217-03

RESOLUTION NO. 217-03

A RESOLUTION APPROVING A CONDITIONAL USE TO PERMIT OUTDOOR RECREATION AND ENTERTAINMENT ON 4.59 ACRES, LOCATED NORTH OF 93RD STREET NORTH AND EST OF HYDRAULIC; ON PROPERTY ZONED "RR" RURAL RESIDENTIAL, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY 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 V-D of the Wichita Sedgwick County Unified Zoning Code, a conditional use for the land legally described herein is approved as follows:

Case No. CON2003-00026

A Conditional Use for outdoor recreation and entertainment on property described as:

Beginning 212 feet West and 540 feet North of the Southeast corner of the South Half of the West Half of the Southeast Quarter of Section 21, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas for a place of beginning; thence West 500 feet; thence North 400 feet; thence East 500 feet; thence South 400 feet to the point of beginning. Generally located north of 93rd Street North and west of Hydraulic.

THE CONDITIONAL USE IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use shall be restricted to a privately-owned area for a corn field maze. No other outdoor entertainment and recreation activities shall be authorized by the Conditional Use.
2. The Conditional Use shall be valid for a period of five (5) years at which point it shall become null and void unless it is renewed.
3. All requirements of Section III.D.6.o. of the Unified Zoning Code shall be met, except as modified by the conditions of the Conditional Use.
4. Operations shall be limited to the period from the second Friday in September to November 30 each year. Daily operations shall cease at 30 minutes after sundown except for the last 10 days in October when hours would be 9 PM on weekdays and 10 PM on weekends.
5. The access drive and parking area shall be surfaced with an all weather surface approved by the Sedgwick County Fire and Public Works Departments. The access drive shall be a minimum of 24 feet wide. The parking area shall provide a minimum of 32 parking spaces and shall provide a turn-around area for emergency vehicles as approved by the Sedgwick County Fire Department. No parking shall be permitted on the access drive, turn-around area, or any area not improved with an all weather surface. The access drive and parking area shall be maintained in good condition and free of all debris, weeds, trash, and obstructions.
6. A maximum number of 90 people shall be allowed on the site at one time.

7. A minimum of two chemical portable toilets shall be provided. The applicant shall maintain an ongoing maintenance contract for removal of waste from the portable toilets and the disposal of waste shall be in accordance with Sedgwick County sanitation codes.
8. The sale of concessions shall be incidental to the outdoor entertainment and recreation use and shall be in conformance with applicable health regulations. The sale of alcoholic beverages is prohibited.
9. A directional sign shall be permitted at the 93rd Street North entrance to the access drive. The sign shall be a maximum of six square feet in size and six feet in height. No temporary banners are permitted.
10. Approval of the Conditional Use constitutes a waiver of the standard requiring a location contiguous to an arterial or expressway.
11. Prior to the commencement of operations, the applicant shall receive approval of a revised site plan by the Planning Director. The revised site plan shall be submitted for approval no later than 60 days following approval of the Conditional Use. The revised site plan shall reflect all conditions of approval and shall conform to all requirements of the "Site Plan Guidelines for Conditional Use Application."
12. The site shall be developed and operated in general conformance with the approved site plan. All improvements shall be completed prior to the commencement of operations.
13. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
14. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is 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:

DAVE UNRUH	aye
TIM R. NORTON	aye
THOMAS G. WINTERS	aye
CAROLYN McGINN	aye
BEN SCIORTINO	aye

DATED this 3rd day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

TIM R. NORTON, CHAIRMAN
Second District

ATTEST:

DON BRACE, County Clerk

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

CON2003-00026

SITE PLAN

APPROVED 9-8-03 BY SK

20 40 60 80

1" = 80'

N

⊠ RESTROOMS

◯ TREES

CON2003-26
CONDITIONAL USE
FOR OUTDOOR RECREATION
CORN FIELD MAZE

NORTH OF 93RD
AND WEST OF HYDRAULIC

500'

500'

40'

BUS PARKING
AND TURNAROUND

8'

188'

84'

"NO PARKING"
SIGNS

32 CAR GRAVEL
PARKING LOT

200'

GRAVEL
ACCESS ROAD
TURNAROUND
FOR EMERGENCY
VEHICLES

24'

