

R# 218-1994

Published in The Daily Reporter on December 16, 1994

RESOLUTION NO.

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE PARK TO CONDUCT GROUP EDUCATIONAL AND RECREATIONAL ACTIVITIES UNDER LICENSED SUPERVISION IN THE "R" RURAL RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, a conditional use permit to allow a private park to conduct group educational and recreational activities under licensed supervision on property zoned the "R" Rural Residential District, legally described below:

Case No. CU-378

Conditional use permit request for a private park to conduct group educational and recreational activities under licensed supervision on property zoned the "R" Rural Residential District

Beginning at the SE cor. of the NE 1/4 of Sect. 11, T25S, R1E; thence west 2080 feet; thence north 510 feet; thence east 820; thence south 490 feet; thence east 1260 feet; thence south 20 feet to the point of beginning. Generally located 1/2 mile south of 117th Street North on the west side of Oliver (47th Street East).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. This Conditional Use Permit shall be for a private park to be utilized for a ropes climbing/obstacle course. Other uses shall be permitted,

as determined by the County Zoning Administrator, which are of the same general character and which will not be detrimental to the area in which located and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare. No gun shooting/practice or overnight camping shall be permitted.

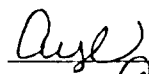
2. A small shelter, not to exceed 1,500 square feet in maximum floor area, shall be permitted. Any additional buildings to be constructed for public occupancy in conjunction with the private park will require a new application to be submitted for review and approval by the MAPC and the Board of County Commissioners.
3. The owner of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to any necessary rest room facilities or on-site sewage disposal. Such facilities shall be provided as required by all applicable codes, including the health code and the building code.
4. The disposal of any solid waste that is generated at this site shall be in accordance with Sedgwick County's Sanitation Code Number 7.
5. Adequate on-site automobile parking areas shall be provided and improved in accordance with the zoning regulation requirements.
6. Violation of any of the conditions of approval shall render the Conditional Use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office 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 and publication in the official county paper.

Commissioners present and voting were:

PAUL W. HANCOCK
THOMAS G. WINTERS




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ANDREW L. BIAS
MARK F. SCHROEDER
BETSY GWIN

Aye
Aye
Aye

DATED this 30th day of November, 1994.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Betsy Gwin
BETSY GWIN, Chair 11-30-94

Andrew L. Bias
ANDREW L. BIAS, Chairman Pro Tem

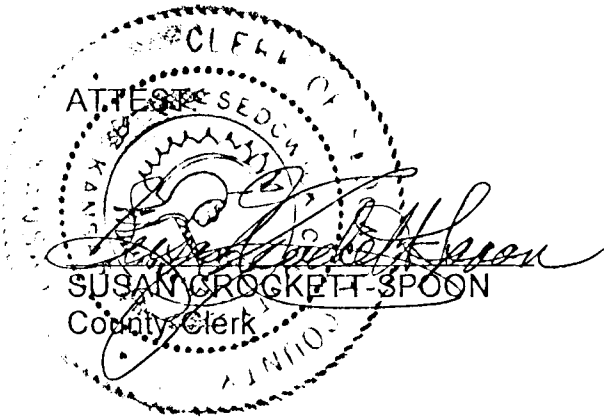
Paul W. Hancock
PAUL W. HANCOCK, Commissioner

Thomas G. Winters
THOMAS G. WINTERS, Commissioner

APPROVED AS TO FORM ONLY:

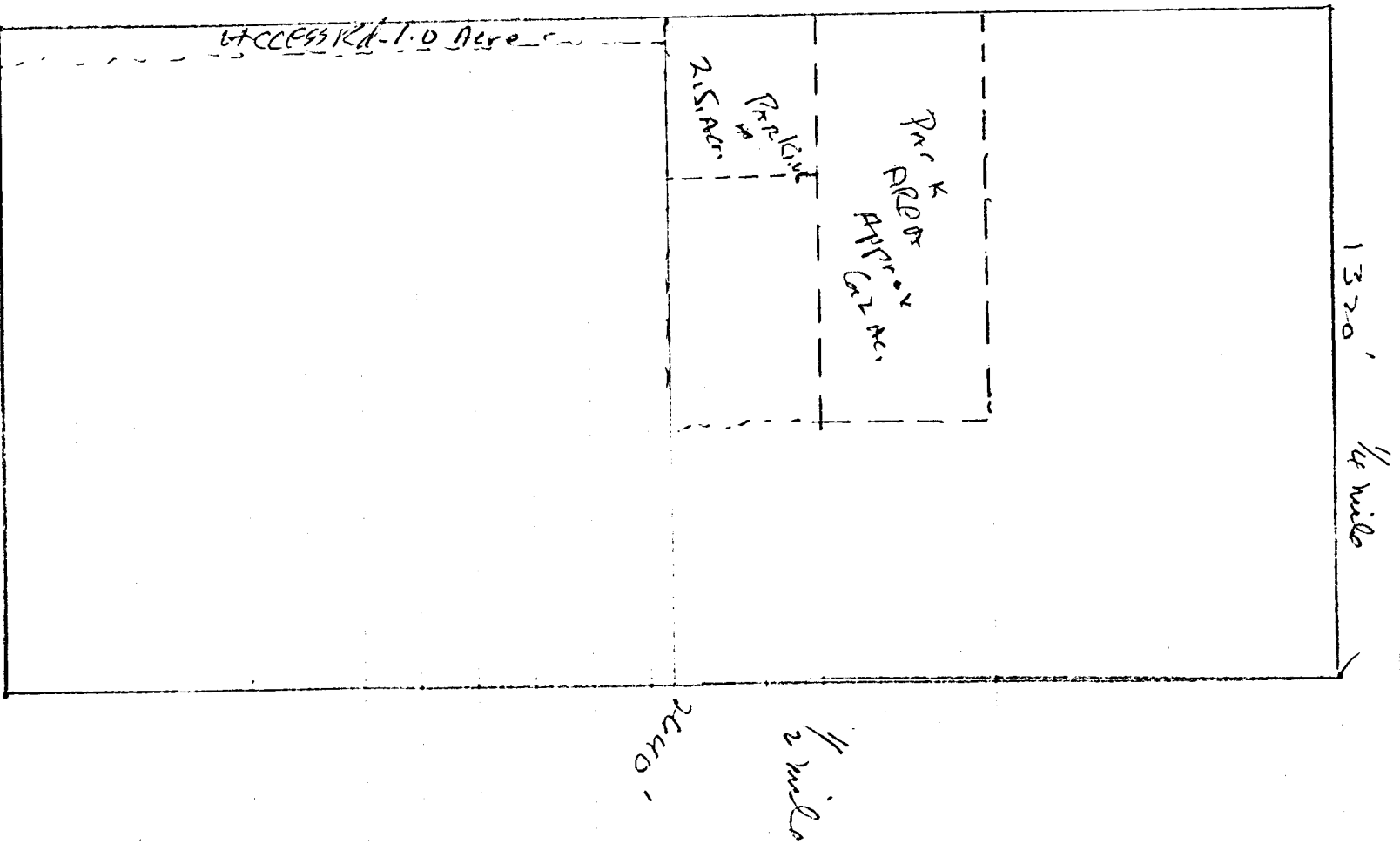
[Signature]
County Counselor/Assistant

Mark F. Schroeder
MARK F. SCHROEDER, Commissioner



$\frac{1}{2}$ NE $\frac{1}{4}$ SE 111 E

1" = 330'



0110 E R - 47 1/2 EAST

STAFF REPORT

November 3, 1994

CASE NUMBER: CU-378

APPLICANT/AGENT: Dale K. & Elizabeth A. Allen

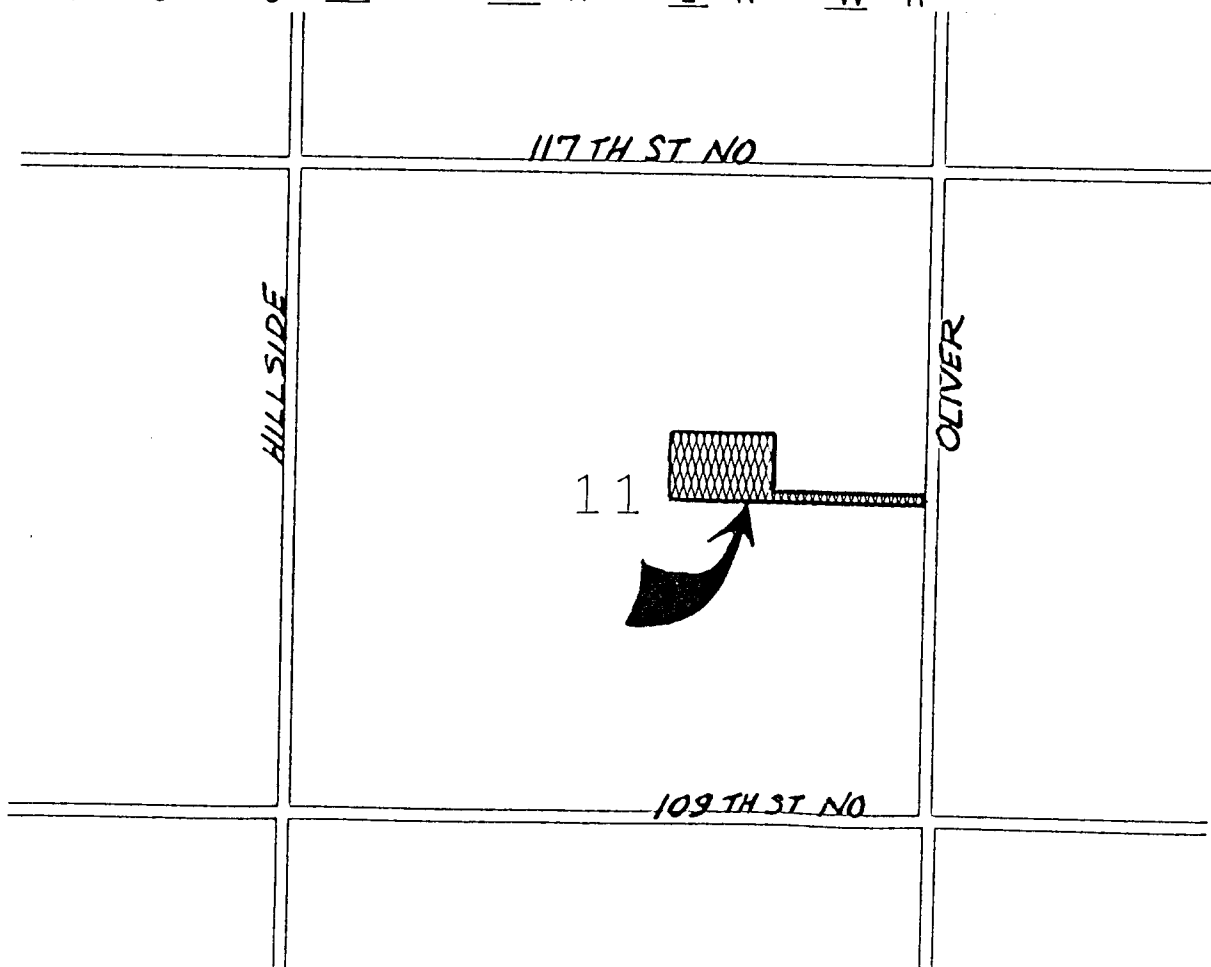
REQUEST: Conditional Use Permit to allow a private park to conduct educational and recreational activities under licensed supervision.

