



Wichita-Sedgwick County Metropolitan Area Planning Department

January 14, 2019

Der Bauernhof, LLC
Attn: Stan Brodhagen
2019 North Frederic
Wichita, KS 67206

RE: CON2018-00040 - County request to grant a Conditional Use Permit to allow an Event Center in the County on property located on the east side of North Hillside and south of 101st Street North (10040 North Hillside).

Dear Applicant:

At its regular meeting on **December 6, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: MABCD
Richard Ranzau, BOCC District IV, County Mail Stop Room #320
Justin Waggoner, Assistant County Counselor, Mail Stop #349

CONDITIONAL USE RESOLUTION NO. CON2018-00040

WHEREAS, Der Bauernhof, LLC, (owner), on behalf of Pauletta and Stan Brodhagen (owners) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for an Event Center use on property zoned RR, Rural Residential District, at 10040 North Hillside Avenue, Valley Center, Kansas, and legally described as:

The North 900 feet of the West ½ of the Northwest Quarter, excluding beginning at the Northeast corner of the West ½ of the Northwest Quarter; thence south 990 feet; thence west 600 feet; thence north 320 feet; thence northwesterly 339.02 feet; thence north 430 feet; thence east 900 feet to the beginning; and excluding the north 60 feet and the west 50 feet for roads; all in Section 23, Township 25 South, Range 1 East of the 6th Prime Meridian; Sedgwick County, Kansas.

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 December 6, 2018, 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 an Event Center use on property zoned RR, Rural Residential District, at 10040 North Hillside Avenue, Valley Center, Kansas, legally described as:

The North 900 feet of the West ½ of the Northwest Quarter, excluding beginning at the Northeast corner of the West ½ of the Northwest Quarter; thence south 990 feet; thence west 600 feet; thence north 320 feet; thence northwesterly 339.02 feet; thence north 430 feet; thence east 900 feet to the beginning; and excluding the north 60 feet and the west 50 feet for roads; all in Section 23, Township 25 South, Range 1 East of the 6th Prime Meridian; Sedgwick County, Kansas.

Subject to the following conditions:

1. The Conditional Use approval is for an “event center in the County,” and shall be developed, maintained and operated in conformance with the approved site plan.
2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. Compliance with all provision of the UZC found at Section III(d)(6)(nn) concerning the Event Center.
4. The size of the events shall be limited to no more than 150 people at one event, with all events ending by 11:00 p.m. Attendees shall vacate the property by 11:30 p.m. Any alcohol served shall be by outside caterers appropriately licensed.
5. No new buildings or other areas of the property shall be used for the event center activity except those shown on the approved site plan. Additions or modifications of buildings or uses will require an amendment or adjustment to the approved conditional use, as determined by the Director of Planning.

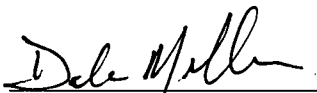
6. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, may declare the Conditional Use null and void.

Adopted this 6th Day of December, 2018

METROPOLITAN AREA PLANNING COMMISSION


Cindy Miles, Chair, MAPC

ATTEST:


Dale Miller, Secretary

STAFF REPORT
MAPC Dec. 6, 2018

CASE NUMBER: CON2018-00040

APPLICANT/AGENT: Der Bauernhof, LLC / Stan Brodhagen (owner/applicant)

