

CU-254 - James A. Wilson requests
Conditional Use Permit to Estab-
lish a Greenhouse and Plant Breed-
ing Farm on Property Zoned "R-1"
Suburban Residential District.
Generally located at the north-

closed

ACTION

	DATE	7.00 p.m.
Valley Center COMMITTEE	<u>4-5-82</u>	Monday
M.A.P.C.	<u>4-8-82</u>	
B.C.C./B. CO. C.	<u>5-5-82</u>	

Approved as
recorded
Closed

CU-254 - James A. Wilson requests Conditional Use Permit to Establish a Greenhouse and Plant Breeding Farm on Property Zoned "R-1" Suburban Residential District. Generally located at the north-

Map No. 5255B
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 254
Filed 3-3-82

ASSOCIATED CASE: _____

APPLICATION DATA: From _____ to _____

1. Applicant: James A. Wilson
Address 6414 N. Sheridan, Wichita 67204 Phone 755-1685
2. Agent: _____
Address _____ Phone _____
3. General Location: Northeast corner of 1st St. North & Sheridan.
4. Proposed Use: To establish a Greenhouse and Plant Breeding Farm on property zoned "R-1" - Suburban Residential District.

AREA DATA:

1. Acres: 60 (1584 ft. by 1650 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee _____ by _____
2. MAPC Meeting:

	Date	Action
VCPC:	<u>4-5-82</u>	<u>Appr. pending to decision of dedication.</u>
MAPC:	<u>4-8-82</u>	<u>Ag. passed subject to conditions for dedication.</u>

3. Governing Body (~~Bd. City Commissioners~~ - Bd. County Commissioners)

Date	Action	Resolution
<u>5-5-82</u>	<u>Ag. passed to be recorded</u>	<u>5-24-82</u>

NOTES:

LOS ANGELES COUNTY
REGISTERED
HASTINGS, MN
No. 2,153C
U.S.A.

Steward.

Map No. 5255B
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

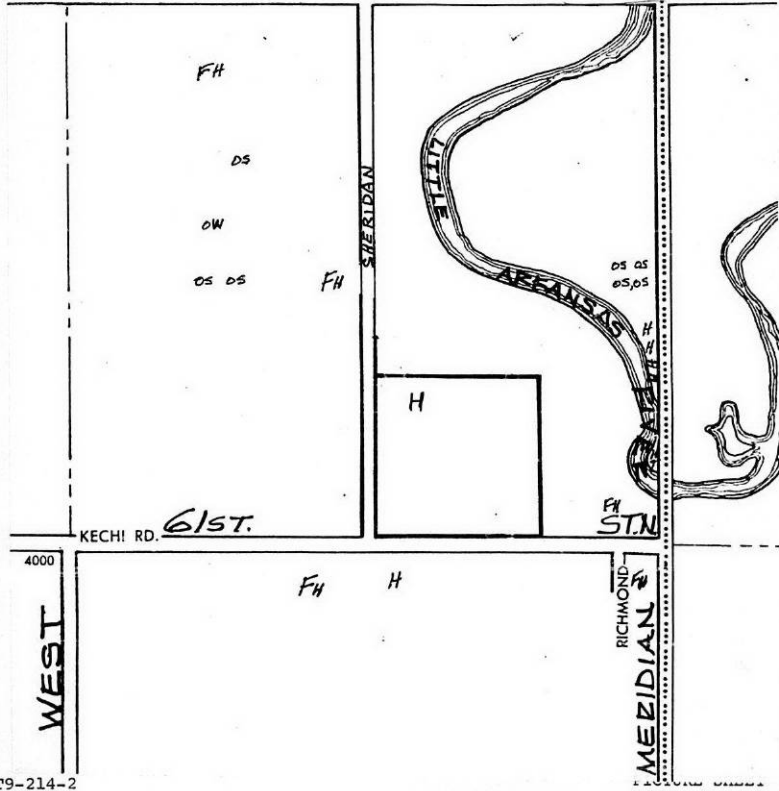
Z- _____
SCZ- _____
CU- 254
Filed 3-3-82

ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
1. Applicant: James A. Wilson
Address 6414 N. Sheridan, Wichita 67204 Phone 755-1635
 2. Agent: _____
Address _____ Phone _____
 3. General Location: Northeast corner of 61st St. North & Sheridan.
 4. Proposed Use: To establish a Greenhouse and Plant Breeding Farm on property zoned "R-1" - Suburban Residential District.

- AREA DATA:
1. Acres: 60 (1584 ft. by 11650 ft.)
 2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
 3. Land Use: East UNDEVELOPED South SINGLE FARM
West UNDEVELOPED North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: SINGLE FARM
 6. Area (is) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



CU 254 PICTURE SHEET

Map No. 5255R
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 254
Filed 3-3-82

ASSOCIATED CASE: _____

APPLICATION DATA: From _____ to _____

- Applicant: James A. Wilson Phone 755-1635
Address 6414 N. Sheridan, Wichita 67204
- Agent: _____ Phone _____
Address _____
- General Location: Northeast corner of 61st St. North & Sheridan.
- Proposed Use: To establish a Greenhouse and Plant Breeding Farm on property zoned "R-1" - Suburban Residential District.

AREA DATA:

- Acres: 60 (1584 ft. by 11050 ft.)
- Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
- Land Use: East UNDEVELOPED South SINGLE FARM
West UNDEVELOPED North UNDEVELOPED
- Sketch Plan Land Use is for: _____
- Present Land Use is for: SINGLE FARM
- Area (is) (is not) platted. .

