

CU-243 - Walter H. Martz requests Conditional Use Permit to Establish a Tree Farm (Nursery) on property zoned the "R" Rural Residential District. Generally located on the south side of 81st

Post 10-21-80

DATE

11-3-80

ACTION

approved

Valley Center P.C. COMMITTEE

*Applied and to 11-20-80
by-district 20 of pt own*

M.A.P.C.

*B.C.C./B. CO. C. Approved to 12-31-80
Recommends*

closed

Map No. 5157B
Sec. 35
Twp. 25S
Range 1W

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 243
Filed 10-15-80

ASSOCIATED CASE: D-0986

APPLICATION DATA: From _____ to _____

1. Applicant: Walter H. Martz
Address 1420 Burns, 67203 Phone 263-7923
2. Agent: Tim Martz
Address 1937 N. Kessler, 67203 Phone 942-2391
3. General Location: South side of 81st St. North, in an area between 39th and 55th Streets West. Address _____
4. Proposed Use: To establish a Tree Farm (Nursery) on property zoned "R" Rural Residential District.

AREA DATA:

- (IRREGULAR)
1. Acres: 11.93 (250 ft. by 1290 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FARM South UNDEVELOPED
West UNDEVELOPED North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: UNDEVELOPED
 6. Area (is) (is not) platted.

PROCEDURE DATA:

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

Date	Action
<u>11-3-80</u>	<u>V C P C approved</u>
<u>11-20-80</u>	<u>MAPC Agreed on to condition</u>

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

Date	Action	Resolution
<u>12-31-80</u>	<u>Agreed on Recommended</u>	<u>Jan 12, 1981</u>

NOTES:

C-243

Map No. 5157B
Sec. 35
Twp. 25S
Range 1W

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 243
Filed 10-15-80

ASSOCIATED CASE: _____

APPLICATION DATA: From _____ to _____

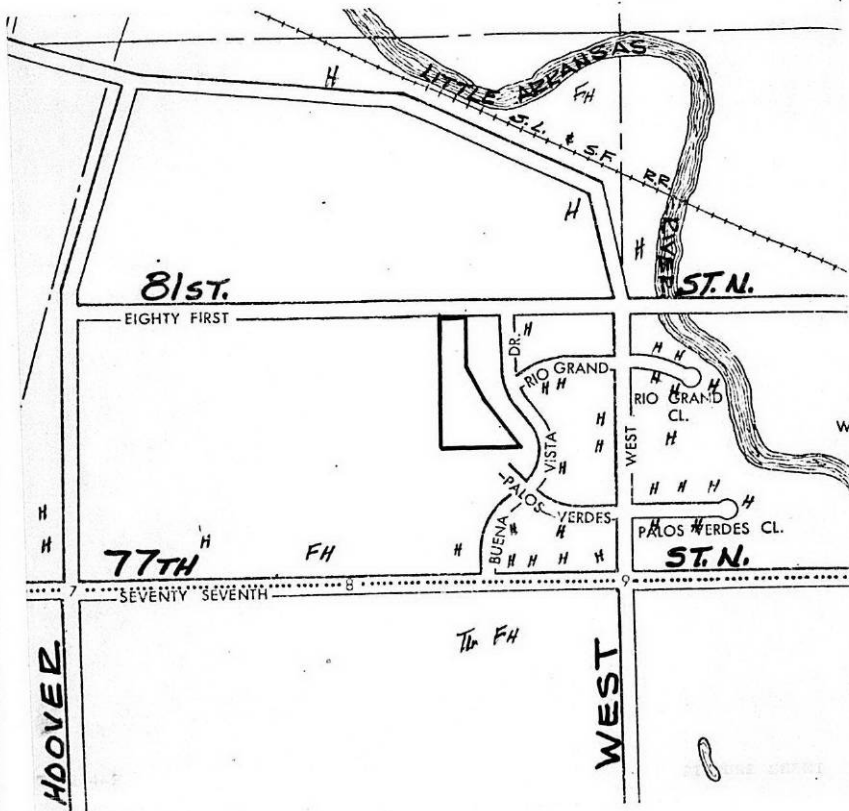
1. Applicant: Walter H. Martz Phone 263-7923
Address 1420 Burns, 67203
2. Agent: Tim Martz Phone 942-2391
Address 1924 N. Kessler, 67203
3. General Location: South side of 81st St. North, in an area between 39th and 55th Streets West. Address _____
4. Proposed Use: To establish a Tree Farm (Nursery) on property zoned "R" Rural Residential District.

AREA DATA:

1. Acres: 11.93 (250 ft. by 1290 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South UNDEVELOPED
West UNDEVELOPED North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: UNDEVELOPED
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



Map No. 5157B
 Sec. 35
 Twp. 25S
 Range 1W

DATA SHEET
 (ZONING & CONDITIONAL USE)

