

CU-273 - James W. Rich & C.J. VanWyngharden request conditional use permit to establish a nursery on the west side of 31st St. West in an area south of 31st Street South.

POSTED 11-7-84  
GREY ATLAS I KID  
PAGE IV

ACTION

DATE

COMMITTEE	APPROVED FOR STAFF COMMENTS	DATE
Goodland P.C.		11-28-84
M.A.P.C.	Approved for staff condition	11-28-84
B.C.C./B.C.C.C.	Approved as recommended report follows	11-28-84

4043A

closed



Map No. 4043 A  
Sec. \_\_\_\_\_  
Twp. \_\_\_\_\_  
Range \_\_\_\_\_

DATA SHEET  
(ZONING & CONDITIONAL USE)

Z- \_\_\_\_\_  
SCZ- \_\_\_\_\_  
CU- 273  
Filed \_\_\_\_\_

ASSOCIATED CASE: \_\_\_\_\_

APPLICATION DATA: From \_\_\_\_\_ to \_\_\_\_\_

1. Applicant: James W. Rich and C. J. VanWyngarden  
Address: 3261 South 215th Street West, Goddard, KS. Phone 794-8035
2. Agent: SAME  
Address \_\_\_\_\_ Phone \_\_\_\_\_
3. General Location: On the west side of 215th Street West in an area south of  
31st Street South.
4. Proposed Use: \_\_\_\_\_

AREA DATA:

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

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

R#233-1984

( ) Published in The Daily Reporter on Dec. 19, 1984

RESOLUTION

CASE NO. CU-273

A RESOLUTION TO ESTABLISH A NURSERY 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 11.F OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

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

SECTION 1. 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 11.F of the Zoning Resolution, a Special Permit to allow a nursery in the "R" Rural Residential District is hereby approved on the lands legally described as follows:


A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the east line of said Northeast 1/4 which is 611.37 feet south of the northeast corner of said Northeast 1/4; thence south along the east line of said northeast quarter, on an assumed course of south 00°00'00" west, a distance of 270.25 feet; thence south 89°36' west, a distance of 480 feet; thence north 00° 00' east, a distance of 270.25 feet; thence north 89°36' east, a distance of 480 feet, to the point of beginning. Generally located on the west side of 215th Street West in an area south of 31st Street South.

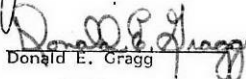
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- a. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 215th Street West.
- b. The use of land shall be limited to residential, agricultural and nursery purposes.
- c. Sales shall 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.
- d. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.

- e. 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.

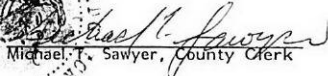
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 28<sup>th</sup> day of November, 1984.

 Chairman

 Commissioner

 Commissioner



  
Michael T. Sawyer, County Clerk

(SEAL)

Approved as to form by County Counselor

  
William D. Rustin, County Counselor

RESOLUTION

CASE NO. CU-273

11/28/84

A RESOLUTION TO ESTABLISH A NURSERY 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 11.F OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

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

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SUBJECT TO THE FOLLOWING:

- a. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 215th Street West.
- b. The use of land shall be limited to residential, agricultural and nursery purposes.
- c. 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.
- d. Any outdoor storage of materials (other than plant materials) associated with the nursery operation shall be completely screened from public view.

- e. 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.

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

\_\_\_\_\_, Chairman  
Jack Spratt

\_\_\_\_\_, Commissioner  
Donald E. Cragg

\_\_\_\_\_, Commissioner  
Tom Scott

ATTEST:

\_\_\_\_\_  
Michael T. Sawyer, County Clerk

(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
William D. Rustin, County Counselor

T. L. DANIEL | LAND SURVEYOR

1911 EAST CENTRAL, WICHITA, KANSAS 67214  
TELEPHONE (316) 267-2348

20 November, 1984

Mr. James Rich  
3261 S. 215th St. West  
Goddard, Kansas 67502

Re: File #84093 - Platting request associated with CU-273.

Dear Jim,

We reviewed your letter from MAPC dated 2 November, 1984 and began some research involving your property.

Your property is in an area that, except for your conditional use permit application, would be exempt from the platting requirements under Section 3-105 of the Subdivision Requirements.