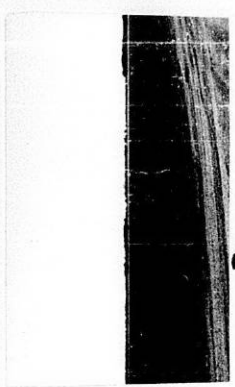
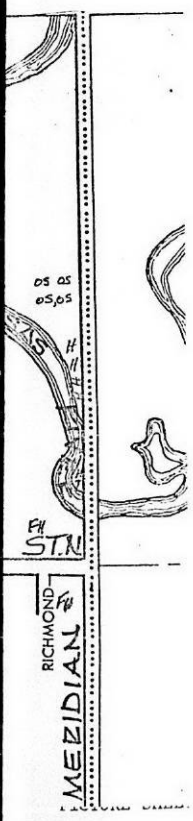
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Taken by _____



Z- _____
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CU- 254
iled 3-3-82
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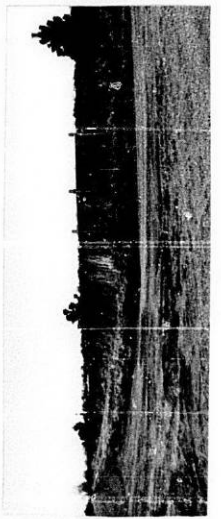
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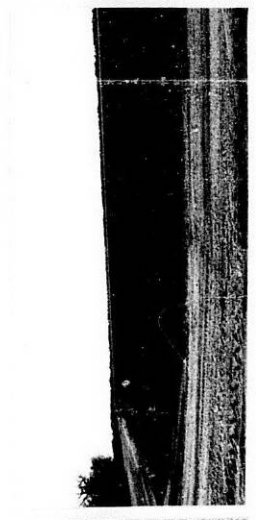
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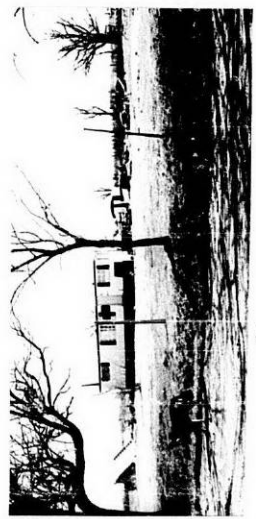
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R# 130-1982

MAPD

(—) Published in The Wichita Eagle-Beacon on May 24, 1982

R E S O L U T I O N

CASE NO. CU-254

A RESOLUTION PERMITTING ESTABLISHMENT OF A GREENHOUSE AND PLANT BREEDING FARM IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.s AND SECTION 11.E.1 OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 4.A.10.s and Section 11.E.1 of the Zoning Resolution as amended, a Conditional Use Permit to allow establishment of a greenhouse and plant breeding farm in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The West 60 acres of the South 100 acres of the SE1/4 of Section 12, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the northeast corner of 61st Street North and Sheridan.

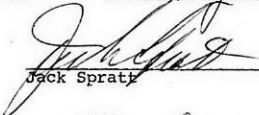
SUBJECT TO THE FOLLOWING:

- A. The greenhouse, seed analysis room and equipment storage room shall be located within the east 165 of the west 400 feet of the north 250 feet of the application area with the remainder of the 60 acres, except for street rights-of-way, being utilized by the applicant's residence and plant breeding operation.
- B. The use of the land shall be limited to residential, agriculture, greenhouse and seed analysis. Approval shall not be construed as permitting a garden center.
- C. No sign shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated.
- D. The owner or occupant of subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.


SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval 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.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 5 day of May, 19 82.

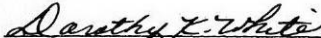

_____, Chairman
Jack Spratz


_____, Commissioner
Tom Scott


_____, Commissioner
Donald E. Gragg



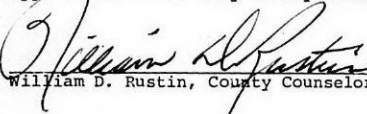
ATTEST:



Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor



William D. Rustin, County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-254

CONSIDERED BY VCPC: 4-05-82

CONSIDERED BY MAPC: 4-08-82

REQUEST FOR: Condition Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To erect a greenhouse and seed analysis room for use as a Plant Breeding Research Farm and be allowed to have 3 employees work in the farm buildings, greenhouses and land area."

GENERAL LOCATION: Northeast corner of 61st Street North and Sheridan.

LEGAL DESCRIPTION:

(see excerpt from Planning Commission minutes of April 8, 1982).

APPLICANT: James A. Wilson, 6414 N. Sheridan.

AGENT FOR APPLICANT: None.

PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North, East, South and West, "R-1".

LAND USE: Existing and South, Single-family & agriculture; North, East and West, Agriculture.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the conditions as shown in the excerpt from Planning Commission minutes of April 8, 1982. Gardner moved, Cazel seconded and it carried unanimously. Jones, Lofton and Martens were absent.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area Planning Commission, approve the application subject to the recommended conditions and adopt a resolution establishing the conditional use; or
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 8, 1982

6. Case No. CU-254 - James A. Wilson requests Conditional Use Permit for the West 60 acres of the South 100 acres of the SE1/4 of Section 12, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the northeast corner of 61st Street North and Sheridan.

CHAMBERS pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to establish a greenhouse and plant breeding farm on a 60 acre tract of land zoned "R-1" Suburban Residential and occupied in part by the applicant's home.

The applicant has submitted a site plan with the application indicating the location of the proposed 40' x 40' greenhouse on the property. The plan also proposes a 40' x 40' seed analysis room and a 40' x 64' room for storage of equipment.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may by special permit and subject to such restrictions as it deems necessary permit conditional uses in the various zoning districts where such uses are deemed essential or desirable to the public convenience or welfare.

2. Should the Planning Commission determine that a greenhouse and plant breeding operation is an appropriate use for subject property and recommends approval of the request, it should be approved subject to the following conditions:
- A. There shall be no retail sales of plant material on the premises.
 - B. The greenhouse, seed analysis room and equipment storage room shall be located within the east 165 of the west 400 feet of the north 250 feet of the application area with the remainder of the 60 acres, except for street rights-of-way, being utilized by the applicant's residence and plant breeding operation.
 - C. The use of the land shall be limited to residential, agriculture, greenhouse and seed analysis. Approval shall not be construed as permitting a garden center.
 - D. Any outdoor storage of material associated with the operation shall be completely screened from public view.
 - E. No sign shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated.
 - F. The owner or occupant of subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.

