



Wichita-Sedgwick County Metropolitan Area Planning Department

April 2, 2008

Jeremy and Kassy Johnson
244 N. Pershing
Wichita, KS 67208

RE: ZON2007-69/CON2008-03 - City zone change from "SF-5" Single-family Residential to "LC" Limited Commercial with a Conditional Use for Nursery or Garden Center, generally located southeast of the intersection of 25th Street North and North Hoover Rd. (2530 N. Hoover Rd.).

Dear Ladies and Gentlemen:

At its regular meeting on April 2, 2008, the Wichita City Council considered the above-captioned request. The action of the City Council was to APPROVE the request, subject to platting within one year, and to the following PO conditions:

1. The site shall be limited to those land uses permitted by right under the SF-5 zoning district, and limited to the LC uses of Nurseries and Garden Centers, and Outdoor Storage, Commercial Parking Area, and Ancillary Drive as accessory uses to the nursery and garden center.
2. Signage on this site shall be one monument sign made of natural limestone materials, shall conform to the location on the approved site plan, shall be perpendicular to Hoover, shall be non-illuminated, and shall be otherwise restricted to the Sign Code regulations for the NR zoning district.

And, subject to the following Conditional Use conditions:

1. The site shall conform to the approved site plan. Required parking shall conform to the approved site plan.
2. The site shall conform to the Landscape Ordinance, which may include use of existing vegetation. A landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval.
3. All parking and loading areas, display and storage areas, and commercial vehicle storage shall be screened from abutting residences and Hoover Road. Screening may be achieved through use of landscaping, consistent with the Unified Zoning Code and Landscape Code screening requirements.

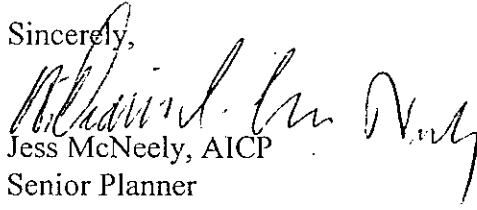
RE: ZON2007-69/CON2008-03 - City zone change from "SF-5" Single-family Residential to "LC" Limited Commercial with a Conditional Use for Nursery or Garden Center, generally located southeast of the intersection of 25th Street North and North Hoover Rd. (2530 N. Hoover Rd.).

Page 2

4. No display or storage areas shall be within 25 feet of right-of-way or property lines.
5. Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building.
6. No sound projecting devices or loudspeakers shall be permitted.
7. The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies, and regulations.
8. Parking lot light poles on the site shall not exceed 15 feet in height, and shall shield away from residential zoning.
9. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.
10. No commercial activity on Sunday.
11. Limit hours to 7:00 a.m.-6:00 p.m. Monday-Friday, 7:00 a.m.-1:00 p.m. Saturday.

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

Sincerely,


Jess McNeely, AICP
Senior Planner
Current Plans Division

JMC:mc

Copies to: MKEC Engineering Con, Inc., Attn: Gene Rath, 411 N. Webb Rd., Wichita, KS 67206
Mark Bauer, 2615 N. Hoover, Wichita KS 67205
Jannessa Austin, 2559 N. Hoover, Wichita KS 67205
Jeff Longwell, WCC V, Mail Stop #1-13
Megan Buckmaster, WCC V, Mail Stop #1-135
Vicky Huang, Engineering Division, Mail Stop #1-71

RESOLUTION No. 08-176

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NURSERY AND GARDEN CENTER ON 13.26 ACRES ZONED "LC" LIMITED COMMERCIAL SUBJECT TO PROTECTIVE OVERLAY #206, LOCATED EAST OF NORTH HOOVER ROAD AND SOUTH OF 25th STREET NORTH IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. 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 to permit a bank on 13.26 acres zoned "LC" Limited Commercial, subject to the conditions listed below:

Case No. CON2008-03

A Conditional Use to permit a Nursery or Garden Center on 13.26 acres zoned "LC" Limited Commercial.

The south 225 feet of the north 455 feet of the Northwest Quarter, of the Southwest Quarter, Section 2, Township 27 South, Range 1 West, of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas; and the North 220.5 feet of the Northwest Quarter of the Southwest Quarter of said Section 2, Wichita, Sedgwick County, Kansas. Generally located east of North Hoover Road and south of 25th Street North (2530 N Hoover).

