

ACTION

COMMITTEE	DATE
M.A.P.C. <u>Denied</u>	<u>4-19-84</u>
P.C./B. CO. C. <u>Withdrawn by</u> <u>the applicant</u>	<u>5-16-84</u>

6248C

Closed

CU-269 - John & Rosalind McCoy to request Conditional Use Permit to establish a nursery and greenhouse on the north side of Central Ave. in an area 3/4-mile east of Green-
 in an area 3/4-mile east of Central). (11608 E. Central).

Map No. 6248 C
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 269
Filed 3-27-84

ASSOCIATED CASE: SCZ-0530

APPLICATION DATA: From "R-1" to "OC"

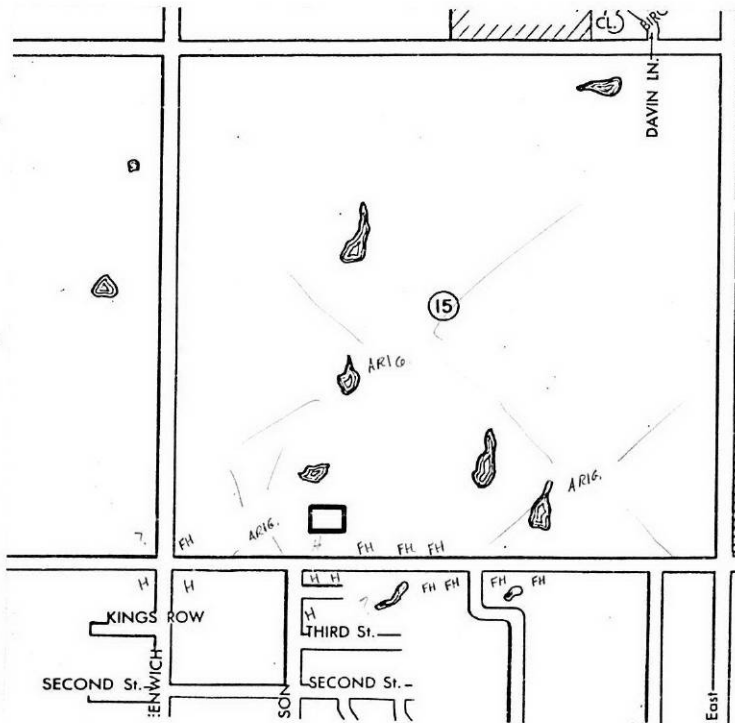
1. Applicant: John R. and Rosalind K. McCoy
Address 7217 Cresthill Court, Wichita 67206 Phone 265-9697
2. Agent: Spencer Depew
Address 721 First Nat'l Bank Bldg., 67202 Phone 265-9621
3. General Location: On the north side of Central Avenue in an area
1/4-mile east of Greenwich Road. (11608 E. Central)
4. Proposed Use: To establish a nursery and a greenhouse.

AREA DATA:

1. Acres: 1.89 (330' ft. by 250' ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East FAEM / AR16. South FAEM
West AR16. North AR16.
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

March 30, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a Conditional Use in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 19, 1984, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-269

Conditional Use Permit to Establish a Nursery and Greenhouse
Operation
on Property Zoned "R-1" Suburban Residential District

The north 250 feet of the south 550 feet of the following described tract:

Beginning at the southeast corner of the southwest quarter (SW $\frac{1}{4}$) of section 15, T. 27 S., R. 2E., 6th P.M.; Thence west 990 feet to the point of beginning; Thence north 1320 feet; Thence west 330 feet; Thence south 1320 feet; Thence east 330 feet to the point of beginning. Generally located on the north side of Central in an area approximately $\frac{1}{4}$ -mile east of Greenwich Road.