Z- _____
 SCZ- _____
 CU- 243
 Filed 10-15-80

ASSOCIATED CASE: _____

APPLICATION DATA: From _____ to _____

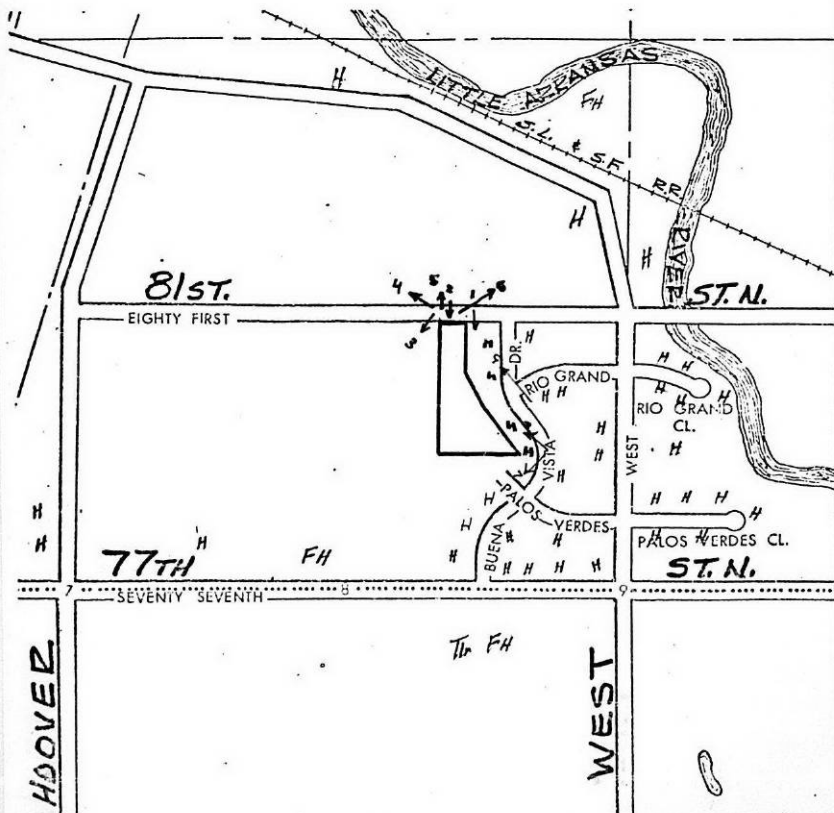
- Applicant: Walter H. Martz
 Address: 1420 Burns, 67203 Phone 263-7923
- Agent: Tim Martz
 Address: 1932 N. Kessler, 67205 Phone 942-2391
- General Location: South side of 81st St. North, in an area between 39th and 55th Streets West. Address _____
- Proposed Use: To establish a Tree Farm (Nursery) on property zoned "R" Rural Residential District.

AREA DATA:

- Acres: 11.93 (250 ft. by 1240 ft.) (IRREGULAR)
- Adjoining Zoning: E _____ S _____ W _____ N _____
- Land Use: East SINGLE FAM South UNDEVELOPED
 West UNDEVELOPED North UNDEVELOPED
- Sketch Plan Land Use is for: _____
- Present Land Use is for: UNDEVELOPED
- Area (is) (is not) platted. _____

PHOTO DATA:

Taken by (Signature) Date 10-29-80 Time 2 PM



CU 243 - Pictue Sheet

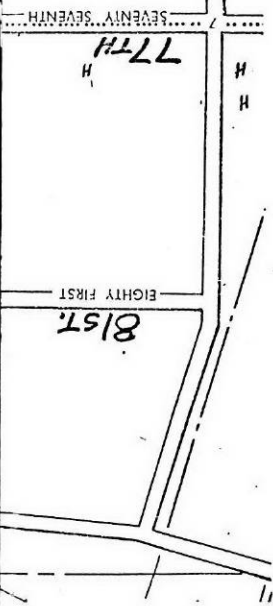
Map No. 5157B
 Sec. 35
 Twp. 25S
 Range 1W

APPLICATION DATA: From

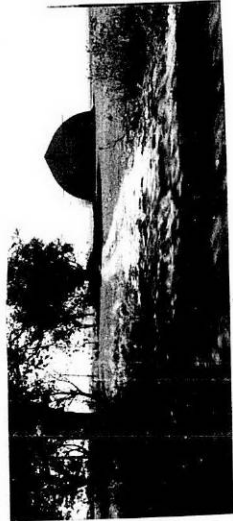
1. Applicant: Hiltner
2. Agent: Elm Hill
 Address: 1420 Duane
3. General Location: 1000 N.
 Address: 1000 N.
 and 55th
4. Proposed Use: To be Rural

- AREA DATA:
1. Acres: 11.9
 2. Adjoining Zoning:
 3. Land Use: East West
 4. Sketch Plan Land Use
 5. Present Land Use is
 6. Area (is) (is not):

PHOTO DATA:
 Taken by: *R*



1



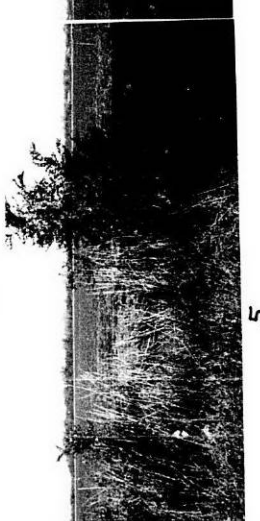
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3



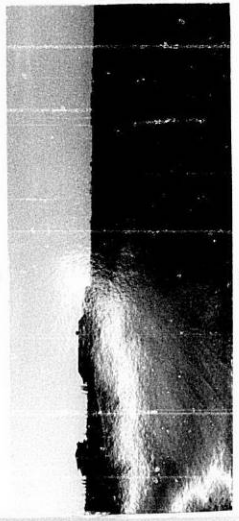
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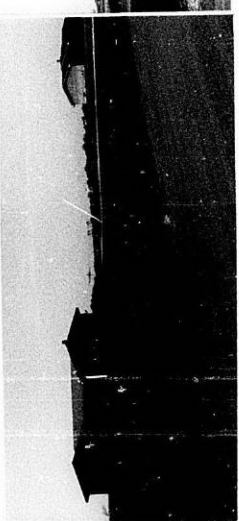
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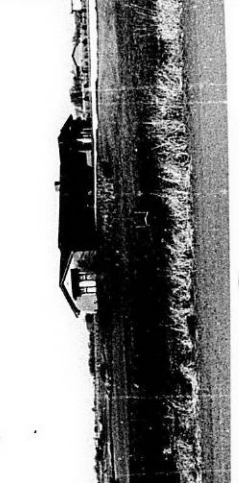
6



