

CONDITIONAL USE RESOLUTION NO. CU-479

WHEREAS, Joseph G. (Jr.) And Diana M. Helten, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow agricultural sales and service on 14.9 acres zoned "RR" Rural Residential described as:

The South Half of the Southwest Quarter of Section 1, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, except the West 1252 feet and Except the East 637 feet AND Except the North 417.4 feet. Generally located ½ mile east of 327th Street West and 21st Street North (32300 W. 21st Street North).

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of May 28, 1998, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow agricultural sales and service on 14.9 acres zoned "RR" Rural Residential described as:

The South Half of the Southwest Quarter of Section 1, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, except the West 1252 feet and Except the East 637 feet AND Except the North 417.4 feet. Generally located ½ mile east of 327th Street West and 21st Street North (32300 W. 21st Street North).

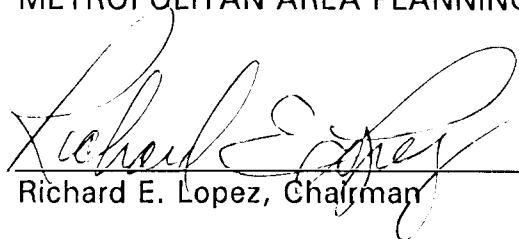
subject to the following conditions:

- A. The Conditional Use Permit shall permit a greenhouse operation for retail and wholesale only. The site shall be developed in conformance with the approved site plan.
- B. All non-plant materials and greenhouse related equipment stored outside shall be screened from view from adjoining properties.

- C. No buildings or structures shall exceed 35 feet in height.
- D. All lighting associated with the greenhouse shall use fixtures and be located so as to prevent light from extending beyond the applicant's property lines and which minimizes ambient glare.
- E. Parking shall be provided in accordance with the wholesale services ratio of 1 space per 2,500 square feet of greenhouse area.
- F. The maximum number of employees for this facility shall not exceed 5 persons.
- G. The applicant shall obtain all necessary permits from the Division of Water Resources and the Department of Agriculture.
- H. Signage shall be restricted to one business sign not exceeding twelve square feet in area.
- I. Violation of the foregoing conditions shall be cause for declaring this Conditional Use null and void.

Adopted this 28th day of May, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

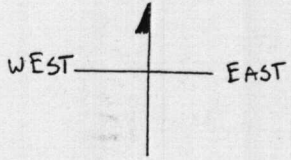

Richard E. Lopez, Chairman

ATTEST:


Marvin S. Krout, Secretary

1/8" = 12.5'

NORTH



JOE HELTEN JR.

