



Wichita-Sedgwick County Metropolitan Area Planning Department

August 30, 2007

John R. McCollister
5059 N. Ridge Road
Wichita, KS 67205

RE: CON2007-26 - County Conditional Use for outdoor recreation to allow a "haunted forest" on property zoned "RR" Rural Residential, generally located on the west side of Ridge Road, midway between 45th and 59th Streets North.

Dear Ladies and Gentlemen:

At its regular meeting on August 29, 2007, the Sedgwick County Commission considered the above-captioned request. The action of the Commission 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,


Bill Longnecker
Senior Planner
Current Plans Division

WL/mc
Enclosure

cc: JG&K Enterprises, LLC, 4230 N Maize, Maize, KS, 67101
Ronald A John, 130 S Greenwich #332, Wichita, KS, 67205
Bill Buchanan, County Manager, Mail Stop County Room #343
Kelly Parks, BOCC IV, 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
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213
John Gollihar, 5259 N. Ridge Road, Wichita, KS, 67205

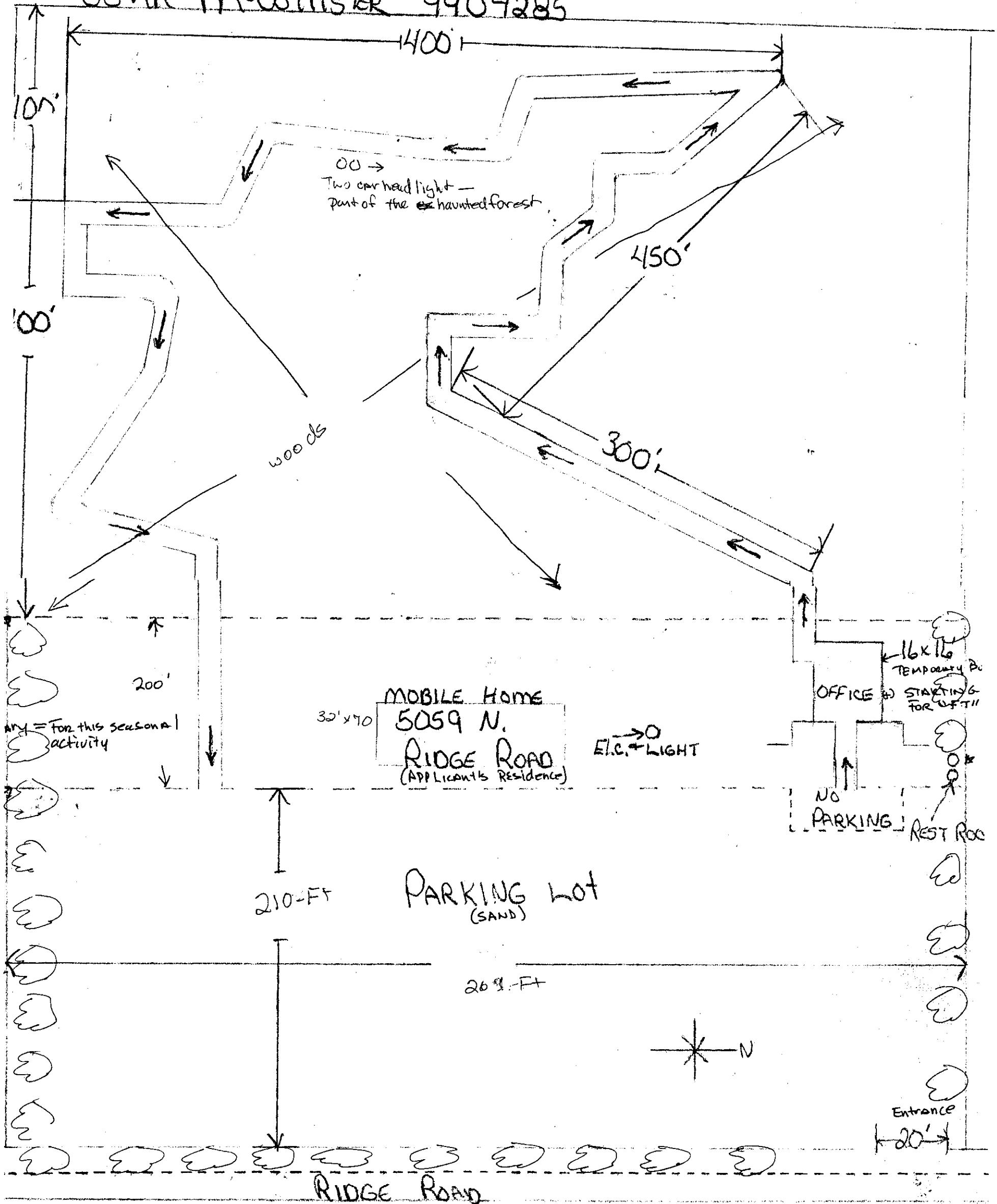
APPROX 10.9-ACRES

FORREST OF TERROR

5059 N RIDGE RD.

OPENS OCT

John McCollister 9904285



HAS Insurance policies showing recent insurance

☁ = trees

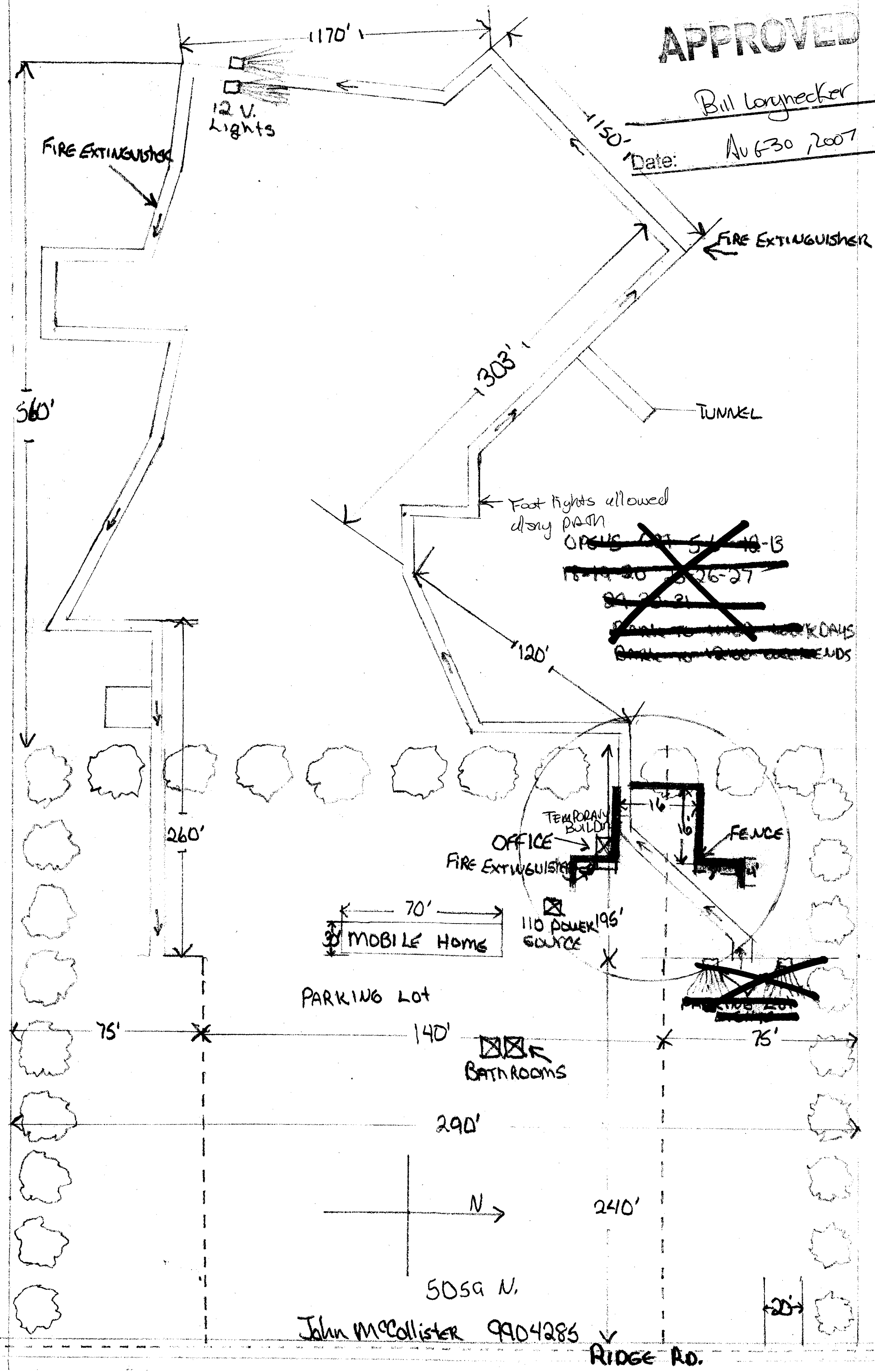
Time: dark - 11
dark - midnight
(noor and 1)

