CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 2, 2005

FILE COPY

Stephen West
First Christian Church of Derby
201 N. Derby
Derby, KS 67037

RE: CON2005-08 – Sedgwick County Conditional Use for outdoor recreation and entertainment. Generally located north of 87th Street south and east of Rock Road. (District V)

Dear Ladies and Gentlemen:

At its regular meeting on **April 14, 2005**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Scott Knebel
Senior Planner

SK/rms

Cc: Phil Meyer, Baughman Company, 315 Ellis, Wichita, KS 67211
Don Losew, Derby City Hall, 611 Mulberry, Derby, KS 67037-3533
Ben Sciortino, County Commissioner District V, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

Adopted this 14th DAY of APRIL, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00008

WHEREAS, First Christian Church of Derby (Owner/Applicant); Baughman Company, PA, c/o Phil Meyer (Agent) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for outdoor recreation and entertainment on 25 acres zoned "RR" Rural Residential described as:

> The east 900.00 feet of the west 1506.10 feet of the south 1300.00 feet of the SW 1/4 of Sec. 8, Twp. 29-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, EXCEPT the west 278.00 of the east 328.00 feet of the south 313.38 feet thereof. Containing 25.00 acres, more or less. Generally located north of 87th Street South and east of Rock Road.

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 April 14, 2005, 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 for outdoor recreation and entertainment on 25 acres zoned "RR" Rural Residential described as:

> The east 900.00 feet of the west 1506.10 feet of the south 1300.00 feet of the SW 1/4 of Sec. 8, Twp. 29-S, R-2-E of the 6th P.M., Sedgwick County, Kansas, EXCEPT the west 278.00 of the east 328.00 feet of the south 313.38 feet thereof. Containing 25.00 acres, more or less. Generally located north of 87th Street South and east of Rock Road.

APPROVED, subject to the following conditions:

1. The Conditional Use shall be restricted to a privately-owned area for sports fields and accessory uses such as concessions, restrooms, picnic areas, playground areas, and walking paths. 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. The subject property shall be platted prior to the issuance of a building permit for the concession/restroom picnic shelter.

4. The use of chemical portable toilets shall be permitted. The portable toilets shall be located at least 300 feet from any property line and shall be enclosed on three sides by a screening fence, including fencing on the south side. Documentation of an ongoing maintenance contract for the removal of the waste from the chemical portable toilets shall be provided to the Sedgwick County Code Enforcement Department. The disposal of waste from the chemical portable toilets shall be in accordance with Sedgwick County's sanitation codes.

5. Operation of the sports fields shall be limited to daytime hours only. No lighting of the sports fields shall be permitted.

6. Prior to commencement of grading on the site, a grading and drainage plan shall be approved by the Sedgwick County Department of Public Works.

7. The access drive shall be surfaced with an all weather surface approved by the Sedgwick County Fire and Public Works Departments until such time as 87th Street South is paved at which point the access drive shall be paved with asphalt or concrete.

8. The number of parking spaces provided shall be in accordance with Section IV-A.4. of the Unified Zoning Code, and the parking area shall be surfaced with an all weather surface approved by the Sedgwick County Fire and Public Works Departments until such time as 87th Street South is paved at which point the parking area shall be paved with asphalt or concrete. Fewer parking spaces may be provided if a variance or adjustment is granted in accordance with Article V of the Unified Zoning Code.

9. A 15-foot landscape buffer in accordance with Section IV-B.3.a. of the Unified Zoning Code shall be provided along all property lines where abutting a residential zoning district unless a variance or adjustment is granted in accordance with Article V of the Unified Zoning Code.