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

Robert A. Lakin
Secretary

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Robert A. Lakin
Secretary

DEPEW AND GILLEN

ATTORNEYS AT LAW
721 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202
316-265-9621

SPENCER L. DEPEW
DENNIS L. GILLEN
RANDALL K. RATHBUN
JAMES P. RUANE

May 15, 1984

Mr. Jack H. Galbraith
Chief Planner, Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Hall - Tenth Floor
455 North Main Street
Wichita, Kansas 67202

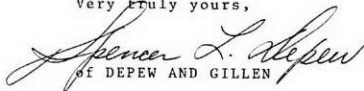
Re: CU-269 - Conditional Use Permit to establish a
nursery & greenhouse & SCZ-0530 - "R-1" to "OC"

Dear Mr. Galbraith:

You have advised me that the subject cases will be considered by the Board of County Commissioners at their regular meeting at 9:00 a.m., on Wednesday, May 16, 1984, in Room 320, Sedgwick County Courthouse. This letter is to advise you that the applicants, Rosiland K. McCoy and John Roger McCoy have decided to withdraw both of the applications submitted in the subject cases at this time. The withdrawal of these applications is without prejudice and the applicants reserve all legal rights available to them, including the right to refile either or both of said applications as provided by law.

We trust that you will advise the Board of County Commissioners accordingly.

Very truly yours,


OF DEPEW AND GILLEN

SLD:mg

cc Rosiland K. & John R. McCoy
7217 Cresthill Court
Wichita, Kansas 67206

CU 269

Z -

Total Area 4,482,500 SQ. FT.°

Application Area 82,500 "

Street R/W 203,200 "

Net Area 4,196,800 "

20% of Net Area 839,360 "

Net Protest Area 3,032,556 "

Total % Protesting 72 %

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CU-269 - CONDITIONAL USE PERMIT TO CONSTRUCT A GREENHOUSE,
GENERALLY LOCATED ON THE NORTH SIDE OF CENTRAL IN AN AREA
APPROXIMATELY 1/4 MILE EAST OF GREENWICH ROAD.

The MAPC recommends that the application not be approved.
(see minutes for full motion)

Hansen moved, Banzer seconded and it carried with a vote of 8 in
favor (Hansen, Banzer, Bayouth, Chisholm, Goebel, Moore, Peters
and Wilson), and 1 opposed (Gardner). Crockett was absent.

NOTE: A recommendation of denial by the Planning Commission requires
a unanimous vote of the County Commission in order to approve the appli-
cation.

NOTE: The percentage of the protest petitions received on this appli-
cation will be pointed out at the time the case is considered by the
County Commission.

ACTION:

1. Concur with the findings of fact of the
Metropolitan Area Planning Commission and
deny the application; or
2. Take such action as the County Commission
deems appropriate.

DATA AND MINUTES

MAPC Hearing Date: 4-19-84

BCoC Hearing Date: 5-16-84

AREA DATA:

Acres: 1.89

Size: 250' x 330'

Reason: Construction of a greenhouse to grow orchids & exotic plants.

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

History: None

Applicant: John R. & Rosalind K. McCoy, 7217 Cresthill Court, Wichita 67206

Protestors: R.W.Hayden, 11811 E. Central; Cecelia Balthrop, 11220 E.
Central; Don Stephan, 11906 E. Central; Peggy Kephart, 11800 E. 3rd St.

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING

SCZ-0530 - ZONE CHANGE FROM THE "R-1" SUBURBAN RESIDENTIAL TO THE "OC" OFFICE COMMERCIAL DISTRICT, GENERALLY LOCATED ON THE NORTH SIDE OF CENTRAL IN AN AREA APPROXIMATELY 1/4 MILE EAST OF GREENWICH ROAD.

The MAPC recommends that the application not be approved.
(see minutes for full motion)

Hansen moved, Banzer seconded and it carried with a vote of 3 in favor (Hansen, Banzer, Bayouth, Chisholm, Goebel, Moore, Peters and Wilson), and 1 opposed (Gardner). Crockett was absent.

NOTE: A recommendation of denial by the Planning Commission requires a unanimous vote of the County Commission in order to approve the application.

NOTE: The percentage of the protest petitions received on this application will be pointed out at the time the case is considered by the County Commission.

- ACTION:
1. Concur with the findings of fact of the Metropolitan Area Planning Commission and deny the application; or
 2. Take such action as the County Commission deems appropriate.

DATA AND MINUTES

MAPC Hearing Date: 4-19-84

BCoC Hearing Date: 5-16-84

AREA DATA:

Acres: 2.27

Size: 300' x 330'

Reason: Florist shop

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

History: None

Applicant: John R. & Rosalind K. McCoy, 7217 Cresthill Court, Wichita 67206

Protestors: R.W. Hayden, 11811 E. Central; Cecelia Balthrop, 11220 E. Central; Don Stephan, 11906 E. Central; Peggy Kephart, 11800 E. 3rd St.