* EVERYTHING "PROPOSED" IS NON-EXISTENT AT THIS TIME

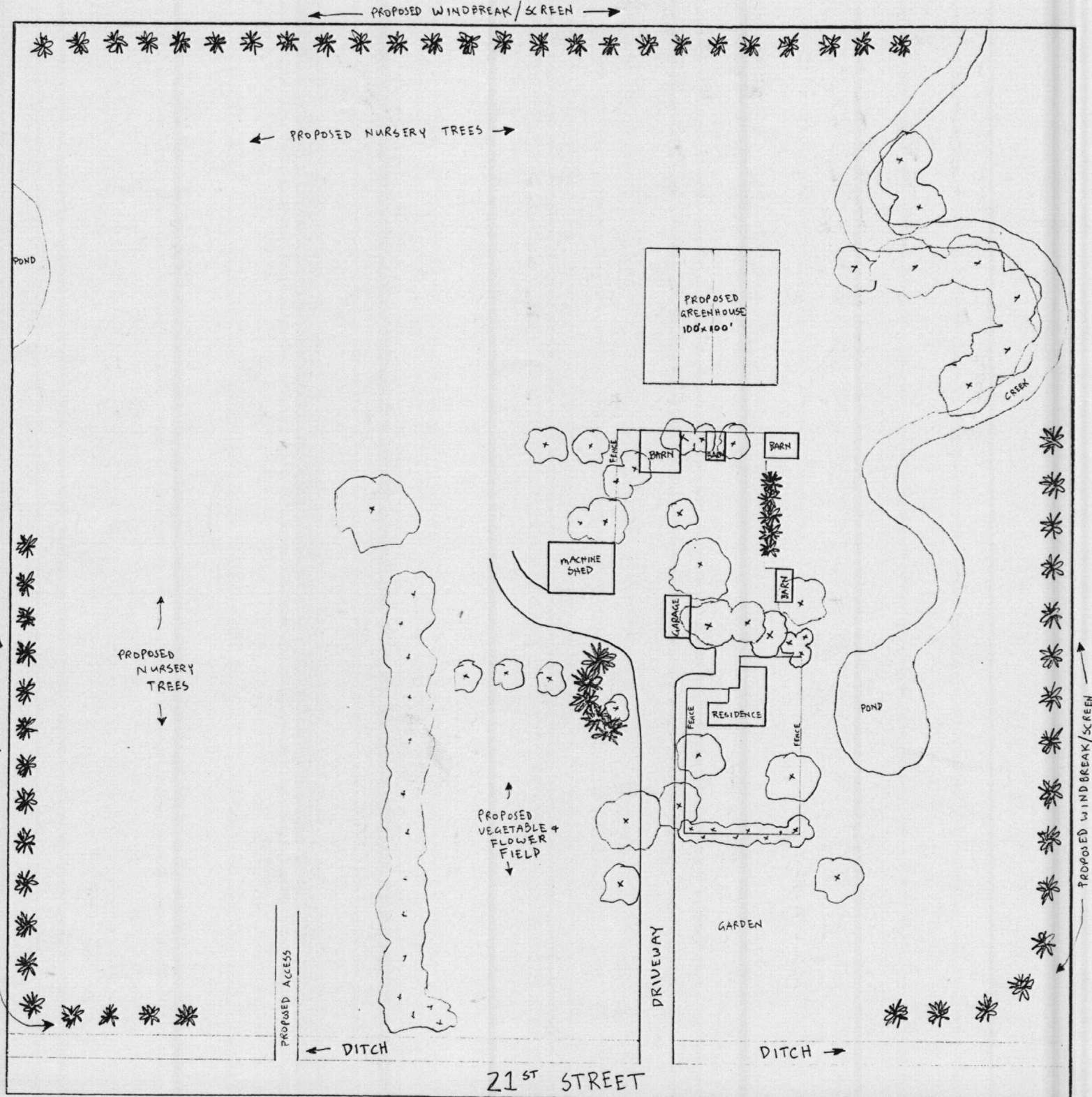
* EVERYTHING ELSE IS CURRENTLY EXISTING

* 32300 W 21ST N, GARDEN PLAIN, KS

LEGAL DESCRIPTION:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 4 WEST OF 6TH P.M., SEDGWICK COUNTY, KANSAS; EXCEPT THE WEST 1252 FEET THEREOF AND EXCEPT THE EAST 637 FEET THEREOF AND EXCEPT THE NORTH 417.4 FEET THEREOF.

CONSISTING OF 14.9 ACRES



APRIL 1998
CHRIS HELTEN

STAFF REPORT

MAPC May 28, 1998

CASE NUMBER: CU-479

APPLICANT/AGENT: Joseph G. (Jr.) & Diana M. Helten (property owners);

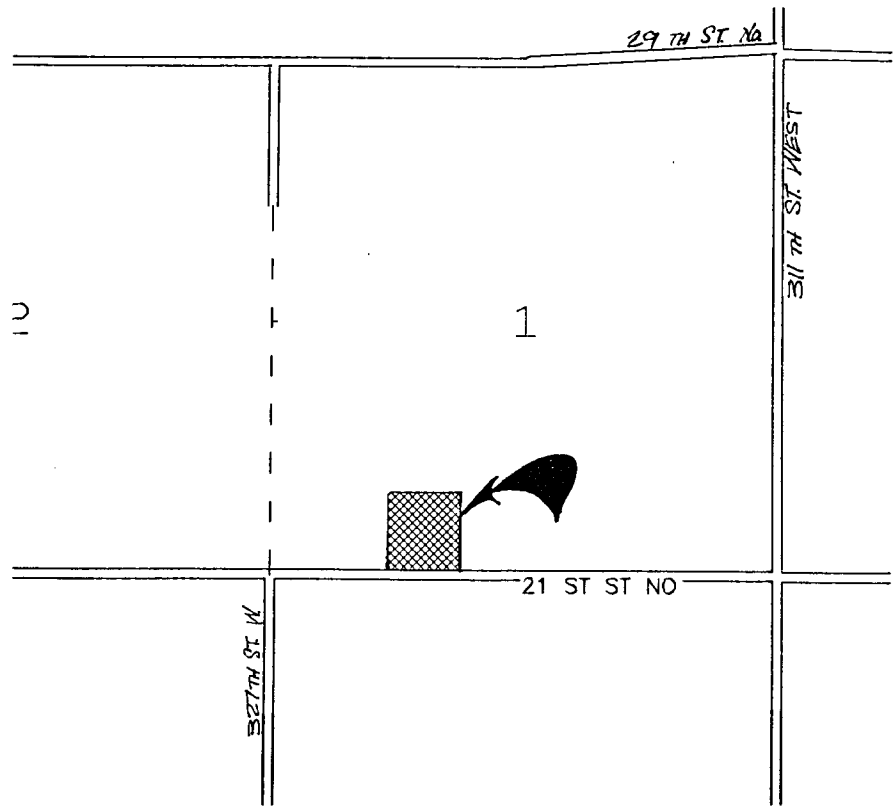
REQUEST: Conditional Use for Agricultural Sales and Service.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 14.9 acres

LOCATION: ½ miles east of 327th St. W. & 21st St. N. (32300 W. 21st St. N.North)

PROPOSED USE: The applicant requests a Conditional Use for a green house.