We note that additional right-of-way for 215th Street West has been provided from your property and that a floodway reserve agreement has been recorded which includes your property.

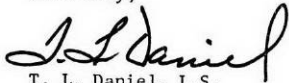
These are items which would normally be provided for in the platting process, but since these areas have been addressed, I question your need for platting.

It is possible that MAPC staff was not aware of the floodway and right-of-way provisions at the time the staff comments associated with your application were prepared. Before we proceed with any platting activity, you probably should contact Mr. Jack Galbraith, Chief Planner, to see if the platting requirement can be waived prior to County Commission action on this matter.

Enclosed you will find a copy of the County Clerk's Quarter Section plat which shows your property with the floodway and right-of-way.

Although we could use the work, I don't think that the interests of the public are being served by creating a one lot subdivision of your rural property.

Sincerely,



T. L. Daniel, L.S.  
TLD/mh  
encl.

✓ cc: Mr. Jack Galbraith, Chief Planner MAPC, 10th Floor, City Hall,  
455 North Main, Wichita, Kansas 67202.

RECEIVED

NOV 26 1984

METROPOLITAN PLANNING

DATE  \_\_\_\_\_  
BY  \_\_\_\_\_

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF CCOUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CU-273 - CONDITIONAL USE PERMIT TO ESTABLISH A NURSERY. GENERALLY  
LOCATED ON THE WEST SIDE OF 215TH STREET WEST IN AN AREA SOUTH OF  
31ST STREET SOUTH.

The MAPC recommends that the application be approved.  
(see minutes for full motion)

Hansen moved, Moore seconded and it carried unanimously. Banzer and  
Chisholm were absent.

ACTION:

1. Approve the recommendation of the Metropolitan Area Planning Commission, subject to the conditions of platting, adopt a resolution effectuating the (zone change-conditional use), and instruct the Planning Department to withhold publication until such time as the plat has been recorded; or
2. Deny the application

-----  
DATA AND MINUTES

GCPC Hearing Date: 10-22-84  
MAPC Hearing Date: 11-01-84

BCoC Hearing Date: 11-28-84

AREA DATA:

Acres: 3

Size: 270' x 480'

Reason: Establish a nursery

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

History: None

Applicant: James W. Rich & C. J. VanWyngarden, 3261 South 215th Street West,  
Goddard, Ks. 67052

Protestors: None.  
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EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 1, 1984

LEGAL:

7. Case No. CU-273 - James W. Rich & C. J. VanWyngarden request a Conditional Use Permit for a tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the east line of said Northeast 1/4 which is 611.37 feet south of the northeast corner of said Northeast 1/4; thence south along the east line of said northeast quarter, on an assumed course of south 00°00'00" west, a distance of 270.25 feet; thence south 89°36' west, a distance of 480 feet; thence north 00° 00' east, a distance of 270.25 feet; thence north 89°36' east, a distance of 480 feet, to the point of beginning. Generally located on the west side of 215th Street West in an area south of 31st Street South.

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 nursery operation on an unplatted tract of land containing approximately 3 acres located on the west side of 215th Street West in an area south of 31st Street South.

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.

A site plan submitted with the application indicates the area for plantings and the approximate location of the existing residence and shed on subject property.

2. Should the Planning Commission determine that this is an appropriate use for subject property and recommends approval of the request, it should be approved subject to the following conditions.
  - a. Platting within one year from the date of approval of the conditional use by the Board of County Commissioners or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.
  - b. No building shall be erected, enlarged, moved in or reconstructed to extend nearer than 85 feet from the center line of 215th Street West.
  - 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.

DISCUSSION:

GALBRAITH stated that the Goddard Planning Commission had previously considered this case and has recommended approval of the request subject to the recommended conditions in the staff report. He said that staff recommended approval of the request also.