- G. Prior to the case being forwarded to the Board of County Commissioners the applicant shall dedicate by separate instrument the west 35 feet and the south 50 feet of subject property for street right-of-way purposes within one year; or the case be considered denied and closed.

CHAMBERS stated that the Valley Center Planning Commission recommended approval of this request by 7-0 vote, with the exception of item "g" which relates to the dedication of street right-of-way. The staff report recommends that the applicant dedicate by separate instrument an additional 5 feet of right-of-way for Sheridan, and an additional 20 feet for 61st Street North. The applicant has stated that he did not want to dedicate the additional right-of-way.

CAZEL asked how long does a Conditional Use Permit run.

CHAMBERS said that there was actually no time limit on a conditional use permit.

CAZEL asked what was the dedication for.

CHAMBERS stated that, traditionally, when there was any change in the land use, such as from agricultural to residential, or a change in existing zoning, the Planning Commission and County Commission have required dedications to get the right-of-way up to the standard 100 feet. He said that there has been some discussion about the dedication and there were several options available to the Commission. One would be to require the dedication, other options would include requiring contingent dedications, approving a smaller area, or not require any dedication.

WILSON asked why the applicant would have to dedicate 50 feet of his land that he could use, for right-of-way at this time. There is no development that he is going to have in there except agriculture.

GARDNER said that he was having trouble seeing the differentiation between agriculture and a greenhouse when obtaining a conditional use permit.

CHAMBERS said that the County zoning resolution listed a greenhouse as a conditional use in "R-1" zoning district. It does not specify how the greenhouse would be used.

RON WORLEY, County Zoning Administrator, stated that the situation first came to their attention because of a request for a building permit for a greenhouse. The conditional use that is being asked for is needed because of the fact that there will be several employees utilizing the building and there will be a bathroom and office facilities. WORLEY said that he suggested that the applicant might want to submit an application for the entire 60 acres. He said that he was not aware that it might involve a request for additional right-of-way. WORLEY said that had he known that he would have advised the applicant of it and he might not have chosen to make the application for the entire 60 acres. He continued that as far as staff was concerned it has been generally the policy to recommend that additional right-of-way be dedicated. He did not know whether it was a hard and fast rule that they need to religiously adhere to in this case.

WILSON asked if it was possible to grant the applicant the conditional use permit for the entire 60 acres without the dedication.

WORLEY said that it would certainly be his opinion that the dedication was not a very critical issue in this situation.

GOEBEL felt that the requirement for screening was a little bit unreasonable for the agricultural portion of the site too.

WORLEY said that the requirement for some sort of screening of outdoor storage was typical for conditional uses of this type. He did not know what type of material the applicant might have that might or might not need to be screened.

There was no one present in opposition to the application.

JAMES WILSON, applicant, stated that he was a plant breeder of 25 years experience, and those who have been by his homestead know that he runs a neat place. He said that some of the things that the Chairman had addressed in the beginning were some of the points that he had raised, specifically that a better interpretation needed to be made as to what constitutes a farming operation. There are different kinds of intensive farming operations which require different consideration than a regular general grain farming operation. He said that his is a plant breeding farm operation. This means that rather than growing three or four varieties of wheat, as his neighbor next door might grow, he might grow several hundred to several thousand varieties. Rather than using a large combine of 20 foot dimensions, he might use a 4-foot. Instead of using a large grain drill, he would use a small drill. Other than that his operation is the same as any farmer. WILSON gave further examples of his kind of farming as compared to other farming operations. He said that he would respect the Commission's judgment in the matter that basically he had an agricultural use activity, and he plans to continue that way. He would have two or three employees. WILSON stated that he had spent \$575 to apply for this application, and he felt that it was somewhat coercive for the Planning Department to come back and say that he needed to dedicate additional right-of-way.

BAYOUTH asked what did the number of employees have to do with it.

WILSON said that he was not aware of what the regulations were; he was just trying to be honest and he wanted to be legal all the way in what he does.

COMMISSIONER WILSON asked the applicant if he had any problem with the condition relating to screening of outdoor storage of material associated with the operation.

WILSON responded that he ran a very neat place anyway. He said that he had a very expensive home on the site and he has never put an outbuilding on it. He said that he has farm implements standing out there now that are exposed. He has farmed this land for 15 years as a sideline activity. Now he wants his own plant breeding operation which is a farm operation. He felt that this condition went against what he considered a justifiable requirement.

COMMISSIONER WILSON commented that Worley had mentioned a restroom facility and all kinds of requirements because of employees.

WILSON said that many farmers also have bathrooms to accommodate their employees. COMMISSIONER WILSON said that the requirement did not seem right in this case because of the agricultural aspect of it. WILSON said that he tried to point out that in the event that one has an intensive horticultural operation, he might have 20 to 30 employees coming and

going and facilities have to be provided for that. COMMISSIONER WILSON pointed out that he was saying that too many restrictions were being levied against this applicant.

GARDNER said that there was a feeling among the Commission that this is an applicant who was caught on an interpretative "picket fence". He said that he understood Worley's position that there is an ordinance written the way it is and someone has to make an interpretation. GARDNER mentioned that under Section 4, "R-1" Suburban Residential, there are, to his knowledge, no restrictions prohibiting retail sales in an agricultural operation of this nature.

WORLEY stated that of the retail sales are agriculture products produced on the site, that is correct.

GARDNER said that it would seem to him that the applicant's operation, because of its distinctly rural location, is predominantly agricultural. Because they are, definitionally, snagged on the term "greenhouse", maybe they are caught with a set of regulations that are not wholly applicable. He asked if Worley would have any problems with the Commissioners striking condition "A" (there shall not be retail sales of plant material on the premises).

WORLEY said that the plans that Mr. Wilson brought to his Department reflected bathrooms in the greenhouse. The bathrooms were not a requirement that his Department was specifically making. If this was a greenhouse operation where there would be commercial sales with customers coming and going, a restroom facility would be a building requirement.

