance of 60.00 feet to the point of beginning; thence N 00°00'08" W, a distance of 315.00 feet; thence S 89°43'54" E, a distance of 1,257.09 feet; thence S 00°00'03" E, a distance of 315.00 feet; thence N 89°43'54" W, a distance of 1,257.08 feet to the point of beginning; EXCEPT that portion condemned for roadway in Condemnation Case No. 92066; AND EXCEPT that portion platted as Castleberry Addition, an Addition to Sedgwick County, Kansas.

Parcel 2:

Beginning at a point 157.5 feet North of the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 9, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence East 630 feet; thence North 157.5 feet; thence West 630 feet; thence South 157.5 feet to the point of beginning; EXCEPT that portion condemned for roadway in Condemnation Case No. 92066.

BACKGROUND: The applicant is requesting 11.15 acres in the unincorporated area of Sedgwick County zoned RR Rural Residential be re-zoned to LI Limited Industrial. The Sedgwick County Appraiser’s records indicate that the facility was built in 1965 and has had a non-conforming use since that time. There is an existing metal building on the subject site that and the owner intends to construct a 50 X 120-foot addition and a covered pad for minor equipment maintenance.

The site is located approximately 2800 feet north of 109th Street North on the east side of North Broadway. The parcel immediately north of the subject site is zoned LI and is used for recycling of wood pallets. All other properties surrounding the subject site are zoned RR and are used for agriculture.

CASE HISTORY: The subject site was the location of Ditch Witch and has recently been acquired by Farmer’s Oil Inc. The owner has submitted a One-Step Final Plat application SUB2015-00009.

ADJACENT ZONING AND LAND USE:

NORTH: LI, RR	Industrial use, Recycling of wood pallets; agricultural, unimproved
SOUTH: RR	Agricultural, unimproved
WEST: RR	Agricultural, unimproved
EAST: RR	Agricultural, unimproved

PUBLIC SERVICES: North Broadway is a four-lane arterial street at this location. East 109th Street North is designated an arterial, but is currently a two-lane gravel road, is located south of the subject site. East 117th Street North in a designated arterial, but is currently a two-lane gravel road, is located north of the subject site. The property has a lagoon and water well.

CONFORMANCE TO PLANS/POLICIES: The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the SF-5 zoned site as “urban development mix.” Urban Development Mix: This category encompasses areas of land that will likely be developed or redeveloped within the next 30 years with uses predominately found in the Urban Residential Use category. The site’s requested TF-3 zoning is compatible with the Plan’s urban residential category.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to platting within one year.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The area is zoned predominately RR on the east and west sides of N. Broadway between E. 109th Street N. and E. 117th Street N., with the exception of the LI zoned parcel immediately north of the subject site. The subject site has had a non-conforming industrial use since at least 1965. Other than the industrial use immediately north of the site, the surrounding RR agricultural use for pasture and cash crops.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The change of zoning to LI would remove the non-conforming use and would not affect the surrounding agricultural uses. The zone change would eliminate and residential uses.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The non-conforming LI use has not generated any complaints from the surrounding property owners and the Planning Department has not received any calls regarding the zone change.
- (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 would limit development by right to manufacturing and industrial uses. No residential uses would be allowed on this site. Denial of the request could impose a financial hardship on the owner because the non-conformity prevents the full use of the site.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The “2013 Land Use Guide of the Comprehensive Plan” (Plan) identifies the subject site as Rural Functional Land Use to promote agribusiness and large lot development.
- (6) **Impact of the proposed development on community facilities:** The site is served by a lagoon and water well. Any increased demand can be handled by enlarging the current capacity of the lagoon and water well as the site is over 11 acres.

KATHY MORGAN, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

RAMSEY moved, WARREN seconded the motion, and it carried (12-0).