GRAVEL ACCESS
ROAD

ENTRANCE SIGN

93RD STREET

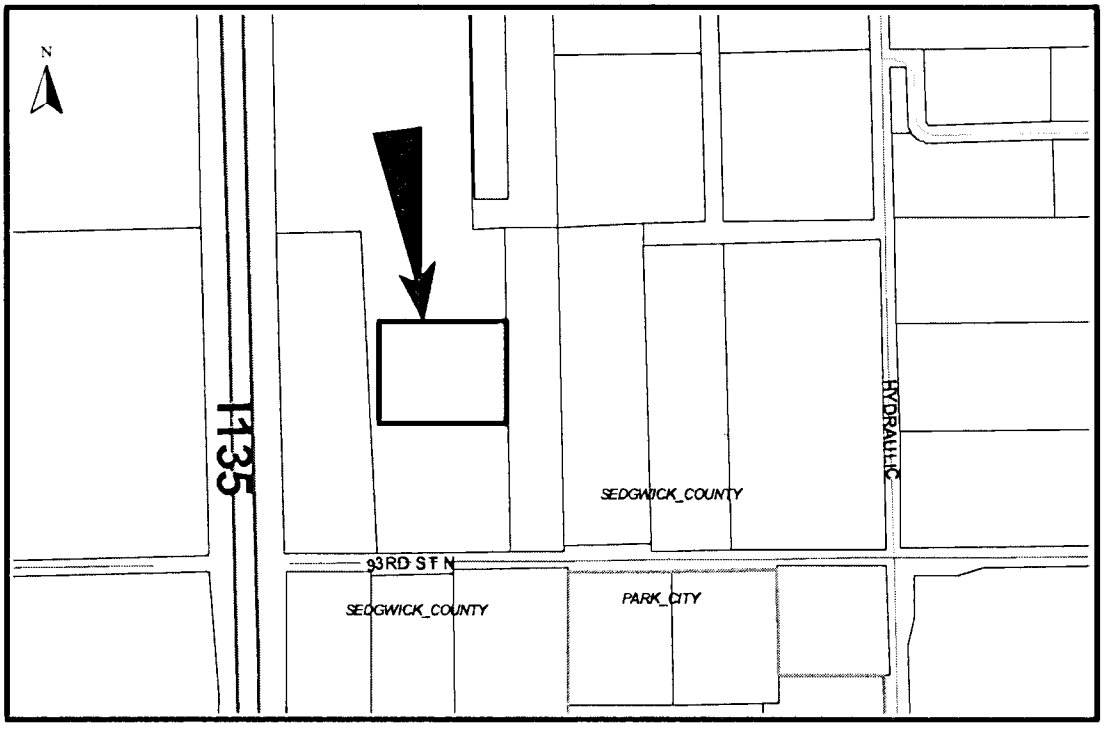
WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC August 7, 2003

CASE NUMBER:	CON2003-00026
APPLICANT/OWNER:	Larry and Sharon Hiebert (Owners); Terry Hiebert (Applicant); Ferris Consulting c/o Greg Ferris (Agent)
REQUEST:	Conditional Use for outdoor recreation and entertainment
CURRENT ZONING:	"RR" Rural Residential
SITE SIZE:	4.59 acres
LOCATION:	North of 93rd Street North and west of Hydraulic
PROPOSED USE:	Corn field maze



BACKGROUND: The applicant is requesting a Conditional Use to allow a "corn field maze" on a 4.59-acre unplatted tract zoned "RR" Rural Residential and located north of 93rd Street North and west of Hydraulic. The applicant proposes to cut a maze through a field of corn and open it to the public to walk through the maze as a form of recreation and entertainment. The applicant's proposed terms of operation and site plan are attached.

A "corn field maze" is considered an outdoor recreation and entertainment use under the Unified Zoning Code (UZC). The UZC defines outdoor recreation and entertainment as a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members wherein a portion of the activity takes place in the open. A Conditional Use is required for outdoor recreation and entertainment in the "RR" Rural Residential zoning district. The UZC indicates that a Conditional Use for outdoor recreation and entertainment shall be limited to a use that the Planning Commission has determined will not produce undue noise or attract large numbers of spectators.

Section III-D.6.o. of the UZC (attached) indicates that a Conditional Use for outdoor recreation and entertainment shall comply with six standards. The Conditional Use request does not conform with two of the six standards. First, the subject property is not contiguous to an arterial street or expressway. Second, the applicant proposes that the driveway and parking area be gravel rather than concrete or asphalt. The applicant requests that both of these standards be waived. UZC standards for a Conditional Use can only be waived by the Board of County Commissioners upon receiving a favorable recommendation from the Planning Commission.