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 19, 1984

LEGALS:

- 3a. Case No. CU-269 - John & Rosalind McCoy request Conditional Use Permit for the north 250 feet of the south 550 feet of the following described tract: Beginning at the southeast corner of the southwest quarter (SW 1/4) of Section 15, T. 27 S., R. 2E., 6th P.M.; Thence west 990 feet to the point of beginning; Thence north 1320 feet; Thence west 330 feet; Thence south 1320 feet; Thence east 330 feet to the point of beginning. Generally located on the north side of Central in an area approximately 1/4 mile east of Greenwich Road.
- 3b. Case No. SCZ-0530 - John R. & Rosalind K. McCoy request zone change from "R-1" to "OC" for the south 300 feet of the following described tract: Beginning at the southeast corner of the southwest quarter (SW 1/4) of Section 15, T. 27 S., R. 2E., 6th P.M.; Thence west 990 feet to the point of beginning; Thence north 1320 feet; Thence west 330 feet; Thence south 1320 feet; Thence east 330 feet to the point of beginning. Generally located on the north side of Central in an area approximately 1/4 mile east of Greenwich Road.

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

CU-269:

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 operation, on an unplatted tract of land zoned "R-1" Suburban Residential, containing approximately 1.89 acres.

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 districts where such uses are deemed essential or desirable to the public convenience or welfare.

Greenhouses are permitted in the "R-1" district only as a conditional use and the retail sale of plants is not permitted. As an associated case, the applicant is requesting "OC" zoning which is the first district that permits a florist shop. The submitted site plan indicates the location of an approximate 40' x 80' greenhouse and a sales shop and parking nearer Central and in front of the greenhouse.

This property is located in a suburban residential area adjacent to municipal water and it is expected that the area will develop for residential uses in the future. Commercial activities should be encouraged to develop at major street intersections and not along the entire frontages of major streets. There are four properties of approximately the same width in this quarter section, and if "OC" can be justified for one ownership it is then difficult to deny for others. Staff believes that this is an inappropriate area to begin establishing greenhouses, florist shops and other "OC" and "LC" uses.

Should the Planning Commission determine that a greenhouse operation is an appropriate use for subject property and recommend approval of the request, it should be subject to the following conditions:

- a. Platting within one year from the date of approval by the Board of County Commissioners; or the case be considered denied and closed; and the resolution establishing the conditional use is not to be published until the plat is recorded.

- b. There shall be no retail sales of plant material on the premises.
- c. The use of the land shall be limited to agriculture and one greenhouse not exceeding 40' x 100'. Approval shall not be construed as permitting a garden center.
- d. Any outdoor storage of material associated with the greenhouse 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, nor shall flashing or oscillating lights be permitted.
- f. The owner, or occupant of the subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.

SCZ-0530:

COMMENTS:

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

The applicant is requesting a change of zoning from "R-1" Suburban Residential to "OC" Office Commercial for an unplatted tract of land containing approximately 2.27 acres located on the north side of Central in an area approximately 1/4 mile east of Greenwich Road.

In conjunction with this case, the applicant has filed an application for a Conditional Use to permit the construction of a greenhouse to raise orchids and exotic plants adjacent to the north of this application. The "OC" zoning is being requested to permit a small florist shop to be operated in conjunction with the proposed greenhouse operation.

Subject property is occupied by a single-family residence as are those properties to the south and east.

2. Taking into consideration the surrounding zoning and residential land use, the large amount of undeveloped land zoned "LC" at the intersection of Central and Greenwich Road, this request for a "spot" of "OC" zoning would appear to be inappropriate.
3. A recommendation of approval of the zone change by the Planning Commission should be subject to platting within one year from the date of approval of the zone change by the Board of County Commissioners, or the zone case be considered denied and closed; and that the resolution establishing the zone change not be published until the plat has been recorded with the Register of Deeds.

MOORE arrived.