7



8



9

R#246-1980

MPPD

() Published in The Wichita Eagle-Beacon on Jan. 12, 1984

RESOLUTION

CASE NO. CU-243

A RESOLUTION PERMITTING A NURSERY OPERATION (TREE FARM) IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN 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 3.A.8.i AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF 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 3.A.8.i, and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow a nursery operation (tree farm) in the "R" Rural Residential District is hereby approved on the lands legally described as follows:

A tract of land generally located in the Southeast Quarter (SE/4) of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: From the Northeast Corner of said Southeast Quarter (NE/c SE/4), thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89°54'55" West, a distance of 1475.00 feet to the Point of Beginning; thence South 00°00'00" West, a distance of 580.00 feet; thence South 32°24'47" East, a distance of 373.17 feet; thence South 39°30'00" East, a distance of 549.69 feet; thence South 89°54'55" West, a distance of 797.72 feet; thence North 00°05'05" West, a distance of 1320.00 feet; thence North 89°54'55" East, a distance of 250.00 feet to the Point of Beginning. Generally located on the south side of 81st Street North, in an area between 39th and 55th Streets West.

SUBJECT TO THE FOLLOWING:

- A. The applicant shall dedicate by separate instrument the south 20 feet of the north 50 feet of subject property for street right-of-way purposes.
- B. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 81st Street North.

- C. The use of land shall be limited to residential, agricultural and nursery purposes.
- D. Sales shall include only plant materials grown on subject property and such sales may be either retail or wholesale in nature. Approval shall not be construed as permitting a garden center.
- E. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.
- F. No signs shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated, nor shall flashing or oscillating lights be permitted. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.
- G. A minimum of twelve off-street parking spaces shall be provided on the site. The parking and loading area shall be paved or otherwise surfaced with an all weather surface treated to prevent dust.

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.

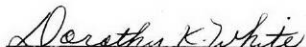
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 31st day of December, 1920.


Everett Patrick, Chairman


Tom Scott, Commissioner

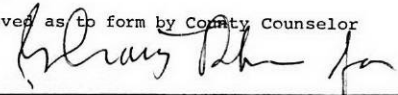

Donald E. Gragg, Commissioner

ATTEST:


Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor


James W. Pattinson, Assistant County Counselor

Form T9-221A

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-243

CONSIDERED BY VCPC: 11-03-80 *Approved*
CONSIDERED BY MAPC: 11-20-80

REQUEST FOR: Conditional Use Permit
for a nursery operation (tree farm)

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To grow trees - to be sold at a later date, mostly wholesale,
but with some retail sales."

GENERAL LOCATION: South side of 81st Street North in an area between
39th and 55th Streets West.

LEGAL DESCRIPTION:

(see excerpt of Planning Commission minutes of
November 20, 1980)

APPLICANT: Walter H. Martz, 1420 Burns.

AGENT FOR APPLICANT: Tim Martz, 1932 N. Kessler.

PROTESTORS (LIST COUNSEL) IF ANY: None

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

LAND USE: Existing, Barn & undeveloped; North, South and West, Undeveloped;
East, Single-family & undeveloped.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to conditions as shown in
excerpt from Planning Commission minutes of November 20, 1980. Martens
moved, Wright seconded and it carried unanimously. Hennessy, Jones,
Lofton and Shook were absent.

-
- ACTION: 1. Accept the dedication, concur with the findings of fact of
the Metropolitan Area Planning Commission, approve the application
subject to the recommended conditions, adopt a resolution establishing
the Conditional Use; or
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 20, 1980

25. Case No. CU-243 - Walter H. Martz requests a Conditional Use Permit for a tract of land generally located in the Southeast Quarter of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:
From the Northeast Corner of said Southeast Quarter;
thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89° 54' 55" West, a distance of 1475.00 feet to the Point of Beginning;
thence South 00° 00' 00" West, a distance of 580.00 feet;
thence South 32° 24' 47" East, a distance of 373.17 feet;
thence South 39° 30' 00" East, a distance of 549.69 feet;
thence South 89° 54' 55" West, a distance of 797.72 feet;
thence North 00° 05' 05" West, a distance of 1320.00 feet;
thence North 89° 54' 55" East, a distance of 250.00 feet to the Point of Beginning. Generally located on the south side of 81st Street North, in an area between 39th and 55th Streets West.

GALBRAITH 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 tree farm (nursery) operation on a tract of land zoned "R" Rural Residential containing approximately 11.9 acres and occupied in part by a barn.

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 as outlined in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.
2. Should the Planning Commission determine that this is a logical and proper use for subject property and recommend approval of the request, it should be approved subject to the following conditions:
 - A. The applicant shall dedicate by separate instrument the south 20 feet of the north 50 feet of subject property for street right-of-way purposes.
 - B. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 81st Street North.
 - C. The use of land shall be limited to residential, agricultural and nursery purposes.
 - D. Sales shall include only plant materials grown on subject property and such sales may be either retail or wholesale in nature. Approval shall not be construed as permitting a garden center.
 - E. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.

