



Wichita-Sedgwick County Metropolitan Area Planning Department

July 26, 2018

Kathleen Garrison
8720 South Hoover Road
Haysville, KS 67060

RE: CON2018-00018 - County request to grant a Conditional Use Permit to establish an Event Center in the County on Property Zoned RR Rural Residential – 8720 South Hoover Road

Dear Ms. Garrison:

At its regular meeting on **June 27, 2017**, the Board of Sedgwick County Commissioners considered the above captioned request. The action of the Board was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: MABCD
Michael O'Donnell, BCCC District II, County Mail Stop #320
Justin Waggoner, County Law, Mail Stop #349

RESOLUTION NO. 098-2018

Published on: July 4, 2018

A RESOLUTION GRANTING A CONDITIONAL USE FOR 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 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 lands legally described hereby is approved as follows:

Case No. CON 2018-00018

A Conditional Use request to allow an Event Center in the County on property zoned RR Rural Residential District and legally described as follows:

Beginning 331.96 feet north of the southwest corner of the SW $\frac{1}{4}$ of Section 11, Township 29 South, Range 1 West of the 6th Prime Meridian; thence north 331.96 feet; thence east 660 feet; thence south 331.76 feet; thence west 660 feet to the point of beginning; excluding road right-of-way, all in Section 11, Township 29 South, Range 1 West of the 6th Prime Meridian; Sedgwick County, Kansas.

SECTION II. That application CON2018-00018 is hereby approved and the Conditional Use is subject to the following Conditions:

1. A detailed site plan shall be approved by the Director of the Metropolitan Area Planning Department addressing in detail the extent and use of the entire property, including designation of uses for outdoor areas on the property.
2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. Compliance with all provision of the UZC found at Section III(d)(6)(nn) concerning the Event Center; provided, however, the building and activity setback requirement of 100 feet from all property lines shall be waived to the extent the existing buildings shall be permitted to be used so long as outdoor activities are not conducted any closer to the property lines than those buildings.
4. The size of the events shall be limited to no more than 200 people at one event with the limit of those in the designated building for indoor events limited to occupancy based on Fire Code standards, and with all events ending by 11:00 p.m. Any alcohol served shall be by outside caterers appropriately licensed.

5. No new buildings or other areas of the property shall be used for the event center activity except those shown on the approved site plan. Additions or modifications of buildings or uses will require an amendment or adjustment to the approved conditional use, as determined by the Director of Planning.
6. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, may declare the Conditional Use null and void.

SECTION III. 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 IV. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
RICHARD RANZAU
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 27th day of June, 2018.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David T. Dennis
DAVID T. DENNIS, Chairman
Commissioner, Third District

David M. Unruh
DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

Michael B. O'Donnell, II
MICHAEL B. O'DONNELL, II
Commissioner, Second District

Richard Ranzau
RICHARD RANZAU
Commissioner, Fourth District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER,
Assistant County Counselor