There was no one present in opposition to the request.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of nearby properties; and the recommendations of approval by the Goddard Planning Commission and MAPD staff; I move that we recommend to the governing body that this application be approved subject to the following conditions:

- a. Platting within one year from the date of approval of the conditional use by the Board of County Commissioners or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.
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SUBJECT TO THE FOLLOWING:

- REVISED  
11/26/84
- a. Platting within one year from the date of approval of the conditional use by the Board of County Commissioners or the case be considered/denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.
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PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_, Chairman  
Jack Spratt

\_\_\_\_\_, Commissioner  
Donald E. Gragg

\_\_\_\_\_, Commissioner  
Tom Scott

ATTEST:

\_\_\_\_\_  
Michael T. Sawyer, County Clerk

(SEAL)

Approved as to form by County Counselor

\_\_\_\_\_  
William D. Rustin, County Counselor

November 2, 1984

James W. Rich & C.J. VanWyngarden  
3261 South 215th Street West  
Goddard, Kansas 67052

Re: CU-273 - Conditional Use Permit to Establish a Nursery

Gentlemen:

At its regular meeting of November 1, 1984, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to establish a nursery. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. Platting within one year from the date of approval of the conditional use by the Board of County Commissioners or the case be considered denied and closed; and that the resolution establishing the conditional use not be published until the plat has been recorded with the Register of Deeds.
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James Rich & C.J. VanWyngarden  
November 2, 1984  
Page Two

- 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.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, November 28, 1984, in Room 320, Sedgwick County Courthouse.

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

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:sad  
cc: Ron Worley, County Zoning Officer

CU-273

5	"Notice to Adjoining Property Owners" mailed on 10-11-84 for <u>Goddard</u> Planning Commission on 10-22-84 and MAPC meeting on November 1, 1984.
2	Applicants (also, Staff Report, Referral Sheet)
8	Goddard Planning Commissioners, City Clerk and City Administrator. (also, Staff Report, Referral Sheet)
2	One each to Claud Shelor and Ron Worley.
<hr/>	
17	TOTAL



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

NOTICE OF PUBLIC HEARING

Case No.: CU-273

Location: On the west side of 215th Street West in an area south of  
31st Street South.

Address: 3261 South 215th Street West

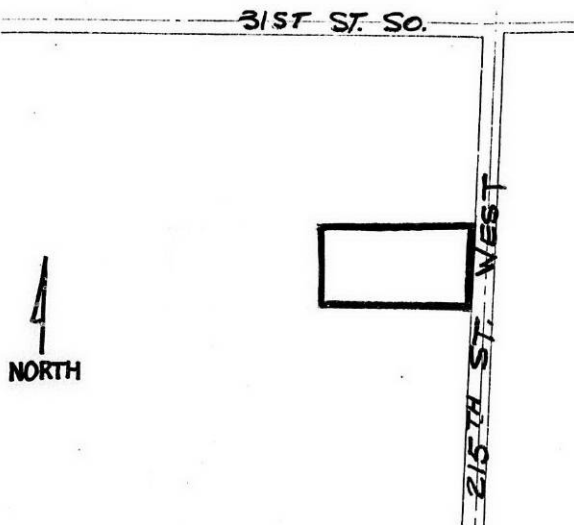
Request: Conditional Use Request to Establish a Nursery in the "R"  
Rural Residential Zoning District.

NOTICE IS HEREBY GIVEN THAT on Monday, October 22, 1984, at  
8:00 P.M., the GODDARD CITY PLANNING COMMISSION, City Hall,  
Goddard, Kansas, will consider the above-mentioned item for purposes  
of making a recommendation to the Metropolitan Area Planning Commission  
and Board of County Commissioners.

If this matter is not deferred for further hearings by the GODDARD  
CITY PLANNING COMMISSION it will appear on the agenda for the  
regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN  
AREA PLANNING COMMISSION which commences at 1:30 P.M.,  
Thursday, November 1, 1984, in the City Commission Meeting Room,  
First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right  
to appear at the MAPC meeting, either in person or by agent or attorney,  
to support or oppose this request. If you have no interest in or objec-  
tion to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call  
268-4421.



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-273

Conditional Use Request to Establish a Nursery in the "R"  
Rural Residential Zoning District

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the east line of said Northeast- $\frac{1}{4}$  which is 611.37 feet south of the northeast corner of said northeast- $\frac{1}{4}$ ; thence south along the east line of said northeast quarter, on an assumed course of south 00°00'00" west, a distance of 270.25 feet; thence south 89°36' west, a distance of 480 feet; thence north 00°00' east, a distance of 270.25 feet; thence north 89°36' east, a distance of 480 feet, to the point of beginning. Generally located on the west side of 215th Street West in an area south of 31st Street South.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building.
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

\*\*\*Mobile home parks and trailer camps are not permitted.

