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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 18-481, **Version:** 1

CON2018-00018 County Conditional Use to Permit an Event Center in the County on Property Generally Located East of South Hoover Road and North of 87th Street South (8720 South Hoover Road) (District 2).

Recommended Action: Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

Background: The applicant is requesting a Conditional Use to allow the use of the property for an event center in the County. The property is zoned RR Rural Residential (RR) and is west of the Haysville Urban Growth Area.

The applicant owns approximately 5 unplatted acres that was formally used for a home occupation of a grass mowing business. Following a change in marital status, the present owner is converting an existing building and outdoor area into a venue for weddings, family reunions, birthday parties and other similar celebration events. The existing improvements on the property will accommodate the proposed use without additional construction, particularly the area available for off-street parking. The existing building north of the house will be used for the indoor events, and the patio and other areas to the south and east of that building and east of the house will be available for outdoor gatherings.

The applicant indicates clients will be responsible to arrange for their own music, food and beverage catering services, as well as any services serving alcohol. All events will end by 11:00 p.m. The applicant also requests to waive the setback requirement of the Unified Zoning Code to allow the existing structures to be used.

Analysis: All property surrounding the applicant's property is zoned RR Rural Residential and is generally used for agriculture or developed with single-family residences.

The request was heard by the Metropolitan Area Planning Commission (MAPC) on May 10, 2018. MAPC recommended approval of the request by a 14-0 vote as recommended by staff, with one change concerning the number of attendees at the events. The MAPC recommended conditions are as follows:

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.

There was one neighbor that spoke at the public hearing, concerned with potential operations going into the early morning hours, and also inquiring whether there would be a limit on the number of events that could occur in the year. No protest petitions were filed; therefore this may be approved by a simple majority, or at least 3 of the 5 Commissioners.

Alternatives: See Legal Considerations.

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Legal Considerations: The authority for this action is pursuant to K.S.A. 12-741, et seq. and Sedgwick County Resolution No. 147-2016, which included allowed uses under the classification of Event Center in the County. The Board of County Commissioners may: (1) approve the conditional use as recommended by the MAPC (recommended action; requires 3 votes; (2) deny the conditional use or otherwise amend the conditional use recommended for approval by the MAPC (requires 4 votes); or (3) refer the matter back to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove the conditional use (requires 3 votes).

Policy Considerations: N/A.