

8. No sound amplification systems shall be permitted on the site.
9. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

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

Sincerely,



Jess McNeely, Principal Planner
Current Plans Division

JMC/rms

Cc: Jacqueline Morningstar (a/k/a – Donna Tibbits), 7620 Duis Drive, Haysville, KS 67060
Tim R. Norton, County Commissioner District II, Mail Stop, County Room 320
Bob Parnacott, County Law Dept., Mail Stop County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 23, 2005

Edward and Alice Fox
7700 Duis Drive
Haysville, KS 67060

RE: CON2005-38 – Sedgwick County Conditional Use to allow Outdoor Recreation (a Cricket Sports Field) in “RR” Rural Residential zoning. Generally located 1/3 mile west of 71st Street West (Ridge) and 1/4 mile north of 79th Street South (7700 W. Duis Drive). (District II)

Dear Ladies and Gentlemen:

At its regular meeting on November 16, 2005, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to APPROVE the request subject to an updated site plan, to be approved by the Planning Director, limiting parking spaces on the site to 30 and the following conditions.

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. The Conditional Use shall be subject to all requirements of the Unified Zoning Code.
3. Development and maintenance of the site shall be in conformance with the approved site plan.
4. The Conditional Use for Outdoor Recreation shall be for the use of a cricket athletic field and supporting infrastructure only.
5. No lighting of the field or lighting of parking lots shall be permitted.
6. The site plan shall limit the Conditional Use to a maximum of 30 parking spaces of an all-weather surface which may include grass overflow parking.
7. A maximum of 30 vehicles (other than those belonging to the property owner) may be permitted on the site at any one time.

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T 316.268.4421 F 316.268.4390

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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 _____
TIM R. NORTON _____
THOMAS G. WINTERS _____
LUCY BURTNETT _____
BEN SCIORTINO _____

DATED this _____ day of _____, 2005.


BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, CHAIRMAN
First District

ATTEST:

DON BRACE, County Clerk

APPROVED AS TO FORM:



ROBERT W. PARNACOTT,
Assistant County Counselor

RESOLUTION N.O. _____

A RESOLUTION APPROVING A CONDITIONAL USE TO ALLOW OUTDOOR RECREATION (A CRICKET SPORTS FIELD) IN "RR" RURAL RESIDENTIAL ZONING ON 6 ACRES, LOCATED 1/3 MILE WEST OF 71ST STREET WEST (RIDGE) AND 1/4 MILE NORTH OF 79TH STREET SOUTH (7700 W. DUIS DRIVE) 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 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 the land legally described herein is approved as follows:

Case No. CON2005-00038

A Conditional Use to ALLOW Outdoor Recreation on property legally described as:

Tract 16: From the Southwest corner of the Southeast Quarter of Section Four (4), Township Twenty-nine (29) South, Range One (1) West of the 6th P.M., Sedgwick County, Kansas, N 00 degrees 16' 17" E, along the West line of said Southeast Quarter, a distance of 1082.70 feet to the point of beginning, thence N 00 degrees 16' 17" E, a distance of 665.39 feet; thence S 89 degrees 42' 49" E, parallel with the South line of said Southeast Quarter, a distance of 659.48 feet; thence S 00 degrees 28' 16" W, parallel with the East line of said Southeast Quarter, a distance of 665.39 feet; thence N 89 degrees 42' 49" W, a distance of 657.16 feet to the point of beginning.

All that part of the above-described tract 2 lying within 75 feet of a point 66.23 feet North of the Southeast corner of said described tract, being reserved for road purposes. Commonly known as: 7700 Duis Dr. Haysville, KS. Generally located 1/3 mile west of 71st Street West (Ridge) and 1/4 mile north of 79th Street South (7700 W. Duis Drive)

SUBJECT TO THE FOLLOWING CONDITIONS:

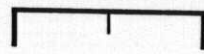
1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. The Conditional Use shall be subject to all requirements of the Unified Zoning Code.


