

R# 355-1989

PUBLISHED IN THE DAILY REPORTER ON 12/29, 1989

R E S O L U T I O N N O. 355-1989

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A PRIVATE PARK AND PLAYGROUND IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN 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 17.C of the Zoning Regulations, a conditional use permit to establish a private park and playground on property zoned the "R-1" Suburban Residential District is hereby approved on lands legally described as follows:

Case No. CU-323

Conditonal Use Permit to establish a private park and playground on property zoned "R-1" Suburban Residential

A tract in the east half of the Southeast Quarter of Section 29, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning at a point on the east line of said Southeast Quarter, 1,728.61 feet north of the southeast corner of said Southeast Quarter; thence northwesterly to a point 1,847 feet north and 96.15 feet west of the east line of said Southeast Quarter; thence west parallel to the south line of said Southeast Quarter, 1,219.34 feet to the west line of said east half; thence north 785.28 feet to the northwest corner of said east half of said Southeast Quarter; thence east on the north line of said east half of said Southeast Quarter, 1,315.83 feet to the northeast corner of said Southeast Quarter; thence south 911.14 feet to the point of beginning, except the right-of-way of the C.R.I. & P. Railroad, containing 21.87 acres, more or less. Generally located on the west side of Tyler Road, approximately 1/2-mile north of 37th Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. This conditional use permit shall be for a private park and playground to be utilized for the following activities: educational tree farm tours, hayrack rides, picnicking, hiking, dinner parties, weddings, receptions, company holiday parties and family gatherings. Other uses, if determined by the Zoning Administrator to be substantially similar to those listed above, shall also be permitted.

2. Any additional buildings to be constructed for public occupancy in conjunction with the private park and playground uses will require a new application to be submitted for review and approval.
3. Prior to this application being forwarded to the Board of County Commissioners for final action, the property owner(s) shall dedicate sufficient right-of-way for Tyler Road to provide for 50 feet of half-street right-of-way.
4. Adequate restroom facilities shall be provided as required by all applicable codes, including the health code and the building code.
5. Adequate on-site automobile parking areas shall be provided and improved in accordance with the zoning regulation requirements.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 20th day of December, 1989.

*Paul W. Hancock*, Chairman  
Paul W. Hancock

*Bernard A. Hentzen*, Chairman pro tem  
Bernard A. Hentzen

*David Bayouth*, Commissioner  
David Bayouth

*Billy Q. McCray*, Commissioner  
Billy Q. McCray

*Mark F. Schroeder*, Commissioner  
Mark F. Schroeder

ATTEST:

*Don Wright*, County Clerk

(SEAL)

APPROVED AS TO FORM:

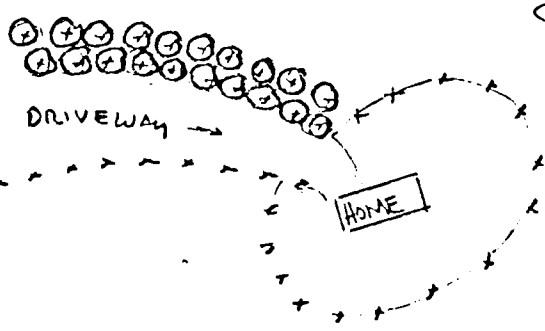
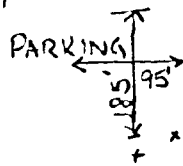
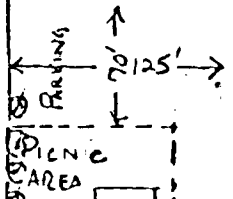
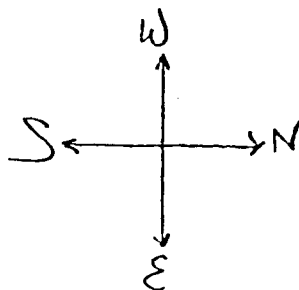
*Henry H. Blase*  
Henry H. Blase, County Counselor

900±'

← TREES →

ENTIRE AREA USED FOR  
HAYRACK RIDES, NATURE STUDY,  
SCHOOL FORESTRY TOURS

(TREES)



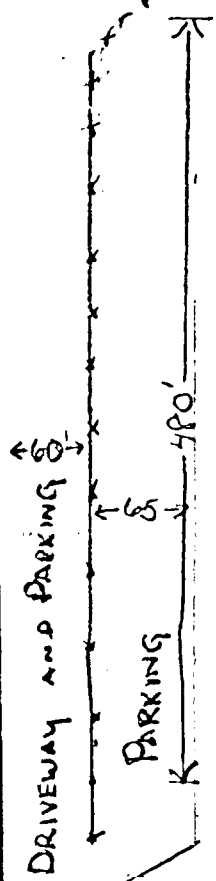
← TREES →

1300±'

(RINK)

← TREES →

(LAMEDIN)



- RAIL ROAD -

← TREES →

CU-323

TYLER ROAD

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5  
Maize PC 11/14/89  
MAPC 11/20/89

STAFF REPORT

CASE NUMBER: CU-323

OWNER/APPLICANT/AGENT: Bob Scott (owner/applicant)