GARDNER mentioned that condition "C" of the staff comments prohibited a retail operation of larger scale, so he felt that condition "A" is a case of overkill. It goes beyond the scope of the intent of a conditional use and deprives the applicant of the right that he would otherwise have in an agricultural operation.

WORLEY agreed that condition "C" would adequately protect the neighbors in the County and he did not have any great need for retaining condition "A" if condition "C" stayed in.

GARDNER felt that condition "D" was also overkill for a farm operation. He asked if Worley would be comfortable if storage of machinery outside was not prohibited.

WORLEY said that he would not have a problem with that change.

GARDNER asked if, under condition "F", there were any requirements that are going to require a septic tank installation, sewer requirements or improvements as far as restroom facilities.

WORLEY said that there was nothing particularly unusual for this situation and he would have to have Health Department approval of the sanitary system that the applicant would install.

GARDNER asked Worley if he felt any commitment to condition "G" (dedication of additional right-of-way).

WORLEY said no. The County has no immediate plans to pave the roads.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the rural and agricultural character of the general area; the agricultural uses on surrounding property; and the suitability of this site for use as a plant breeding farm; I move that we recommend to the County Commission that this application be approved subject to the following conditions:

- A. The greenhouse, seed analysis room and equipment storage room shall be located within the east 165 of the west 400 feet of the north 250 feet of the application area with the remainder of the 60 acres, except for street rights-of-way, being utilized by the applicant's residence and plant breeding operation.
- B. The use of the land shall be limited to residential, agriculture, greenhouse and seed analysis. Approval shall not be construed as permitting a garden center.
- C. No sign shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated.
- D. The owner or occupant of subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.

Gardner moved, Cazal seconded.

GARDNER said that he also wanted to note that there was some question as to whether this use really required a conditional use since it is basically a farming operation. He suggested that staff should look at the definitions.

VOTE ON THE MOTION: It carried unanimously. Jones, Lofton and Martens were absent.

() Published in The Wichita Eagle-Beacon on _____, 1982

RESOLUTION

CASE NO. CU-254

A RESOLUTION PERMITTING ESTABLISHMENT OF A GREENHOUSE AND PLANT BREEDING FARM IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 4.A.10.s AND SECTION 11.E.1 OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from 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 4.A.10.s and Section 11.E.1 of the Zoning Resolution as amended, a Conditional Use Permit to allow establishment of a greenhouse and plant breeding farm in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The West 60 acres of the South 100 acres of the SE1/4 of Section 12, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the northeast corner of 61st Street North and Sheridan.

SUBJECT TO THE FOLLOWING:

- A. The greenhouse, seed analysis room and equipment storage room shall be located within the east 165 of the west 400 feet of the north 250 feet of the application area with the remainder of the 60 acres, except for street rights-of-way, being utilized by the applicant's residence and plant breeding operation.
- B. The use of the land shall be limited to residential, agriculture, greenhouse and seed analysis. Approval shall not be construed as permitting a garden center.
- C. No sign shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated.
- D. The owner or occupant of subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval 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.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this ____ day of _____, 19____.

_____, Chairman
Jack Spratt

_____, Commissioner
Tom Scott

_____, Commissioner
Donald E. Gragg

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

April 9, 1982

James A. Wilson
6414 North Sheridan
Wichita, Kansas 67204

Re: Case No. CU-254 - Conditional
Use to establish a greenhouse
and plant breeding farm

Dear Mr. Wilson:

At its regular meeting of April 8, 1982, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to establish a greenhouse and plant breeding farm. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- A. The greenhouse, seed analysis room and equipment storage room shall be located within the east 165 of the west 400 feet of the north 250 feet of the application area with the remainder of the 60 acres, except for street rights-of-way, being utilized by the applicant's residence and plant breeding operation.
- B. The use of the land shall be limited to residential, agriculture, greenhouse and seed analysis. Approval shall not be construed as permitting a garden center.
- C. No sign shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated.
- D. The owner or occupant of subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, May 5, 1982, in Room 320, Sedgwick County Courthouse.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Arthur D. Chambers, AICP
Senior Planner

ADC:sad

cc: Ron Worley, County Zoning Officer

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

VCPC HEARING DATE: 4-05-82

MAPC HEARING DATE: 4-08-82

Case No. CU-254 Request: Conditional Use to
establish a greenhouse &
plant breeding farm

Location: Northeast corner of 61st Street North and Sheridan

Acres: 60 Size: 1320' x 1900'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Single-family & agriculture	"R-1"
North	Agriculture	"R-1"
East	Agriculture	"R-1"
South	Single-family & agriculture	"R-1"
West	Agriculture	"R-1"

Dedication of street rights-of-way will be necessary.

Platted: No History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to establish a greenhouse and plant breeding farm on a 60 acre tract of land zoned "R-1" Suburban Residential and occupied in part by the applicant's home.

The applicant has submitted a site plan with the application indicating the location of the proposed 40' x 40' greenhouse on the property. The plan also proposes a 40' x 40' seed analysis room and a 40' x 64' room for storage of equipment.

Section 11.E.1 of the County Zoning Resolution provides that the Board of County Commissioners may by special permit and subject to such restrictions as it deems necessary permit conditional uses in the various zoning districts where such uses are deemed essential or desirable to the public convenience or welfare.

2. Should the Planning Commission determine that a greenhouse and plant breeding operation is an appropriate use for subject property and recommends approval of the request, it should be approved subject to the following conditions:
 - A. There shall be no retail sales of plant materials on the premises.
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 - C. The use of the land shall be limited to residential, agriculture, greenhouse and seed analysis. Approval shall not be construed as permitting a garden center.
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Page 2
CU-254
MARC AGENDA
4-08-82

- E. No sign shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated.
- F. The owner or occupant of subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.
- G. Prior to the case being forwarded to the Board of County Commissioners the applicant shall dedicate by separate instrument the west 35 feet and the south 50 feet of subject property for street right-of-way purposes within one year; or the case be considered denied and closed.

