



Wichita-Sedgwick County Metropolitan Area Planning Department

June 6, 2008

KB Properties LLC
150 N Market
Wichita, KS 67202

RE: CON2008-00020 - City Conditional Use for nursery and garden center in "LC" Limited Commercial zoning to store trees, generally located west of Greenwich and north of Harry.

Dear Ladies and Gentlemen:

At its regular meeting on May 8, 2008, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum'.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Enclosure

Copies to: Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211
Ballyclare, PO Box 75337, Wichita, KS 67275
Cedar View Second, Donna Funk, 850 S Bedford Ct., Wichita, KS 67207
Tara Falls, Greg Quigley, 1762 S. Michelle, Wichita, KS 67207
Windsor Lake Estates, Dwight Allen, 1360 S. Greenwich Rd., Wichita, KS 67207
Windsor Park, Ted Mason, 11700 E. Wilshire Terrace, Wichita, KS 67207

RE: CON2008-00020 - City Conditional Use for nursery and garden center in "LC" Limited Commercial zoning to store trees, generally located west of Greenwich and north of Harry.

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Woodland Lakes Estates, Jim Ruschen, P. O. Box 780266, Wichita, KS 67278
Minneha Township, Don Stephan, 35 Via Verde, Wichita, KS 67230
WCC II, Susan Schlapp, Mail Stop 1-13
N.A. II, Antoine Sherfield, Mail Stop 1-13
Jullianne Kallman, Mail Stop 1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop #1-72
Randy Sparkman, Office of Central Inspection, Mail Stop #1-72
Paul Hays, Office of Central Inspection, Mail Stop #1-72

CONDITIONAL USE RESOLUTION NO. CON2008-00020

WHEREAS, KB Properties (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow for a nursery and garden center on property zoned LC Limited Commercial (“LC”) described as:

The South 600 feet of the East 600 feet of the Southeast Quarter of Section 28, Township 27-South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the northwest corner of the intersection of East Harry Street and South Greenwich Road (11148 East Harry)

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 8, 2008, 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 allow a Conditional Use for a nursery and garden center on property zoned LC Limited Commercial (“LC”) described as:

The South 600 feet of the East 600 feet of the Southeast Quarter of Section 28, Township 27-South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located at the northwest corner of the intersection of East Harry Street and South Greenwich Road (11148 East Harry)

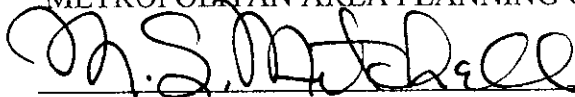
Approved subject to the following conditions:

1. Conditional Use permit shall expire in four (4) years from the time of approval, with the opportunity to renew in one-year increments after the four (4) years have expired.
2. The seasonal nursery and garden center shall conform to all requirements of Section III-D.6.z. of the Unified Zoning Code.
3. One temporary portable storage container, not to exceed 200 square feet and properly screened, would be allowed.
4. A revised site plan shall be prepared to designate the location of a possible temporary storage enclosure.
5. The site shall be developed in general conformance with the approved site plan.
6. Lighting, of any kind, is prohibited.
7. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
8. Signs limited to two (2), 32 square-foot freestanding signs.
9. On-site sales are prohibited.
10. Construction of other improvements shall be completed within one year of approval by the appropriate governing body.

11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

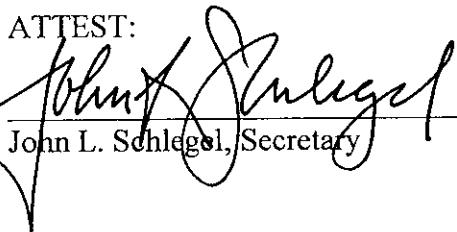
Adopted this 5th Day of June 2008.

