CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 8, 2007

Marjorie J. Bergmann
1206 Century
Mulvane, KS 67110

RE: CON2007-05 – County Conditional Use for outdoor and indoor recreation in "RR" Rural Residential zoning for a haunted house, generally located west of south Meridian, between 79th and 87th Streets South (8501 South Meridian).

Dear Mrs. Bergmann:

At its regular meeting on **May 2, 2007**, the Sedgwick County Commission considered the above-captioned request. The action of the County Commission was to **APPROVE** the request subject to dedication of 20 feet of right-of-way along Meridian, and the following conditions:

1. The Conditional Use for Indoor and Outdoor Recreation and Entertainment shall be for a corn maze and haunted house facility only.
2. The applicants shall obtain all applicable permits including, but not limited to building, health, drainage and zoning.
3. The applicant shall submit a drainage plan, to be approved by the County Engineer, prior to making any building, parking, road, or site improvements.
4. The entrance drive to the site shall meet County commercial standards of 30 feet in width.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
6. No lighting of outdoor entertainment/recreation areas or lighting of parking lots shall be permitted. Outdoor lights may exist attached to buildings only.
7. No outdoor sound amplification systems shall be permitted on the site.
8. Indoor and Outdoor Recreation and Entertainment for a corn maze and haunted house facility shall be limited to the months of September through November, and shall be limited to the hours of 11 AM to 1 AM.
9. No outdoor entertainment/recreation areas shall exist within 125 feet of the north property line.
10. If operations have not begun within one year of approval, or if the Zoning

Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Planning staff will forward a copy of the approved resolution when the required dedication has been recorded. If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

JMC/mc
Enclosure

cc: Tim Norton, County Commissioner District II, Mail Stop, County Room #320
Bill Buchanan, County Manager, Mail Stop County Room #343
Bob Parnacott, County Law Dept., Mail Stop County Room #59
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213

RESOLUTION NO 114-07

A RESOLUTION FOR A CONDITIONAL USE TO ALLOW RECREATION AND ENTERTAINMENT, INDOOR AND OUTDOOR (CORN MAZE AND HAUNTED HOUSE) IN "RR" RURAL RESIDENTIAL ZONING, ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY RESOLUTION NO. 84-01, AS SUBSEQUENTLY AMENDED.

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

SECTION I. That after receiving a recommendation from the 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 V-D of the Wichita Sedgwick County unified Zoning Code, a Conditional Use to allow Recreation and Entertainment, Indoor and Outdoor (corn maze and haunted house) in "RR" Rural Residential zoning.

Case No. CON 2007-05

Legally described below:

The West 660 feet of the Southeast Quarter of Section 26, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located west of South Meridian, and south of 79th Street South.

SUBJECT TO THE DEDICATION OF 20 FEET OF RIGHT-OF-WAY ALONG THE MERIDIAN FRONTAGE AND THE FOLLOWING CONDITIONS:

1. The Conditional Use for Indoor and Outdoor Recreation and Entertainment shall be for a corn maze and haunted house facility only.

2. The applicants shall obtain all applicable permits including, but not limited to: building, health, drainage and zoning.

3. The applicant shall submit a drainage plan, to be approved by the County Engineer, prior to making any building, parking, road, or site improvements.

4. The entrance drive to the site shall meet County commercial standards of 30 feet in width.

5. Development and maintenance of the site shall be in conformance with the approved site plan.

6. No lighting of outdoor entertainment/recreation areas or lighting of parking lots shall be permitted. Outdoor lights may exist attached to buildings only.

7. No outdoor sound amplification systems shall be permitted on the site.

8. Indoor and Outdoor Recreation and Entertainment for a corn maze and haunted house facility shall be limited to the months of September through November, and shall be limited to the hours of 11 AM to 1 AM.