*NOTE: Bathrooms = Two portable b.
No phone or drink
in indoor activities

APPROVED

Bill Longnecker

Date: Aug 30, 2007



A RESOLUTION FOR A CONDITIONAL USE TO ALLOW RECREATION AND ENTERTAINMENT, INDOOR AND OUTDOOR (CORN MAZE AND HAUNTED HOUSE) IN "RR" RURAL RESIDENTIAL ZONING, 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 to allow Recreation and Entertainment, Outdoors, for an approximately 10.9-acre "haunted forest" in "RR" Rural Residential zoning.

Case No. CON 2007-00026

Approximately 10.9-acres of the following legally described property:

A tract of land in the Northeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as: Beginning 398.27 feet South and 390 feet West of the Northeast corner of the Southeast Quarter of the Northeast Quarter; thence South 300 feet; thence East 390 feet; thence South to the Northeast corner of the South 10 Acres of the Southeast Quarter of the Northeast Quarter; thence West 1315.26 feet; thence North 603.65 feet; thence E 924.8 feet to beginning except the East 50 feet for road. Generally located on the west side of Ridge Road, midway between 53rd and 45th Streets North.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use is exclusively for an approximately 10.9-acre Halloween "haunted forest"
2. Waive the paving requirement (Art. III, Sec. III-D, 6(o-4) for all driveways, parking, loading, and vehicle circulation areas for the "haunted forest", contingent upon yearly inspection and approval by Sedgwick County Fire.
3. The applicants shall obtain all applicable permits and inspections including, but not limited to County building and health.
4. The existing entrance drive is approved, contingent upon yearly inspection and approval by Sedgwick County Fire.
5. The applicant shall submit a revised site plan of the haunted forest. Development and maintenance of the site shall be in conformance with the approved site plan.
6. No lighting of outdoor entertainment/recreation (except as noted) areas or lighting of parking lots shall be permitted. Outdoor lights shall be confined to the (1) existing yard light, lighting confined to the inside of the temporary office building and one porch type of light attached to it,

a pair of car lights attached to a 12-volt battery as shown on the site plan and low voltage lights close to the ground around the path of the "haunted forest."

7. No outdoor sound amplification systems (Art. III, Sec. III-D, 6(o-3) shall be permitted on the site.
8. Days of operation for the "haunted forest" shall be the Fridays & Saturdays of October before Halloween, plus the Thursdays of October two weeks before Halloween, the two days (except no Sundays) before Halloween and Halloween day. Hours of operation shall be from 6PM to 11PM on weekdays and from 6PM to midnight on Saturdays. Sundays are allowed only if Halloween falls on a Sunday, in those cases hours of operation will be from 6PM to 11PM.
9. The parking area shall be located no closer than 75-feet from the abutting southern and northern properties. The temporary office shall be located no closer than 75-feet from the abutting north property. Portable restrooms shall be located no closer than 100-feet from all abutting properties
10. 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 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
TIM R. NORTON
THOMAS G. WINTERS
KELLY PARKS
GWEN WELSHIMER

<u>Aye</u>	
<u>Aye</u>	<u>Aye</u>
<u>Aye</u>	<u>Aye</u>
<u>Aye</u>	<u>Aye</u>
<u>Aye</u>	