3. Development and maintenance of the site shall be in conformance with the approved site plan.
4. The Conditional Use for Outdoor Recreation shall be for the use of a cricket athletic field and supporting infrastructure only.
5. No lighting of the field or lighting of parking lots shall be permitted.
6. The site plan shall limit the Conditional Use to a maximum of 30 parking spaces of an all-weather surface which may include grass overflow parking.
7. A maximum of 30 vehicles (other than those belonging to the property owner) may be permitted on the site at any one time.
8. No sound amplification systems shall be permitted on the site.
9. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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.

655.74
 Cul-de-sac to be used by [unclear] for the sport of
 [unclear] / Alice Fox
 [unclear] Description
 Beg. 102.7 FT N SW 1/4
 665.39 FT N 91.48 FT W
 W 657.16 FT E to [unclear] 211 FT N 162.7 FT
 W 657.16 FT E to [unclear] 211 FT N 162.7 FT
 W 657.16 FT E to [unclear] 211 FT N 162.7 FT

100 Ft = 1 inch
 50 Ft = 1/2 in

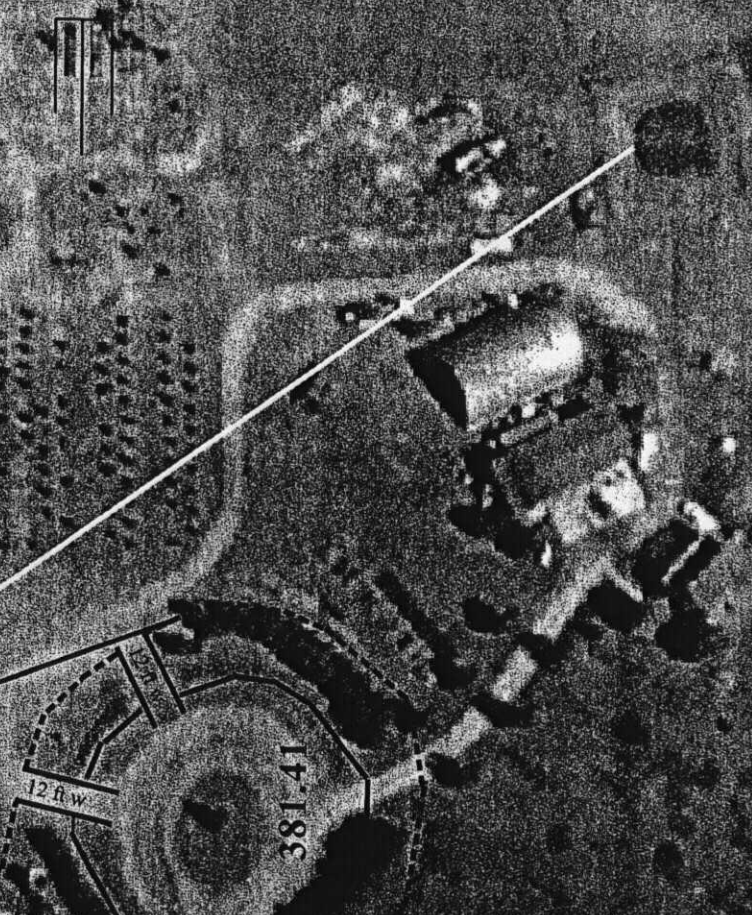
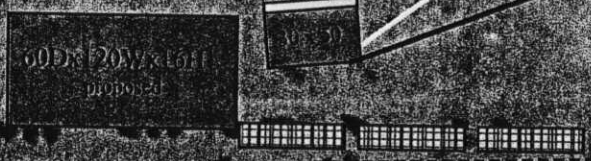
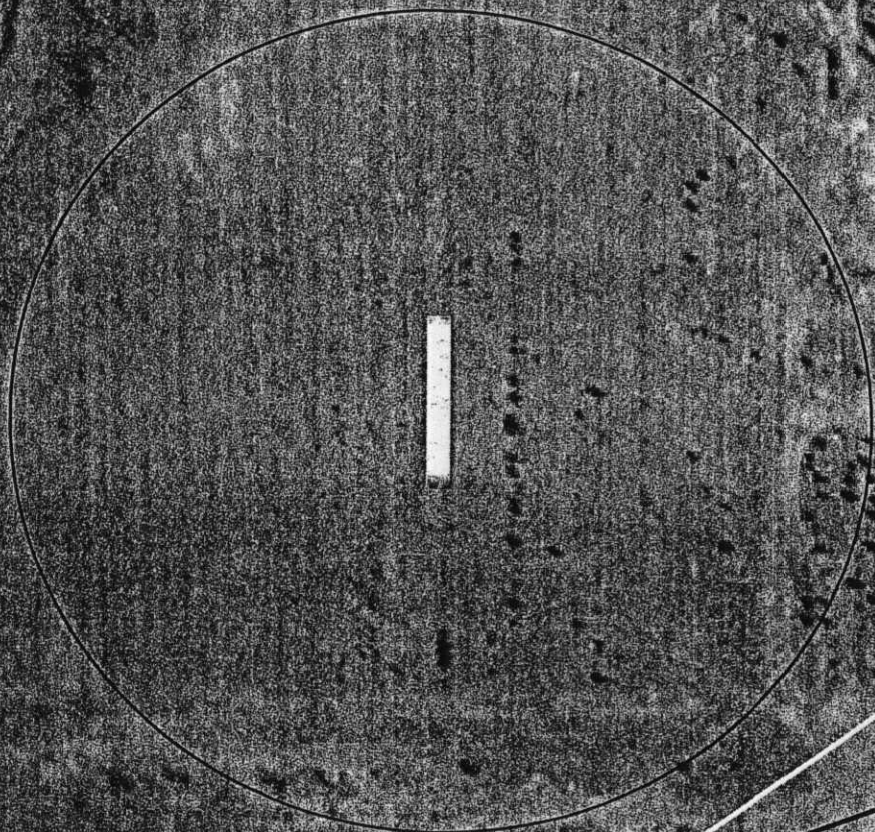