SUBJECT TO THE FOLLOWING CONDITIONS:

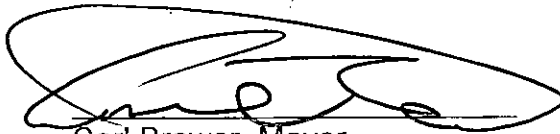
1. The site shall conform to the approved site plan. Required parking shall conform to the approved site plan.
2. The site shall conform to the Landscape Ordinance, which may include use of existing vegetation. A landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval.
3. All parking and loading areas, display and storage areas, and commercial vehicle storage shall be screened from abutting residences and Hoover Road. Screening may be achieved through use of landscaping, consistent with the Unified Zoning Code and Landscape Code screening requirements.
4. No display or storage areas shall be within 25 feet of right-of-way or property lines.
5. Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building.

6. No sound projecting devices or loudspeakers shall be permitted.
7. The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies, and regulations.
8. Parking lot light poles on the site shall not exceed 15 feet in height, and shall shield away from residential zoning.
9. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.
10. No commercial activity on Sunday.
11. Limit hours to 7:00 a.m.-6:00 p.m. Monday-Friday, 7:00 a.m.-1:00 p.m. Saturday.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date April 1, 2008.



Carl Brewer, Mayor

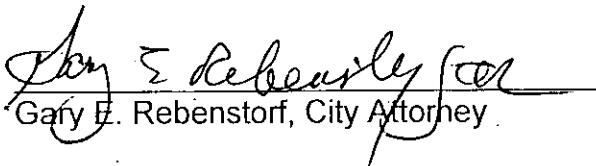
ATTEST:



Karen Sublett, City Clerk



Approved as to form:



Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. _____

STAFF REPORT

MAPC, February 21, 2008

DAB V, March 3, 2008

CASE NUMBER: ZON2007-69 / CON2008-03

APPLICANT/AGENT: Jeremy and Kassy Johnson (applicant), MKEC c/o Gene Rath (agent)

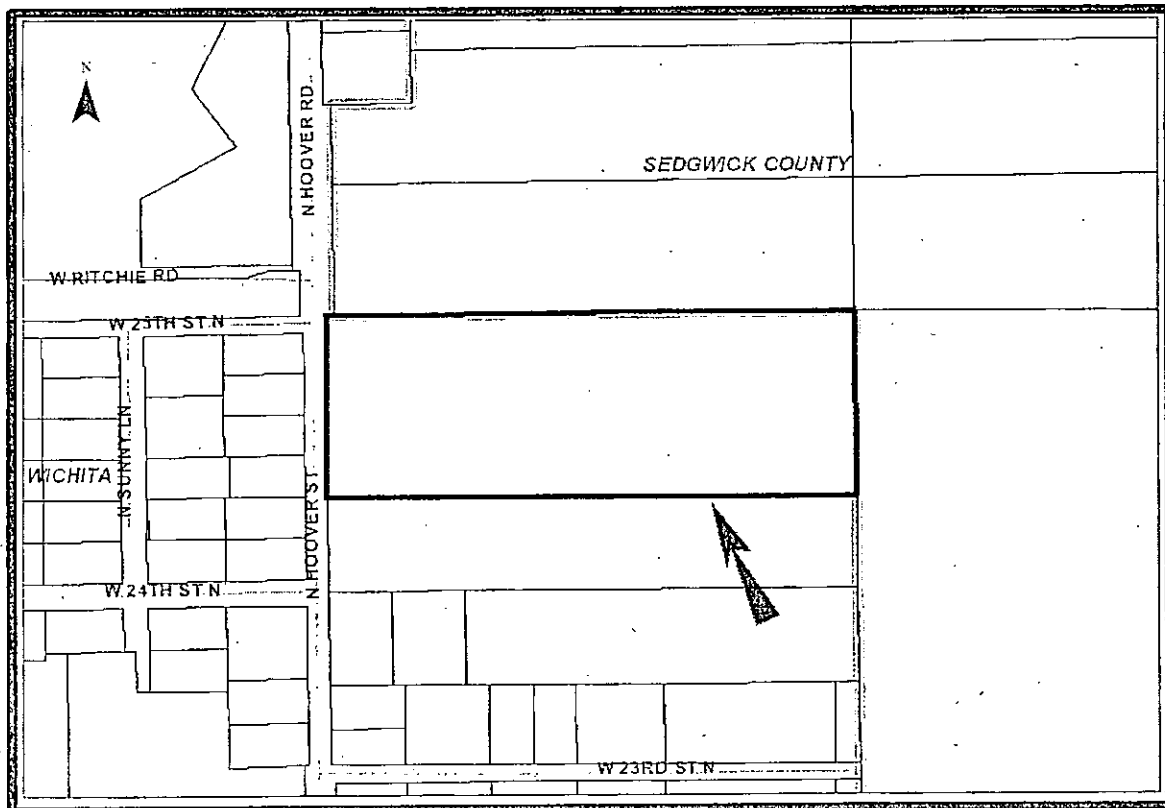
REQUEST: "LC" Limited Commercial zoning with a Conditional Use for a nursery and garden center