- F. No signs shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated, nor shall flashing or oscillating lights be permitted. The sign shall not exceed six (6) feet in height and shall not exceed sixteen (16) square feet on one surface with a maximum of two surfaces, back to back, being permitted.
- G. A minimum of twelve (12) off-street parking spaces shall be provided on the site. The parking and loading area shall be paved or otherwise surfaced with an all weather surface treated to prevent dust.

GALBRAITH recommended to the Commission that they might consider enlarging the size of the sign. He pointed out that at the last meeting on a similar case, questions were raised by several of the Commissioners regarding the 16 square foot size sign. The staff advised at that meeting that the applicant was satisfied with the size and then prior to the County Commission considering the case the applicant had asked that the sign be enlarged to 20 square feet. GALBRAITH said that the staff had no problem with that and the County Commission granted the request. GALBRAITH recommended that item F of the staff report be changed to keep the signs compatible with each other by increasing the size of the sign from 16 to 20 square feet, and he recommended approval of the case subject to the conditions. He said that Valley Center also recommended approval of the case, and no one was in attendance at their meeting in opposition.

There was no one present in opposition to the application.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into account the character of the neighborhood, the zoning and uses of nearby properties and considering the recommendation of staff; I move that we recommend to the County Commissioners that this application be approved subject to the following conditions:

- A. The applicant shall dedicate by separate instrument the south 20 feet of the north 50 feet of subject property for street right-of-way purposes.
- B. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 81st Street North.
- C. The use of land shall be limited to residential, agricultural and nursery purposes.
- D. Sales shall include only plant materials grown on subject property and such sales may be either retail or wholesale in nature. Approval shall not be construed as permitting a garden center.
- E. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.
- F. No signs shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated, nor shall flashing or oscillating lights be permitted. The sign shall not exceed six feet in height and shall not exceed twenty square feet on one surface with a maximum of two surfaces, back to back, being permitted.

- G. A minimum of twelve off-street parking spaces shall be provided on the site. The parking and loading area shall be paved or otherwise surfaced with an all weather surface treated to prevent dust.

Martens moved, Wright seconded and it carried unanimously. Hennessy, Jones, Lofton and Shook were absent.

DEDICATION

D-0986

(Assoc CU-243)

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Walter H. Martz

being the owner of the following described real estate in Sedgwick County, Kansas, to wit: South 20 feet of the north 50 feet of the following: a tract of land generally located in the Southeast Quarter (SE/4) of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: From the Northeast Corner of said Southeast Quarter (NE/c SE/4), thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89° 54' 55" West, a distance of 1475.00 feet to the Point of Beginning; thence South 00° 00' 00" West, a distance of 580.00 feet; thence South 32° 24' 47" East, a distance of 373.17 feet; thence South 39° 30' 00" East, a distance of 549.69 feet; thence South 89° 54' 55" West, a distance of 797.72 feet; thence North 00° 05' 05" West, a distance of 1320.00 feet; thence North 89° 54' 55" East, a distance of 250.00 feet to the Point of Beginning.

does hereby dedicate the above described real estate to the public for

_____ street _____ purposes.

Executed this 9th day of December 19 80.

Walter H. Martz

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 9th day of December, 1980,

came Walter H. Martz

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

~~Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,
this _____

City Clerk~~

Richard W. Yadon
Notary Public

My Commission Expires: March 22, 1983



December 8, 1980

Walter H. Martz
1420 Burns
Wichita, Kansas 67203

Re: Permit establishment of
Tree Farm (Nursery zoned "R"
- South side of 81st Street
North, in an area between
39th & 55th Streets West)

Dear Mr. Martz:

Our letter to you dated November 24, 1980 advised that the above-captioned case would be scheduled for consideration by the County Commission on December 17, 1980. Our policy has been not to schedule items before the County Commission until the required additional street right-of-way has been submitted to our office. Our letter failed to furnish you those forms.

Attached is the necessary form that should be executed and returned to our office at your earliest convenience. This case will not be scheduled for consideration by the County Commissioners until the forms are received. I am sorry for any inconvenience this may have caused you. If you have any questions, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: Tim Martz, 1932 North Kessler, Wichita, Ks. 67203
Syd Werbin, County Zoning Officer

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, _____

being the owner of the following described real estate in Sedgwick County, Kansas, to wit: South 20 feet of the north 50 feet of the following: a tract of land generally located in the Southeast Quarter (SE/4) of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: From the Northeast Corner of said Southeast Quarter (NE/c SE/4), thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89° 54' 55" West, a distance of 1475.00 feet to the Point of Beginning; thence South 00° 00' 00" West, a distance of 580.00 feet; thence South 32° 24' 04.7" East, a distance of 373.17 feet; thence South 39° 30' 00" East, a distance of 549.69 feet; thence South 89° 54' 55" West, a distance of 797.72 feet; thence North 00° 05' 05" West, a distance of 1320.00 feet; thence North 89° 54' 55" East, a distance of 250.00 feet to the Point of Beginning.

do hereby dedicate the above described real estate to the public for _____ street _____ purposes.

Executed this _____ day of _____ 19 _____.

STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this _____ day of _____, came _____

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,
this _____,

City Clerk

Notary Public
My Commission Expires: _____

November 24, 1980

Walter H. Marts
1420 Burns
Wichita, Kansas 67203

Re: Permit establishment of Tree
Farm (Nursery zoned "R" -
South side of 81st Street North,
in an area between 39th & 55th
Streets West

Dear Mr. Marts:

At its regular meeting of November 20, 1980, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to recommend approval subject to the following conditions:

- a. The applicant shall dedicate by separate instrument the south 20 feet of the north 50 feet of subject property for street right-of-way purposes.
- b. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 81st Street North.
- c. The use of land shall be limited to residential, agricultural and nursery purposes.
- d. Sales shall include only plant materials grown on subject property and such sales may be either retail or wholesale in nature. Approval shall not be construed as permitting a garden center.
- e. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.
- f. No signs shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated, nor shall flashing or oscillating lights be permitted. The sign shall not exceed six (6) feet in height and shall not exceed twenty (20) square feet on one surface with a maximum of two surfaces, back to back, being permitted.

- g. A minimum of twelve (12) off-street parking spaces shall be provided on the site. The parking and loading area shall be paved or otherwise surfaced with an all weather surface treated to prevent dust.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, December 17, 1980, in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: Tim Marts, 1932 North Kessler, Wichita, Ks. 67203
Syd Werbin, County Zoning Officer

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

CASE No. CU-243 To BE HEARD BY THE M. A. P. C. ON November 20, 1980

REQUEST FOR Conditional Use Permit for a Nursery Operation (Tree Farm).

REASON FOR REQUEST (AS PROVIDED BY PETITIONER): To grow trees - to be sold at a later date, mostly wholesale, but with some retail sales.

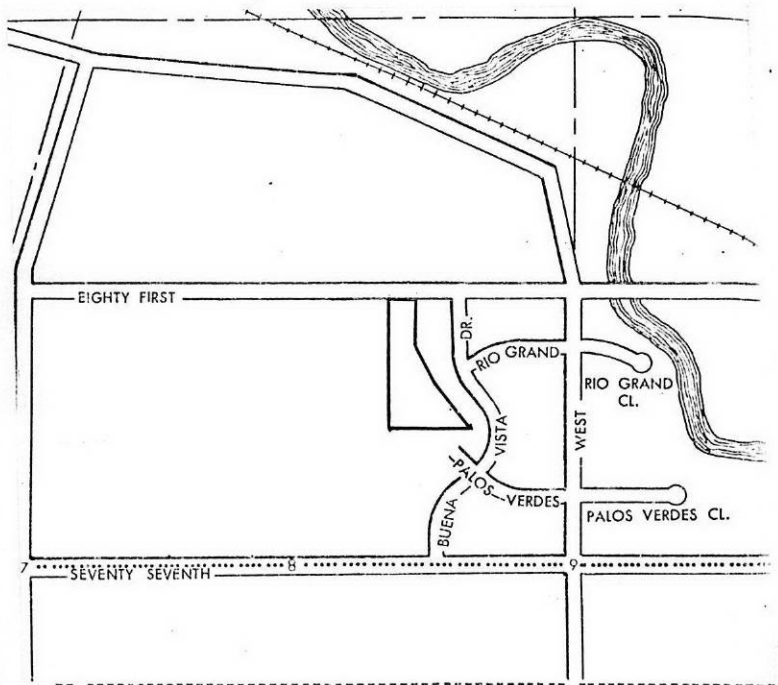
LOCATION OF PROPERTY: South side of 81st Street North, in an area between 39th and 55th Streets West.

LEGAL DESCRIPTION OF PROPERTY:

See legal description attached hereto, contained in "Notice to Adjoining Property Owners".

APPLICANT: Walter H. Martz
ADDRESS: ~~140~~ Burns, Wichita, Kansas 67203
1420

AGENT FOR APPLICANT: Tim Martz
SURROUNDING LAND USE: North, South & West: Undeveloped; East: Single Family and Undeveloped.



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

RECEIVED

OCT 29 1980

VALLEY FARMS INC.
P. O. BOX 118
WICHITA, K.S. 67201

METROPOLITAN PLANNING
ROUTE *Get Note*
 Edie File

October 28, 1980

Mr. Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission
City Hall, Tenth Floor
455 North Main St.
Wichita, KS 67202

Gentlemen:

Re: Case No. CU-243

We have received notice of a Conditional Use Permit application
in regard to property that joins us West of Valley Center.

We are acquainted with the applicants and feel that their in-
tended use of the land as a tree farm will be compatible with
the adjoining property. We own approximately 300 acres join-
ing their tract of land on the South and the West and we hope
that you will give favorable consideration to their request.

Yours very truly,

VALLEY FARMS, INC.

Richard A. DeVore
Richard A. DeVore
President

RAD:lh

AFTER FIVE DAYS RETURN TO
POST OFFICE BOX 118
WICHITA, KANSAS 67201



Mr. Robert A. Lakin, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission
City Hall, Tenth Floor
455 North Main St.
Wichita, Ks 67202

CU-243 - 19 "Notice to Adjoining Property Owners" mailed 10-24-80 for
the Valley Center City Planning Commission meeting for
11-3-80 and the MAPC meeting for 11-20-80.