( ) Published in The Daily Reporter, \_\_\_\_\_ 1984

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Monday, October 22, 1984, at 8:00 p.m., the GODDARD CITY PLANNING COMMISSION, in the Goddard City Building, Goddard, Kansas, will consider the following item for purposes of making a recommendation to the Metropolitan Area Planning Commission and the Board of County Commissioners:

CASE NO. CU-273

Conditional Use Request to Establish a Nursery in the "R"  
Rural Residential Zoning District

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the east line of said Northeast- $\frac{1}{4}$  which is 611.37 feet south of the northeast corner of said northeast- $\frac{1}{4}$ ; thence south along the east line of said northeast quarter, on an assumed course of south  $00^{\circ}00'00''$  west, a distance of 270.25 feet; thence south  $89^{\circ}36'$  west, a distance of 480 feet; thence north  $00^{\circ}00'$  east, a distance of 270.25 feet; thence north  $89^{\circ}36'$  east, a distance of 480 feet, to the point of beginning. Generally located on the west side of 215th Street West in an area south of 31st Street South.

If this matter is not deferred for further hearings before the Goddard City Planning Commission, then as provided in the County Zoning Resolution, Section 14 Administration, Sub-paragraph C, this item will be discussed and considered by the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION at their regular meeting beginning at 1:30 p.m., Thursday, November 1, 1984, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas. 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.

WITNESS MY HAND AND SEAL on this 14th day of October, 1984.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning  
Commission

(SEAL)

CU-273

Goddard: Oct. 22<sup>nd</sup>  
MAPS: Nov. 1<sup>st</sup>

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

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

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

A. APPLICANTS James W. Rich and C. J. Van Wyngarden  
ADDRESS 326 1/2 So. 215th West Goddard PHONE 794-8033

AGENT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

B. APPLICANT C. J. Van Wyngarden  
ADDRESS 326 1/2 So. 215th West Goddard PHONE 794-8033

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 landscape contracting and nursery (use)

on property legally described as Lot(s) \_\_\_\_\_

\_\_\_\_\_, Block(s) \_\_\_\_\_

of the \_\_\_\_\_ Addition.

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

*See attached sheet*

2. b. There are ~~0.5~~ 3 acres (round to nearest tenth) in the above described property.

T9-333-2

N  
S  
E  
W } "R"

4043A

Revised 8/80

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 3261 S. 215 W. Goddard  
THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE \_\_\_\_\_ CORNER OF \_\_\_\_\_ AND \_\_\_\_\_

\_\_\_\_\_, OR  
B. ON THE West SIDE OF 215<sup>th</sup> WEST (AVE.) STREET BETWEEN in an  
area south of 315<sup>th</sup> STREET SOUTH (AVE.) STREET AND \_\_\_\_\_ (AVE.) 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 make it possible for us to conduct our  
landscaping business.

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.

J Van Wagoner James Rich  
BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY \_\_\_\_\_ BY \_\_\_\_\_  
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY  
This application was received at the Planning Department at 4:30  
AM (AM, PM) on Oct. 1, 1984 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 200<sup>00</sup>.

L. Lytle \_\_\_\_\_  
Name  
Title

## LEGAL DESCRIPTION

A tract in the Northeast Quarter of Section 12, Township 28 south, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the east line of said Northeast  $\frac{1}{4}$  which is 611.37 feet south of the northeast corner of said northeast  $\frac{1}{4}$ ; thence south along the east line of said northeast quarter, on an assumed course of south  $00^{\circ}00'00''$  west, a distance of 270.25 feet; thence south  $89^{\circ}36'$  west, a distance of 480 feet; thence north  $00^{\circ}00'$  east, a distance of 270.25 feet; thence north  $89^{\circ}36'$  east, a distance of 480 feet, to the point of beginning,

OK for legal

## OWNERSHIP LIST

Property DescriptionProperty Owner

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., beginning at a point on the east line of said NE $\frac{1}{4}$ , which is 611.37 feet south of the NE corner of said NE $\frac{1}{4}$ ; thence south along the east line of said NE $\frac{1}{4}$ , on an assumed course of south 00°00'00" west a distance of 270.25 feet; thence south 89°36' west, a distance of 995.22 feet; thence north 00°00' east, a distance of 270.25 feet; thence north 89°36' east, a distance of 995.22 feet, to the point of beginning, except the east 50 feet for road.

