



Wichita-Sedgwick County Metropolitan Area Planning Department

April 8, 2002

Il Sik Hong
8825 E. 31st St. S.
Wichita, KS 67207

FILE COPY

Re: CON2002-00020: An administrative adjustment to Condition of Approval "D" for CU-264 to allow a 1,600 square foot display area within a new 3,200 square foot greenhouse for the sale of items not grown on-site.

Legal Description: Lot 1, Block A, Hong's Village Addition, Sedgwick County, Kansas. Generally located south of 31st Street South, approximately one-half mile east of Rock Rd. (8825 E. 31st St. S.).

Dear Mr. Hong:

We have reviewed your request for an administrative adjustment to Condition of Approval "D" for CU-264. You state in your application that you desire construct a new 3,200 square foot greenhouse on the aforementioned property and that you desire to display for sale items not grown on-site in a 1,600 square foot area within the new greenhouse. You further state in your application that you currently have 3,480 square feet of building space and 5,376 square feet of outside display space on your property and that you estimate that 20% of the total existing space (or 1,771 square feet) is currently used for the display of items not grown on site. Since this is a violation of Condition of Approval "D" for CU-264, it is our understanding that you have applied for rezoning (ZON2002-00004) and a conditional use (CON2002-00019) to legally establish displaying for sale items not grown on site in these areas. We further understand that you have applied for this administrative adjustment for a 1,600 square feet of display area for items not grown on-site so that the new greenhouse can be constructed in time for the spring growing season, which will end prior to the processing of your rezoning and conditional use applications.

The Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to conditions of approval for Conditional Uses as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that allowing a 1,600 square foot display area within a new 3,200 square foot greenhouse for the sale of items not grown on-site meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The administrative adjustment modifies an operational restriction of an existing conditional use. Vehicular and pedestrian circulation will not be affected.

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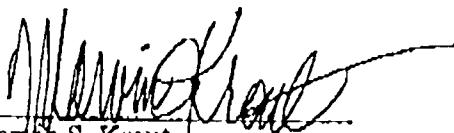
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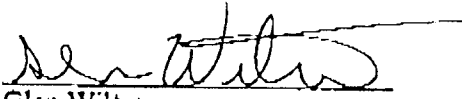
- 2) Impact on existing uses in surrounding areas: The proposed 1,600 square foot area for the sale of items not grown on-site is limited in scale when compared to the 10 acre site covered by CU-264. With such a limited space for the display of items not grown on-site, negative impacts on surrounding areas such as increased traffic should not result from the sale of items not grown on-site.
- 3) Compatibility with existing or permitted uses on abutting sites: Use of the subject property for a greenhouse has been found to be compatible with existing or permitted uses on abutting sites through the approval of CU-264. The compatibility with existing or permitted uses on abutting sites should not be reduced by allowing a 1,600 square foot area for the display of items not grown on-site.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an administrative adjustment to Condition of Approval "D" for CU-264 to allow a 1,600 square foot display area within a new 3,200 square foot greenhouse for the sale of items not grown on-site on the aforementioned property is hereby granted subject to the following conditions:

- 1) The display area for items not grown on site shall be limited to 1,600 square feet located within the 3,200 square foot "proposed greenhouse" as shown on the approved site plan.
- 2) The site shall be developed in general conformance with the approved site plan.
- 3) This administrative adjustment shall not be construed as legally establishing or permitting any other display area on the subject property for items not grown on site.
- 4) If the 1,600 square foot display area for items not grown on site shall be legally established through another means such as a rezoning or a conditional use, then this administrative adjustment shall be superseded and declared null and void.
- 5) All other conditions of approval for CU-264 shall be met.
- 6) Any violation of these conditions shall render the Administrative Adjustment null and void.

The zoning adjustment sign may now be removed from the property.


Marvin S. Krout
Planning Director


Glen Wiltse
Code Enforcement Director

Enclosure

cc: Kim Edgington, Austin Miller, Inc., 355 N. Waco, Suite 200, Wichita, KS 67202
Glen Wiltse, Sedgwick County Code Enforcement