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

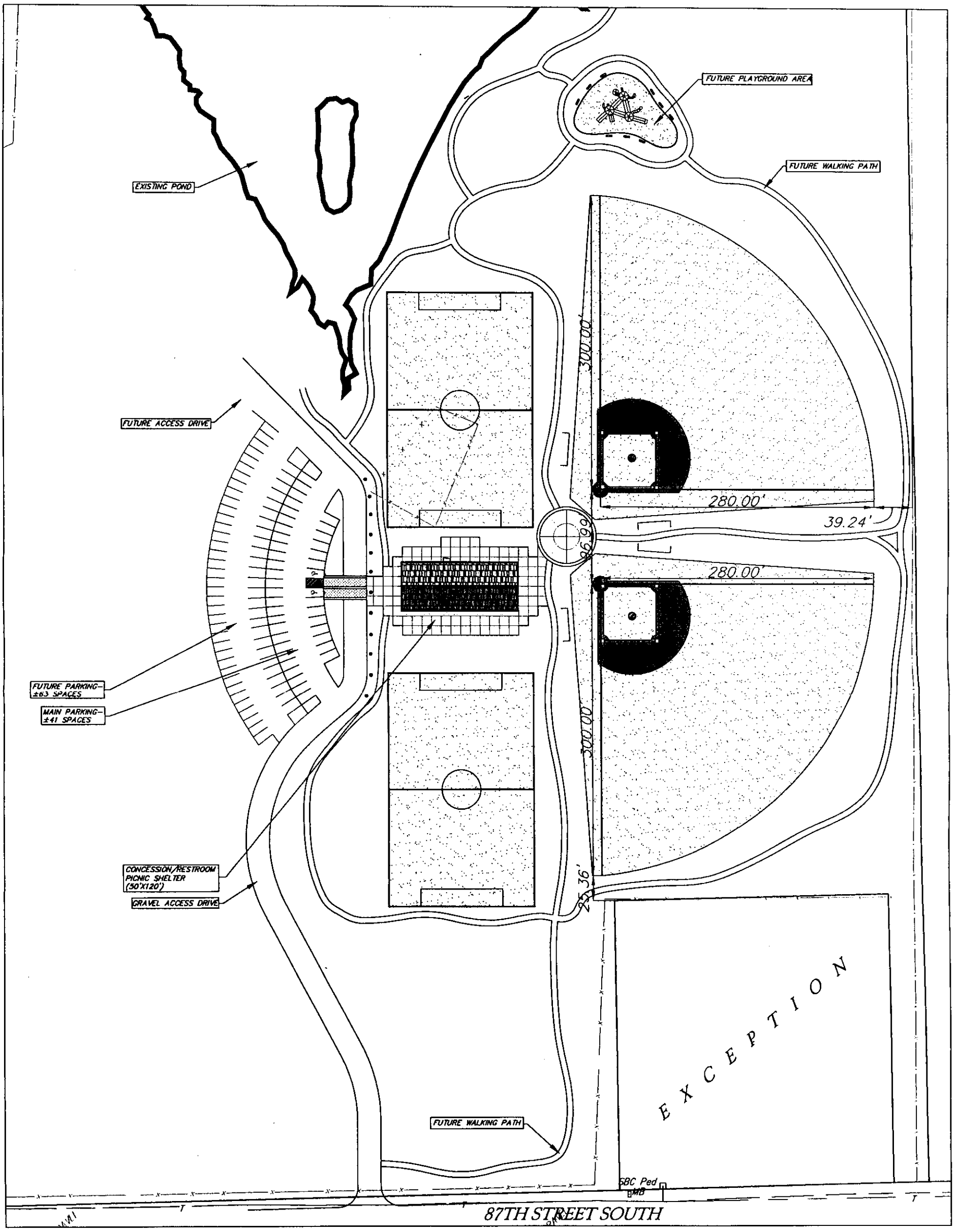
11. The applicant shall receive approval by the Planning Director of a revised site plan that reflects all conditions of approval. The site shall be developed and operated in general conformance with the approved site plan. All improvements, except indicated future improvements, shall be completed prior 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.

First Christian Church Sports Field

CONDITIONAL USE CU-2005-xxxxx



1" = 100'

GENERAL PROVISIONS

Street Access- The property is contiguous to 87th Street South.

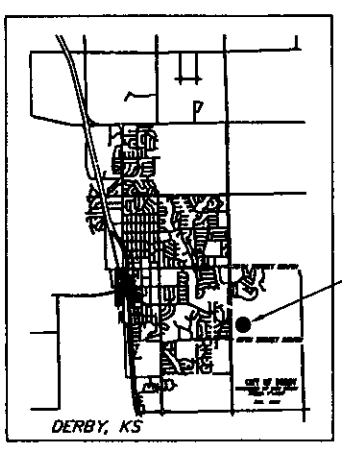
Lighting- The lighting standards of Sec. IV-B.4 shall be complied with. Lights shall be shielded and aimed away from neighboring properties.

