CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

July15, 2012

Cowskin Holdings LLC
c/o Tony Brand
619 Homestead Ct.
Colwich, KS, 67030

Kevin Archer
607 Homestead Ct.
Colwich, KS, 67030

REFERENCE: CON2012-00024 – County Conditional Use for a Recreation and Entertainment Indoors and Outdoors, a haunted house and forest, on Rural Residential ("RR") zoned property; generally located west of 167th Street West/1st Street, south of 53rd Street North/Chicago Street, west of Breese Avenue and south of the end of 8th Street.

Dear Applicant:

At its regular meeting on **July 11, 2012**, the Sedgwick County Board of County Commissioners (BoCC) considered the above captioned request. The action of the BoCC was to **APPROVE** the request, subject to the conditions on the attached resolution and the approved site plan.

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

Sincerely,

Bill Longnecker
Senior Planner

BL:mc

REFERENCE: CON2012-00024 – County Conditional Use for a Recreation and Entertainment Indoor and Outdoor, a haunted house and forest, on Rural Residential ("RR") zoned property; generally located west of 167th Street West/1st Street, south of 53rd Street North/Chicago Street, west of Breese Avenue and south of the end of 8th Street.

Copies to: Union Township, c/o Ted Blick, 4655 N. 119th Street West, Maize, KS, 67101
City of Colwich, 310 S 2nd Street, Colwich, KS, 67030
Karl Peterjohn, BoCC #3, County Mail Stop Rm 320
Bob Parnacott, County Law, County Mail Stop Rm 359
Bud Lett, County Code Enforcement, 1144 S. Seneca, Wichita, KS, 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS, 67213

RESOLUTION NO 115-2012

A RESOLUTION FOR A CONDITIONAL USE FOR RECREATION AND "ENTERTAINMENT, INDOORS AND OUTDOORS" SPECIFICALLY A HAUNTED HOUSE AND HAUNTED FOREST 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 for "Recreation and Entertainment, Indoors and Outdoors", specifically a haunted house and haunted forest on approximately 2.02-acres of property zoned RR Rural Residential ("RR").

Case No. CON 2012-00024

Legally described below:
The West 252 feet of the South 63 feet of the Southwest corner of the Northeast Quarter and the access road containing 1.72 acres, Section 21 Township 26, Range 2 West of the 6th P.M., Sedgwick County Kansas.
AND
1.3 acres of an irregular tract in the Northwest corner of the Southeast Quarter Section 21 Township 26, Range 2 West of the 6th P.M., Sedgwick County Kansas; all generally located west of 167th Street West/1st Street, on the south side of 53rd Street North/Chicago Street, at the southern end of 8th Street.

SUBJECT TO THE FOLLOWING CONDITIONS:

(1) Waive the requirement that the property shall be contiguous to an arterial or expressway.
(2) No string type of lighting, no pole lights or banners shall be permitted. Lighting shall be restricted to emergency lights only for the site of the haunted house and forest.
(3) No outside speakers are permitted. Noise shall be monitored by Sedgwick County Code Enforcement as triggered by complaint.
(4) All driveways, parking, loading, and vehicle circulation areas, shall be surfaced as directed by the Colwich Fire Department.
(5) The haunted house and forest for 2012, will begin Friday, October 12, then on the following Saturday (13th) and Sunday (14th) and thereafter on the subsequent Fridays, Saturdays and Sundays, and then two nights before Halloween and on Halloween night, for a total of 12 nights. Thereafter the haunted house and forest will begin the month of October's second Friday, Saturday and Sunday and the following Fridays, Saturdays and Sundays and including Halloween night and the two nights prior to Halloween night, but for not more than a total of 12 nights. Hours of operation shall be 5 p.m. to 12 a.m. on Fridays, Saturdays and Halloween night. Hours of operation shall be 5 p.m. to 11 p.m. on Sundays - Thursdays (unless it is Halloween night).
(6) The property shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property. The applicant must provide bathroom facilities as approved by Sedgwick County Code Enforcement and Permits. Sedgwick County Code Enforcement and Permits will require a building permit and inspection for the temporary buildings.
(7) An approved site plan, including the legal description of the site, will be present on the site during the times of operation. The site will be developed in general conformance to the approved site plan.