James Rich  
 Carole Jean Vanwyngarden  
 32 $\frac{1}{2}$  South 215th West Street  
 Goddard, Kansas  
 67052

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., beginning at a point on the east line of said NE $\frac{1}{4}$ , which is 881.62 feet south of the NE corner of said NE $\frac{1}{4}$ ; thence south along the east line of said NE $\frac{1}{4}$  at an assumed course of 5°00'00" West, a distance of 208.69 feet; thence South 89°36' West a distance of 809.80 feet; thence south 59°14'05" west, a distance of 215.82 feet; thence north 00°00' east, a distance of 317.79 feet; thence north 89°36' east a distance of 995.22 feet to the point of beginning, except the east 50 feet thereof for road.

✓ Lavern J. Becker  
 Shirley P. Becker  
 327 Maybell  
 Wichita 67209

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., beginning at a point on the north line of said NE $\frac{1}{4}$ , which is 995.24 feet west of the NE corner of said NE $\frac{1}{4}$ ; thence south parallel to the east line of said NE $\frac{1}{4}$  at a course of south 00°00' west, for a distance of 1199.5 feet; thence south 59°15'05" west a distance of 21.18 feet; thence north 88°48'05" west, a distance of 314.1 feet; thence north 00°41'05" east a distance of 946.4 feet; thence north 24.10'06" west, a distance of 100 feet; thence north 89°10'56" west a distance of 218.60 feet; thence north 01°11'13" west, a distance of 156.6 feet, to the north line of said NE $\frac{1}{4}$ ; thence east along the north line of said NE $\frac{1}{4}$ , at a course of north 89°36'24" east, for a distance of 583.1 feet to the point of beginning, except the north 50 feet thereof for road.

Same as above.

Property Description

A tract in the NE $\frac{1}{4}$  of Section 12, Township 28 South, Range 3 West of the 6th P.M., as beginning at a point on the north line of said NE $\frac{1}{4}$ , which is 729.5 feet west of the northeast corner of said NE $\frac{1}{4}$ , thence west along the north line of said NE $\frac{1}{4}$ , at a course of south 89°36'24" west, a distance of 265.74 feet; thence south 00°00' west a distance of 611.46 feet; thence north 89°36' east, a distance of 470.77 feet; thence north 00°28'40" west, a distance of 145.85 feet; thence south 89°36'24" west, a distance of 200 feet; thence north 00°28'40" west, a distance of 465.6 feet, to the point of beginning, except the north 50 feet thereof for road purposes.

A tract in the Northeast Quarter of section 12, Township 28 South, Range 3 West of the 6th P.M., beginning at a point on the north line of said NE $\frac{1}{4}$  which is 529.50 feet west of the NE corner of said NE $\frac{1}{4}$ , thence south 89°36'24" west and along the north line of said NE $\frac{1}{4}$ , a distance of 200 feet; thence south 00°28'40" east, a distance of 465.60 feet; thence north 89°36'24" east and parallel to the north line of said NE $\frac{1}{4}$  a distance of 200 feet; thence north 00°28'40" west a distance of 465.60 feet to the point of beginning, except the north 50 feet thereof for road purposes.

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., beginning at the Northeast corner of said NE $\frac{1}{4}$ ; thence west along the north line of said NE $\frac{1}{4}$  at a course north 89°36'24" east, a distance of 329.5 feet, to the point of beginning; thence south 00°28'40" east, a distance of 465.60 feet, thence south 89°36'24" west, parallel to the north line of said NE $\frac{1}{4}$ , a distance of 200 feet; thence north 00°28'40" west, a distance of 465.60 feet to the north line of said NE $\frac{1}{4}$ , thence east along the north line of said NE $\frac{1}{4}$  a distance of 200 feet to the point of beginning, except the north 50 feet thereof for road purposes.