METROPOLITAN AREA PLANNING COMMISSION



M.S. Mitchell, Chair MAPC

ATTEST:



John L. Schlegel, Secretary



STAFF REPORT

MAPC May 8, 2008

DAB II May 5, 2008

CASE NUMBER: CON2008-00020

APPLICANT/AGENT: KB Properties Attn: Steve Barrett (Applicant)
Baughman Company, PA, attn: Russ Ewy (Agent)

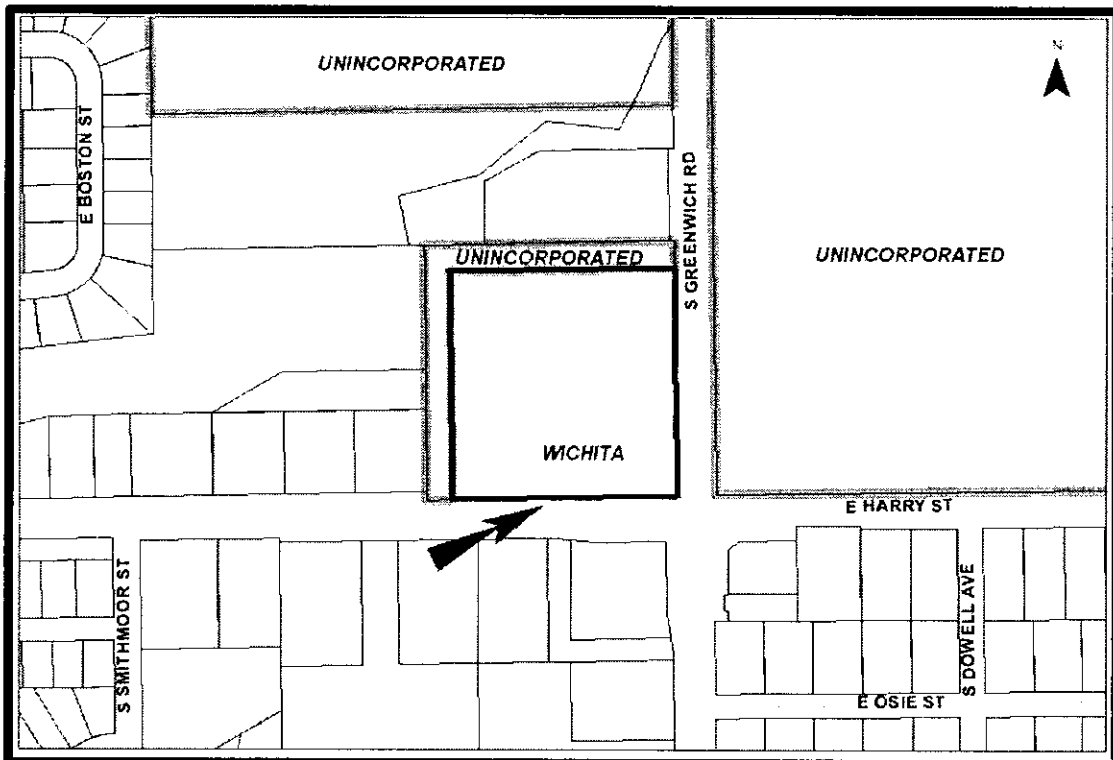
REQUEST: Conditional Use for a nursery and garden center

CURRENT ZONING: LC Limited Commercial ("LC")

SITE SIZE: Total Area 7.0-acres

LOCATION: Generally located at the northwest corner of the intersection of East Harry Street and South Greenwich Road (11148 East Harry)

PROPOSED USE: Nursery and garden center



BACKGROUND: The applicant is requesting a Conditional Use to establish tree storage for a nursery and garden center business, Tree Guys Landscaping. The subject site is located on the northwest corner of the intersection of East Harry Street and South Greenwich Road. The property is zoned LC Limited Commercial ("LC"). The applicants have been contacted by the Office of Central Inspection for operating the existing use at this location without a Conditional Use permit. A nursery and garden center can operate in the LC zone district with a Conditional Use permit, but such use will also have to abide by the eleven (11) Supplementary Use Regulations found in the Unified Zoning Code ("UZC") in Section III-D.6 (z)

Property to the north is zoned SF-5 Single-family Residential ("SF-5"), SF-20 Single-family Residential ("SF-20") and GO General Office ("GO") developed with a residence and offices. Property to the south is zoned LC and is developed with a bank, strip store and some vacant commercially zoned land. Property to the east is zoned LC and is currently developed with a farmstead. Property to the west is zoned LC, SF-5, and SF-20 and is currently vacant commercially zoned land and agricultural land.