AGENDA ITEM NO. _____

STAFF REPORT
MAPC May 10, 2018

CASE NUMBER: CON2018-00018

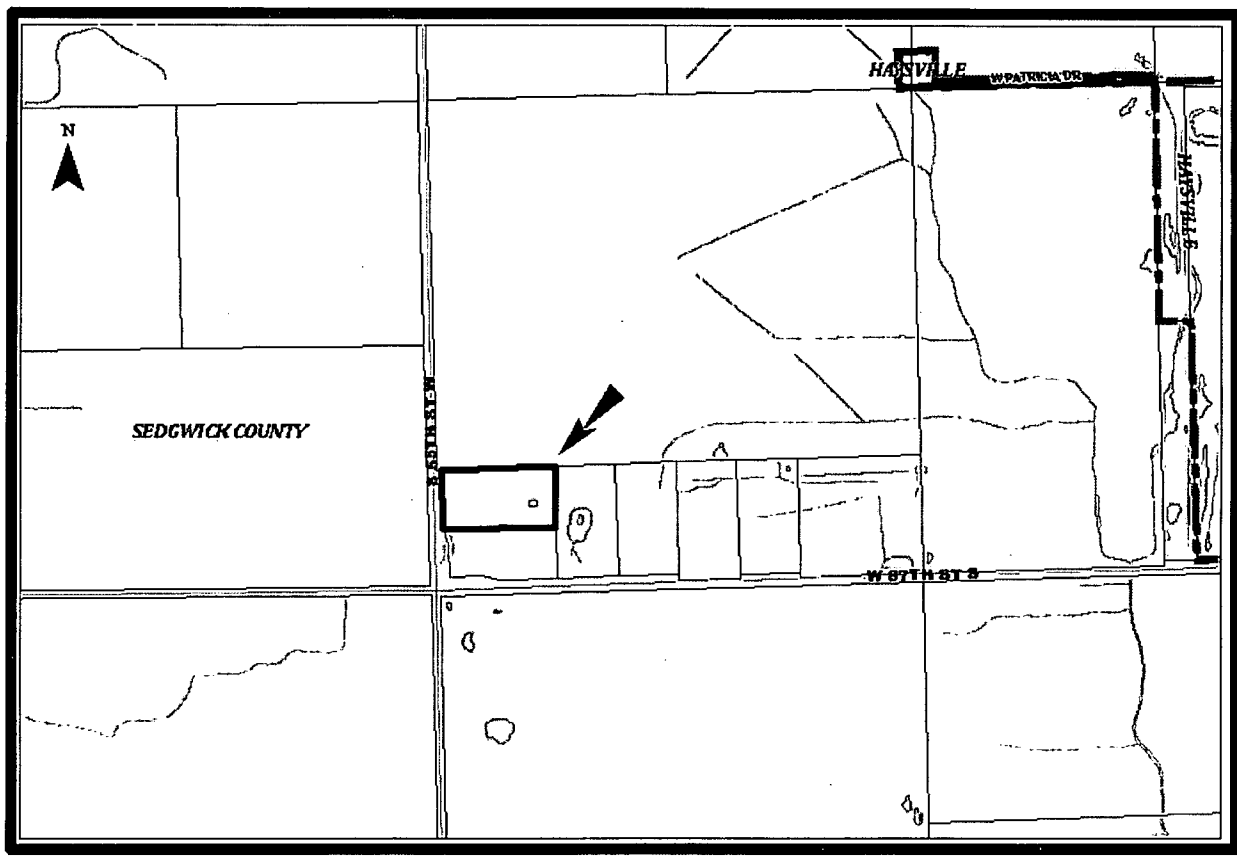
APPLICANT/AGENT: Kathleen E. Garrison (Owner/Applicant)

REQUEST: Conditional Use for an Event Center in the County

CURRENT ZONING: RR Rural Residential District

SITE SIZE: 4.6 acres

LOCATION: Generally located on the east side of South Hoover Road and north of 87th Street South (8720 South Hoover Road)



BACKGROUND: The applicant is requesting a Conditional Use for an Event Center in the County for the 4.6-acre property at 8720 South Hoover Road, which is on the east side of South Hoover Road to the north of West 87th Street South. The property is zoned RR Rural Residential (RR) and is just west of the Haysville Urban Growth Area.

According to the information provided by the applicant, this business will consist of the use of the existing buildings and facilities on the property for weddings, family reunions, birthday parties and other similar celebration events. The owners previously conducted a lawn care business from this property and developed buildings that have been converted to accommodate the proposed operation. The primary facility to be used is the 30-foot by 50-foot building that is located north of the home. This building also has a patio constructed on the west side that is used during the events. Outdoor areas to the south and east of the main building, as well as designated outdoor areas east of the house, are also used for the events as needed.

The property also has a large area to the west of the house and south of the other outbuildings dedicated for parking. This area is mostly graveled and maintained for parking usage. While no specific parking layout or quantification of the number of parking spaces has been provided, it appears the area can accommodate forty to fifty vehicles within the designated parking areas. Enforcement staff have determined adequate parking is provided given the proposed limitations of the size of the operation.

The supporting documentation provided by the applicant states the occupancy could be up to 100 people at an event, but the operation attempts to keep the number at a maximum of 80 people. The applicant states most events occur during the day and into the evening, with the close of business by 11:00 p.m. Supporting operations concerning music or food and beverage, including alcohol, are by other vendors that must be provided by the clients. The applicant does not provide these services as part of this facility's operation.

A site plan has been submitted, along with aerial photos showing the location of the improvements and the proposed uses. All this material is attached to the staff report.

The Unified Zoning Code contains certain performance standards applicable to Event Center operations in the County. These are found in the Supplementary Uses, at Section III(d)(6)(nn). The relevant provisions applicable to this facility are as follows:

- (nn) **Event Center in the County, Church or Place of Worship, Community Assembly and Farmer's Market in the County in RR.** In the RR district only, an Event Center in the County, on property with less than 20 acres requires a Conditional Use and is subject to the standards of this section.
- (1) Maximum building occupancy is limited to that established by building and/or fire officials utilizing applicable building or fire code standards.
 - (2) Buildings, events and activities shall comply with applicable building, fire, sanitation, life-safety and other applicable codes.
 - (3) Seating or attendance at outdoor events shall be limited to the maximum number of occupants permitted by the minimum required parking.
 - (4) Required parking for an Event Center in the County shall be provided at the rate of one space per four occupants or as established by a parking study. Parking spaces for persons with disabilities shall be paved. Parking, drive aisles and circulation areas for uses shall be rock or material designated by County officials unless a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided

and maintained, and the use in not open to the public more than 100 days per year. If a rock or paved driveway 50 feet in length, measured from the right of way line and is at least six inches thick, is provided and maintained, the parking and circulation aisle surface may be grass. All parking shall be located on-site. The event operator or the property owner must maintain a logbook or calendar that accurately indicates the date(s) per month the site will be in use.