Property Owner

Lavern J. Becker  
Shirley P. Becker  
327 Maybell  
Wichita 67209

✓ Jack H. Emry  
Marilou Emry  
21731 West 31st South  
Coddard, Kansas  
67052

✓ Gary L. Cunningham  
Rebecca A. Cunningham  
21701 West 31st St. South  
Coddard, Kansas  
67052

Property Description

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., beginning at the Northeast corner of said NE $\frac{1}{4}$ , thence west along the north line of said NE $\frac{1}{4}$  at an assumed course of north 89°36'24" east, 329.5 feet, thence south 00°28'04" east, 465.60 feet, to the point of beginning; thence continuing south 00°28'40" east, a distance of 145.85 feet; thence south 89°36'24" west, a distance of 200 feet; thence north 00°28'40" west, a distance of 145.85 feet; thence north 89°36'25" east, a distance of 200 feet to the point of beginning.

All of the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., except:

A tract in the NE $\frac{1}{4}$  of Section 12, Township 28 South, Range 3 West of the 6th P.M. described as beginning at a point on the East line of said SE $\frac{1}{4}$ , which is 611.37 feet south of the NE corner of said SE $\frac{1}{4}$ , thence south 00°00' West, along the East line of said SE $\frac{1}{4}$ , 478.94 feet, thence south 89°36' West, a distance of 809.8 feet; thence South 59°14'05" West a distance of 237.0 feet; thence North 89°48'05" West, a distance of 314.1 feet; thence North 00°41'05" east, a distance of 946.4 feet; thence North 24°10'06" West, a distance of 100.0 feet; thence north 89°10'56" West, a distance of 218.6 feet; thence north 01°11'31" west a distance of 158.6 feet, and to the north line of said NE $\frac{1}{4}$ ; thence north 89°36'24" east along the north line of said NE $\frac{1}{4}$ , a distance of 1248.85 feet; thence south 00°28'40" East, a distance of 611.45 feet; thence North 89°36' east, a distance of 324.45 feet to the point of beginning, except a 30 foot right of way easement on the north and a 40 foot right of way on the east for road.

Property Owner

Gary L. Cunningham  
Rebecca A. Cunningham  
21701 West 31st St. South  
Goddard, Kansas  
67052

Anna Heschmeyer  
Route 1  
Goddard, Kansas

Property Description

Government Lots 1 and 2,  
in Section 7, Township 28  
South, Range 2 West of the  
6th P.M.

Property Owner

✓ John N. Seiwert  
Clara Seiwert  
640 North Main Street  
Goddard, Kansas  
67052

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described tracts within a 540 foot radius of:

A tract in the Northeast Quarter of Section 12, Township 28 south, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the east line of said Northeast  $\frac{1}{4}$  which is 611.37 feet south of the northeast corner of said northeast  $\frac{1}{4}$ ; thence south along the east line of said northeast quarter, on an assumed course of south  $00^{\circ}00'00''$  west, a distance of 270.25 feet; thence south  $89^{\circ}36'$  west, a distance of 995.22 feet; thence north  $00^{\circ}00'$  east, a distance of 270.25 feet; thence north  $89^{\circ}36'$  east, a distance of 995.22 feet, to the point of beginning,

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 11th day of September, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Seabl*  
Sr. Vice President

Order No: 338583  
ap

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

NOTICE OF PUBLIC HEARING

Case No.: CU-273

Location: On the west side of 215th Street West in an area south of 31st Street South.

Address: 3261 South 215th Street West

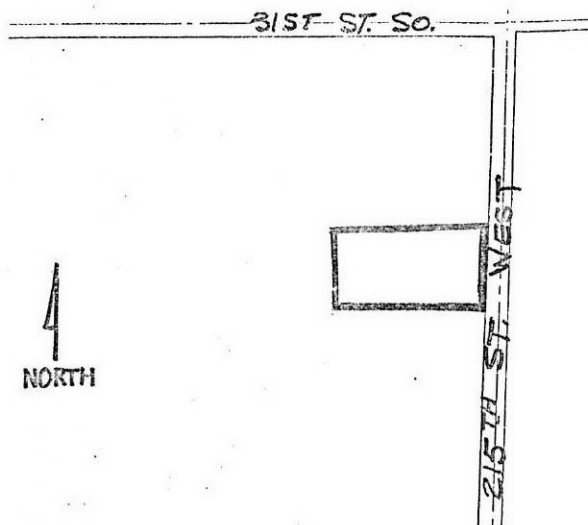
Request: Conditional Use Request to Establish a Nursery in the "R" Rural Residential Zoning District.