CU-254 - 20 Regular "Notice to Adjoining Property Owners" mailed 3-22-82
for the Valley Center P.C. meeting of 4-5-82 and the MAPC
meeting of 4-8-82.

THE FOLLOWING RECEIVED A NOTICE, STAFF REPORT & REFERRAL SHEET:

- 1 Applicant
- 1 Claud S. Shelor, Director of County Dept. of Public Works
- 11 Valley Center Commissioners, including City Clerk and
Assistant City Clerk.

—
33 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 672021688

March 22, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Monday, April 5, 1982 at 7:00 p.m., the VALLEY CENTER CITY PLANNING COMMISSION, City Hall, Valley Center, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners:

CASE NO. CU-254

Conditional Use Permit to Establish a
Greenhouse and Plant Breeding Farm on Property
Zoned "R-1" Suburban Residential District

The West 60 acres of the South 100 acres of the SE1/4
of Section 12, Township 26 South, Range 1 West of
the 6th P.M., Sedgwick County, Kansas. Generally
located at the northeast corner of 61st Street North
and Sheridan.

If this matter is not deferred for further hearings by the Valley Center City Planning Commission, it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION beginning at 1:30 p.m., Thursday, April 8, 1982, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear either in person or by agent or attorney, if you so desire.

As provided in the County Zoning Resolution, Section 14 - Administration, sub-paragraph C, the same will there be discussed and considered by said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their view and wishes in the premises and any protest against any of the provisions of the proposed change to the Conditional Use will be considered as by law provided.

Additional information concerning this case may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

7:00
Valley Center April 5, 1982

MAPC April 8, 1982

Greenhouse and plant
breeding farm.

CU-254

5255 B

N-R-1
S-R-1
E-R-1
W-R-1

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT ✓ James A. Wilson
 ADDRESS 6111 W. Shonida 67204 PHONE 7551685
 AGENT _____
 ADDRESS _____ PHONE _____

B. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

C. APPLICANT _____
 ADDRESS _____ PHONE _____
 AGENT _____
 ADDRESS _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. a. The applicant proposes to establish a Plant Breeding Farm
with Greenhouse and seed analysis room (use)
 on property legally described as Lot(s) _____
 _____, Block(s) _____
 of the _____ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

WGO-5100-SE 1/4- Sec 12-26-1W
 Use legal from
 ownership list

2. b. There are 60 acres (round to nearest tenth) in the above described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 6414 N. Sheridan

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE NE CORNER OF 61st St. No ~~W. 5th St. No~~ AND ~~W. 6th St. No~~
Sheridan, OR

B. ON THE ~~WEST~~ SIDE OF Sheridan (AVE.) A STREET BETWEEN ~~W. 6th~~
W. 6th (AVE.) STREET AND W. 6th (AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED B-1
(ZONING DISTRICT CLASSIFICATION).

5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

I want to erect a greenhouse and seed analysis room for use as a Plant Brooding Research Farm and be allowed to have 3 employees work in the farm buildings, greenhouses and land area.

6. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

BY James A. Melton BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY _____ BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

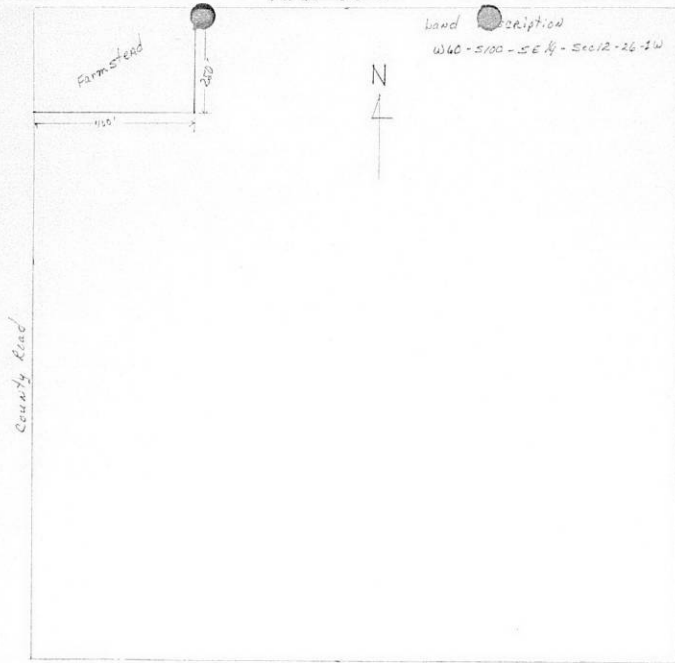
BY _____ BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

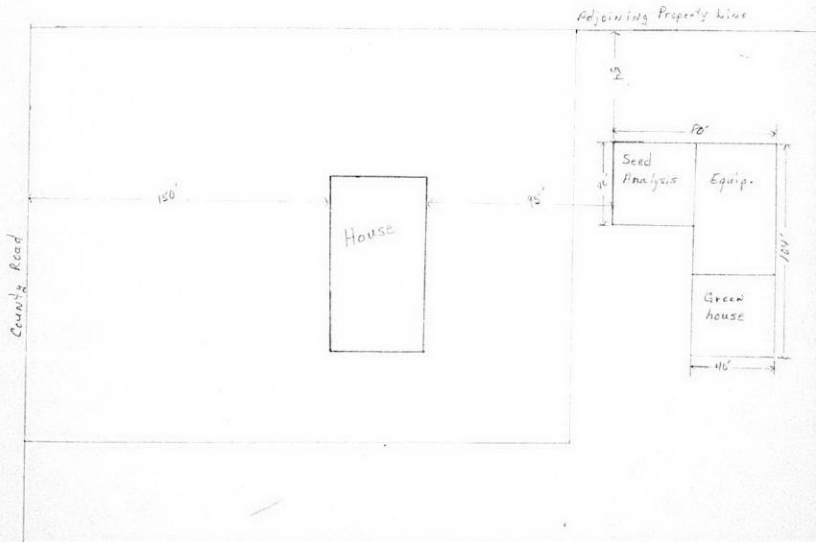
This application was received at the Planning Department at 3:00
(AM, ~~PM~~) on March 3, 1982 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 500.00.