 Parking areas (10 x 80)

- - - - Setback

——— Water
 ——— Waste

CON 2005-38



665.39

148.1

321

645

381.41

621

225.21

5. No lighting of the field or lighting of parking lots shall be permitted.
6. The site plan shall limit the Conditional Use to a maximum of 30 parking spaces of an all-weather surface which may include grass overflow parking.
7. A maximum of 30 vehicles (other than those belonging to the property owner) may be permitted on the site at any one time.
8. No sound amplification systems shall be permitted on the site.
9. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Alternatives:

- 1) Approve the Conditional Use, subject to the recommended conditions; adopt the findings of the Metropolitan Area Planning Commission; authorize the Chairman to sign the prepared resolution.
- 2) Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.
- 3) Deny the zone change and override the MAPC recommendation with a 2/3 vote.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:  *Approved as to form and signed by County Counselor's Office*

AGENDA ITEM REQUEST

Proposed Agenda Item: CON2005-00038 - Sedgwick County Conditional Use to allow Outdoor Recreation (a Cricket Sports Field) in "RR" Rural Residential zoning. Generally located 1/3 mile west of 71st Street West (Ridge) and 1/4 mile north of 79th Street South (7700 W. Duis Drive). (District II)

Presented By: John L. Schlegel, Planning Director 

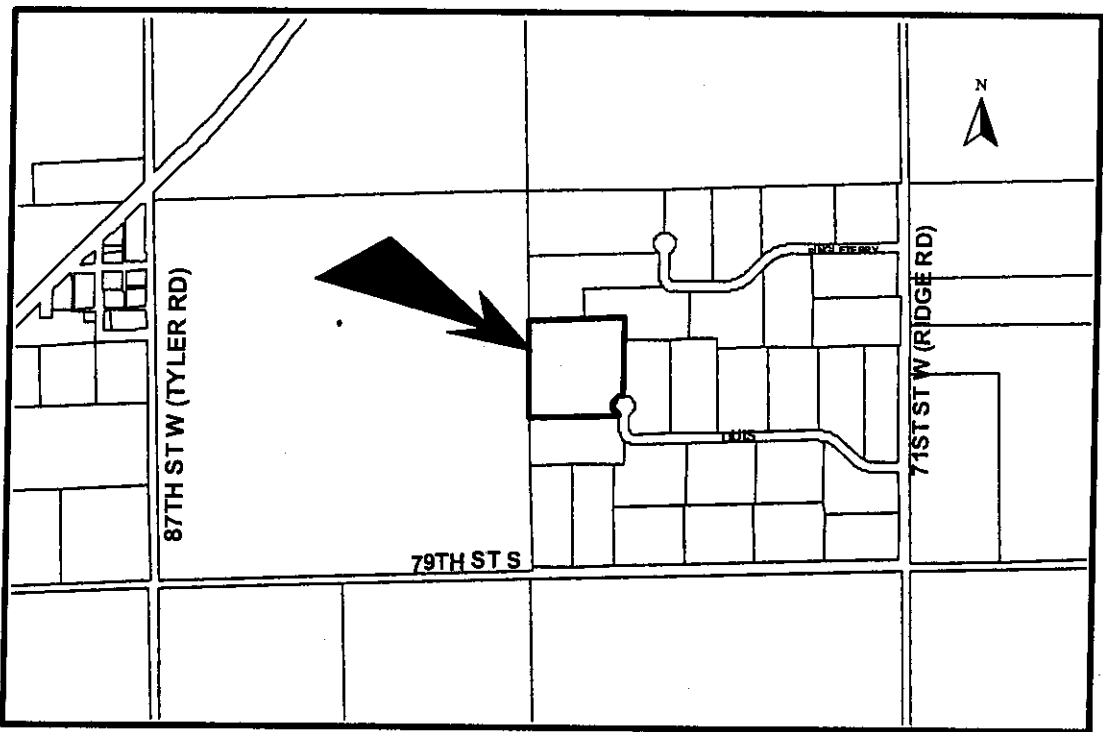
Recommended Action: Approve, subject to recommended conditions.

Proposed Agenda Date: November 9, 2005

Outside Attendees: Edward and Alice Fox, 7700 Duis Drive, Haysville, KS 67060

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicant is requesting a Conditional Use, for Outdoor Recreation, for a cricket field on a six-acre "RR" Rural Residential zoned site, generally located west of 71st Street West and north of 79th Street South. The proposed use is a cricket field, a bat and ball sport common in Britain and British colonies. Outdoor Recreation is a Conditional Use in the RR district. The unplatted parcel is under the same ownership as the parcel to the east, which is developed with a single-family residence and outbuildings. All surrounding property is zoned RR; property to the west is used for agriculture, property to the north, south, and east is used for large lot single-family residences ranging in size from four to six acres. The nearest residence is over 200 feet from the proposed cricket field site.