GALBRAITH stated that staff's position was that this mile is either developed as residential or, in the future, will be developed as residential. Staff felt that it was inappropriate to grant either the conditional use application for a greenhouse or the request for "OC". To introduce that type of activity would be inappropriate. He said that if "OC" zoning is established on this frontage, then it becomes very difficult to deny other requests in the area. He said that both major street intersections were adequately zoned for the type of commercial activity that eventually would be needed to serve this area. He said that staff recommended that both cases be denied.

SPENCER DEPEW, attorney appearing for the applicants, stated that the purpose of the application was to establish a greenhouse to grow orchids and other exotic plants. He said that it was necessary to have

the zoning because of the possibility of an occasional retail sale. He said that Mr. McCoy, one of the applicants, was engaged in the oil business and he would not participate in this venture. The real applicant is Mrs. McCoy. He said that Mrs. McCoy loves plants and everything that she does has a touch of pride with it and this started out as a hobby. Her home has been on the garden tour numerous times. It is her desire to make this as attractive as her present home site. DEPEW said that this hobby has grown, and she needs a larger site for her hobby. He said that she also desires to sell these plants that are not otherwise available in the Wichita area. He felt that when this site was finished, it would be completely compatible with the neighborhood. However, they can not build the greenhouse without the conditional use permit in the "R-1" zoning. The front of the building would have the appearance of being a residence. There will be no need for electronic signs. There may be an occasional sale, but it will not generate any great amount of traffic. The market is very limited. DEPEW pointed out that the County zoning code says that the intent and purpose of "OC" zoning is to establish a use district that is limited to offices and limited retail and service uses which are considered compatible when adjacent to or near residential areas. He said it was their opinion that this is completely compatible with the surrounding area. The reason the applicants have asked for the 2.27 acres of "OC" zoning was to get the greenhouse and the head house back off of Central. The front of the head house is 200 feet north of Central.

MOTION: That Mr. Depew be granted an additional three minutes to finish his presentation. Bayouth moved, Peters seconded and it carried unanimously. Crockett was absent.

DEPEW stated that because of the fact that there might be an occasional sale, it was necessary that they ask for "OC" zoning on the front portion of the property. He said that the applicants were in agreement with the staff comments regarding platting.

HANSEN commented that Mr. Depew had painted a very persuasive picture of a very fine project that they should all be excited about. But their business on the bench was zoning, and Mr. Depew was asking them to intrude a spot zoning in the middle of an area that has not had that previously. Their concern is what that spot zoning might do in the future, no matter how handsome this proposal is. They also are concerned about other requests for "OC" up and down the block.

WILSON asked if the applicants would be interested in just getting the building zoned so they could make sales out of that building and never be able to expand.

DEPEW said that they would have no objections as long as they could get access to their building and perhaps a strip around it. He said that they had no need for "OC" zoning for the entire 2.27 acres.

PETERS said he was wondering how the applicants picked that piece of ground.

DEPEW said that they had been looking for a year and finally found this ten acre tract which was for sale in the estate of Lawrence O'Hara. The estate had to sell it, and the applicants bought it and proceeded to clear it.

GARDNER asked what happens if they down zoned to "R" Residential which allows nurseries or greenhouses under conditional uses.

GALBRAITH said that they could file a conditional use application under "R" zoning for a greenhouse. He said that "OC" zoning was needed for a floral shop, and "OC" zoning does not permit garden centers.

GARDNER stated that this strikes him as one of those travesties of regulations where they can't really draft an ordinance to meet all instances. He was reminded of his grandmother and her violets that she grew in her basement for pin and gardening money. He has always wondered how vigorously someone might have pursued a regulation case against her. He said that this seems like a case where there ought to be a simpler way to get from point A to point B instead of having to go with commercial zoning in there.

HANSEN said that it was her premise that the northeast area is one of their new growth areas, and they have an opportunity to do some fine zoning up there and not get into mixed uses that are going to continue the process that they have in some of the other neighborhoods in the city where they have been less discriminating. She said that this was a matter of principal. This is a beautiful proposal, and it was unfortunate that they are hung up, but when something like this is done then you open the door and the whole block goes. She said that this was a fast growth area and she could not believe they want to see other zoning proposals for more "OC" which should be far less benign than this one.