DATED this 29 day of August, 2007

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

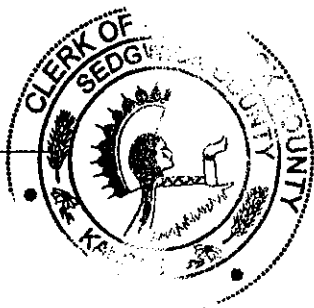


DAVID M. UNRUH, CHAIRMAN
First District

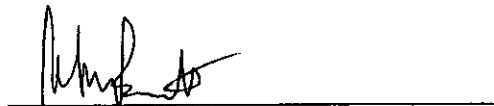
ATTEST:



DON BRACE
County Clerk



APPROVED AS TO FORM ONLY:



ROBERT W. PARNACOTT
Assistant County Counselor

STAFF REPORT

MAPC June 19, 2007

CASE NUMBER: CON2007-00026

APPLICANT/OWNER: John R. McCollister

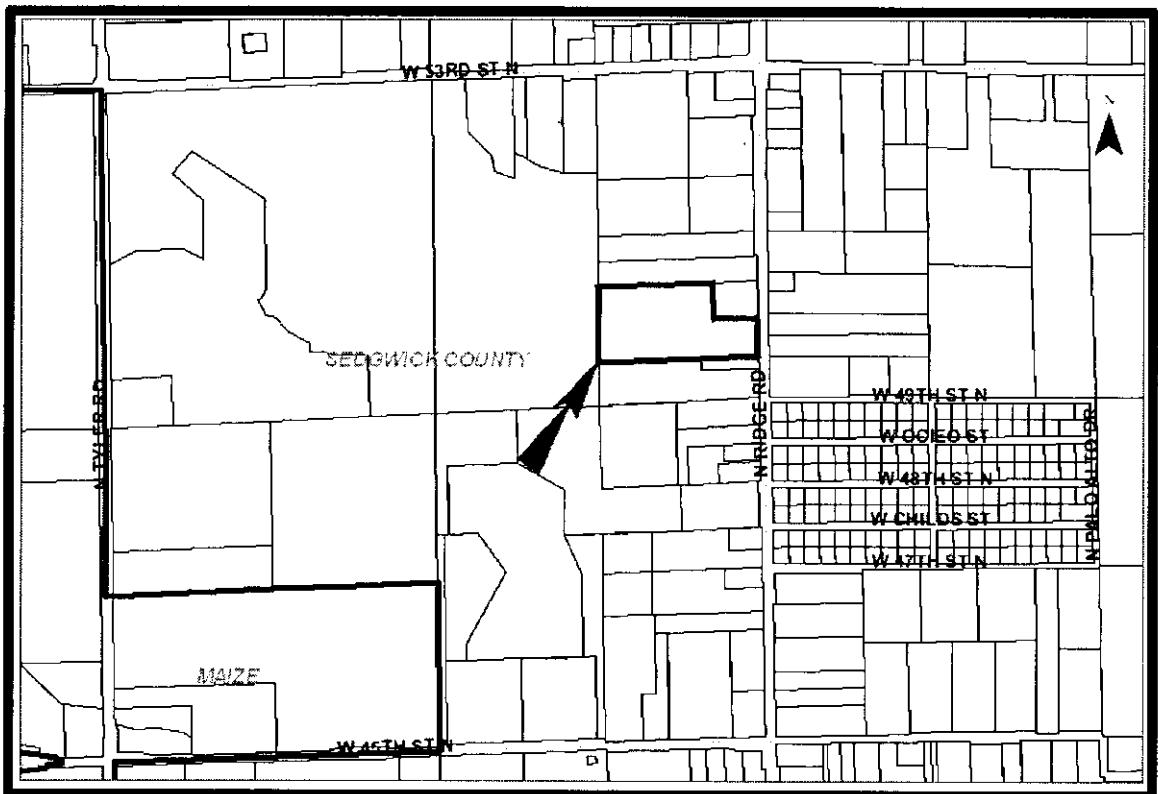
REQUEST: Conditional Use to allow Recreation and Entertainment, Outdoor, for a haunted forest