The applicant indicates that he intends to host cricket matches with visiting teams, some will be from out of town. The applicant indicates that many teams consist of international college students who carpool to matches in a limited number of vans or cars. The attached site plan indicates a single, circular cricket field, a parking area, a 30ft. x 50ft. building and a proposed 60ft. x 120ft. building. The buildings are proposed for equipment storage, changing, restrooms and pavilion space. No spectator seating is indicated on the proposed site plan. The *Wichita-Sedgwick County Unified Zoning Code* (UZC) requires one parking space per three spectator seats at an athletic field, plus one per 1,000 square feet of field area, the proposed field is over 100,000 square feet. This parking space to field ratio may be excessive, as only two teams of 11 members each play on the single large field, and no spectator facilities are provided. A single cricket match takes six hours; the applicant does not desire field or parking lighting.

The UZC provides for Outdoor Recreation as a Conditional Use limited to tennis courts, miniature golf and similar uses that the Planning Commission has determined will not produce undue noise or attract large numbers of spectators. The UZC goes on to apply standards for the Outdoor Recreation Conditional Use to include lighting, noise, driveway surfacing, the option to establish operating hours, maintenance requirements and a standard stating that street access shall be contiguous to an arterial or expressway. Because this application does not meet the street access standard, this request will require governing body approval according to the UZC section V-D.6.

Analysis: The Metropolitan Area Planning Commission heard this request on October 6, 2005 and approved by a vote of 10-0. One neighbor spoke at the hearing in support of the request. The MAPC approved the request subject to the following recommended conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. The Conditional Use shall be subject to all requirements of the Unified Zoning Code.
3. Development and maintenance of the site shall be in conformance with the approved site plan.
4. The Conditional Use for Outdoor Recreation shall be for the use of a cricket athletic field and supporting infrastructure only.