BACKGROUND: The applicant requests approval of a conditional use to allow of agricultural products from a greenhouse on a 14.9 acre property. The property is located about ½ mile east of 327th Street West and north of 21st Steet North. The site is bordered by agricultural land with three single family residential homes within 1,000 feet of the site. The closest home is approxiately 600 - 700 feet south of the applicant's property.

The request is located on property zoned "RR" Rural Residential. In the "RR" District, Agricultural Sales and Service uses may be authorized by the Planning Commission as a Conditional Use. As a part of the Conditional Use Permit, the Planning Commision may establish restrictions for site development and/or operation of the facility, as deemed necessary, involving a greenhouse for wholesale and/or retail purposes.

The site plan submitted by the applicant indicates the proposed greenhouse operation would be confined to the northeast quarter of the property. The proposed vegetable and flower field would be located in the south area and the proposed nursery trees would be located around the north and east edges of the property. There is an existing residence, garage, machine shed and three barns located in about the center of the property. Access to the site is proposed to be a second access point located near the western edge of the application area.

All of the subject property is located in the flood plain according to the FEMA maps. A development permit (County Public Works) would need to be completed by a engineer setting the elevation for the greenhouse floor one foot above the 100-year flood plain.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR" "Rural Residential;" Undeveloped Agricultural
SOUTH: "RR" "Rural Residential;" Single Family Residential
EAST: "RR" "Rural Residential;" Single Family Residential
WEST: "RR" "Rural Residential;" Undeveloped Agricultural

PUBLIC SERVICES: This site is served with a private well and septic system. The property has access to 21st Street North, a 2-lane paved section-line road, with existing traffic volume of approximately 1,040 average daily trips (ADT). If the facility generates over 1,000 gallons per day of waste water, on-site disposal facilities will require approval by the Kansas Department of Health and Environment. Also, if on-site water wells are used for this operation, the applicant will need to receive all necessary permits from the Division of Water Resources and the Department of Agriculture.

CONFORMANCE TO PLANS/POLICIES: The land use map of the Comprehensive Plan identifies this area as appropriate for agricultural uses. The agricultural land use category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage. The plan also recommends that commercial development in rural areas should be limited to activities which are agriculturally oriented.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. The Conditional Use Permit shall permit a greenhouse operation for retail and wholesale only. The site shall be developed in conformance with the approved site plan.
- B. All non-plant materials and greenhouse related equipment stored outside shall be screened from view from adjoining properties.
- C. No buildings or structures shall exceed 35 feet in height.
- D. All lighting associated with the greenhouse shall use fixtures and be located so as to prevent light from extending beyond the applicant's property lines and which minimizes ambient glare.
- E. Parking shall be provided in accordance with the wholesale services ratio of 1 space per 2,500 square feet of greenhouse area.
- F. The maximum number of employees for this facility shall not exceed 5 persons.
- G. The applicant shall obtain all necessary permits from the Division of Water Resources and the Department of Agriculture.
- H. Signage shall be restricted to one business sign not exceeding twelve square feet in area.
- I. Violation of the foregoing conditions shall be cause for declaring this conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is zoned "RR" Rural Residential, and is developed with a single-family home and associated accessory buildings on 14.9 acres. There are three neighboring homes within 1,000 feet of the application area. This area is characterized by

zoned "RR" Rural Residential, and is developed with a single-family home and associated accessory buildings on 14.9 acres. There are three neighboring homes within 1,000 feet of the application area. This area is characterized by large parcel ownership consistent with the demands for agricultural products.

2. Suitability of the subject property for the uses to which it has been restricted: The property is zoned "RR" Rural Residential which allows primarily single-family residential and agricultural uses. This property could continue to be used as residential. However, the code recognizes that certain uses may be appropriate with suitable conditions. Retail and/or wholesale greenhouse sales is one of these uses. In order to preserve agricultural uses, it is important to promote this type of economic endeavors in rural areas when conditions warrant.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site development plan and use restrictions should minimize any detrimental impacts upon nearby properties. The proposed use is compatible with and typical of uses commonly found in agricultural areas. The surrounding area is currently characterized by agricultural uses and larger lot single family homes.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The Comprehensive Plan designates this area for future agricultural use. Wholesale greenhouses are generally considered to be a rural use as evidenced by the fact that both the 'RR' and 'SF-20' districts list them as conditional uses. While the proposed greenhouse facility may not be compatible with urban residential development, it is compatible with the area's current agricultural and suburban development.
5. Conformance of the requested change to adopted or recognized Plans/Policies:

The land use map of the Comprehensive Plan identifies this area as appropriate for agricultural uses. The agricultural land use category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage. The plan also recommends that commercial development in rural areas should be limited to activities which are agriculturally oriented. This particular greenhouse request is consistent with this plan.
6. Impact of the proposed development on community facilities: None.