The following received NOTICE, STAFF REPORT & REFERRAL SHEET:

1	Applicant
1	Agent
9	Valley Center Commissioners
1	City Clerk
1	Assistant City Clerk
1	Joe Freeman, Acting County Director, Dept. of Pub. Works.
<hr/>	
33	TOTAL

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

October 24, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

NOTICE IS HEREBY GIVEN that on Monday, November 3, 1980, at 7:30 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-243

Conditional Use Permit for a Nursery Operation (Tree Farm)
on Property Zoned "R" Rural Residential District

A tract of land generally located in the Southeast Quarter (SE/4) of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: From the Northeast Corner of said Southeast Quarter (NE/c SE/4), thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89°54'55" West, a distance of 1475.00 feet to the Point of Beginning; thence South 00°00'00" West, a distance of 580.00 feet; thence South 32°24'47" East, a distance of 373.17 feet; thence South 39°30'00" East, a distance of 549.69 feet; thence South 89°54'55" West, a distance of 797.72 feet; thence North 00°05'05" West, a distance of 1320.00 feet; thence North 89°54'55" East, a distance of 250.00 feet to the Point of Beginning. Generally located on the south side of 81st Street North, in an area between 39th and 55th Streets West.

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, which begins at 1:30 p.m., Thursday, November 20, 1980, 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 the said Wichita-Sedgwick County Metropolitan Area Planning Commission and all persons interested in said matter will be heard at this time concerning their views 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 and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

VCPC HEARING DATE: 11-03-80
MAPC HEARING DATE: 11-20-80

Case No. CU-243 Request: Conditional Use Permit for a nursery operation (tree farm)

Location: South side of 81st Street North in an area between 39th and 55th Streets West.

Reason: To grow trees - to be sold at a later date, mostly wholesale, but with some retail sales.

Acres: 11.9 Size: 250' x 1280' (irregular shape)

	<u>Land Use</u>	<u>Zoning</u>
Existing	Barn & undeveloped	"R"
North	Undeveloped	"R"
East	Single-family & undeveloped	"R"
South	Undeveloped	"R"
West	Undeveloped	"R"

Existing R/W - 81st Street North - half - 30 feet Platted: No

Proposed R/W - 81st Street North - half - 50 feet 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 tree farm (nursery) operation on a tract of land zoned "R" Rural Residential containing approximately 11.9 acres and occupied in part by a barn.

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 as outlined in the various districts where such uses are deemed essential or desirable to the public convenience or welfare.

2. Should the Planning Commission determine that this is a logical and proper use for subject property and recommend approval of the request, it should be approved subject to the following conditions:
 - A. The applicant shall dedicate by separate instrument the south 20 feet of the north 50 feet of subject property for street right-of-way purposes.
 - B. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 81st Street North.
 - C. The use of land shall be limited to residential, agricultural and nursery purposes.
 - D. Sales shall include only plant materials grown on subject property and such sales may be either retail or wholesale in nature. Approval shall not be construed as permitting a garden center.

- F. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.
- F. No signs shall be permitted except to advertise the uses herein permitted. No signs shall be illuminated, nor shall flashing or oscillating lights be permitted. The sign shall not exceed six (6) feet in height and shall not exceed sixteen (16) square feet on one surface with a maximum of two surfaces, back to back, being permitted.
- G. A minimum of twelve (12) off-street parking spaces shall be provided on the site. The parking and loading area shall be paved or otherwise surfaced with an all weather surface treated to prevent dust.

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

CASE No. CU-243 TO BE HEARD BY THE M. A. P. C. ON November 20, 1980

REQUEST FOR Conditional Use Permit for a Nursery Operation (Tree Farm).

REASON FOR REQUEST (AS PROVIDED BY PETITIONER): To grow trees - to be sold
a later date, mostly wholesale, but with some retail sales.

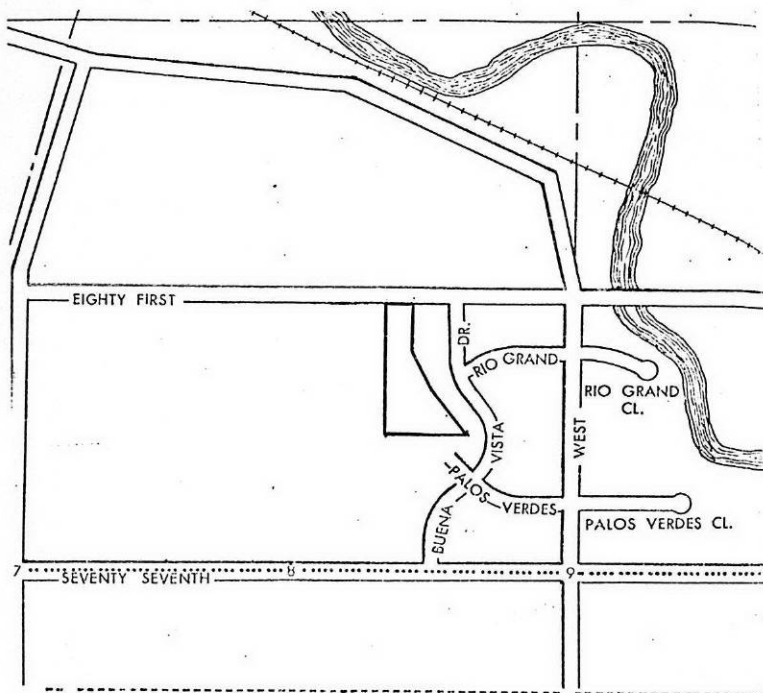
LOCATION OF PROPERTY: South side of 81st Street North, in an area between
39th and 55th Streets West.

LEGAL DESCRIPTION OF PROPERTY:

See legal description attached hereto, contained in
"Notice to Adjoining Property Owners".