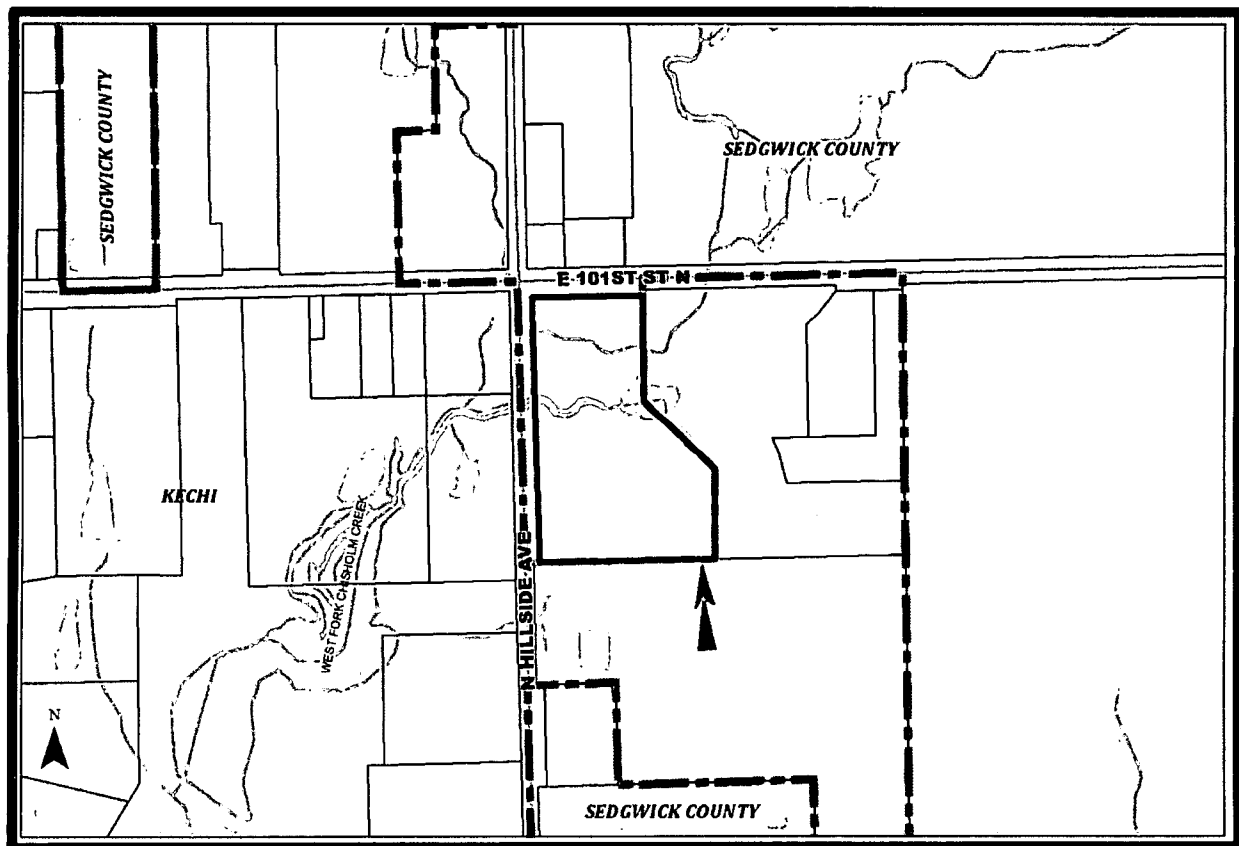
REQUEST: Conditional Use to permit an Event Center in the County

CURRENT ZONING: RR Rural Residential

SITE SIZE: 10.495 acres

LOCATION: Southeast corner of North Hillside and East 101st Street North (10040 North Hillside Avenue)

PROPOSED USE: Event Center in the County



BACKGROUND: The applicant is requesting conditional use approval for an “Event Center in the County.” The application area is 10.5 acres zoned RR Rural Residential (RR) located at the southeast corner of North Hillside Avenue and East 101st Street North, 10040 North Hillside Avenue. The site is developed with the applicant’s home, and two accessory buildings, one of which is the principal event center facility. At its closest point to a property line, the building housing the event center is approximately 106 feet from adjoining properties. The applicant indicates most events do not exceed 100 people. Gravel parking for approximately 75 cars has been installed. The facility is primarily used for family or neighborhood events where a user fee is not charged. The applicant indicated he expects the facility will be rented out about ten times a year. Access to the site is off of Hillside Avenue and 101st Street. The property also has a pond. The pond’s ownership is divided between the applicant and the property owner located immediately to the east. The West Fork of Chisholm Creek and its floodplain run east-to-west across the northern portion of the application area. The applicant’s site plan is attached. A copy of the applicant’s “property usage agreement” is also attached.

The application area abuts property located within the City of Kechi on its east and south property line, and is adjacent to the City of Kechi located west across North Hillside Avenue. None of the land surrounding the application area is as part of Kechi’s urban area of influence. The property located immediately east of the subject site has a single-family residence as well as an event center facility within the City of Kechi. Land to the south may also be part of the event center located to the east of the application area. (The properties located east and south of the application area are owned by various individuals or trusts with the same last name.) Staff is not aware of the zoning of the land located within Kechi. The properties located west of the subject site, across North Hillside Avenue are developed with large-lot residential homes. Again, staff does not know the zoning of the properties as they are located within the City of Kechi. Land located to the north, across East 101st Street North, is in Sedgwick County, and is zoned RR Rural Residential. Land north of the application area has a variety of uses: large-lot residences, agriculture and community center.