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 13.26 acres

LOCATION: East of North Hoover and south of 25th Street North (2530 N Hoover)

PROPOSED USE: Nursery and garden center



land uses; commercial uses should locate in compact clusters or nodes versus extended strip developments; and commercially-generated traffic should not feed directly onto local residential streets.

The UZC would require screening between residential zoning and the proposed development on this site, and would require setbacks from all property lines. The Landscape Ordinance would require a landscape plan for the proposed development. Specific UZC conditions for nurseries and garden centers in LC zoning would require the following: arterial street access, screening may be achieved through landscaping, display and storage shall be screened and not within 25 feet of ROW, commercial vehicles shall be screened, lighting shall be shielded, sound should not project beyond property lines, and parking and loading areas shall be determined as adequate by the Planning Commission.

RECOMMENDATION: This request does not conform to the Comprehensive Plan Land Use Guide. The immediate neighborhood is in transition and currently lacks municipal services. The proposed nursery/garden center could serve as a buffer and transition land use between the future sand extraction to the north, and residences to the south and west. The proposed PO and Conditional Use, as well as the standards of the UZC and Landscape ordinances should mitigate negative effects on the residences south and west of this site, and prevent incompatible land uses.

Based upon the information available prior to the public hearings, planning staff recommends that the request for a change in zoning and a Conditional Use be APPROVED, subject to platting within one year, subject to the following PO conditions:

1. The site shall be limited to those land uses permitted by right under the SF-5 zoning district, and limited to the LC uses of Nurseries and Garden Centers, Outdoor Storage, Commercial Parking Area, and Ancillary Drive. *< as clarification >*

2. Signage on this site shall be monument signage, shall conform to the location on the approved site plan, shall be perpendicular to Hoover, shall be illuminated only during business hours, and shall be restricted to the Sign Code regulations for the NR zoning district. *offer M-Sat 7AM-6PM*

And, subject to the following Conditional Use conditions:

1. The site shall conform to the approved site plan. Required parking shall conform to the approved site plan. *offer M-Sat 7AM-6PM*

2. The site shall conform to the Landscape Ordinance, which may include use of existing vegetation. A landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval. *offer landscape-type sign*

3. All parking and loading areas, display and storage areas, and commercial vehicle storage shall be screened from abutting residences and Hoover Road. Screening may be achieved through use of landscaping, consistent with the Unified Zoning Code and Landscape Code screening requirements. *non-illuminate*

adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion; commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses; commercial uses should locate in compact clusters or nodes versus extended strip developments; and commercially-generated traffic should not feed directly onto local residential streets.

5. Impact of the proposed development on community facilities: The proposed LC zoning and nursery/garden center land use will increase traffic on this portion of Hoover. Required platting of this site will provide additional ROW for any future improvements.