The character of the surrounding area is rural. All properties surrounding the subject property are zoned "RR" Rural Residential are used for agriculture or are developed with large-lot rural home sites.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agriculture
SOUTH:	"RR"	Agriculture
EAST:	"RR"	Single-family residence
WEST:	"RR"	Agriculture

PUBLIC SERVICES: Access to the subject property is from 93rd Street North, an unimproved township road. The subject property is located within a rural water district service area. Public sewer service is not currently available to serve the subject property.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan designates this area as a Small City Growth Area; however, the subject property is located outside the Zoning Area of Influence of any city. The policies of the UZC allow outdoor recreation and entertainment as a Conditional Use if the proposed use is located on an arterial street, complies with lighting and noise standards, has paved access and parking, has reasonable operating hours, and is properly maintained. The proposed use does not conform with the policies of the UZC because it is not located on an arterial street and an unpaved access drive and parking area is proposed.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be DENIED.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is rural. All properties surrounding the subject property are zoned "RR" Rural Residential are used for agriculture or are developed with large-lot rural home sites. An outdoor recreation and entertainment business is inconsistent with the zoning, uses, and character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "RR" Rural Residential and is presently used for agriculture and a single-family residence. The subject property is apparently suitable for the agricultural and residential uses to which it has been restricted.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Outdoor recreation and entertainment use of the subject property has the potential to create detrimental affects on nearby property resulting from an increase in noise, traffic, trash, etc. being generated by the subject property.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes contains specific policies pertaining to outdoor entertainment in the "RR" Rural Residential zoning district. The Conditional Use request does not conform with these policies.

5. Impact of the proposed development on community facilities: Increased traffic from the proposed outdoor recreation and entertainment will have a detrimental impact on the maintenance of the unimproved township road fronting the subject property.

If, after closing the public hearing, the Planning Commission finds that the Conditional Use for outdoor recreation and entertainment should be approved, the Planning Commission motion to approve will need to include findings of fact regarding the UZC Review Criteria that support approval and planning staff recommends that approval should be subject to the following conditions:

1. The Conditional Use shall be restricted to a privately-owned area for a corn field maze. No other outdoor entertainment and recreation activities shall be authorized by the Conditional Use.

2. All requirements of Section III.D.6.o. of the Unified Zoning Code shall be met, except as modified by the conditions of the Conditional Use.

3. Operations shall be limited to September 15 to November 30 each year. Daily operations shall be limited to daylight hours.

4. The access drive and parking area shall be surfaced with an all weather surface approved by the Sedgwick County Fire and Public Works Departments. The access drive shall be a minimum of 24 feet wide. The parking area shall provide a minimum of 10 parking spaces and shall provide a turn-around area for emergency vehicles as approved by the Sedgwick County Fire Department. No parking shall be permitted on the access drive, turn-around area, or any area not improved with an all weather surface. The access drive and parking area shall be maintained in good condition and free of all debris, weeds, trash, and obstructions.

5. A maximum number of 40 people shall be allowed on the site at one time.

6. A minimum of two chemical portable toilets shall be provided. The applicant shall maintain an ongoing maintenance contract for removal of waste from the portable toilets and the disposal of waste shall be in accordance with Sedgwick County sanitation codes.

7. The sale of concessions shall be incidental to the outdoor entertainment and recreation use and shall be in conformance with applicable health regulations. The sale of alcoholic beverages is prohibited.

8. A directional sign shall be permitted at the 93rd Street North entrance to the access drive. The sign shall be a maximum of six square feet in size and six feet in height. No temporary banners are permitted.

9. Approval of the Conditional Use constitutes a waiver of the standard requiring a location contiguous to an arterial or expressway.

10. Prior to the commencement of operations, the applicant shall receive approval of a revised site plan by the Planning Director. The revised site plan shall be submitted for approval no later than 60 days following approval of the Conditional Use. The revised site plan shall reflect all conditions of approval and shall conform to all requirements of the "Site Plan Guidelines for Conditional Use Application."

11. The site shall be developed and operated in general conformance with the approved site plan. All improvements shall be completed prior to the commencement of operations.

12. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

13. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.