(8) 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 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:

DAVID M. UNRUH	Aye
TIM R. NORTON	Aye
RICHARD RANZAU	Aye
JAMES B. SKELTON	Aye
KARL PETERJOHN	Aye

DATED this 11 day of July, 2012

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Tim R. Norton, CHAIRMAN
2nd District

ATTEST:

KELLY B. ARNOLD
County Clerk

APPROVED AS TO FORM ONLY:

ROBERT W. PARNACOTT
Assistant County Counselor

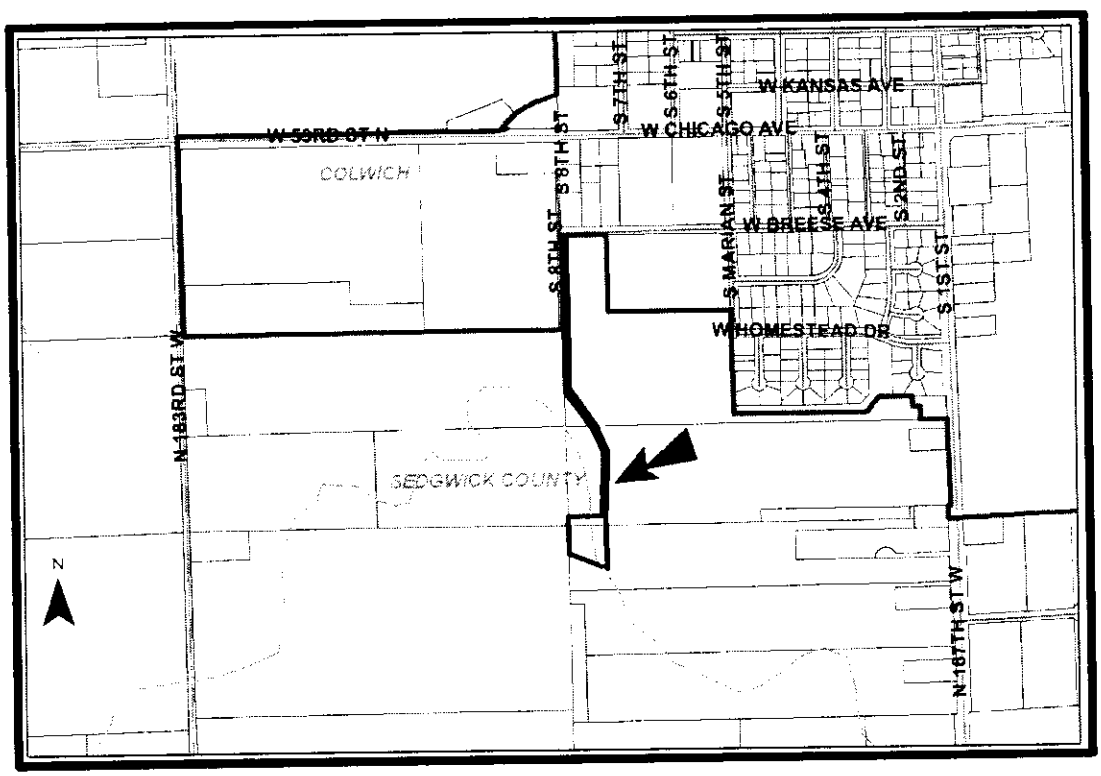
AGENDA ITEM NO. 5

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC June 7, 2012
Colwich Planning Commission May 29, 2012

CASE NUMBER:	CON2012-00024
APPLICANT/OWNER:	Cowskin Holdings, c/o Tony Brand and Kevin Archer (owner/applicant)
REQUEST:	Conditional Use to allow "Recreation and Entertainment, Outdoor and Indoor"
CURRENT ZONING:	RR Rural Residential ("RR")
SITE SIZE:	3-acres
LOCATION:	Generally located west of 167th Street West/1st Street, south of 53rd Street North/Chicago Street, west of Breese Avenue and south of the end of 8th Street (BoCC District #3)
PROPOSED USE:	Halloween haunted houses and forest



BACKGROUND: The applicants are requesting a County Conditional Use for "Recreation and Entertainment, Indoor and Outdoor" for a Halloween haunted house and forest on approximately 3-acres of unplatted RR Rural Residential ("RR") zoned land; Unified Zoning Code (UZC) Sec.II-B.11.a.-b. Haunted houses and outdoor Halloween maze/woods (forest) have previously been considered by the MAPC as seasonal Recreation and Entertainment, Indoor and Outdoor Conditional Uses. The UZC permits consideration of Recreation and Entertainment, Indoor and Outdoor as Conditional Use in the RR zoning district with the following minimum conditions (UZC Sec.III-D.6.o):

(1) The property shall be contiguous to an arterial or expressway.
(2) The lighting standards of UZC Sec.IV-B.4 shall be complied with. No string type lighting or banners shall be permitted.
(3) The noise standards of UZC Sec.IV-C.6 shall be complied with.
(4) All driveways, parking, loading, and vehicle circulation areas shall be paved with concrete or asphalt.
(5) The Planning Commission may establish operating hours as part of the Conditional Use approval if the property is located in close proximity to residential areas.
(6) The property shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.