9. No outdoor entertainment/recreation areas shall exist within 125 feet of the north property line.

10. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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 by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH	Aye
TIM R. NORTON	Aye
THOMAS G. WINTERS	Aye
KELLY PARKS	Aye
GWEN WELSHIMER	Aye

DATED this 2nd day of May, 2007

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, CHAIRMAN
First District

ATTEST:

DON BRACE
County Clerk

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

APPROVED AS TO FORM ONLY:

ROBERT W. PARNACOTT
Assistant County Counselor

FILE COPY

AGENDA ITEM NO. 8

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC March 15, 2007
Haysville Planning Commission March 8, 2007

CASE NUMBER: CON2007-05

APPLICANT/AGENT: Marjorie and Bruce Bergmann (property owner/applicant)

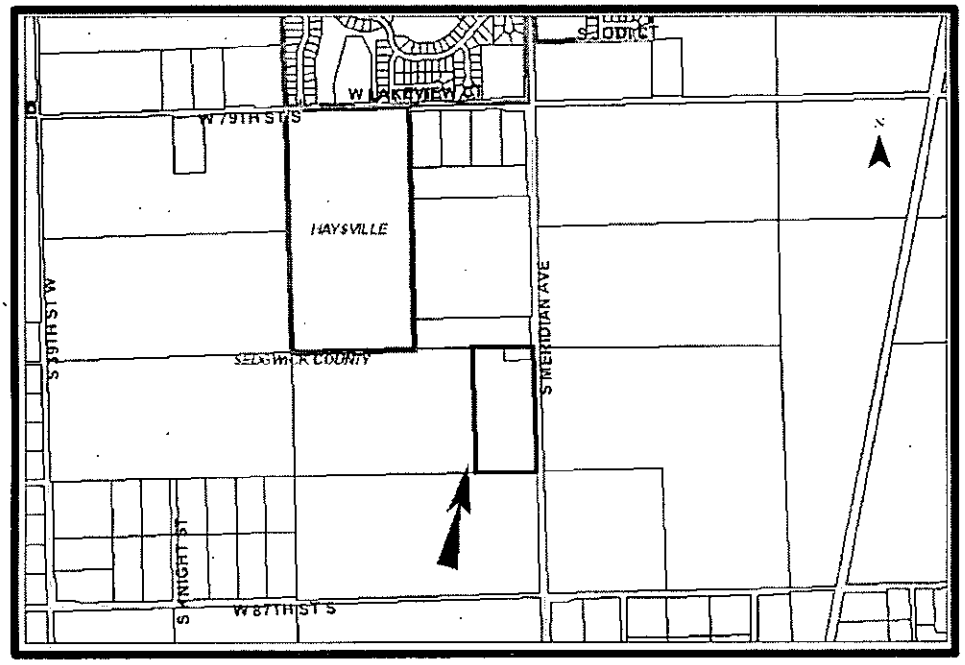
REQUEST: Conditional Use to allow Recreation and Entertainment, Indoor and Outdoor (corn maze and haunted house) in "RR" Rural Residential zoning

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 20.6 acres

LOCATION: West of S Meridian, and south of 79th Street S, within the Haysville Zoning Area of Influence

PROPOSED USE: Corn maze and haunted house



BACKGROUND: The applicant requests a Conditional Use for Recreation and Entertainment, Indoor and Outdoor (a corn maze and a haunted house) on a 20.6-acre "RR" Rural Residential zoned site, generally located west of Meridian and south of 79th Street South. The unplatted property is used for agriculture, and has held annual corn mazes for several years. The applicant now proposes adding an annual haunted house, and requests a Conditional Use for Recreation and Entertainment. All surrounding properties are also zoned RR. An undeveloped area within the City of Haysville lies over 600 feet northwest of the site, and developed areas within the City of Haysville are ½ mile north of the site, just north of 79th Street South. This site is within the Haysville Zoning Area of Influence; this request will receive a recommendation from the Haysville Planning Commission. Property immediately north of the site is developed with a single-family residence farmstead, all other surrounding property is used for agriculture.