▶ No busn signage
(currently no lighted signs along Hoover)

▶ ~~Working~~ Working hours / use of heavy equipment

▷ Sunset Clause

CONCEPTUAL SITE PLAN
JOHNSON'S GARDEN NURSERY
2530 N. HOOVER, WICHITA, KS, 67203

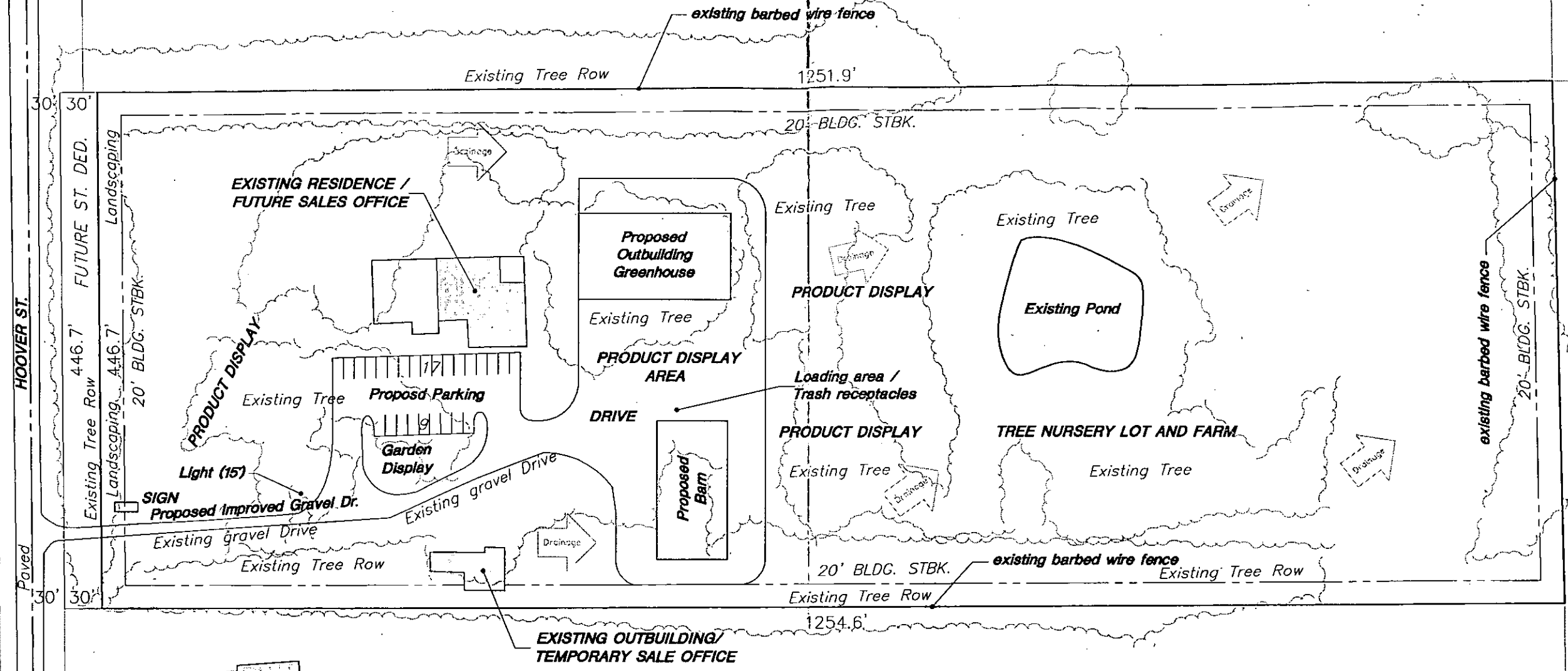
SITE PLAN
SHEET TITLE
07913
PROJECT NUMBER

DESIGN BY BDL
DRAWN BY TKL
CHECKED BY BDL

ISSUED February 2008
REVISED

SHEET NO.
1 of 1

Zoned: SF-20 (CON2000-00017)(CON2003-00050)
USE: Agriculture



Zoned: SF-20 (CU-292) 452.3'
USE: Rural Residential and private lake and recreation

Zoned: SF-5
USE: Rural Residential

PROPERTY INFO:

OWNERS: Mr. & Mrs. Jeremy Johanson
AREA: 13.3 acres more or less
ADDRESS: 2530 N. HOOVER, WICHITA, KS 67203
FEMA FIRM: ZONE X (CLEAR OF 100 YEAR)

LEGAL DESCRIPTION

The south 225 feet of the north 445 feet of the Northwest Quarter, of the Southwest Quarter, Section 2, Township 27 South, Range 1 West, of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas; and the North 220.5 feet of the Northwest Quarter of the Southwest Quarter of said Section 2.

SITE PLAN

APPROVED 4-1-08 BY WCE



Scale = 1:1200 or 1"=100'

