

**EXCERPT MINUTES OF MAY 10, 2018, WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION MEETING**

Case No. CON2018-00018 – County Conditional Use to allow an Event Center on property zoned RR Rural Residential, generally located east of South 55th Street West and north of West 87th Street South (Hoover) (8720 South Hoover Road) and described as:

Beginning at a point on the West line and 331.96 feet North of the Southwest corner of the Southwest Quarter of Section 11, Township 29 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North along the West line of said Southwest Quarter, a distance of 331.96 feet to the Northwest corner of the South Half of the Southwest Quarter of said Section 11; thence East along the North line of the South Half of the Southwest Quarter of the Southwest Quarter of Section 11, a distance of 660.00 feet; thence South parallel with the West line of said Southwest Quarter, a distance of 331.76 feet; thence West a distance 660.00 feet to the point of beginning, EXCEPT

Beginning at a point on the West line and 331.96 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 11, Township 29 South, Range 1 West; thence continuing North along the West line of said Southwest Quarter, a distance of 331.96 feet; thence East 50 feet; thence South parallel with the West line of said Southwest Quarter, a distance of 313.82 feet; thence Southeasterly, a distance of 18.67 feet to a point 54.53 feet East of the West line of said Southwest Quarter; thence West 54.53 feet to the point of beginning for 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 is 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.

DAVE YEAROUT, planning staff, presented the staff report.

GREENE asked if staff was aware of plans to develop the property located immediately north of the application area.

YEAROUT replied that he had talked with the landowner and he stated he did not have any interest in developing his property at this time and did not object to the request. **YEAROUT** added that there are not any public sewer or water services in the vicinity. Development of the property north of the application area would likely require the extension of sewer and water services.

KATHLEEN GARRISON, 8720 SOUTH HOOVER ROAD, APPLICANT, stated that she had provided a handout. She showed a PowerPoint presentation showing her property and what it looks like when set up for an event. **GARRISON** reported that she had converted a shed into the indoor venue and doubted that she could accommodate more than 100 people inside the building. She also noted that she has a number of events scheduled for the rest of the year, and even into next year. Closing time is 11:00 p.m. She attends every event, interviews every prospective client and has turned people away. Food and alcohol is catered or provided by the client. Average party size is approximately 75 people. She requested up to 200 people as the maximum number of people attending any one event. **GARRISON** noted that she may add a roofed structure to the west end of the event building.

FOSTER asked for more explanation regarding the maximum number of people she wants to be allowed to have.

GARRISON explained the fire department has not inspected the facility yet, but someone told her 200 people would be the maximum that could be accommodated so she was going with that number.

KLAUSMEYER asked if she provided security and how she takes care of trash.

GARRISON indicated she could provide security if asked but she does not require it. She stated there has not been an issue with security. She asks the clients to police the area at the end of the event, monitors that everything is picked up, and she has three large trash containers.

LOREN WORMINGTON, 5500 WEST 87TH STREET SOUTH, stated he lives just to the south of the application area. He stated he was not for or against the request but wanted to make sure there was a cut-off time for the events in the conditional use approval. He also wanted to know what enforcement was available.

PLANNING STAFF advised that 11:00 p.m. was the cut-off time. He could call the Sheriff's Office during non-business hours and he could call county code enforcement during business hours.

FOSTER asked the applicant for a clarification on the number of people she wanted. He indicated he was concerned with 200 people total.

GARRISON indicated she wanted 200 people total, both outdoors and indoors.

MOTION: Approve subject to the recommendations contained in the staff report except the site is limited to a maximum of 200 guests indoors and outdoors, the event center building occupancy is limited to 100 guests or the number of occupants permitted by code, whichever is less.

WARREN moved, **B. JOHNSON** seconded the motion, and it carried (14-0).