The attached site plan indicates unpaved parking for approximately 250 vehicles, a parking overflow area, and one four by eight foot sign. The site plan indicates several existing outbuildings, and 15 proposed small outbuildings within an orchard that would be used for the haunted house. The applicant indicates that the small buildings would be temporary in nature. A large, permanent indoor facility would require the applicant to meet public restroom and ADA codes, which the applicant wishes to avoid. The applicant uses portable toilets for the seasonal recreation/entertainment.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Farmstead
SOUTH:	"RR"	Agriculture
EAST:	"RR"	Agriculture
WEST:	"RR"	Agriculture

PUBLIC SERVICES: This site is accessed via Meridian, a paved two-lane section-line road with a 40-foot half-width right-of-way (ROW) at the site. Immediately north of this site, Meridian has a 60-foot half-width ROW. This portion of Meridian has a daily traffic count of 1,922. The 2030 Transportation Plan indicates that this portion of Meridian will remain a two-lane arterial. The site has no water or sewer.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies this area as within the Haysville Growth Area. This site is not within the boundaries of the South Wichita/Haysville Area Plan.

The UZC provides for Outdoor Recreation as a Conditional Use limited to tennis courts, miniature golf, and similar uses that the Planning Commission has determined will not

produce undue noise or attract large numbers of spectators. The UZC goes on to apply supplementary use regulations for the Outdoor Recreation Conditional Use to include lighting, noise, driveway/parking surfacing, the option to establish operating hours, maintenance requirements, and a standard stating that street access shall be contiguous to an arterial or expressway. Because this application does not meet the driveway and parking area paving requirement, this request will require governing body approval according to the UZC section V-D.6.

RECOMMENDATION: The Comprehensive Plan identifies this site as within the Haysville Growth Area; the proposed conditional use could be an interim low impact use of the land, along with agriculture, requiring little site disruption. Because the site is greater than 20 acres, staff does not see that platting is necessary. However, County Engineering indicates that drainage problems exist in the immediate area. Engineering feels that drainage ditches will require improvements, requiring a total of 60 feet of ROW. County Engineering also indicates that the current drive approach does not meet county commercial standards of 30 feet. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to dedication of 20 feet of ROW along Meridian, and the following conditions:

1. The Conditional Use for Indoor and Outdoor Recreation and Entertainment shall be for a corn maze and haunted house facility only.

2. The applicants shall obtain all applicable permits including, but not limited to: building, health, drainage and zoning.

3. The applicant shall submit a drainage plan, to be approved by the County Engineer, prior to making any building, parking, road, or site improvements.

4. The entrance drive to the site shall meet County commercial standards of 30 feet in width.

5. Development and maintenance of the site shall be in conformance with the approved site plan.

6. No lighting of outdoor entertainment/recreation areas or lighting of parking lots shall be permitted. Outdoor lights may exist attached to buildings only.

7. No outdoor sound amplification systems shall be permitted on the site.

8. Indoor and Outdoor Recreation and Entertainment for a corn maze and haunted house facility shall be limited to the months of September through November, and shall be limited to the hours of 11 AM to 1 AM.