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10.9-acres

LOCATION: On the west of Ridge Road, midway between 53rd and 45th Streets North (Unincorporated Sedgwick County, District #4)

PROPOSED USE: Halloween haunted forest



BACKGROUND: The applicant is requesting a County Conditional Use for "Recreation and Entertainment, Outdoor" for a Halloween "haunted forest" on approximately 10.9-acres of his unplatted 15-acre "RR" Rural Residential zoned tract. The applicant proposes to operate the "forest" during the month of October, on Fridays and Saturdays, 5 & 6, and the 12 & 13, Thursdays, Fridays and Saturdays, 18, 19, 20 and 25, 26, and 27, and Monday, Tuesday and Halloween Wednesday, 29, 30, and 31. Operation hours are from dark until 11:00 PM weekdays and from dark till midnight on weekends. The applicant has stated that he has had the "forest" at this site for several years and has provided a 1985 lease agreement between him and the previous property owner allowing the "forest" at this site. Several neighbors have called about the case and have confirmed that the "forest" has been in operation for some time at this site, but they were not sure how long it has been in operation. The applicant was recently directed by Sedgwick County Code Enforcement to apply for a Conditional Use to attempt to bring the "forest" into compliance or to stop operating it. County Code Enforcement cannot recall complaints about the "forest." Haunted houses and outdoor Halloween mazes/woods have been considered as seasonal "Recreation and Entertainment, Indoor and Outdoor" Conditional Uses. The Unified Zoning Code (UZO) permits "Recreation and Entertainment, Outdoor" as a Conditional Use in the "RR" zoning district with the following minimum conditions:

- (1) The property shall be contiguous to an arterial or expressway.
- (2) The lighting standards of Sec.IV-B.4 shall be complied with. No string type of lighting or banners shall be permitted.
- (3) The noise standards of 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 applicant's site plan shows a 210-foot (x) 269-foot sand parking lot along the property's Ridge Road frontage and the entrance onto the property. It also shows the a manufactured home (used by the applicant on weekends), a yard light, some fencing, portable rest rooms, a 16-foot (x) 16-foot temporary office, some existing trees along the property's south, east and west sides and the pathway through the "haunted forest." County Code Enforcement and Permits would need to permit the portable restrooms. County Code Enforcement and Permits will require a building permit and inspection for the temporary building. The County Commission would have to consider waiving the paving requirement for all driveways, parking, loading, and vehicle circulation areas (see #4 above), if the applicant requests that some other materials be used, which would have to be approved by County Fire. Some dimension control has been provided on the site plan.

The area around the site, along Ridge Road, is developed as single-family residential, with houses located on tracts ranging from 1-acre in size to the applicant's (+) 15-acres and includes a suburban scale subdivision (Childs Acre Addition, recorded December 21, 1961)

located approximately 380-feet southeast of the site. Altogether there are approximately 45-50 houses located within 1,000-feet of the site. The nearest residences are located approximately 30-feet south (built 1948), 135-feet north (1970) and 160-feet east (across Ridge, 1965 and 1967)) from the proposed parking of the site. The other houses located in close proximity to the site were built in 1915, 1917, 1935, 1940 and 1957. The zoning of all residential development in the area is either "RR" or "SF-20" Single-family Residential. There are primarily agricultural lands located west of the site, which are zoned "RR."

CASE HISTORY: The property is unplatted. Staff has received two phone calls asking about the case. The callers did note that they could here noises such as chain saws, screams, and howling and noted car lights, trash and traffic generated by the site. These calls have noted that their homes were in the area before the applicant started the "haunted forest," but also stated that the "forest" had been operating at Halloween for some time.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Single-family residences
SOUTH:	"RR"	Single-family residences
EAST:	"SF-20"	Single-family residences
WEST:	"RR"	Agriculture

PUBLIC SERVICES: This site is accessed via Ridge Road, a paved two-lane section line road with a 50-foot half-width right-of-way (ROW) at the site. Current standards require 60-feet of half street ROW. Ridge Road has current traffic volumes of approximately 3,800 average daily trips. The 2030 Transportation Plan estimates that the volume will increase to approximately 8,500 average daily trips. The 2030 Transportation Plan indicates that this portion of Ridge will remain a two-lane arterial. Municipal water and sewer services are not currently available to serve this site. The site is located inside the 30-year urban service area.