APPLICANT: Walter H. Martz
Address: 140 Burns, Wichita, Kansas 67203

AGENT FOR APPLICANT: Tim Martz
SURROUNDING LAND USE: North, South & West: Undeveloped; East: Single
Family and Undeveloped.



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

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

*Vc PC Nov. 3
MFC Nov. 20
applicant agreed
Map 5157B
T25 S
R1W*

CU-243

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.

*advertis
Oct 28/29
mail notices
Oct 28*

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 Walter H. Martz
ADDRESS 1420 Burns, Wichita, KS 67203 PHONE 263-7923

AGENT Tim Martz
ADDRESS 1932 N. Kessler, Wichita, KS 67203 PHONE 942-2391

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 tree farm (nursery)

(use)

on property legally described as Lot(s) N/A (see attached sheet)

RE: A tract of land generally located in the Southeast Quarter (SF/4) of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

*Use legal
from ownership
list*

From the Northeast corner of said Southeast Quarter (NE/c SE/4), thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89° 54' 55" West, a distance of 1475.00 feet to the Point of Beginning; thence South 00° 00' 00" West, a distance of 580.00 feet; thence South 32° 24' 47" East, a distance of 373.17 feet; thence South 39° 30' 00" East, a distance of 549.69 feet; thence South 89° 54' 55" West, a distance of 797.72 feet; thence North 00° 05' 05" West, a distance of 1320.00 feet; thence North 89° 54' 55" East, a distance of 250.00 feet to the Point of Beginning; said tract containing 11.925 acres more or less.

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

CU-243
KC PC Nov. 3
MAPC Nov. 20
applicant agreed
Map 5157B
755
RIW

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.

advertising
Oct 28, 29
mail notices
00 28

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.

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ADDRESS 1420 Burns, Wichita, KS 67203 PHONE 263-7923
AGENT Tim Martz
ADDRESS 1932 N. Kessler, Wichita, KS 67203 PHONE 942-2391
- 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 tree farm (nursery)
_____ (use)
on property legally described as Lot(s) N/A (see attached sheet)
_____, Block(s) N/A
of the _____ N/A Addition.

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

2. b. There are 11.9 acres (round to nearest tenth) in the above described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 1 1/4 miles West of Valley Center, KS
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE N/A CORNER OF N/A AND
N/A, OR

B. ON THE South SIDE OF 81st N. (AVEC) STREET ^{in an area} BETWEEN
39th W. (AVEC) STREET AND 55th W. (AVEC) STREET.

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

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

To grow trees - to be sold at a later date,
mostly wholesale, but with some retail sales.

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.

Walter H. Martz 10/15/00
Walter H. Martz

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

BY _____
AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

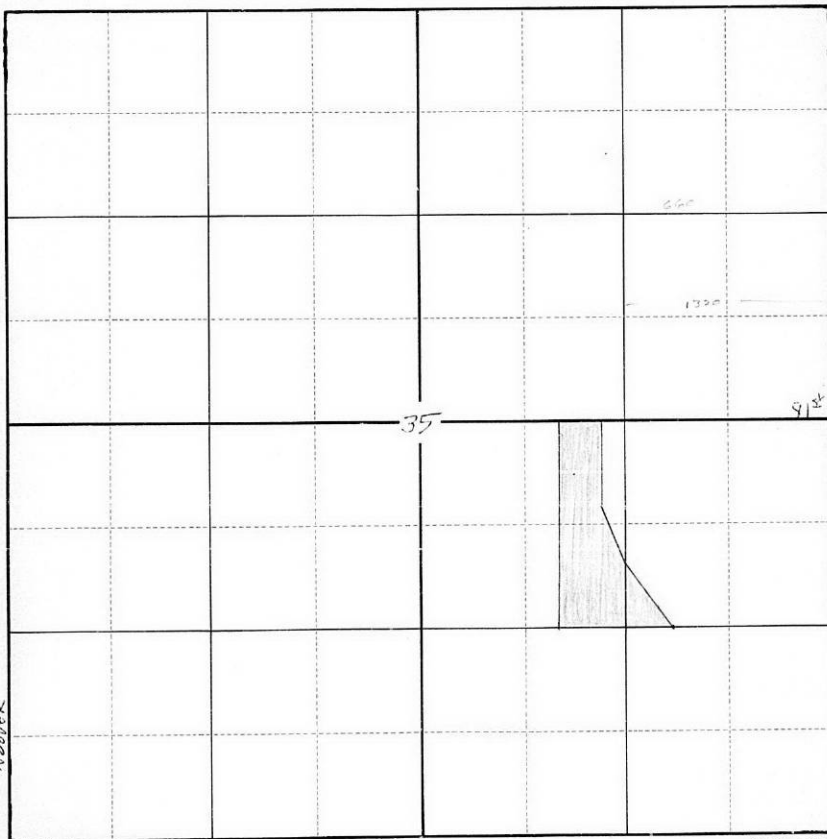
This application was received at the Planning Department at _____
(AM, PM) on _____ (day, month, year). It has been checked and
found to be complete and accompanied by required documents and the appropriate
fee of \$ _____.