9. No outdoor entertainment/recreation areas shall exist within 125 feet of the north property line.

10. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

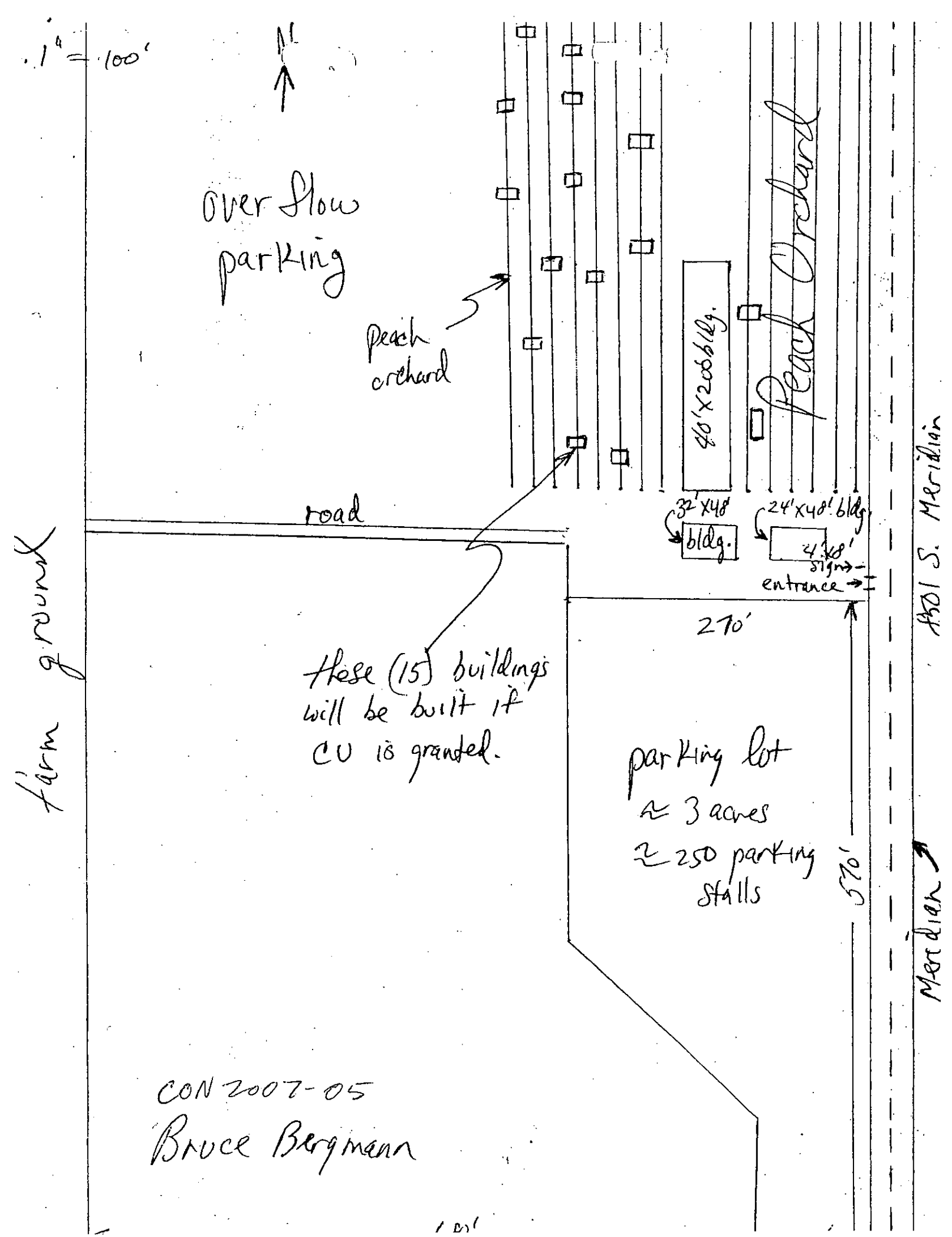
1. The zoning, uses and character of the surrounding area: All property surrounding the application area is zoned RR and used for agriculture. One farmstead abuts the site to the north.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture and large lot residential uses. The site could be used for a single-family residence or agriculture without the Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed Conditional Use could have negative affects on the residence to the north through increased activity, noise, and light. These issues should be mitigated through the proposed conditions limiting lighting, noise, and requiring a 125-foot buffer. Likewise, appropriate agency review should ensure that improvements on the site do not contribute to flooding problems on nearby property.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in general conformance with the Wichita-Sedgwick County Comprehensive Plan. The request does not meet the driveway and parking area paving standard of the Wichita-Sedgwick County Unified Zoning Code, and must therefore be reviewed by the governing body.

5. Impact of the proposed development on community facilities: The requested Conditional Use will generate increased traffic on this portion of Meridian. The proposed conditions should ensure that area storm water systems should not be affected.


1" = 100'
N
overflow parking
peach orchard
Peach Orchard
40'x200' bldg.
32'x48' bldg.
24'x48' bldg.
4'x8' sign
entrance
road
270'
570'
these (15) buildings will be built if CU is granted.
parking lot
≈ 3 acres
≈ 250 parking stalls
farm ground
4501 S. Meridian
Meridian
CON 2007-05
Bruce Bergmann