The Unified Zoning Code contains certain performance standards applicable to Event Center operations in the County. These are found in the Supplementary Uses, at Section III(d)(6)(nn). The relevant provisions applicable to this facility are as follows:

- (nn) Event Center in the County, Church or Place of Worship, Community Assembly and Farmer’s Market in the County in RR. In the RR district only, an Event Center in the County, on property with less than 20 acres requires a Conditional Use and is subject to the standards of this section.
 - (1) Maximum building occupancy is limited to that established by building and/or fire officials utilizing applicable building or fire code standards.
 - (2) Buildings, events and activities shall comply with applicable building, fire, sanitation, life-safety and other applicable codes.
 - (3) Seating or attendance at outdoor events shall be limited to the maximum number of occupants permitted by the minimum required parking.
 - (4) Required parking for an Event Center in the County shall be provided at the rate of one space per four occupants or as established by a parking study. Parking spaces for persons with disabilities shall be paved. Parking, drive aisles and circulation areas for uses shall be rock or material designated by County officials unless a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, and the use is not open to the public more than 100 days per year. If a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, the parking and circulation aisle surface may be grass. All parking shall be located on-site. The event operator or the property owner must

- maintain a logbook or calendar that accurately indicates the date(s) per month the site will be in use.
- (5) Sites offering both indoor and outdoor events shall require parking for the use with the highest parking requirement.
 - (6) Drainage shall be addressed at the time of platting, change of occupancy or as part of building permit review.
 - (7) Building and activity areas (other than a driveway) shall be setback 100 feet from property lines.
 - (8) Access control shall be as determined by Sedgwick County Traffic Engineer.
 - (9) Signage shall be per County Sign Code.
 - (10) The service of food and drink may be permitted both indoor and outdoor as part of the operations of the facility provided that the service complies with all applicable regulations. The service of any alcoholic liquor or cereal malt beverage is permitted only with applicable licenses.
 - (11) Portable toilets shall not be placed within the 100-foot building setback.
 - (12) Prior to use of the property for the stated use, the applicant shall submit for review and approval by the Director of Planning or his designee a detailed site plan that depicts existing and/or proposed: property boundaries, buildings, structures, access points, driveways, location and number of parking spaces, outdoor lighting, location of dumpsters, setbacks, outdoor seating or activity areas. At a minimum, the site plan shall be to scale and/or have enough dimension control to verify: site size, size of improvements, buildings or activity areas, location of improvements, buildings, or activity areas, and parking, circulation drives, and access points or any other pertinent details as requested by County staff.

CASE HISTORY: The site's RR zoning was likely applied with the 1985 adoption of county-wide zoning regulations.

ADJACENT ZONING AND LAND USE:

North: RR; large-lot residential, agriculture, community center
South: unknown Kechi zoning; agriculture and possibly an event center
East: unknown Kechi zoning; residence and event center
West: unknown Kechi zoning; large-lot residential

PUBLIC SERVICES: The property utilizes on-site sewer and water services. There is approximately 60 feet of half-street right-of-way along the applicant's segment of East 101st Street North. East 101st Street North is a paved two-lane arterial. North Hillside Avenue is an unpaved two-lane arterial. North Hillside Avenue has approximately 48 feet of half-street right-of-way abutting the application area.

CONFORMANCE TO PLANS/POLICIES: The 2035 Urban Growth Areas Map depicts this site as "rural." "Rural" areas are land located outside the 2035 urban growth area, and are intended for rural based businesses and large lot exurban subdivisions. The 2040 Kechi Community Form and Function / Exhibit 9 Future Development Plan Map does not cover the application area.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared it is recommended that the request be APPROVED subject to the following conditions:

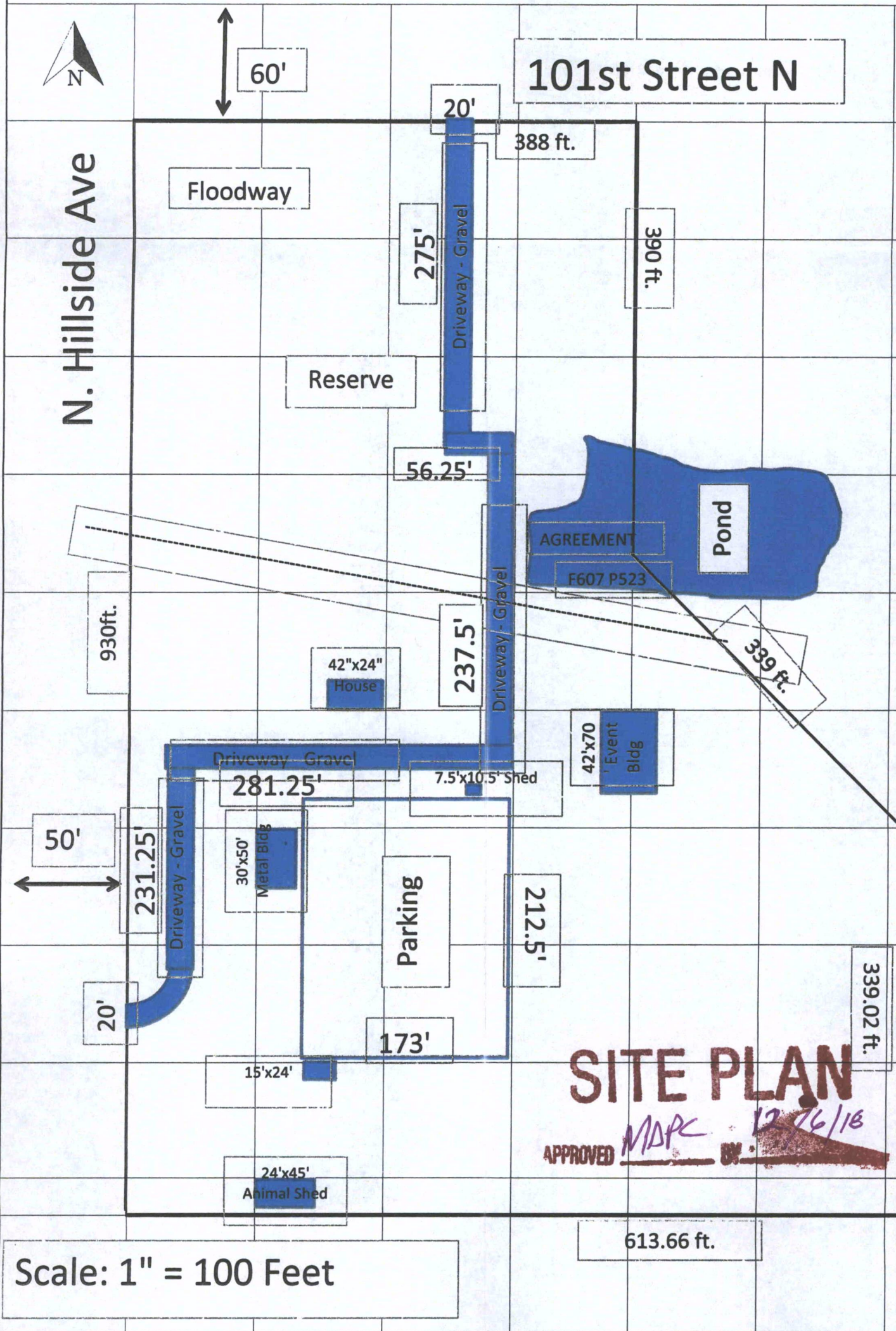
1. The Conditional Use approval is for an "event center in the County," and shall be developed, maintained and operated in conformance with the approved site plan.

2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. Compliance with all provision of the UZC found at Section III(d)(6)(nn) concerning the Event Center.
4. The size of the events shall be limited to no more than 150 people at one event, with all events ending by 11:00 p.m. Attendees shall vacate the property by 11:30 p.m. Any alcohol served shall be by outside caterers appropriately licensed.
5. No new buildings or other areas of the property shall be used for the event center activity except those shown on the approved site plan. Additions or modifications of buildings or uses will require an amendment or adjustment to the approved conditional use, as determined by the Director of Planning.
6. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, may declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning of land located within the City of Kechi is unknown. Land to the north of East 101st Street North is located in the County and is zoned RR. The character of the area is a mix of suburban large-lot residential, agricultural and rural based businesses such as event centers.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR and developed with a single-family residence and two accessory buildings. As developed, the property has and will continue to have economic value.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the "conditional use" should not detrimentally impact nearby property owners since there is a similar use already in existence located immediately east of the subject site. There potentially will be additional traffic on North Hillside Avenue.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will provide additional choice to the public for such uses. Denial would presumably be a loss of economic opportunity for the applicant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Urban Growth Areas Map depicts this site as "rural." "Rural" areas are land located outside the 2035 urban growth area, and are intended for rural based businesses and large lot exurban subdivisions.
6. Impact of the proposed development on community facilities: None identified.

Conditional Use Permit for the purpose of Event Center



SITE PLAN

APPROVED *MAPC* 12/16/18

Scale: 1" = 100 Feet

Legal Description: N 990 FT W1/2 NW1/4 EXC BEG NE COR W1/2 NW1/4 S 990 FT W 660 FT N 320 FT NWLY 339.02 FT N 430 FT E 900 FTTO BEG & EXC N 60 FT & W 50 FT FOR RDS. SEC 23-25-1E Applicants Name: Stan Brodhagen