The applicants propose to begin the forest on a Friday, October 12, then on the following Saturday and Sunday and thereafter on the subsequent Fridays, Saturdays and Sundays, and then two nights before Halloween and on Halloween night, for a total of 12 nights. The applicants proposed hours of operation are 5 p.m. to 12 a.m.

The RR zoned site abuts the south side of the Colwich city limits, which places it within Colwich's Area of Zoning Influence. The UZC confirms that the planning commission of a second or third class city (small city) has the authority to review and recommend action on a Conditional Use to the MAPC before it is reviewed by the MAPC. Lack of a recommendation by the small city shall be construed as a recommendation of approval; UZC Sec.VI-D.2. Although not named as an applicant, a letter from Renwick USD 267 states their approval for the applicants using the west parking lot and concession stand located on the Colwich Elementary School property for the 'Spook House.' It also requests the applicants to carry insurance for the 'fund raiser' and name the school district as a co-insured.

The RR zoned site is located west of 167th Street West/1st Street, south of 53rd Street North/Chicago Street, west of Breese Avenue and south of the end of 8th Street. A legal description of the site reveals a dirt private drive coming into the north end the forest. The drive continues north of the forest and intersects with the dirt and gravel 8th Street. 8th Street is 30-foot wide residential street located within the city limits of Colwich. To get to the forest and haunted house one must drive to and thru Colwich. The site is not contiguous to an arterial or expressway as required; see supplemental condition #1 above. The applicants request a waiver of this condition. A waiver of the supplemental condition will require the request to go to the BoCC for final action.

The applicants' concept plan shows the general layout of the haunted forest with ten temporary haunted houses arranged in a broken ring inside the forest. County Code Enforcement and Permits will require a building permit and inspection for the temporary buildings and bathrooms.

The area around the RR zoned site and outside of the city limits of Colwich is zoned RR. The land is used for agriculture, farmsteads or large tract single-family residences. The City of Colwich abuts the north end of the site's drive. The drive passes the city's drop off area for trees, brush and grass, a Frisbee golf course, single-family residences, and the Colwich Elementary School. The Cowskin Creek abuts the west side of the forest and flows through the area. The Cowskin is the reason the site is located within a FEMA Floodway. The area around the site is located within this FEMA Floodway or a FEMA Flood Zone AH, AE, A, AO.

CASE HISTORY: The property is not platted. The haunted house and forest was in operation last year and the applicant was directed by Sedgwick County Code Enforcement to apply for a Conditional Use, prior to opening the use this year. The RR zoning was essentially established with county-wide zoning in 1985; "R" Rural Residential became "RR" Rural Residential in 1996, with the adoption of the UZC. This request was sent to the Colwich Planning Commission May 22, 2012. However because there was not a quorum, the case was resent to Colwich for the May 29, 2012 Colwich Planning Commission meeting. At the May 29 meeting they recommended approval with the listed conditions.

ADJACENT ZONING AND LAND USE:

NORTH:	RR, Colwich	Agriculture, Colwich; city drop of area for trees, brush and grass, Frisbee golf course, single-family residences, Colwich Elementary School
SOUTH:	RR	Cowskin Creek, agriculture, single-family residences
EAST:	RR	Agriculture, single-family residences
WEST:	RR	Cowskin Creek, agriculture

PUBLIC SERVICES: Access to the site is by a dirt private drive coming into the north end of the forest. The drive continues north of the forest and intersects with the dirt and gravel 8th Street. 8th Street is a 30-foot wide residential street located within the city limits of Colwich. To get to the forest and haunted house one must drive to and thru Colwich. Municipal water and sewer services are not available to serve this site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies this area of Sedgwick County as within the Small City (Colwich's) 2030 Urban Growth Area. This category indicates the reasonable direction and magnitude of growth Colwich can expect out to the year 2030, with considerations including, but not limited to, environmental factors. The "1999 – 2010 Comprehensive Development Plan for the Colwich Area" does not specifically identify this site or area, but does note that, "Efforts should be made to

preserve 'open space' areas such as woodlands, shelter belts, and areas along the creeks and specifically in the flood plains." The site and area are located within a FEMA Floodway. A seasonal Recreation and Entertainment, Indoor and Outdoor event, such as the proposed Halloween haunted house and forest, will have a minimal impact on this open space. Based on information received from its operation last year, noise was a concern. The County has no noise ordinance, thus noise will be monitored by Sedgwick County Code Enforcement by compliant.