LAKIN said that if there was an occasional sale he could see how it could be compatible. But when they build a 5,000 square foot building separate and apart from the greenhouse for the sole purpose of doing something there, it strikes him as being more than just a building for an occasional sale. He said that is the basis of the conversation that staff has had with Mr. Depew. He felt that they were not really talking about sales but were probably moving into a much more intense use.

GARDNER said that they have had this discussion before and it is not a matter of whether or not it is a casual sale as much as it is the matter of an agricultural area in a suburban area where you find a wide mix of uses. Traditionally you will find in those areas fruit and produce stands as well as a range of items for sale from hay bales to livestock. Most of it is agricultural related, and he does not know what, in the last 20 years, greenhouses and nurseries did to get on the blacklist. They have managed to get themselves in a box as far as being able to exist in a decent zoning category without being categorized with other fairly heavy uses. He felt that they probably are more of an agricultural use.

R. W. HAYDEN, 11811 East Central, stated that the applicants have started to remodel and upgrade their property which makes the neighborhood look better. HAYDEN said that because most of the people in the neighborhood work, many of them are not present today. He said that he would present them with a petition with the signatures of everyone living within 1000 feet of this proposed change.

HAYDEN said that the applicants knew this was rural residential zoning when they bought the property. They are simply seeking to reap an economic windfall. HAYDEN said that the applicants have only owned this property a matter of months. He said that they were concerned about huge commercial operation where the sales office is five times the size of most homes in the area. At the time they made this purchase there was property for sale just west of Greenwich Road that was already zoned for commercial uses. If they were not trying to seek an economic windfall they would have bought that and established a greenhouse on land properly zoned, with no problem whatsoever. He said that if this request is granted, there was not a thing to stop the applicants from selling sheep manure, lawnmowers, and everything else that goes with a garden center.

MOTION: That Mr. Hayden be granted an additional three minutes to finish his presentation. Hansen moved, Wilson seconded and it carried unanimously. Crockett was absent.

HAYDEN urged that the Commission keep the area "R-1" Residential. He presented a petition to the Commission with signatures of 100 percent of the people occupying homes within 1000 feet of the proposed site.

CECELIA BALTHROP, 11220 East Central, stated that they owned property on the west and north sides of the site. She said that they have lived here since 1948, and in that length of time they could have plastered the 120 acres with everything from a service station to a retail nursery outlet. She felt that this is definitely spot zoning. She asked that the Commission not grant the commercial part of the zoning.

DON STEPHAN, 11906 East Central, stated that, he felt that if this request is approved additional requests will be filed. He said that he did not know why this area happens to get picked on like it does, maybe because it can be bought cheap. He asked that the Commission deny the request in the best interest of the area residents.

PEGGY KEPHART, 11800 East 3rd Street, stated that she has lived in Wichita almost five years. She has lived near heavy commercial in the Comotara area. Through their own choice they decided to move out to the country. She requested that the Commission leave the "R-1" zoning as is. She said that she would like to represent the younger people because they have children and she would like them to be able to live in a rural atmosphere without having to own a section.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the agricultural and low density residential character of the area; the residential zoning on adjacent property; the residential uses to the south and east; the opposition of area residents, and the recommendation of denial by staff; I move that we recommend to the governing body that the conditional use and zone change request not be approved. Hansen moved, Banzer seconded and it carried with a vote of 8 in favor (Hansen, Banzer, Bayouth, Chisholm, Goebel, Moore, Peters and Wilson) and 1 opposed (Gardner). Crockett was absent.

April 20, 1984

Mr. R. W. Hayden
11811 East Central
Wichita, Ks. 67206

Re: CU-269 - Conditional Use Permit to establish a
nursery & greenhouse & SCZ-0530 - "R-1" to "OC"

Dear Mr. Hayden:

The Planning Commission at its regular meeting of April 20, 1984,
considered the above-captioned cases, and their action was as indicated
on the attached letter.

We have received copies of the protest petitions submitted to the County
Clerk. Should other property owners within 1000 feet of the application
area desire to submit legal protest petitions, they must be submitted to
the Office of the County Clerk no later than 5:00 p.m., Monday, April 30,
1984.