John Flack Name
Junior Planner Title

Farm View



Building View and Farmstead



O W N E R S H I P L I S T

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
1	A	Mullen Addition	✓ Charles W. Mullen & Mable E. Mullen, 6160 N. Richmond, 67204
2	A	"	X Sylvan A. Mardock & Helen E. Mardock, Address <u>Unknown</u>
1 & 2	B	"	✓ Gordon D. Williams & Margaret A. Williams, 2217 Westchester Rd., Lawrence, 66044

Tracts

Tract in the NE $\frac{1}{4}$ of 12-26-1W beg. at the SE corner thereof; then north 1323.49 ft.; then west 1316.78 ft.; then south 1324.03 ft.; then east 1321.69 ft. to pt. of beg.

Property Owner

X Martha Grace Barber, Address Unknown

Tract in the NE $\frac{1}{4}$ of 12-26-1W beg. at the SW corner thereof; then north 1324.78 ft.; then east 1316.79 ft.; then south 1324.03 ft.; then west 1321.70 ft. to pt. of beg.

✓ Kathryn Roseann Porter, 6608 N. Sheridan, 67204

East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of 12-26-1W

✓ John M. Davison & Phyllis J. Davison, 6751 N. Sheridan, 67204

SW $\frac{1}{4}$ of 12-26-1W

X Adrian C. Wright (Deceased)

West 60 acres of the South 100 acres of the SE $\frac{1}{4}$ of 12-26-1W

✓ James A. Wilson & Joy A. Wilson, 6414 N. Sheridan, 67204

Tract in the SE $\frac{1}{4}$ of 12-26-1W beg. at a pt. 1464.7 ft. north of the SE corner thereof; then west to the center of the channel of the Little Arkansas River; then sely along said center of channel to its intersection with the east boundary of Section 12; then north along said east boundary to pt. of beg., subj. to east 30 ft. for road and Except that part of said tract lying south of a line beginning 1284.7 ft. north of the SE corner of the SE $\frac{1}{4}$ and running west to the center of the river channel

✓ Raymond Howard Woods Jr. & Sandra K. Woods, 6313 N. Meridian, 67204

Tract in the SE $\frac{1}{4}$ of 12-26-1W beg. at a pt. 1464.7 ft. north of the SE corner thereof; then north 186.1 ft.; then west to the center of the channel of the Little Arkansas River; then sely along said channel to its intersection with a line running west from the pt. of beg.; then east on said line to the pt. of beg., subj. to east 30 ft. for road

✓ Raymond H. Woods & Alice A. Woods, 6327 N. Meridian, 67204 AND Alta G. Mindling, 6325 N. Meridian, 67204 (Life Estate)

TractProperty Owner

Tract in the SE $\frac{1}{4}$ of 12-26-1W beg. at a pt. 1284.7 ft. north of the SE corner thereof; then west to the center of the channel of the Little Arkansas River; then sely along said channel to its intersection with the eastern boundary of Section 12; then north to the pt. of beg., subj to east 30 ft. for road	<input checked="" type="checkbox"/> Raymond Howard Woods Jr. & Sandra K. Woods, 6313 N. Meridian, 67204 AND <input checked="" type="checkbox"/> Jerry C. Black & Edith E. Black, 328 N. Ash, Valley Center, 67147
That part of the east 40 acres of the south 100 acres of the SE $\frac{1}{4}$ of 12-26-1W lying west of the center of the channel of the Little Arkansas River	<input checked="" type="checkbox"/> Stanley M. Galloway (Deceased) & Tressie L. Galloway, 2937 Amidon, 67204
That part of the north 60 acres of the SE $\frac{1}{4}$ of 12-26-1W lying north and east of the center of the channel of the Little Arkansas River, except the north 79 ft. of the east 645.7 ft. of the SE $\frac{1}{4}$	<input checked="" type="checkbox"/> Jayhawk Pipeline Corp., 6559 N. Meridian, 67204
North 60 acres of the SE $\frac{1}{4}$ of 12-26-1W lying west of the center of the Little Arkansas River	<input checked="" type="checkbox"/> Adrian P. Wright (Deceased)
Tract in the NW $\frac{1}{4}$ of 13-26-1W beg. 192 ft. west of the NE corner thereof; then south 385 ft.; then west 408 ft.; then north 385 ft.; then east 408 ft. to beg.	<input checked="" type="checkbox"/> J. Glenn Gideon & Bessie J. Gideon, 3331 W. 61st St. North, 67204 <i>Recent! 1430 Payne, 67203</i>
NW $\frac{1}{4}$ of 13-26-1W except that part described immediately above	<input checked="" type="checkbox"/> John J. Leeker & Dorothy F. Leeker, 3772 Jeanette, 67204
Tract in the NE $\frac{1}{4}$ of 13-26-1W described as being one square acre in the NW corner of said NE $\frac{1}{4}$	<input checked="" type="checkbox"/> Robert R. Phillips & Donna Mae Phillips, 137 E. 53rd St. North, 67219
Tract in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 13-26-1W commencing at the SW corner thereof; then east 186.50 ft. to a pt. of beginning; then north 233.58 ft.; then east 186.50 ft.; then south 233.58 ft.; then west 186.50 ft. to pt. of beg.	<input checked="" type="checkbox"/> Claude Withers & Margaret Withers, 212 W. 33rd St. North, 67204
Tract in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 13-26-1W beg. at the SE corner thereof; then north along the east line of the NE $\frac{1}{4}$ 243 ft.; then west 144 ft.; then swly 16.46 ft. to a pt. 233.6 ft. north and 157.65 ft. west of the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then west 502.09 ft. to the west line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then south 233.6 ft. to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then east 659.76 ft. to pt. of beg., except that part described in entry immediately above	<input checked="" type="checkbox"/> Donald R. Thurber & Edith E. Thurber, 6051 N. Meridian, 67204

Tract

Property Owner

The west 200 ft. of the east 440 ft. of the north 230 ft. of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 13-26-1W

✓ Larry W. Rivers & Mary Lou Rivers, 6027 N. Meridian, 67204

Tract in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 13-26-1W beg. at the NE corner thereof; then south along the east line of the NE $\frac{1}{4}$ 294.4 ft. to a pt. 367 ft. north of the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then west 269 ft.; then north 294.34 ft. to the north line of the NE $\frac{1}{4}$; then east 269 ft. to the pt. of beg.