- (5) Sites offering both indoor and outdoor events shall require parking for the use with the highest parking requirement.
- (6) Drainage shall be addressed at the time of platting, change of occupancy or as part of building permit review.
- (7) Building and activity areas (other than a driveway) shall be setback 100 feet from property lines.
- (8) Access control shall be as determined by Sedgwick County Traffic Engineer.
- (9) Signage shall be per County Sign Code.
- (10) The service of food and drink may be permitted both indoor and outdoor as part of the operations of the facility provided that the service complies with all applicable regulations. The service of any alcoholic liquor or cereal malt beverage is permitted only with applicable licenses.
- (11) Portable toilets shall not be placed within the 100-foot building setback.
- (12) Prior to use of the property for the stated use, the applicant shall submit for review and approval by the Director of Planning or his designee a detailed site plan that depicts existing and/or proposed: property boundaries, buildings, structures, access points, driveways, location and number of parking spaces, outdoor lighting, location of dumpsters, setbacks, outdoor seating or activity areas. At a minimum, the site plan shall be to scale and/or have enough dimension control to verify: site size, size of improvements, buildings or activity areas, location of improvements, buildings, or activity areas, and parking, circulation drives, and access points or any other pertinent details as requested by County staff.

The applicant is aware of these standards and will comply in all respects; however, the applicant is requesting the waiver of the 100-foot setback standard outlined within the Supplementary Use Regulations because the existing structure will be used. That structure complies with the building setback provisions in the RR Rural Residential District, but the additional setback specified within the Supplementary Use Regulations would render the building unusable for this business. Except for this standard, the applicant believes all other requirements are met for this business. The Metropolitan Area Planning Commission does not have the authority to waive this standard; therefore, this matter will require final approval from the Board of County Commissioners.

The area surrounding this property all zoned RR Rural Residential. There are some homes to the south and east along 87th Street South, as well as some homes further north along Hoover Road. Otherwise, the surrounding lands are used for agricultural purposes, mostly in crops.

CASE HISTORY: The property is not platted. There are no other zoning cases shown for this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural
SOUTH:	RR	Residential
EAST:	RR	Vacant Residential
WEST:	RR	Agricultural

PUBLIC SERVICES: Hoover Road is a paved, two-lane, rural road with open ditches in front of the subject property, and is paved from 87th Street South going north into Wichita. 87th Street South is a gravel road. There are no public water or sewer facilities on the property.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “Rural” on the Future Growth Map Concept Map. While no specific future development of this area is envisioned, the overall intent of the Plan for these areas is to recognize and support the entrepreneurial initiatives of the existing residents when managed by the standards established within the overall regulations.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends the requested conditional use for and Event Center in the County be **APPROVED**, subject to the following conditions:

1. A detailed site plan shall be approved by the Director of the Metropolitan Area Planning Department addressing in detail the extent and use of the entire property, including designation of uses for outdoor areas on the property.
2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. Compliance with all provision of the UZC found at Section III(d)(6)(nn) concerning the Event Center; provided, however, the building and activity setback requirement of 100 feet from all property lines shall be waived to the extent the existing buildings shall be permitted to be used so long as outdoor activities are not conducted any closer to the property lines than those buildings.
4. The size of the events shall be limited to no more than 100 people at one event, with all events ending by 11:00 p.m. Any alcohol served shall be by outside caterers appropriately licensed.
5. No new buildings or other areas of the property shall be used for the event center activity except those shown on the approved site plan. Additions or modifications of buildings or uses will require an amendment or adjustment to the approved conditional use, as determined by the Director of Planning.
6. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, may declare the Conditional Use null and void.