CURRENT ZONING: "R" Rural Residential

SITE SIZE: 10 acres

LOCATION: ½ mile south of 117th Street North on the west side of Oliver (47th Street East).

Adjoining Zoning: N "R" S "R" E "R" W "R"



BACKGROUND: The Mosey Outdoor Adventure Society requests a Conditional Use Permit to allow a private park to conduct educational and recreational activities under licensed supervision. The application area is approximately 10 acres in size located ½ mile south of 117th Street North on the west side of Oliver (47th Street East). The site bordered by the applicant's home along Oliver and agricultural uses to the north, west, and south. A shooting range is located ½ mile to the north on the north side of 117th Street North.

The proposed park facility would have a parking area for vehicles, a ropes / obstacles course, and possibly a small shelter for protection from bad weather. The applicant indicates that the park could serve school students, youth and family service agencies, camps and conference centers, corporate groups, and hospitals and clinics. According to the applicant, the educational and recreational experiences at the site would: promote teamwork, communication skills, and conflict resolution; promote responsibility for self and others; and develop leadership, decision making, and healthy risk-taking skills.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"R"	Agricultural uses
SOUTH:	"R"	Agricultural uses
EAST:	"R"	Single family home, agricultural uses
WEST:	"R"	Agricultural uses

PUBLIC SERVICES: Municipal water and sewer services are not necessary for the proposed use. The site has access from Oliver (47th Street East), currently an unpaved section line arterial with 40 feet of existing half street right-of-way. However, the Sedgwick County Capital Improvement Program (CIP) schedules Oliver to be improved in 1998 to a paved roadway from 101st Street North to 121st Street North.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan identifies this area for agricultural uses. The Comprehensive Plan does not specifically address private park facilities for educational purposes. However, the agricultural classification of the Development Guide suggests that such areas can allow other uses common in rural areas, which are no more offensive than normal agricultural uses, thus preserving the rural flavor of the county.

RECOMMENDATION: Planning staff recommends that the request be APPROVED, subject to the following conditions:

1. This Conditional Use Permit shall be for a private park to be utilized for a ropes climbing / obstacle course. Other uses shall be permitted, as determined by the County Zoning Administrator, which are of the same general character and which will not be detrimental to the area in which located and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare. No gun shooting / practice or overnight camping shall be permitted.
2. A small shelter, not to exceed 1,500 square feet in maximum floor area, shall be permitted. Any additional buildings to be constructed for public occupancy in conjunction with the private park will require a new application to be submitted for review and approval by the MAPC and the Board of County Commissioners.
3. The owner of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department relative to any necessary restroom facilities or on-site sewage disposal. Such facilities shall be provided as required by all applicable codes, including the health code and the building code.
4. The disposal of any solid waste that is generated at this site shall be in accordance with Sedgwick County's Sanitation Code Number 7.
5. Adequate on-site automobile parking areas shall be provided and improved in accordance with the zoning regulation requirements.
6. Violation of any of the conditions of approval shall render the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by agricultural uses. However, the proposed use is typically located in rural areas, and thus suitable for this site.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use will have minimal site development, except for the ropes / obstacle course and a parking area for vehicles. With the recommended health and sanitation requirements, the proposed park should have minimal impact upon surrounding properties.

3. Conformance of the requested change to adopted or recognized Plans/Policies:

The Comprehensive Plan does not specifically address private park facilities for educational purposes. However, the agricultural classification of the Development Guide suggests that such areas can allow other uses common in rural areas, which are no more offensive than normal agricultural uses, thus preserving the rural flavor of the county.

4. Impact of the proposed development on community facilities: Municipal water and sewer services are not necessary for the proposed use. The park should have a minimal impact upon Oliver, which is scheduled to be improved to a paved roadway in 1998.