✓ Bertrum R. Scott (Deceased) & Mary Ellen Scott, 7215 N. Meridian, Valley Center, 67147

Tract in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 13-26-1W beg. at a pt. 150 ft. south of the NW corner thereof; then east 189.8 ft.; then south 120 ft.; then west 189.83 ft. to a pt. in the west line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then north 120 ft. to beg.

✓ Robert K. Ratzlaff & Betty J. Ratzlaff, 6045 N. Richmond, 67204

Tract in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 13-26-1W beg. at a pt. 470 ft. west of the NE corner thereof; then south 150 ft.; then west 189.8 ft. to the west line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then north 150 ft. to the NW corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then east 189.76 ft. to pt. of beg.

✓ Charles E. Schiefelbein & Louise E. Schiefelbein, 6057 N. Richmond, 67204

North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of 13-26-1W except one acre in the NW corner thereof and except the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and except the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$

X North R. Bishop, Address Unknown

Tract in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 13-26-1W beg. 243 ft. north of the SE corner thereof; then west 144 ft.; then swly 16.46 ft. to a pt. 233.6 ft. north and 157.65 ft. west of said SE corner; then west to the SE corner of Mullen Addition; then north along the east line of said addition to a pt. 367 ft. north of the south line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; then east to the east line of the NE $\frac{1}{4}$; then south to the pt. of beg.

"

CV-254

page 4

We hereby certify the foregoing to be a true and correct list of the property owners within a 1000 foot radius of

use for legal

The West 60 acres of the South 100 acres of the SE $\frac{1}{4}$ of Section 12, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 1st day of March, 1982, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice-President

Order No. 307018

GE

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
TO VALLEY CENTER CITY PLANNING COMMISSION

CASE No. CU-254 TO BE HEARD BY THE M. A. P. C. ON April 8, 1982

REQUEST FOR Conditional Use

REASON FOR REQUEST (AS PROVIDED BY PETITIONER):

To establish a greenhouse & plant breeding farm.

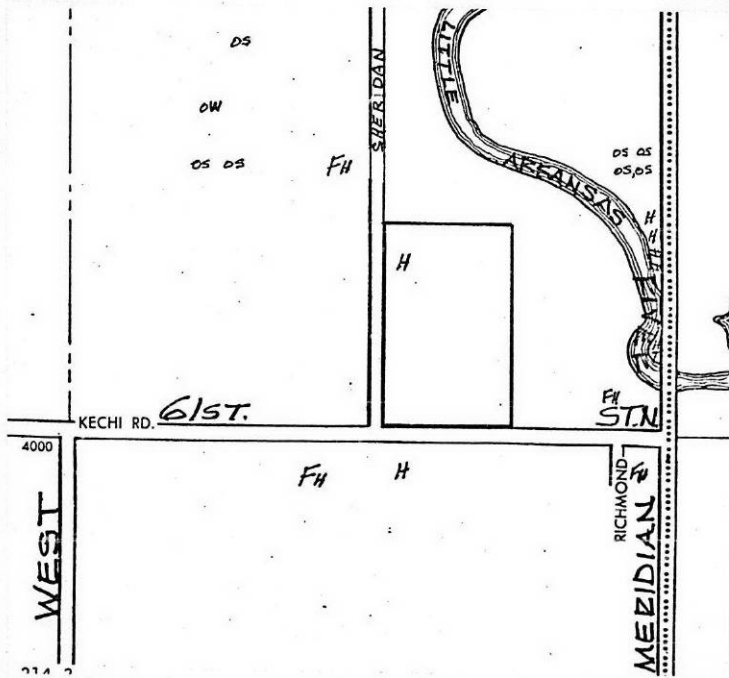
LOCATION OF PROPERTY: at the northeast corner of 61st Street North
and Sheridan.

LEGAL DESCRIPTION OF PROPERTY:

The West 60 acres of the South 100 acres of the SE1/4
of Section 12, Township 26 South, Range 1 West of
the 6th P.M., Sedgwick County, Kansas.

APPLICANT: James A. Wilson, 6414 North Sheridan, Wichita, Ks. 67204
Address:

AGENT FOR APPLICANT: None
SURROUNDING LAND USE: North, east and west: agriculture; south single-family
and agriculture.



RECOMMENDATION OR COMMENTS BY V. C. P. C. :

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
 TO VALLEY CENTER CITY PLANNING COMMISSION

CASE No. CH-254 TO BE HEARD BY THE M. A. P. C. ON April 8, 1982

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To establish a greenhouse & plant breeding farm.