NOTICE IS HEREBY GIVEN THAT on Monday, October 22, 1984, at 8:00 P.M., the GODDARD CITY PLANNING COMMISSION, City Hall, Goddard, Kansas, will consider the above-mentioned item for purposes of making a recommendation to the Metropolitan Area Planning Commission and Board of County Commissioners.

If this matter is not deferred for further hearings by the GODDARD CITY PLANNING COMMISSION it will appear on the agenda for the regular meeting of the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION which commences at 1:30 P.M., Thursday, November 1, 1984, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. CU-273

Conditional Use Request to Establish a Nursery in the "R"  
Rural Residential Zoning District

A tract in the Northeast Quarter of Section 12, Township 28 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point on the east line of said Northeast-1 which is 611.37 feet south of the northeast corner of said northeast-1; thence south along the east line of said northeast quarter, on an assumed course of south 00°00'00" west, a distance of 270.25 feet; thence south 89°36' west, a distance of 480 feet; thence north 00°00' east, a distance of 270.25 feet; thence north 89°36' east, a distance of 480 feet, to the point of beginning. Generally located on the west side of 215th Street West in an area south of 31st Street South.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

FORM 29-C 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 10/15 BY 3

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
640 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1888



RETURN CHECKED  
Date \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
City \_\_\_\_\_  
Do not return in this envelope