If you have any questions concerning this matter, or need additional
protest petition forms, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad
Encl.

cc: Cecelia Balthrop, 11220 East Central, Wichita 67206
Don Stephan, 11906 East Central, Wichita 67206
Peggy Kephart, 11800 East 3rd, Wichita 67206

April 20, 1984

Spencer L. Depew, Attorney
721 1st National Bank Building
Wichita, Ks. 67202

Re: CU-269 - Conditional Use Permit to establish a
nursery & greenhouse & SCZ-0530 - "R-1" to "OC"

Dear MR. Depew:

At its regular meeting on April 19, 1984, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend that the conditional use and zone change request not be approved.

Subject cases will be forwarded to the Board of County Commissioners for consideration at their regular meeting at 9:00 a.m., on Wednesday, May 16, 1984, in Room 320, Sedgwick County Courthouse.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: Rosiland K. & John R. McCoy, 7217 Cresthill Court, Wichita 67206
R. W. Hayden, 11811 East Central, Wichita 67206
Cecelia Balthrop, 11220 East Central, Wichita 67206
Don Stephan, 11906 East Central, Wichita 67206
Peggy Kephart, 11800 East 3rd, Wichita 67206

PROTEST PETITION
SEDGWICK COUNTY ZONING CASE SCZ-0530, 11608 E. CENTRAL

We, the undersigned, residing in the vicinity of 11608 E. Central object to the establishment of a commercial greenhouse or nursery in our residential area. We further object to the requested "Spot Zoning" of a Commercial area completely within a residential neighborhood.

We respectfully urge the Metropolitan Planning Commission and the Sedgwick County Commission to deny the conditional use, and the zoning change requested.

We call to you attention the present owners knew the land was zoned R-1 Residential at the time of their recent purchase. Further, if present owners planned a commercial greenhouse, nursery, and retail sales in the area; that an area zoned commercial was for sale immediately west of Greenwich Road on Central, at the time the property at 11608 E. Central was purchased.

PLEASE KEEP OUR RESIDENTIAL NEIGHBORHOOD EAST OF GREENWICH ROAD ALL RESIDENTIAL. Respectfully submitted.

NAME	ADDRESS
<u>Ruth J. Lee</u>	<u>11811 E CENTRAL, WICHITA KS</u>
<u>Joseph K. Stephen</u>	<u>11906 E. Central, Wichita, ks.</u>
<u>Dr. E. Nye</u>	<u>11906 E. Central, Wichita, ks.</u>
<u>Richard D. Estus</u>	<u>12007 E. Central Wichita ks.</u>
<u>Grand J. Estes</u>	<u>12007 E. Central Wichita, KS</u>
<u>D. Corrally</u>	<u>11629 E Central</u>
<u>Shawn K. Melnyowski</u>	<u>11619 E. Central</u>
<u>William H. Kaldor</u>	<u>11221 E Central</u>
<u>Shirley A. Baldwin</u>	<u>11221 E Central</u>
<u>Janice Wainwright</u>	<u>11712 E Central</u>
<u>L. L. Wainwright</u>	<u>11712 E Central</u>
<u>Mary W. McDonough</u>	<u>11619 E. Central</u>
<u>Roy W. McDonough Sr</u>	<u>11619 E. Central</u>
<u>John W. Phillips</u>	<u>434 N ELLSON</u>
<u>Kathy Phillips</u>	<u>434 N. Ellson</u>
<u>Wm. E. Hart</u>	<u>414 N. ELLSON</u>
<u>Lucretia B. Hunt</u>	<u>414 N. Ellson</u>
<u>Harold P. Dech</u>	<u>314 N. Ellson</u>
<u>Andrea A. Montgomery</u>	<u>484 N. Ellson, Wichita 67206</u>
<u>MARIA BECKER</u>	<u>314 N. ELLSON</u>
<u>Linda S. Sharp</u>	<u>324 N. Ellson</u>
<u>Joseph B. Sharp</u>	<u>324 N. Ellson</u>
<u>VAUN B. MARKS</u>	<u>334 N. Ellson</u>
<u>Debbie Marks</u>	<u>334 N. Ellson</u>
<u>Angela D. Dumbach</u>	<u>ELLSON 400 N ELLSON</u>
<u>Kathryn L. Paulink</u>	<u>400 N E Ellson</u>
<u>Patrick M. McDonough</u>	<u>11619 E. Central</u>
<u>Cherise C. Schmeiseg</u>	<u>11808 E. Central</u>
<u>Lucas K. Hunt</u>	<u>11808 E Central</u>
<u>Leslie Paulink</u>	<u>11220 E. Central</u>
<u>William M. Galpin</u>	<u>11629 E Central</u>
<u>Cheryl A. Parks J</u>	<u>11225 E. 3rd</u>
<u>Ronald D. Litch</u>	<u>11815 E 3rd</u>
<u>Sandi S. Fitch</u>	<u>11815 E 3rd</u>
<u>Gregory A. Kiphan</u>	<u>11800 E. 3rd</u>
<u>Elois B. Hendrix</u>	<u>11826 E. 3rd</u>
<u>Wanda C. Spant</u>	<u>11801 E. 3rd</u>
<u>Betty Jean Epperson</u>	<u>11816 E. 3rd</u>