Haunted houses and outdoor Halloween maze/woods have previously been considered by the MAPC as seasonal Recreation and Entertainment, Indoor and Outdoor Conditional Uses. The UZC permits consideration of Recreation and Entertainment, Indoor and Outdoor as a Conditional Use in the RR zoning district with supplementary use regulations for 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. Parking and access to the site are located in the Colwich. The applicant has established operation hours and days. The site is not contiguous to an arterial or expressway as required, thus the applicants will have to request a waiver of this supplementary use regulation. Waivers of any of the supplementary use regulations will require governing body approval.

RECOMMENDATION: The "1999 – 2010 Comprehensive Development Plan for the Colwich Area" does not specifically identify this site or area, but does note that, "Efforts should be made to preserve 'open space' areas such as woodlands, shelter belts, and areas along the creeks and specifically in the flood plains." The site and area are located within a FEMA Floodway. A seasonal Recreation and Entertainment, Indoor and Outdoor event, such as the proposed Halloween haunted house and forest, will have a minimal impact on this open space. Although not named as an applicant, the letter from Renwick USD 267 states their involvement in the request. The letter gives their approval of the applicants using the west parking lot and concession stand located on the Colwich Elementary School property for the 'Spook House.' It also requests the applicants to carry insurance for the 'fund raiser' and name the school district as a co-insured. The letter indicates some community wide support. Therefore, based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED with the following conditions:

(1) Waive the requirement that the property shall be contiguous to an arterial or expressway.
(2) No string type of lighting, no pole lights or banners shall be permitted. Emergency lights only for the site of the haunted house and forest.
(3) No outside speakers. Noise shall be monitored by Sedgwick County Code Enforcement as triggered by compliant.
(4) All driveways, parking, loading, and vehicle circulation areas, shall be surfaced as directed by the Colwich Fire Department and sheriff services.
(5) The haunted house and forest for 2012, will begin Friday, October 12, then on the following Saturday (13th) and Sunday (14th) and thereafter on the subsequent Fridays, Saturdays and Sundays, and then two nights before Halloween and on

Halloween night, for a total of 12 nights. Thereafter the haunted house and forest will begin the month of October's second Friday, Saturday and Sunday and the following Fridays, Saturdays and Sundays and including Halloween night and the two nights prior to Halloween night, but for not more than a total of 12 nights. Hours of operation shall be 5 PM to 12 AM on Fridays, Saturdays and Halloween night. Hours of operation shall be 5 PM to 11 PM on Sundays - Thursdays (unless it is Halloween night).

(6) The property shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property. The applicant must provide bathroom facilities as approved by Sedgwick County Code Enforcement and Permits. Sedgwick County Code Enforcement and Permits will require a building permit and inspection for the temporary buildings.

(7) An approved site plan, including the legal description of the site, will be present on the site during the times of operation. The site will be developed in general conformance to the approved site plan.

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

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: The area around the RR zoned site and outside of the city limits of Colwich is zoned RR. The land is used for agriculture, farmsteads or large tract single-family residences. The city of Colwich abuts the north end of the site's drive. The drive passes the city drop off area for trees, brush and grass, a Frisbee golf course, single-family residences, and the Colwich Elementary School. The Cowskin Creek abuts the west side of the forest and flows through the area. The Cowskin is the reason the site is located within a FEMA Floodway. The area around the site is located within this FEMA Floodway or a FEMA Flood Zone AH, AE, A, AO.

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 continue to be used for agriculture without the Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed Conditional Use could generate an amount noise, traffic and trash that are not typical of the existing rural agricultural area.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies this area of

Sedgwick County as being within the Small City (Colwich's) 2030 Urban Growth Area. This category indicates the reasonable direction and magnitude of growth Colwich can expect out to the year 2030, with considerations including, but not limited to, environmental factors. The "1999 – 2010 Comprehensive Development Plan for the Colwich Area" does not specifically identify this site or area, but does note that, "Efforts should be made to preserve 'open space' areas such as woodlands, shelter belts, and areas along the creeks and specifically in the flood plains." The site and area are located within a FEMA Floodway. A seasonal Recreation and Entertainment, Indoor and Outdoor event, such as the proposed Halloween haunted house and forest, will have a minimal impact on this open space, with the approved Conditional Use.