Noise- Sound amplification system shall not be heard on the surronding properties.

Operating Hours- Operating hours shall be limited to daylight only.

Maintenance-The area shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent property.

Sanitary Sewer- An on-site holding tank shall be provided for restrooms.



02.07.05 NLS

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

F:\\SKETCH\First Christian Church\CUP.dwg

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.

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 a developing residential area on the fringe of the City of Derby. All properties surrounding immediately surrounding the subject property are zoned "RR" Rural Residential are used for agriculture. Sports fields are consistent 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. The proposed sports fields may be permitted in the "RR" Rural Residential zoning district through approval of a Conditional Use as long as the Planning Commission has determined that it will not produce undue noise or attract large numbers of spectators.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Sedgwick County Development Guide of the Comprehensive Plan designates this area as a Small City Growth Area for the City of Derby. The Future Land Use Map in the Derby comprehensive plan indicates that the subject property is appropriate for future residential development. Sports fields are typically located within and considered an amenity to a residential area. The proposed sports fields should not produce undue noise or attract large numbers of spectators; therefore, it is consistent with the provisions of the Unified Zoning Code.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

Derby – April 7, 2005
MAPD – April 14, 2005

CASE NUMBER: CON2005-00008

APPLICANT/OWNER: First Christian Church of Derby (Owner); Baughman Company, PA c/o Phil Meyer (Agent)

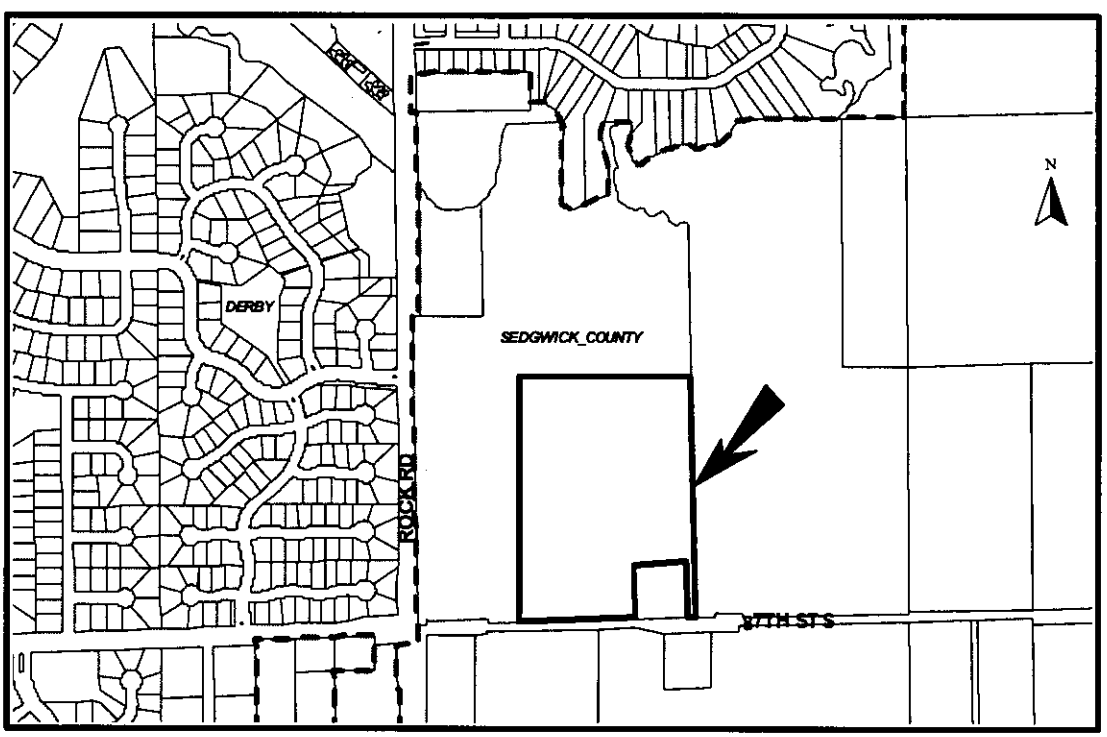
REQUEST: Conditional Use for outdoor recreation and entertainment

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 25 acres

LOCATION: North of 87th Street South and east of Rock Road

PROPOSED USE: Sports Fields



BACKGROUND: The applicant is requesting a Conditional Use to allow sports fields on a 25-acre unplatted tract that is zoned "RR" Rural Residential and is located north of 87th Street South and east of Rock Road. The subject property is located within the Zoning Area of Influence for the City of Derby. The Derby planning commission considered the request on April 7, 2005, and recommend that the request be approved subject to the conditions contained in the "Recommendation" section of this report.