nursery, and retail sales in the area, that an area zoned commercial was for sale immediately west of Greenwich Road on Central, at the time the property at 11608 E. Central was purchased.

PLEASE KEEP OUR RESIDENTIAL NEIGHBORHOOD EAST OF GREENWICH ROAD ALL RESIDENTIAL. Respectfully submitted.

NAME	ADDRESS
Luzkyler	11811 E CENTRAL, WICHITA KS
Waquell L. Steyler	11906 E. Central, Wichita, Ks.
Dr. E. Steyer	11906 E. Central, Wichita, Ks.
Richard D. Estes	12007 E. Central Wichita, Ks.
Grand Estes	12007 E. Central Wichita, Ks.
L. Cavally	11629 E Central
Shawn K. McDonough	11619 E. Central
William H. Kulp	11221 E Central
Shirley A. Galton	11221 E Central
Jenida Winarott	11912 E Central
L.L. Waincott	11712 E Central
Mary V. McDonough	11619 E. Central
Ray M. Donough Jr	11619 E. Central
John M. Phillips	434 N ELLSON
Kathy P. Phillips	434 N. Ellson
John E. St. J	414 N. ELLSON
Cyrus S. Hunt	414 N. Ellson
Richard P. Beck	314 N. Ellson
Andrea S. Montgomery	424 N. Ellson, Wichita 67206
MARIA BECKER	314 N. BLSDN
Linda S. Sharp	324 N. Ellson
Donald S. Sharp	324 N. Ellson
LEVIN'S MARKS	334 N. Ellson
Debbie Marks	334 N. Ellson
August L. Lumbert	400 N ELLSON
Kathryn L. Lumbert	400 N ELLSON
Patrick M. Lumbert	400 N ELLSON
Cheresa C. Schmeisley	11619 E. Central
Joe Van K. Hunt	11808 E. Central
Kevin Balthrop	11808 E. Central
William M. Gilpin	11220 E. Central
Clinton A. Parks J	11629 E Central
Ronald D. Stehr	4725 E. 3rd
Sandi S. Stehr	11815 E 3rd
August A. Kephart	11800 E. 3 rd
Clara B. Hendrick	11826 E. 3 rd
Wanda C. Stewart	11800 E. 3rd
Betty Jean Esperson	11816 E. 3rd
Lois Ruth Esperson	11816 E. 3rd
Bob A. Hartman	424 N. Ellson
Henry J. Landwehr	11923 E. Central
Matilda C. Landwehr	11923 E. Central

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

CU-269 - CONDITIONAL USE PERMIT TO CONSTRUCT A GREENHOUSE
Generally located on the north side of Central in an
area approximately 1/4 mile east of Greenwich Road

MAPC HEARING DATE: 4-19-84

Acres: 1.89

Size: 250' x 330'

Reason: Construction of a greenhouse to grow orchids & exotic plants.

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

History: None

Applicant: John R. & Rosalind K. McCoy, 7217 Cresthill Court, Wichita 67206

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 operation, on an unplatted tract of land zoned "R-1" Suburban Residential, containing approximately 1.89 acres.

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 districts where such uses are deemed essential or desirable to the public convenience or welfare.