Haunted houses and outdoor Halloween maze/woods have previously been considered by the MAPC as seasonal Recreation and Entertainment, Indoor and Outdoor Conditional Uses. The UZC permits consideration of Recreation and Entertainment, Indoor and Outdoor as a Conditional Use in the RR zoning district with supplementary use regulations for 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. Waivers of any of the supplementary use regulations will require governing body approval according to the UZC Sec.V-D.6.

5. Impact of the proposed development on community facilities: The requested Conditional Use will generate increased traffic on the Colwich streets.

Haunted Forest Layout

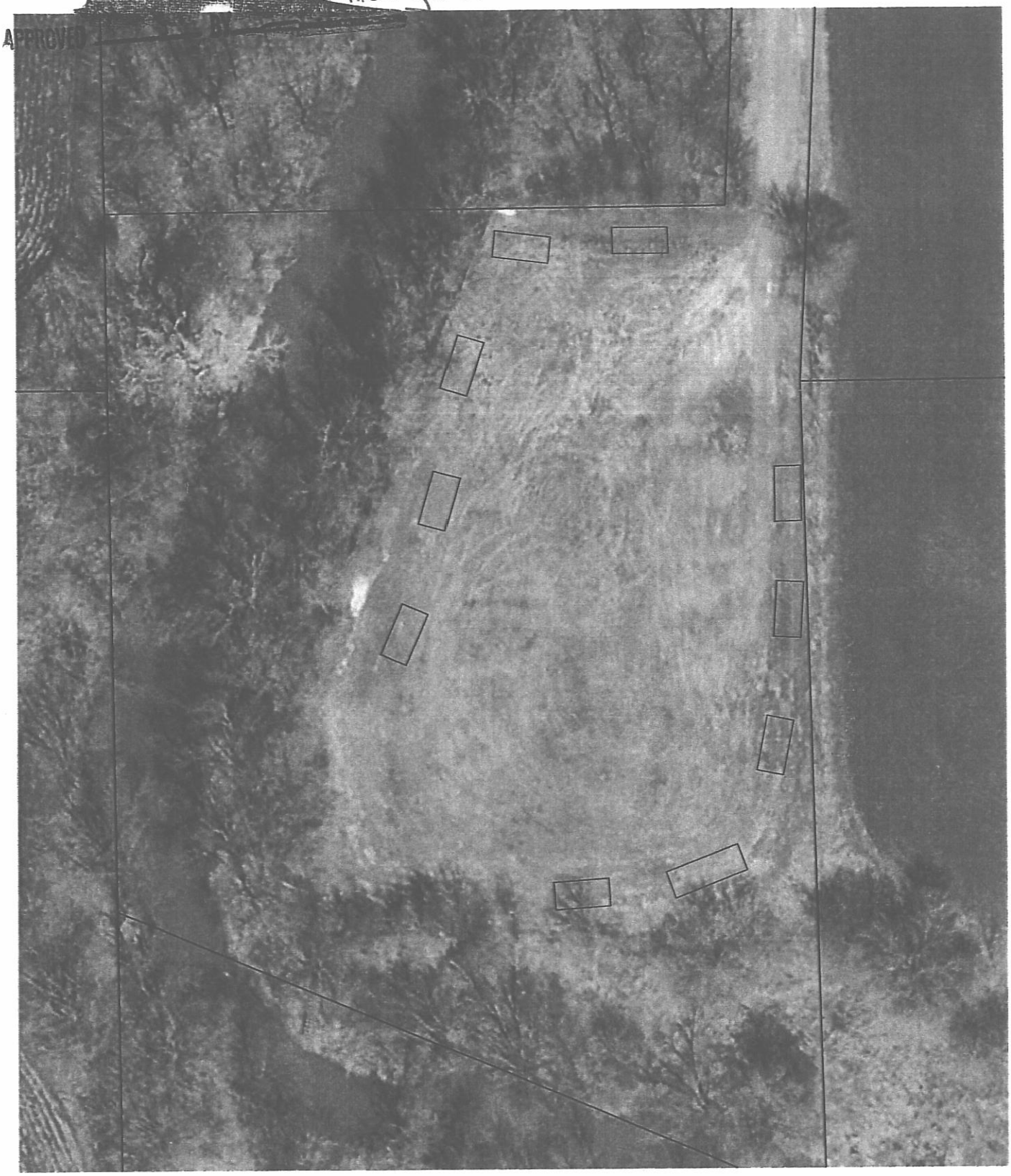
Tony Brand - Colwich, KS

SITE PLAN

July 1, 2012
Bill Longnecker

APPROVED

SCALE: 1" = 50'