The applicant proposes two soccer fields and two ball fields with an accessory concession/restroom/picnic shelter, playground area, walking path, and parking area; however, the applicant indicates that portable restrooms are intended to be used initially. The applicant's proposed site plan is attached.

The applicant eventually proposes to construct a church on additional property the applicant owns that is located immediately to the west of the subject property. The sports fields would then become accessory to the church property; however, absent a principal use such as a church, sports fields are considered an outdoor recreation and entertainment use under the Unified Zoning Code (UZC). 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.

The character of the surrounding area is a developing residential area on the fringe of the City of Derby. All properties surrounding immediately surrounding the subject property are zoned "RR" Rural Residential are used for agriculture; however, the properties east of Rock Road, approximately one-quarter mile to the west, are developed with single-family residences within the City of Derby.

Section III-D.6.o. of the UZC (attached) indicates that a Conditional Use for outdoor recreation and entertainment shall comply with six Supplementary Use Regulations. The Conditional Use request does not conform with one of the six Supplementary Use Regulations. The applicant proposes that the driveway and the parking area be gravel rather than concrete or asphalt. UZC Supplementary Use Regulations for a Conditional Use can only be waived by the Board of County Commissioners upon receiving a favorable recommendation from the Planning Commission.

Section IV-A.4. of the UZC requires one parking space per three spectator seats, one parking space per 1,000 square feet of field area, plus one parking space per 250 square feet of office area. Based on the field area alone, the parking requirement for the proposed sports fields exceeds 150 parking spaces, which is significantly greater than the 104 parking spaces proposed by the applicant to be eventually provided. The only manner in which the parking requirement can be reduced to such an extent is through the approval of a Variance by the Board of Zoning Appeals.

Section IV-B.3. of the UZC requires screening of the subject property from the adjacent properties that are zoned "RR" Rural Residential. Screening may be provided by a solid fence, evergreen vegetation, or landscaped earth berms. Section IV-B.3.a. allows a waiver of the screening if a 15-foot landscape buffer is provided adjacent to the residentially-zoned properties. An adjustment may be granted by the Planning Director to waive the 15-foot landscape buffer when the conditions described in Section V-I.2.m. are met. If the subject property does not meet these conditions, then the only manner in which the 15-foot landscape buffer may be waived is through the approval of a Variance by the Board of Zoning Appeals.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: Access to the subject property is from 87th Street South, an unimproved section-line road. Public water and sewer service would need to be extended to the subject property by the City of Derby. Initial plans are to use on-site water and sewer services.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan designates this area as a Small City Growth Area for the City of Derby. The Future Land Use Map in the Derby comprehensive plan indicates that the subject property is appropriate for future residential development. Sports fields are typically located within and considered an amenity to a residential area.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use shall be restricted to a privately-owned area for sports fields and accessory uses such as concessions, restrooms, picnic areas, playground areas, and walking paths. 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. The subject property shall be platted prior to the issuance of a building permit for the concession/restroom picnic shelter.

4. The use of chemical portable toilets shall be permitted. The portable toilets shall be located at least 300 feet from any property line and shall be enclosed on three sides by a screening fence, including fencing on the south side. Documentation of an ongoing maintenance contract for the removal of the waste from the chemical portable toilets shall be provided to the Sedgwick County Code Enforcement Department. The disposal of waste from the chemical portable toilets shall be in accordance with Sedgwick County's sanitation codes.

5. Operation of the sports fields shall be limited to daytime hours only. No lighting of the sports fields shall be permitted.

6. Prior to commencement of grading on the site, a grading and drainage plan shall be approved by the Sedgwick County Department of Public Works.

7. The access drive shall be surfaced with an all weather surface approved by the Sedgwick County Fire and Public Works Departments until such time as 87th Street South is paved at which point the access drive shall be paved with asphalt or concrete.

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