The site plan submitted with the application shows the location of the proposed tree storage within the subject site and the orientation of the access and driveways through the site. The site plan does show the location of the two signs on each frontage and the possible location of a small stone pile. However, the applicant will have to modify this site plan to show the location of a possible storage container. Since this site will primarily be used for tree storage, with no buildings for retail sales and no customers, staff feels that there will not be a need for off-street parking. However, according to Section III-D.6 (z) #10, due to the type of business, the amount of off-street parking and loading spaces based on the gross floor area of buildings could be inappropriate. Also, the applicant will have to provide an all-weather surface for the drive aisles and loading areas to prevent tracking mud or other such debris onto Harry Street and Greenwich Avenue. The Planning Commission may have the final determination on the type of road surface and number of parking and loading spaces required for the use, if the Commission deems it necessary.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|-----------------|-----------------------------|
| NORTH: | SF-20, SF-5, GO | Ag. Land, Residence, Office |
| SOUTH: | LC | Bank / Vacant Land |
| EAST: | LC | Residence |
| WEST: | SF-20, LC | Residence, Vacant Land |

PUBLIC SERVICES: The subject site currently has access to East Harry Street, a four-lane paved minor arterial street, with current traffic volumes of approximately 12,420 vehicle trips per day and South Greenwich Road, a two-lane paved minor arterial street with current traffic volumes of approximately 13,200 vehicles per day at this location. The half road right-of-way on Harry Street is 40-feet and 50-feet along Greenwich. According to the Access Management Guidelines, major intersections require a total ROW, at the approach, of 150-feet (75-feet from the section line) for a distance of 250-feet from the intersection. There will need to be dedication of ROW during future replatting of the property to bring the applicant's part of the intersection up to current standards. The subject property does not currently have access to public sewer or public water

service. The nearest sewer line stops 75 feet west of the subject site and the nearest water line(s) run along the frontage of the subject site along both Harry Street and Greenwich Road.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for “local commercial” development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request conforms to the Land Use Guide and Commercial Locational Guidelines of the Comprehensive Plan. The Unified Zoning Code contains 11 Supplementary Use Regulations for nurseries and gardens centers located in the “LC” Limited Commercial zoning district. The request conforms to all of the Supplementary Use Regulations.

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

1. Conditional Use permit shall expire in four (4) years from the time of approval, with the opportunity to renew in one-year increments after the four (4) years have expired.
2. The seasonal nursery and garden center shall conform to all requirements of Section III-D.6.z. of the Unified Zoning Code.
3. One temporary portable storage container, not to exceed 200 square feet and properly screened, would be allowed.
4. A revised site plan shall be prepared to designate the location of a possible temporary storage enclosure.
5. The site shall be developed in general conformance with the approved site plan.
6. Lighting, of any kind, is prohibited.
7. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
8. Signs limited to two (2), 32 square-foot freestanding signs.
9. On-site sales are prohibited.
10. Construction of other improvements shall be completed within one year of approval by the appropriate governing body.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property to the north is zoned SF-5 Single-family Residential (“SF-5”), SF-20 Single-family Residential (“SF-20”) and GO General Office (“GO”) developed with a residence and offices. Property to the south is zoned LC and is developed with a bank, strip store and some vacant commercially zoned land. Property to the east is zoned LC and is currently developed with a farmstead. Property to the west is zoned LC, SF-5, and SF-20 and is currently vacant commercially zoned land and agricultural land.

2. **The suitability of the subject property for the uses to which it has been restricted:**
The property is zoned LC and is suitable for other LC type of uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:**
Conformance to the eleven (11) Supplementary Use Regulations found in Section III-D.6.z of the Unified Zoning Code (“UZC”) should limit any potential negative impacts on the surrounding properties.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for “regional commercial” development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The request conforms to the Land Use Guide and Commercial Locational Guidelines. The Unified Zoning Code contains 11 Supplementary Use Regulations for nurseries and gardens centers located in the “LC” Limited Commercial zoning district. The request conforms to all of the Supplementary Use Regulations.
5. **Impact of the proposed development on community facilities:** No detrimental impacts on community facilities are anticipated.

CON2008-20

Reviewed
4-21-08



SCALE: 1" = 100'

SITE PLAN
CONDITIONAL USE
CON2008-20