*CU-273*

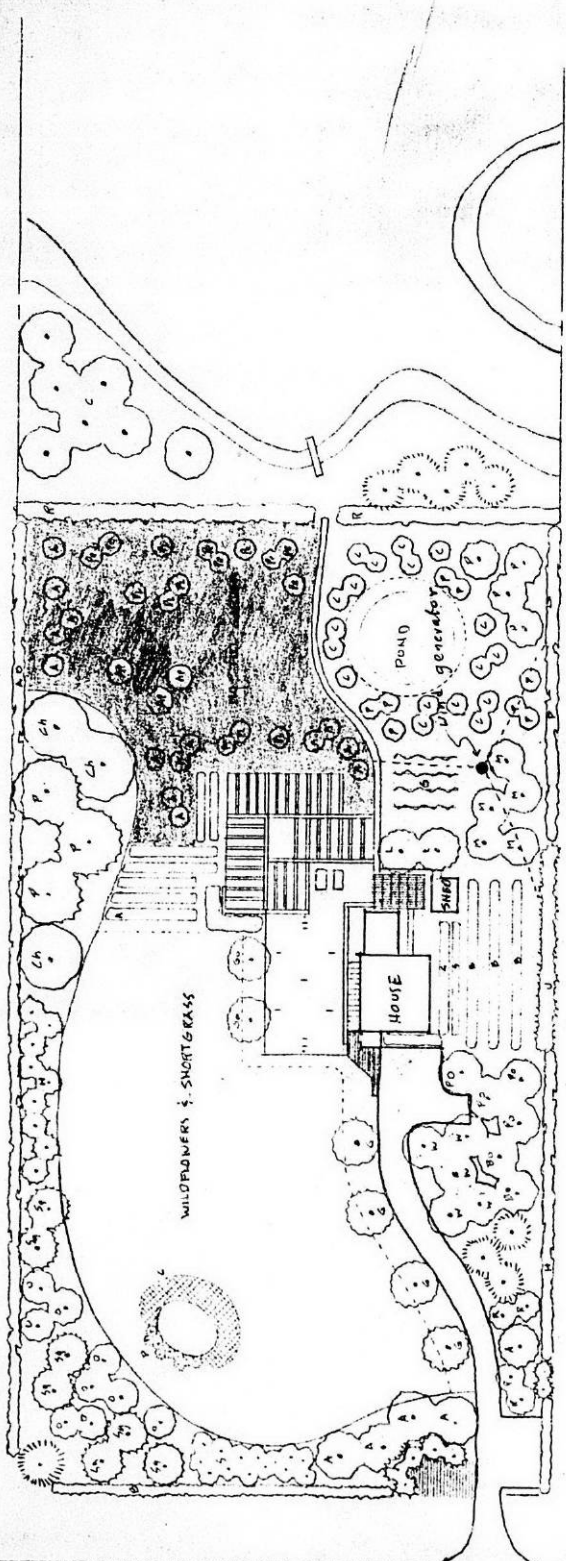
RECEIVED

OCT 15 1984

METROPOLITAN PLANNING  
ROUTE 5

John N. & Clara Seiwert  
640 North Main Street  
Goddard, Ks. 67052

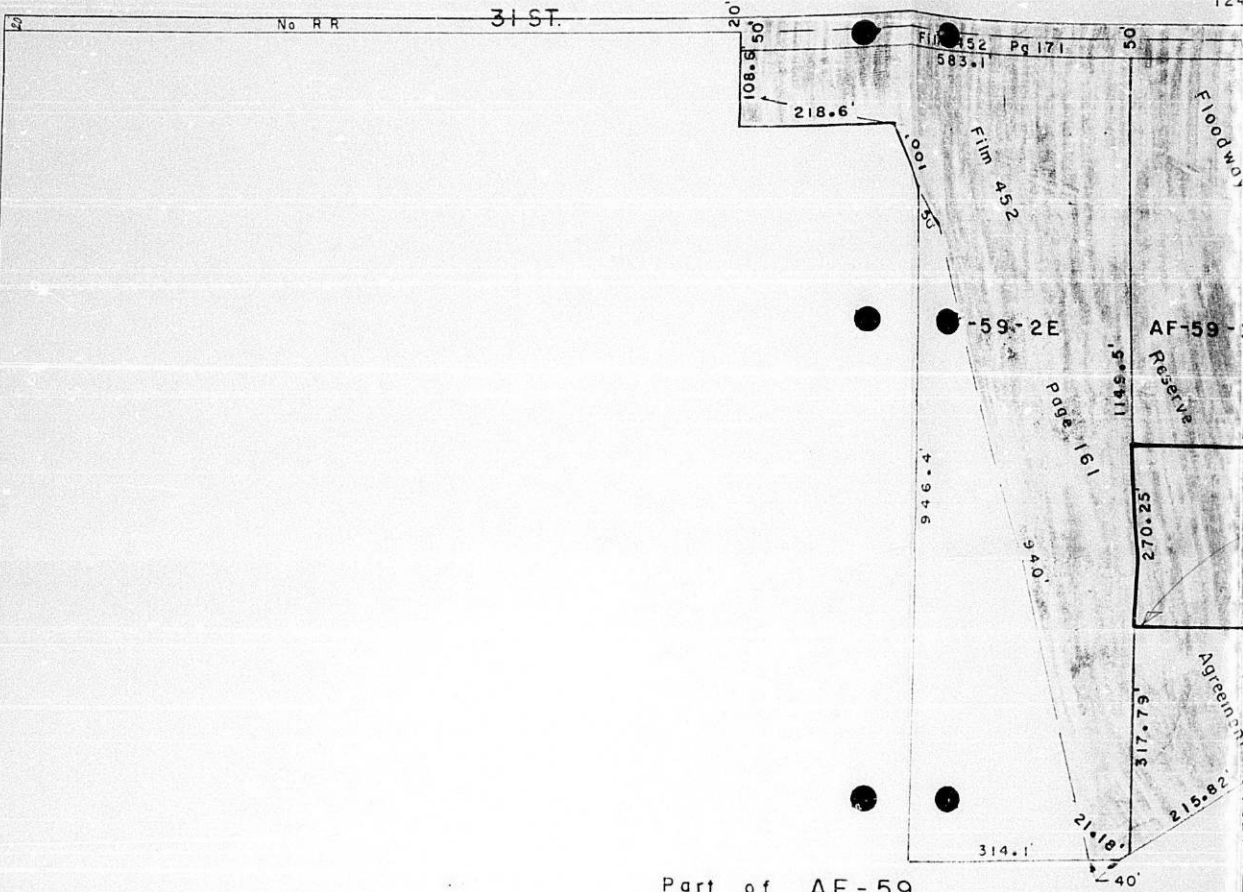
Important! Notice of Meeting Enclosed



PERMACULTURE DESIGN - RICH - VANWYNGARDEN  
 3261 S. 215 W. GOODHARD, KS.

SCALE 1/4" = 10'  
 N

N.E. 1/4 SEC. 12, TWP. 28



Part of AF-59

