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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 15-0133, Version: 1

PUD2014-00003 - COUNTY PLANNED USE DEVELOPMENT (PUD #44) ZONING REQUEST ON RURAL RESIDENTIAL ZONED PROPERTY GENERALLY LOCATED MID-MILE BETWEEN 247TH AND 263RD STREETS WEST ON THE SOUTH SIDE OF 61ST STREET SOUTH. (DISTRICT 3)

Presented by: John L. Schlegel, Director of Planning.

RECOMMENDED ACTION: Adopt the recommendation of the Metropolitan Area Planning Commission (MAPC) and deny the requested PUD zoning.

Background: The applicants are requesting to change the Rural Residential (RR) zoned 21-acre tract to Planned Unit Development (PUD) zoning; PUD #44. The proposed PUD includes the applicants' single-family residence and will allow the site to be used for events such as outdoor or indoor weddings, receptions, graduation parties, birthdays, photo sessions or similar activities. These events will be scheduled on an as need basis, for a total of 30 days a year, and not be open to the general public. The serving and consumption of alcoholic liquor or cereal malt beverages (drinks) on the site is an option for the events. Live music or DJ music for dances for the events are also options, as is the indoor and outdoor preparation of food for these events. The RR zoning district does not allow the site to be used as proposed.

The PUD zoning district is a special zoning district that is intended to encourage innovative land planning and design. Any use may be permitted within the PUD zoning district, provided that it is consistent with the purposes of the UZC and the approved PUD plan. The PUD is proposed to be developed into two phases, as stated on the PUD.

Currently the site is developed with the applicants' single-family residence, an accessory building to the residence, a wood shed and an events building that will be used for the PUD's activities. As noted on the PUD, the 2,706-square foot events building will be used for the options of: indoor events, the cooking and serving of food for the all events, and live music or DJ music for dances for the events. The events building has restrooms per the Sedgwick County Code. A gravel parking lot is shown on the west side of the events building as is paved (asphalt) handicap parking. An enclosed trash receptacle area is shown on the east side of the event building.

Although the Sedgwick County Fire Department has established a maximum occupancy of 299 persons for the events building, the applicants propose a maximum of 150 people attending any one event. The Fire Code prohibits the serving and consumption of drinks inside the events building, unless less than 100 people attend an event. The events building would have to be sprinkled, per County Code, to allow the serving and consumption of drinks for 150 people inside the events building.

The applicants propose that no music shall be heard on the neighboring properties, as all music provided by a DJ or live will not be allowed outdoors, but within the events building. The PUD proposes to provide wooded walking paths with soft lighting and music that cannot be heard by the

neighbors. The PUD shows floodplain, a 50-foot landscape buffer and 25-foot building setbacks located within the landscape buffer. Other provisions of the PUD refer to allowing tents as needed for the events (not for camping) and portable toilets as needed. The second phase of development for the PUD includes indoor and outdoor kitchen facilities for food preparation for the rented events.

The proposed days of availability are seven (7) days a week. Events are proposed to be available: Monday - Thursday, 8 a.m. to 8 p.m. with music off by 7:30 p.m.; Friday - Saturday 8 a.m. to 11 p.m., with music off by 10:30 p.m. and; on Sunday 8 a.m. to 7 p.m. with music off by 6:30 p.m.

This RR zoned unincorporated section of Sedgwick County is rural in character. Agricultural fields are the area's dominant feature, with scattered farmsteads and large tract single-family residences. The closest residences/farmsteads were built in 1972 (west of the site), 1934 (north of the site), 1976 (east of the site) and 2004, 2009 and 2011 (south of the site). The most recent developments in the area are the large tract single-family residences located south of the site. The Clearwater Creek runs north to south through and along the PUD and the abutting properties on its way to its joining the Ninnescah River located two-miles south of the subject site. There are runs of timber along both sides of the Clearwater, including that portion of the Clearwater that is located along and through the PUD's west and south sides and north of the site across 63rd Street South. The PUD's east side is mostly open. The exception to the area's RR zoning and its agricultural fields, scattered farmsteads and large tract single-family residences is Camp Hyde, located one-mile south of the subject site, on the southeast corner of 71st Street South and 263rd Street West. The 119.53-acre multi-event venue (PUD #36) permits a campground, a bed and breakfast, a convention center, community assembly, retail, multi-family residential as well as numerous other activities. The requested PUD would not be the first for this general area and has fewer proposed uses than the established PUD #36.

Analysis: Planning recommended the PUD be APPROVED, subject to platting within a year and revisions, some of which are included in the attached PUD document and the following:

(1) General Provision #10 revise to; Signage shall be an arch over the entrance way with a maximum sign area of 150-square feet of sign and no taller than 15 feet.

At the Metropolitan Area Planning Commission (MAPC) meeting held January 22, 2015, citizens were present to protest the PUD. Their concerns include, but are not limited to: the traffic generated by 150 guests and its impact on the sand and gravel 63rd Street South, which is maintained by the Afton Township; the number of people allowed per event; drainage including the potential of the flooding of Clearwater Creek and its impact on the site, its guests and 63rd Street South; loud music; unruly behavior (including trespassing) by the guests on the site brought on by the availability of liquor and beer; the disruption to the rural character of the area, and; a negative impact on their property values.

A motion was made by the MAPC to approve PUD #44, with the Staff's recommended revisions and clarifications. The motion died for lack of a second. Another motion was made by the MAPC to DENY PUD #44, which was approved 8-1.

Staff has received 98 valid protests to PUD #44, including 100% of the land area within the 1,000-foot protest area. Those protests outside the protest area have appeal status and as such are not calculated into the requirement of having four (4) of the five (5) Commissioners vote to override protests and, in this case, the MAPC's recommendation to deny.

Alternatives:

- (1) Adopt the recommendation of the Metropolitan Area Planning Commission (MAPC) and deny the requested zone change to PUD #44 (simple majority of the Commissioners to deny required); the BoCC may adopt additional or alternative findings in support of the denial, or;
- (2) Approve the requested zone change to PUD #44, subject to a revised PUD drawing and platting within a year and direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution (three-quarter majority required, meaning that 4 of the 5 Commissioners vote to approve and to override protests and the recommendation of the MAPC); the BoCC may adopt the proposed findings in the initial staff report, or may adopt additional or alternative findings, or;
- (3) Return the requested zone change (PUD #44) to the MAPC for reconsideration with a statement of the reasons for return (simple majority required; NOTE: upon resubmission to the BoCC, a three-quarter majority will still be required to approve the zone change and override protests).

Financial Considerations: There are not any additional financial considerations to the County associated with this application.

Legal Considerations: Approved as to form and signed by County Counselor's Office: The City and County are authorized by K.S.A. 12-741, et seq. to adopt and amend a comprehensive plan, joint zoning code and official zoning map. The City and County have done so, and in that code have provided for the zoning of properties, including overlay districts, planned unit developments, protective overlays, conditional uses and community unit plans.

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

Outside Attendees: Bobby R. and Kimberly Stroupe (applicants) Abbott Land Survey, c/o Chad Abbott (agent)

Multimedia Presentation: PowerPoint