Name

Title

Walter H. Martz Ofc. Ph. 263-6025
Ofc. 314 Century Plaza Bldg Res. - 263-7923
Wichita, Ks
Res. 1420 Burns, 67203

Township 25 S Range 1 W County Sedgewick State Ks *72*



FORM 45-B
770

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

Use for legal

Record Owners within 500 feet of: [A tract of land generally located in the Southeast Quarter (SE/4) of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: From the Northeast Corner of said Southeast Quarter (NE/c SE/4), thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89° 54' 55" West, a distance of 1475.00 feet to the Point of Beginning; thence South 00° 00' 00" West, a distance of 580.00 feet; thence South 32° 24' 47" East, a distance of 373.17 feet; thence South 39° 30' 00" East, a distance of 549.69 feet; thence South 89° 54' 55" West, a distance of 797.72 feet; thence North 00° 05' 05" West, a distance of 1320.00 feet; thence North 89° 54' 55" East, a distance of 250.00 feet to the Point of Beginning] ~~said tract containing 11.925 acres more or less.~~



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTION

A tract of land generally located in the Southeast Quarter (SE/4) of Section 35, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows: From the Northeast corner of said Southeast Quarter (NE/c SE/4), thence Westerly, along the North line of said Southeast Quarter, on an assumed bearing of South 89° 54' 55" West, a distance of 1475.00 feet to the Point of Beginning; thence South 00° 00' 00" West, a distance of 580.00 feet; thence South 32° 24' 47" East, a distance of 373.17 feet; thence South 39° 30' 00" East, a distance of 549.69 feet; thence South 89° 54' 55" West, a distance of 797.72 feet; thence North 00° 05' 05" West, a distance of 1320.00 feet; thence North 89° 54' 55" East, a distance of 250.00 feet to the Point of Beginning;

OWNERS

✓ Walter H. Martz
 314 Century Plaza
 Building
 Wichita, Kansas
 67202



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 4, Block 1,	RANCHOS DEL REO 2ND	John A. & Rebecca J. Oliver ✓ 8146 Buena Vista Dr. Wichita, Kansas 67205
Lot 5, Block 1,	RANCHOS DEL REO 2ND	Thomas J. & Vee L. Williams ✓ 8124 Buena Vista Dr. Wichita, Kansas 67205
Lot 6, Block 2,	RANCHOS DEL REO 2ND	Donald L. & Sandra K. Wille ✓ 4215 Rio Grande Wichita, Kansas 67204
Lot 7, Block 2,	RANCHOS DEL REO 2ND	Willi J. & Donna Jean Rickert ✓ 8016 Buena Vista Dr. Wichita, Kansas 67205
Lot 8, Block 2,	RANCHOS DEL REO 2ND	Burl G. & Darlene Anderson ✓ 7948 Buena Vista Dr. Wichita, Kansas 67205
Lot 9, Block 2,	RANCHOS DEL REO 2ND	Robert L. & Vickey S. Ulrich ✓ 4130 Palos Verdes Wichita, Kansas 67205
Lot 1, Block 4,	RANCHOS DEL REO 2ND	Albert J. & Barbara J. Koster ✓ 315 North Colby Ave. Valley Center, Kansas 67147
Lot 1, Block 5,	RANCHOS DEL REO 2ND	Kenneth L. & Mary C. Seward ✓ 8147 Buena Vista Dr. Wichita, Kansas 67205
Lot 2, Block 5,	RANCHOS DEL REO 2ND	William T. & Winifred D. Brandt ✓ 8125 Buena Vista Dr. Wichita, Kansas 67205
Lot 3, Block 5,	RANCHOS DEL REO 2ND	Julius M. & Emily L. Bourk ✓ 8101 Buena Vista Dr. Wichita, Kansas 67205



LOTS AND BLOCKS

ADDITION

OWNERS

Lot 4, Block 5, RANCHOS DEL REO 2ND

Billy D. & Martha
J. Breaker
✓ 8041 Buena Vista Dr.
Wichita, Kansas
67205

Lot 5, Block 5, RANCHOS DEL REO 2ND

Ronnie D. & Donna J.
Rowe
✓ 8005 Buena Vista Dr.
Wichita, Kansas
67205

Lot 6, Block 5, RANCHOS DEL REO 2ND

Harold Lee, Jr. &
Shirley Sue Ragland
✓ 7951 Buena Vista Dr.
Wichita, Kansas
67205

East Half of the Northeast Quarter
except the East 270 feet of Section
35, Township 25 South, Range 1 West,
lying South of the Center Line of
Country Road Right of Way and South
of Railroad Right of Way, Sedgwick
County, Kansas.

Valley Seeds, Inc.
Resident Agent
✓ Claire E. Evans
R.R. #1
Valley Center,
Kansas 67147

West Half of the Northeast Quarter
of Section 35, Township 25 South,
Range 1 West,

✓ Julia K. Garrison
#12 Norfolk Drive
Wichita, Kansas
67208

Southeast Quarter except that part
platted as Ranchos Del Rio 2nd Addition
and except a tract beginning 1475 feet
West of the Northeast Corner of the
Southeast Quarter for a point of
beginning; thence South 580 feet; thence
South 32° 24' 47" East, 373.17 feet;
thence South 39° 30' 00" East, 549.69
feet; thence South 89° 54' 55" West,
797.72 feet; thence North 1320 feet;
thence East 250 feet to the point of
beginning, all in Southeast Quarter of
Section 35, Township 25 South, Range
1 West, Sedgwick County, Kansas.

Valley Farms, Inc.
Resident Agent
✓ Richard A. Devore
1199 East Central
Wichita, Kansas
67214

DATED at Wichita, Kansas, this 14th day of October, 1980 at
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *C. E. Bud Rudder*
Vice President

Tracer No. 51976



FORM 20-021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
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	
11/1/50	[Signature]	