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 Wichita 2030 Urban Growth Area. This category identifies Wichita's urban fringe areas that are presently undeveloped but have the potential to be developed by the year 2030. This is in the area in which City limits expansion and extension of municipal services and infrastructure should be focused during the period from 2005 to 2030.

The UZC provides for "Recreation and Entertainment, Outdoor" 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 supplementary use regulations for the "Recreation and Entertainment, Outdoor" to include 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. The proposed Conditional Use appears to have operated for several years without a permit within an area of established single-family

residences. This application does not meet the parking area-paving requirement, waiving this requirement it would the require governing body's approval according to the UZC section V-D.6. The current 50-foot half-street ROW does not meet county standards of 60-feet.

RECOMMENDATION: Within 1,000-feet of the site there are 45-50 single-family residences. Within a ½-mile of the site there are at least that additional number of single-family residences. Along 53rd Street North there are 9 active or spent sand pits, with single-family residential development on the spent sandpit lakes and most probably single-family residential development going to occur around the active sandpit lakes when the extraction operations are completed on them. The area was established as single-family residential prior to the "haunted forest" moving into the area and the trend is that it will continue to develop as single-family residential. The proposed "haunted forest " needs to be located in an area that is not an established single-family residential area with this type of density. Therefore, based upon information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: The character of the area is established single-family residential with houses located on properties ranging in size from 19,000 square-feet (Childs Acre Addition) to 1-acre and up to the applicant's (+) 15-acre site, which is one of the larger properties in the area. The area's zoning is either "RR" or "SF-20."
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 as a single-family residence or 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 single-family residential area.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: A key consideration for the Halloween season's "haunted forest, mazes or haunted houses" is the potential impact of the noise, traffic and trash that they generate in relation to their proximity to single-family residential development. The proposed site is within 30-feet south (built 1948), 135-feet north (1970) and 160-feet east (1965 and 1967) of single-family residences, all of them being in place prior to the "haunted forest" moving into the area as a noncompliant use. It appears that most of the 45-50 single-family residences in the area were in place prior to the "haunted forest" moving into the area. The request does not meet the driveway and parking area-paving standard of the Wichita-Sedgwick County Unified Zoning Code.

5. Impact of the proposed development on community facilities: The requested Conditional Use will generate increased traffic on this portion of Ridge for the month of October.

However, if the MAPD finds the request acceptable and recommends approval Staff proposes the following conditions:

1. The Conditional Use for Recreation and Entertainment, Outdoor shall be for a "haunted forest" only.
2. Advise the BoCC to waive the paving requirement for all driveways, parking, loading, and vehicle circulation areas, to be replaced with materials approved by County Fire/County Engineer
3. The applicants shall obtain all applicable permits and inspections including, but not limited to County building and health.
4. Dedicate 10-feet of right-of-way.
5. The entrance drive to the site shall meet County standards, as approved by County Fire and Engineering.
6. The applicant shall submit a revised site plan. Development and maintenance of the site shall be in conformance with the approved site plan.
7. No lighting of outdoor entertainment/recreation (except as noted) areas or lighting of parking lots shall be permitted. Outdoor lights shall be confined to the existing yard light, lighting confined to the inside of the temporary office building and one porch type of light attached to it and the a pair of car lights attached to a 12-volt battery as shown on the site plan.
8. No outdoor sound amplification systems shall be permitted on the site.
9. Days of operation for the "haunted forest" shall be October 5, 6, 12, 13, 18, 19, 20, 25, 26, 27, 29, 30, and 31. Hours of operation shall be from 6PM to 11PM on weekdays and from 6PM to midnight on weekends.
10. The parking area shall be located no closer than 75-feet from the abutting southern and northern properties. The temporary office shall be located no closer than 75-feet from the abutting north property. Portable restrooms shall be located no closer than 100-feet from abutting properties
11. 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.