This recommendation is based on the following findings:

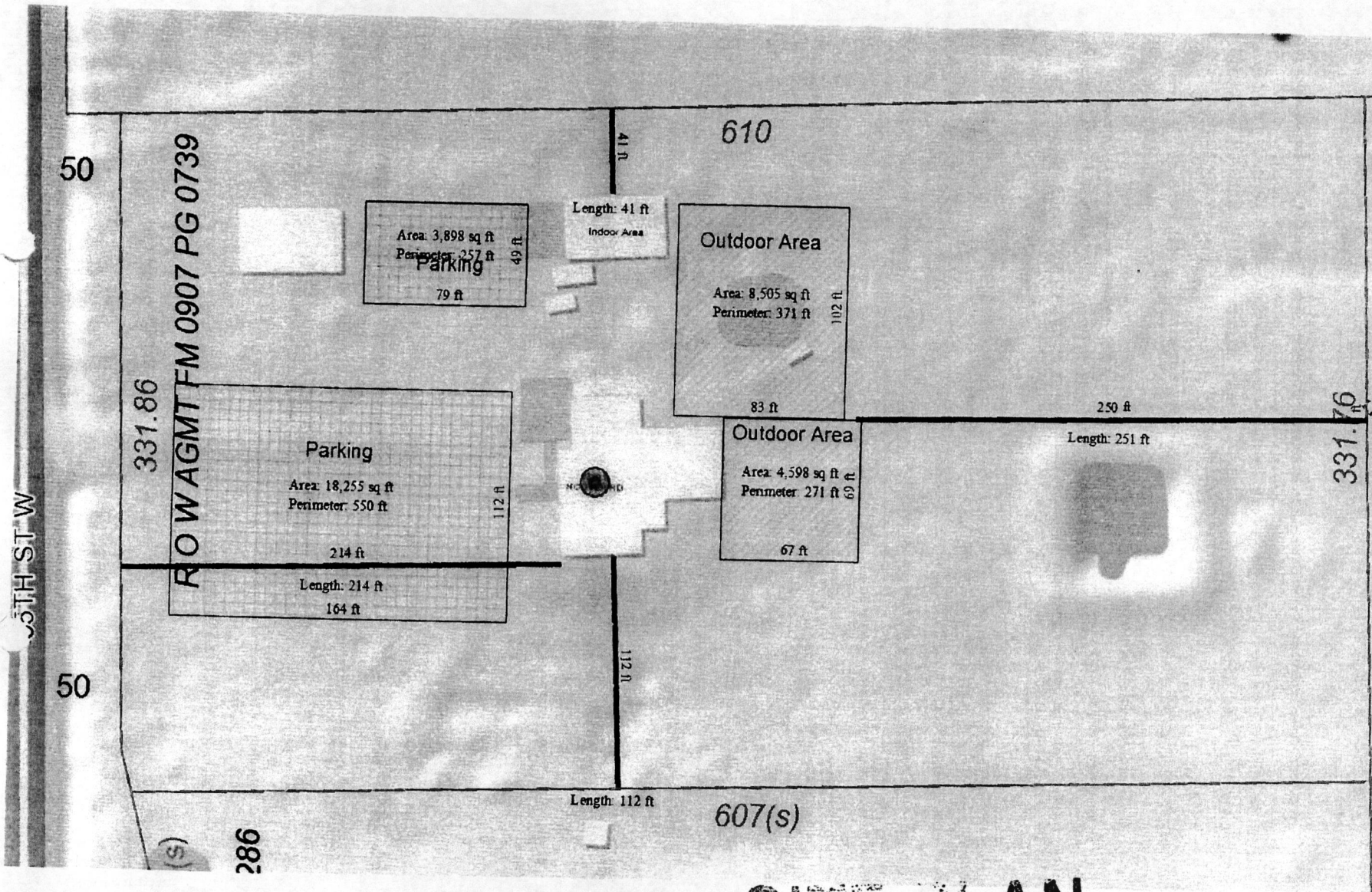
1. The zoning, uses and character of the neighborhood: The area is predominately a rural residential neighborhood with agricultural uses also existing. The introduction of the proposed use will not be out of character with the rural nature of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is

presently zoned RR Rural Residential (RR) and the uses are consistent with the purposes of that zoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The restrictions of the Unified Zoning Code applicable to this type of business activity on the subject property provide adequate restrictions to protect surrounding properties from any detrimental effects of the proposed use.
4. Length of time the property has been vacant as currently zoned: The property has been used as a residence since original construction and also previously had a home occupation lawn care business.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the area in which the site is located as Rural. The plan envisions these types of uses as being acceptable provided the development standards of the Unified Zoning Code are met.
7. Impact of the proposed development on community facilities: Granting the conditional use for the event center would not have any impact on community facilities or resources. The fact Hoover Road is paved in front of the property mitigates traffic impacts. Adequate on-site improvements are sized to handle the business according to the enforcement officials.

Staff Report Attachments:

1. Site Plan
2. Supporting documents



SITE PLAN

APPROVED 6/27/18 BY BOCC [Signature] SITE MAP