Greenhouses are permitted in the "R-1" district only as a conditional use and the retail sale of plants is not permitted. As an associated case, the applicant is requesting "OC" zoning which is the first district that permits a florist shop. The submitted site plan indicates the location of an approximate 40' x 80' greenhouse and a sales shop and parking nearer Central and in front of the greenhouse.

This property is located in a suburban residential area adjacent to municipal water and it is expected that the area will develop for residential uses in the future. Commercial activities should be encouraged to develop at major street intersections and not along the entire frontages of major streets. There are four properties of approximately the same width in this quarter section, and if "OC" can be justified for one ownership it is then difficult to deny for others. Staff believes that this is an inappropriate area to begin establishing greenhouses, florist shops and other "OC" and "LC" uses.

Should the Planning Commission determine that a greenhouse operation is an appropriate use for subject property and recommend approval of the request, it should be subject to the following conditions:

- a. Platting within one year from the date of approval by the Board of County Commissioners; or the case be considered denied and closed; and the resolution establishing the conditional use is not to be published until the plat is recorded.
 - b. There shall be no retail sales of plant material on the premises.
 - c. The use of the land shall be limited to agriculture and one greenhouse not exceeding 40' x 100'. Approval shall not be construed as permitting a garden center.
 - d. Any outdoor storage of material associated with the greenhouse 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, nor shall flashing or oscillating lights be permitted.
 - f. The owner, or occupant of the subject property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to water and sewer.
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Assoc. CU-269

CASE NO. SCZ-0530

13	"Notice to Adjoining Property Owners" mailed on 4-5-84 for MAPC meeting to be held on 4-19-84.
2	One each to Applicant and Agent.
3	One each to CPO, Karen Crook, Don Schneider.

18	TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

March 30, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

This is a notice of a request for a Conditional Use in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on April 19, 1984, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-269

Conditional Use Permit to Establish a Nursery and Greenhouse
Operation
on Property Zoned "R-1" Suburban Residential District

The north 250 feet of the south 550 feet of the following described tract:

Beginning at the southeast corner of the southwest quarter (SW $\frac{1}{4}$) of section 15, T. 27 S., R. 2E., 6th P.M.; Thence west 990 feet to the point of beginning; Thence north 1320 feet; Thence west 330 feet; Thence south 1320 feet; Thence east 330 feet to the point of beginning. Generally located on the north side of Central in an area approximately $\frac{1}{4}$ -mile east of Greenwich Road.

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

Robert A. Lakin
Secretary

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 11608 E. Central Wichita, KS.
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____, OR
B. ON THE North SIDE OF Central ^{in an area approximately 1/2 mile east of} (AVE.) STREET BETWEEN
Greenwich Road ~~(AVE.) STREET~~ AND ~~STREET~~ (AVE.) STREET East.

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

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

To allow construction by applicant of a greenhouse to grow orchids and exotic plants.

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 ABSTRACTOR'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 Rosalind K. McElroy BY John Roger McElroy
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 2:45
(AM, PM) on 3-27-84 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 200⁰⁰.

S. Lynn Shirley Name
J. Planner Title

OK
Beginning at the southeast corner of the southwest quarter (SW 1/4) of section 15, T. 27 S., R. 2E., 6th P.M.; Thence west 990 feet to the point of beginning; Thence north 1320 feet; Thence west 330 feet; Thence south 1320 feet; Thence east 330 feet to the point of beginning, ~~more particularly described as follows:~~

~~Commencing at the southeast corner of said SW 1/4 where found a 3/4" iron pipe in thimble; Thence S 89°03'33" W along the south line of said SW 1/4 a distance of 990.00 feet to the point of beginning; Thence S 89°03'33" W 330.00 feet; Thence N 0° 56'27" W 40.00 feet where set a 3/4" iron pipe; Thence continuing N 0°56'27" W 1280.00 feet where set a 3/4" iron pipe; Thence N 89°03'33" E 330.00 feet where set a 3/4" iron pipe; Thence S 0°56'27" E 1280.00 feet where set a 3/4" iron pipe; Thence continuing S 0°56'27" E 40.00 feet to the point of beginning; encompassing 10 acres, more or less;~~

FORM 5-021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	