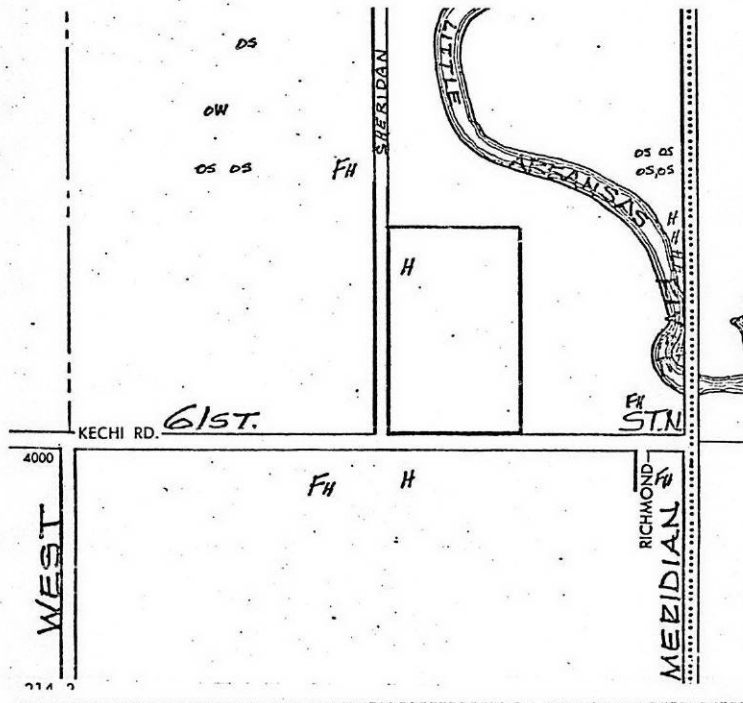
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LEGAL DESCRIPTION OF PROPERTY:

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APPLICANT: James A. Wilson, 6414 North Sheridan, Wichita, Ks. 67204
 ADDRESS:

AGENT FOR APPLICANT: None
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RECOMMENDATION OR COMMENTS BY V. C. P. C. :

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
TO VALLEY CENTER CITY PLANNING COMMISSION

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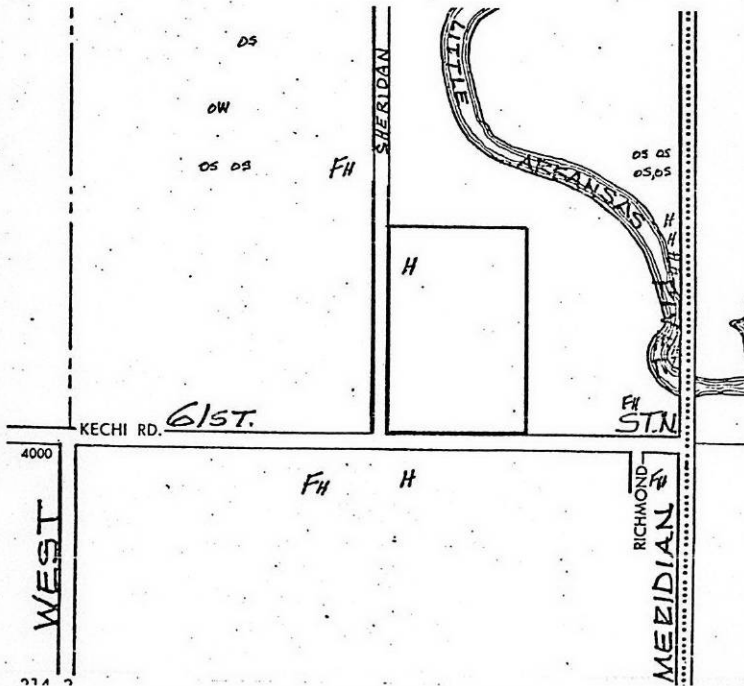
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ADDRESS:

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SURROUNDING LAND USE: North, east and west: agriculture; south single-family
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RECOMMENDATION OR COMMENTS BY V. C. P. C. :

REFERRAL FROM WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
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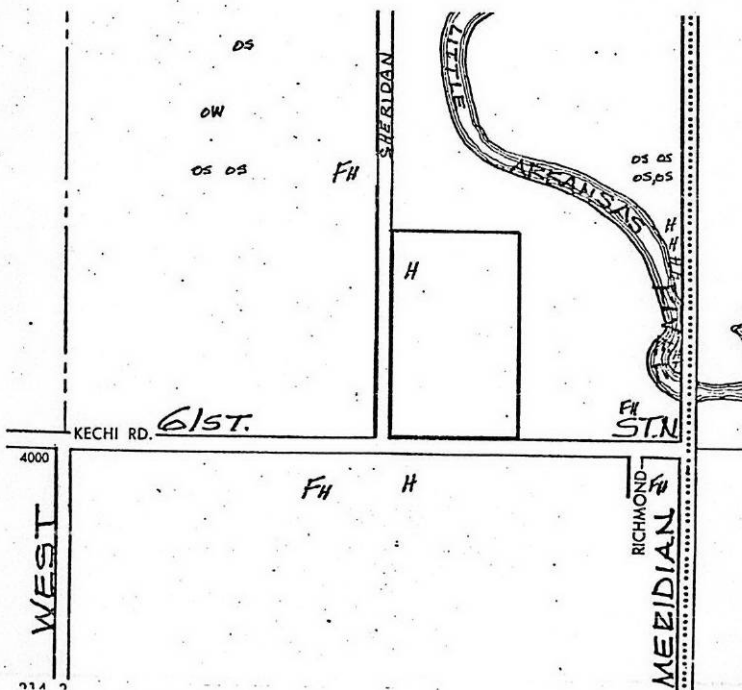
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APPLICANT: James A. Wilson, 6414 North Sheridan, Wichita, Ks. 67204
ADDRESS:

AGENT FOR APPLICANT: None

SURROUNDING LAND USE: North, east and west: agriculture; south single-family
and agriculture.



RECOMMENDATION OR COMMENTS BY V. C. P. C. :

FORM 29

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION AMOUNT

NAME _____
 ADDRESS _____
 FUND _____ DUE DATE _____
 COMMENTS _____
 DATE _____ BY _____

CU-254

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL TENTH FLOOR
355 NORTH MAIN STREET
WICHITA, KANSAS 67202

Rec'd & Resent 3-25-82

J. GLENN & BESSIE J GIDEON
3331 W. 61st ST. NORTH
WICHITA KS 67204



*Glenn Gideon
1432 Payne
67203*

*KA
3/23
PA7*

Important! Notice of Meeting Enclosed