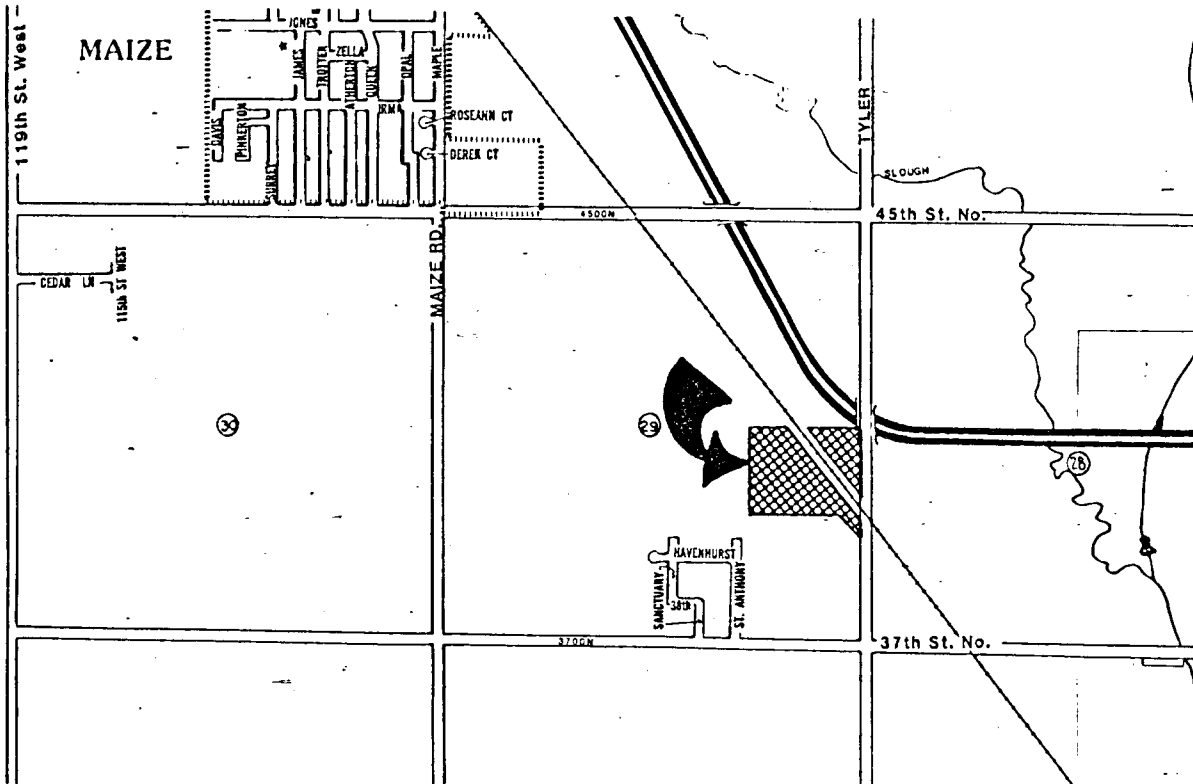
REQUEST: Conditional use permit to establish a private park and playground.

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: 21.9 acres (irregular shape)

LOCATION: On the west side of Tyler Road, approximately 1/2-mile north of 37th Street North.

PROPOSED USE: Private park and playground



BACKGROUND: The applicant is requesting a conditional use permit in order to establish a private park and playground on approximately 22 acres located on the west side of Tyler Road, 1/2-mile north of 37th Street North. A portion of Prairie Pines Christmas Tree Farm, including a residence and large barn, now occupies this site which is zoned Suburban Residential. Additional land to the north, west and south is either owned or leased by the applicant and used or proposed to be used for the raising of Christmas trees. Only the 22 acres with residence and barn are included in this conditional use application.

The need for a conditional use permit arises out of the owner's desire to utilize the barn and outdoor areas for uses other than those associated with the raising and retail sale of Christmas trees. Outdoor uses mentioned in the application include educational tree farm tours for school children, hayrack rides, picnicking, and hiking. Organized sports events and activities utilizing motor-driven vehicles (other than tractors) are not proposed. Indoor uses include dinner parties, weddings, receptions, company holiday parties and family gatherings. The barn has 1,500 square feet on the first floor and approximately 1,100 square feet on the second floor. The owner expects to be able to accommodate approximately 125 people inside at any one time. While the owner desires to make the facilities available year round, it is anticipated that most of the activities will occur during the Christmas season.

There will be no food preparation allowed on site; all meals must be catered or brought by the individuals. Public restroom facilities already exist in the barn, although they do not meet codes as far as handicapped accessibility is concerned. Adequate parking exists on site, as it was provided to accommodate the Christmas tree buying crowds.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

|       |       |                                      |
|-------|-------|--------------------------------------|
| NORTH | "R"   | Agricultural                         |
| SOUTH | "R-1" | Agricultural and one-family dwelling |
| EAST  | "R-1" | Agricultural                         |
| WEST  | "R-1" | Agricultural                         |

PUBLIC SERVICES: Municipal sewer and water are not available to serve this area. Tyler Road is an unpaved arterial with insufficient right-of-way; approximately 30 feet of half-street right-of-way exists, whereas 50 feet is required. The nearest paved roads are 1-1/2 miles away.

CONFORMANCE TO PLANS/POLICIES: The Land Use Element of the Comprehensive Plan depicts agricultural and residential development in this area through the year 2000.

RECOMMENDATION: It is recommended that this conditional use permit for a private park and playground be approved, subject to the following conditions:

1. This conditional use permit shall be for a private park and playground to be utilized for the following activities: educational tree farm tours, hayrack rides, picnicking, hiking, dinner parties, weddings, receptions, company holiday parties and family gatherings. Other uses, if determined by the Zoning Administrator to be substantially similar to those listed above, shall also be permitted.
2. Any additional buildings to be constructed for public occupancy in conjunction with the private park and playground uses will require a new application to be submitted for review and approval.
3. Prior to this application being forwarded to the Board of County Commissioners for final action, the property owner(s) shall dedicate sufficient right-of-way for Tyler Road to provide for 50 feet of half-street right-of-way.
4. Adequate restroom facilities shall be provided as required by all applicable codes, including the health code and the building code.
5. Adequate on-site automobile parking areas shall be provided and improved in accordance with the zoning regulation requirements.