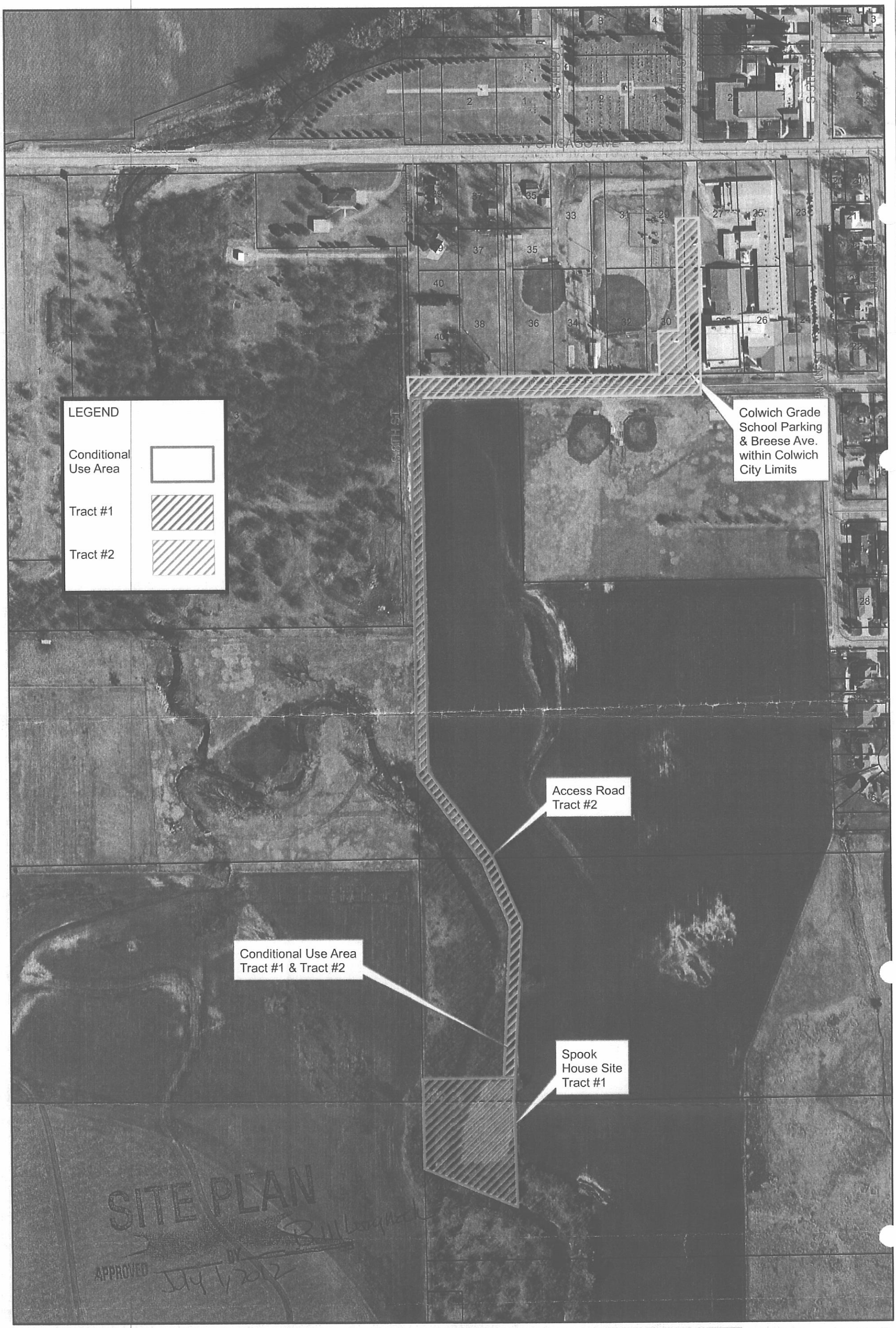


EXISTING BLDG

3/8/201

Baughman Company, P.A.
315 Ellis St. Wichita, KS 67211 P 316/262-7271 F 316/262-0149
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

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Colwich Spook House

0 115 230 460 Feet

Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE