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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION AGENDA

Thursday, April 2, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, April 2, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10th Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

Meeting Date: No Minutes

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

Items may be taken in one motion unless there are questions or comments.

- 2-1. **SUB2015-00007: One Step Final Plat – RUSTIC TIMBERS ADDITION**, located on the south side of 63rd Street South, West of 247th Street West.

Committee Action: APPROVED 3-0
Surveyor: Abbott Land Survey, P.A.
Acreage: 21
Total Lots: 1

3. **PUBLIC HEARING – VACATION ITEMS**

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

Items may be taken in one motion unless there are questions or comments.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10th Floor, City Hall, 455 N. Main Street, Wichita, Kansas

PUBLIC HEARINGS

ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM

4. Case No.: ZON2015-00012 and CON2015-00010
Request: City zone change from SF-5 Single-family Residential to LC Limited Commercial and City request for a Conditional Use for a self-storage warehouse on SF-5 Single-family Residential zoning.
General Location: West of Hoover Road on the north side of 29th Street North.
Presenting Planner: Dale Miller
5. Case No.: ZON2015-00013 and CUP2015-00005 (DEFERRED TO 4-16-2015)
Request: City zone change request from SF-20 Single-family Residential to LC Limited Commercial and City request for a commercial Community Unit Plan.
General Location: Southeast corner of 29th Street North and Maize Road.
Presenting Planner: Bill Longnecker.
6. Case No.: CON2015-00009
Request: County request for a Conditional Use for an Accessory Apartment on RR Rural Residential zoned property.
General Location: Northwest corner of MacArthur Road and 135th Street West.
Presenting Planner: Dale Miller

7. Case No.: CON2015-00011
Request: County Conditional Use to permit an accessory apartment on RR Rural Residential zoned property.
General Location: Northeast corner of 32nd Street South and 343rd Street West (3300 South 343rd Street West.)
Presenting Planner: Dale Miller
8. Case No.: PUD2015-00002
Request: County zoning change request from RR Rural Residential to PUD Planned Unit Development for an event center.
General Location: Midway between 101st and 109th Streets North on the east side of Oliver Avenue/47th Street East.
Presenting Planner: Bill Longnecker

NON-PUBLIC HEARING ITEMS

9. Other Matters/Adjournment

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan Area Planning Commission

STAFF REPORT

CASE NUMBER: SUB2015-00007 – RUSTIC TIMBERS ADDITION

OWNER/APPLICANT: Bob and Kim Stroue, 25501 West 63rd Street South, Viola KS 67149

SURVEYOR/AGENT: Abbott Land Survey, Attn: Chad Abbott, 520 South Holland, Suite 103, Wichita, KS 67209

LOCATION: South side of 63rd Street South, West of 247th Street West (County District III)

SITE SIZE: 21 acres

NUMBER OF LOTS

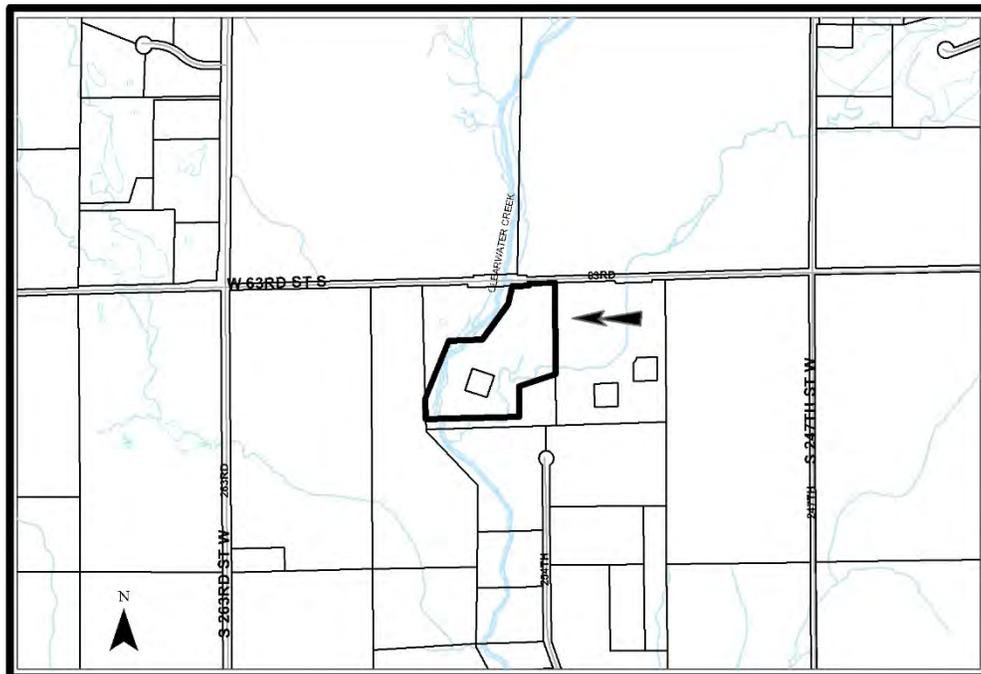
Residential:	1
Office:	
Commercial:	
Industrial:	
Total:	1

MINIMUM LOT AREA: 21 acres

CURRENT ZONING: RR Rural Residential

PROPOSED ZONING: PUD Planned Unit Development

VICINITY MAP



SUB2015-00007 -- Plat of RUSTIC TIMBERS ADDITION
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NOTE: This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. The site has been approved for a zone change (PUD2014-00003) from RR Rural Residential to PUD Planned Unit Development.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact Metropolitan Area Building and Construction Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- B. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, Metropolitan Area Building and Construction Department recommends connection.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Public Works has approved the drainage plan. The applicant is advised that any development that disturbs more than one acre will require a Notice of Intent from the state and a Stormwater Permit. New structures built after March 31, 2015 shall meet a minimum pad elevation of 1314.
- E. County Surveying advises that the plat needs to show an onsite benchmark.
- F. Metropolitan Area Building and Construction Department requests the Floodzone “A” be labelled as “Floodway Reserve”. A base flood elevation is needed.
- G. Provisions shall be made for ownership and maintenance of the proposed floodway reserve. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities. The covenant shall grant to the appropriate governing body the authority to maintain the floodway reserve in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The standard floodway language is needed in the plat’s text: “FEMA floodplain and regulatory floodway boundaries are subject to periodic change and such change may affect the intended land use within the subdivision.
- I. Access controls needs to be platted along 63rd Street South. County Public Works has approved one opening along 63rd Street South. The final plat tracing shall reference the dedication of access controls in the plat’s text.
- J. The solid bold line should encompass only the plat boundaries.
- K. The landscape barrier line shall be relabeled as a “landscape buffer” and encompass the entire perimeter of the site.

SUB2015-00007 -- Plat of RUSTIC TIMBERS ADDITION
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- L. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- M. A PUD Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PUD and its special conditions for development on this property.
- N. County Surveying advises that she is working with the plat surveyor on the plat boundary. The Subdivision Committee has required submittal of a revised plat showing new property boundaries prior to MAPC consideration.
- O. Sedgwick County Fire Department advises that the plat will need to comply with the Sedgwick County Service Drive Code.
- P. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- Q. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- R. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- T. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

SUB2015-00007 -- Plat of RUSTIC TIMBERS ADDITION
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W. Perimeter closure computations shall be submitted with the final plat tracing.

X. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

Y. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

STAFF REPORT

DAB V: April 20, 2015

MAPC: April 2, 2015

CASE NUMBER: ZON2015-00012 & CON2015-00010

OWNER/APPLICANT: Estate of Verna E. Cornwell, Kenneth E. Cornwell and David Cornwell
co-executors

AGENT: Ruggles & Bohm, Chris Bohm

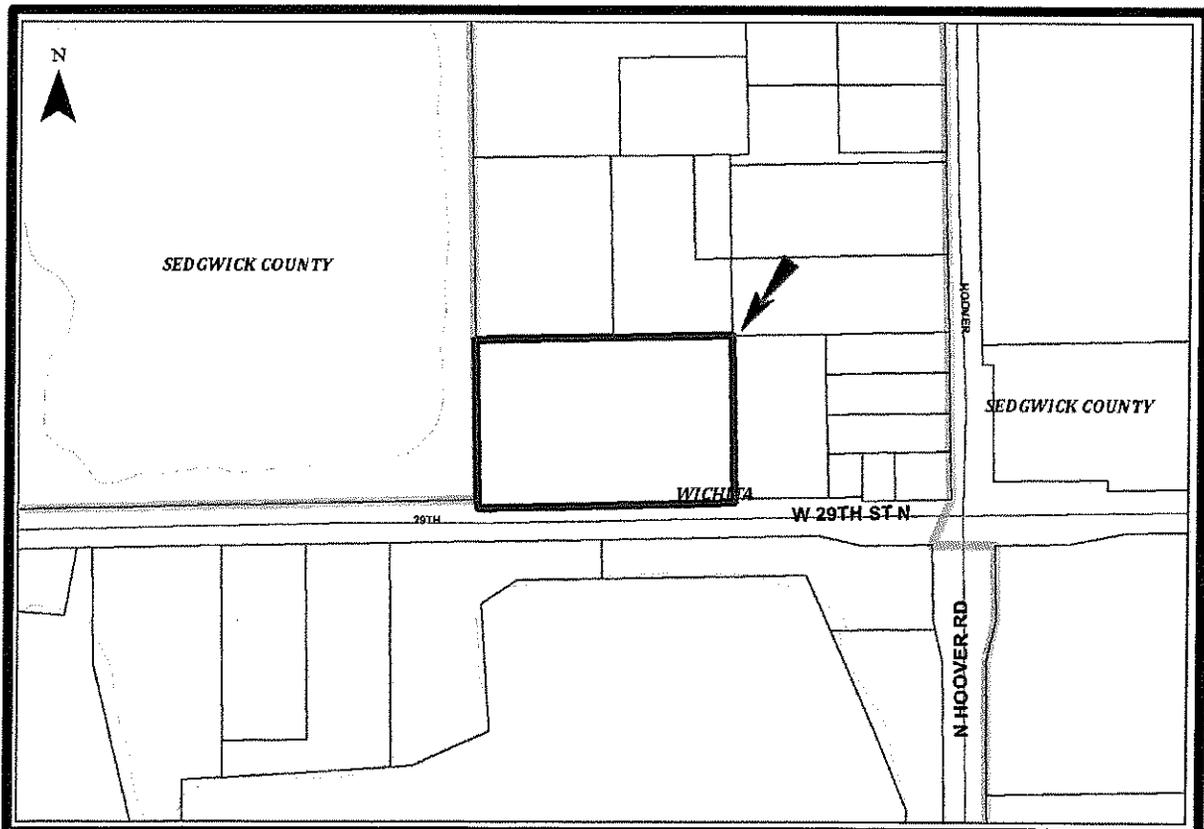
REQUEST: Zone change to LC Limited Commercial and a Conditional Use for
Warehouse, Self-Service Storage

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 4.94 acres

LOCATION: West of North Hoover Road on the north side of West 29th Street North
(6008 W. 29th Street N.)

PROPOSED USE: Warehouse, Self-Service Storage



BACKGROUND: The applicants are requesting a zone change from SF-5 Single-Family Residential to LC Limited Commercial for 4.94 acres of a 5.5 acre unplatted parcel, located west of North Hoover Road on the north side of West 29th Street North. In 1958, Sedgwick County zoned the four corners of the intersection to LC in anticipation of commercial development. The east portion of the parcel, approximately 0.45 acres, currently zoned LC, was part of that rezoning. In addition to the requested zone change to LC, the applicants have submitted a request for a conditional use to allow warehouse/self-storage on the site (CON2015-10).

The applicants have submitted a site plan of the proposed building layout, internal vehicle circulation and the access onto West 29th Street North will be reviewed and approved during platting should ZON2015-00012 and CON2015-00010 be approved. Upon approval of ZON2015-12 and the subsequent CON2015-10, the applicants will be required to file and perfect a plat within one year and provide a revised site plan giving more detail including, but not limited to, landscaping, any proposed light poles and identification of customer and employee parking.

Property north of the site is currently going through the process of rezoning to LI Limited Industrial and re-platting for use as wrecking and salvage (ZON2014-03, CON2014-001 and SUB2014-42). The Metropolitan Area Planning Commission (MAPC) has approved the zone changes subject to final platting. SUB2014-00042 is scheduled for Wichita City Council on March 24, 2015. Property east of the site is zoned LC and currently has a single family residence. The SF-20 zoned property west of the site with a condition use to allow for sand and gravel extraction (CU-242). South of the site is Barefoot Bay Subdivision, which is developed with single-family residences.

CASE HISTORY: This zone change application has been filed to change current zoning (SF-5) to LC. LC zoning allows warehouse/self-storage facilities with approval of CON2015-10. The land is currently undeveloped.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family Residential; currently being re-platted to LI for wrecking and salvage use.
SOUTH:	SF-5	Single-family residences
EAST:	LC	Limited Commercial; currently developed with single-family residence
WEST:	SF-20	County single-family; has a conditional use to allow warehousing CU-242

PUBLIC SERVICES: The subject property has immediate access to West 29th Street North and North Hoover Road is approximately 600 feet east of the subject site. Both streets are two-lane arterial streets. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for “Urban Residential;” however, the abutting properties are zoned LC and recently rezoned LI. The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The proposed use would be a low traffic generator at this location.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the proposed zone change and conditional use for warehouse/self-storage be

APPROVED, subject to Sec. III-D.6.y and the following conditions:

- 1) The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC.

- 2) Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will subject to platting and be per City Code including landscaping, code compliance and any other applicable standards.
- 3) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
- 4) All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
- 5) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is awaiting final plat approval by the City Council for LI wrecking and salvage use. Property south of the site is zoned LC Limited Commercial ("LC") and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned SF-20 and has a conditional use (CU-242) for warehouse use.
2. **The suitability of the subject property for the uses to which it has been restricted:** The east ± 0.45 acres of the subject property is already zoned LC. The owners of the subject property have submitted a conditional use application for the warehouse/self-storage commercial use. The property would be suitable for the commercial uses to which it has been restricted.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Warehouse/self-storage developed with the Conditional Use, will have a minimum negative effect on the area and at best improve the property, with the application of access control, landscaping, screening and the other conditions on the site.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues and should mitigate any potential negative effects on surrounding properties.
5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate. Any increased demand on community facilities can be handled by current infrastructure

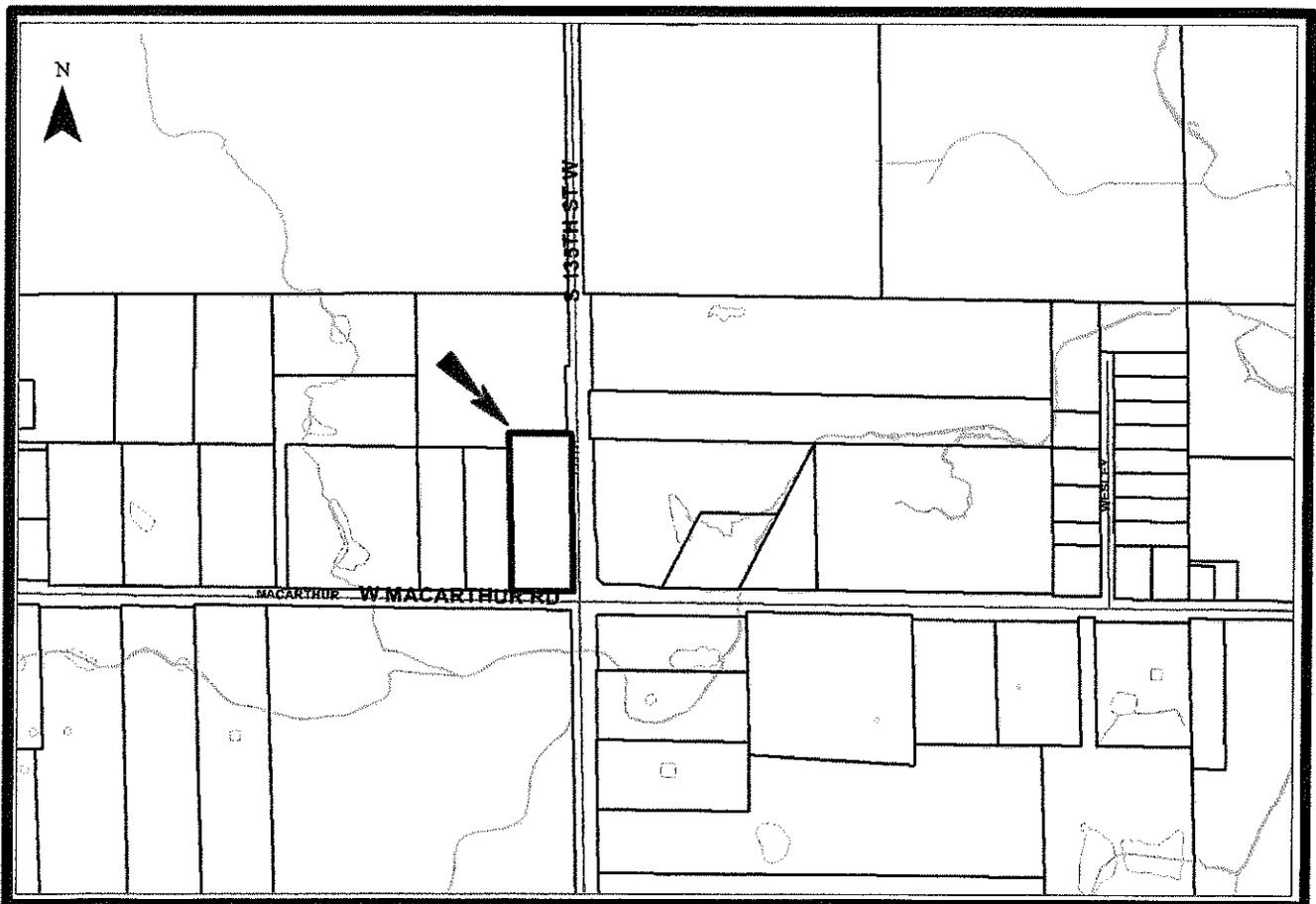
5. Case No.: ZON2015-00013 and CUP2015-00005 (**DEFERRED TO 4-16-2015**)
Request: City zone change request from SF-20 Single-family Residential to LC Limited Commercial and City request for a commercial Community Unit Plan.
General Location: Southeast corner of 29th Street North and Maize Road.
Presenting Planner: Bill Longnecker



STAFF REPORT

MAPC April 2, 2014

-
- CASE NUMBER:** CON2015-00009
- APPLICANT/OWNER:** Thomas Dreiling, owner/Adam and Nicole Pracht, agents
- REQUEST:** Conditional Use request for an accessory apartment
- CURRENT ZONING:** RR Rural Residential
- SITE SIZE:** Approximately 4.25 acres
- LOCATION:** Generally located on the northwest corner of MacArthur Road and 135th Street West (13615 W. MacArthur Road)
- PROPOSED USE:** Second residence on the property



BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment to be built on the 2nd floor of an accessory structure. The unplatted property is zoned RR Rural Residential and is approximately 4.25 acres. It is currently developed with a single-family residence, shed, above-ground pool with deck and a lagoon for the septic. The subject site is located at the northwest corner of South 135th Street West and West MacArthur Road. The Sedgwick County site is not located within any Zoning Area of Influence. Hedge rows provide screening on all sides of the property.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Art. II.Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

The surrounding properties to the north, west and south are large tracts zoned RR. The uses include single-family residences, agriculture fields and farming/ranch operations with improvements. The property to the east is zoned SF-20 with single-family residential development, but is platted for a Manufactured Home subdivision, Trinkle Addition.

The applicant submitted an existing site plan showing the location of existing structures and the 30-foot X 50 lagoon. The applicant also submitted a proposed site plan which identifies the location of the new 56-foot X 88-foot accessory structure, extension of the existing driveway and a new 50-foot X 50-foot lagoon.

CASE HISTORY: The subject property is located in the Future Southwest Interceptor Basin is not platted;

ADJACENT ZONING AND LAND USE:

NORTH: RR	Large tract, Farming/Ranch Operations with associated farm buildings
SOUTH: RR	Large tract, agricultural fields
WEST: RR	Single-family residences on lots ranging from 3 to 8 acres
EAST: SF-20	Large tract, CU 337 (4 parcels: single-family residence, vacant, manufactured home and single-family residence) to allow a Manufactured Home subdivision, platted October 1991.

PUBLIC SERVICES: MacArthur Road and W. 135th Street South are both arterial paved streets. The subject site has access to MacArthur. The property is served by a lagoon for sewage and is located in Sedgwick County Rural Water District #04; however, the site is served by an on-site water well.

CONFORMANCE TO PLANS/POLICIES: The “2030 Land Use Guide of the Comprehensive Plan” (Plan) identifies the subject site as being in 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, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 13616 W. MacArthur Road) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling.
- (2) The water and sewer service provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing sewer septic system.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the placing of the accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

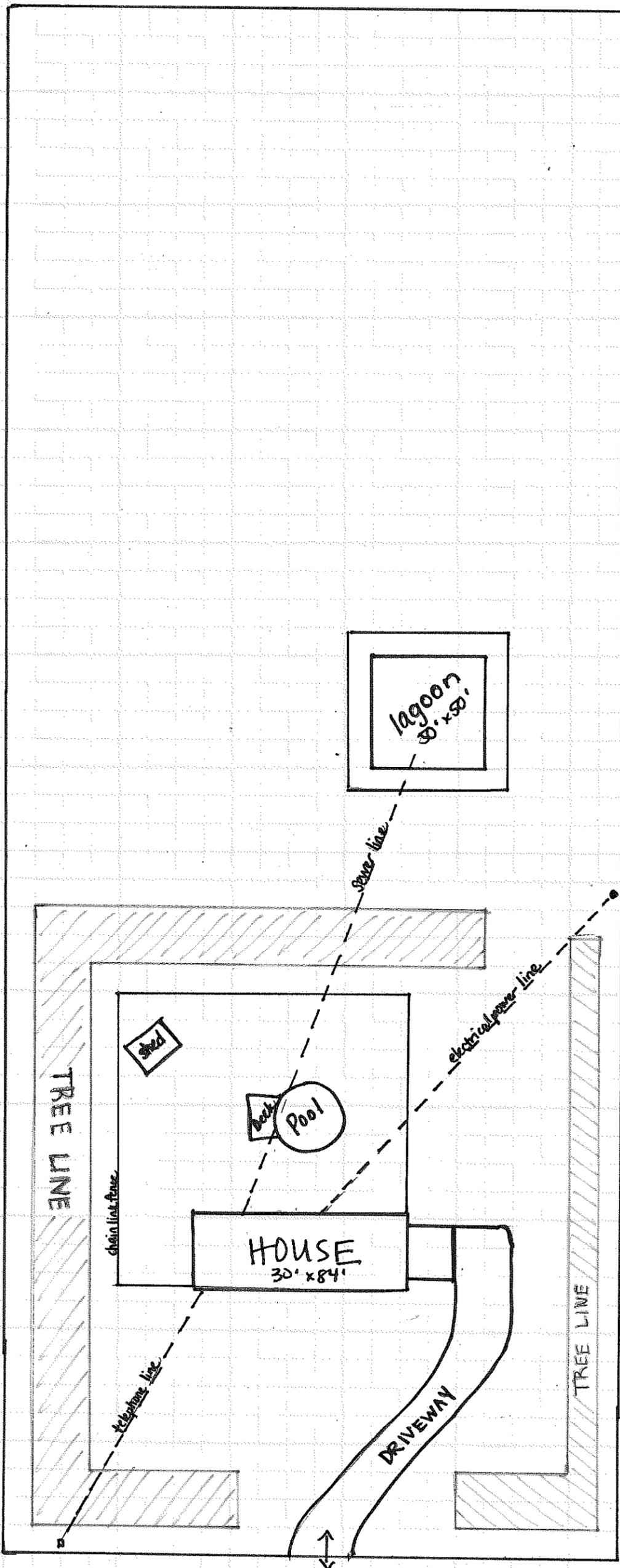
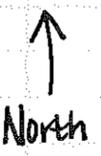
This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The County subject site is located in an RR and SF-20 zoned area with lots ranging from +/- 2 acres to 39 acres. Development is a mix of large lot single-family residential and farming/ranching operations. Located east of 135th Street is a SF-20 zoned manufactured home subdivision: CU-337.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned RR which permits the existing single-family residence. The property could continue to be used for one single-family residence; the depth of the property easily accommodates an accessory apartment and the additional required parking space.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** This appears to be the first request for an accessory apartment in this neighborhood. Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies** The “2030 Land Use Guide of the Comprehensive Plan” (Plan) identifies the subject site as being in 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, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors. The RR zoning district allows single-family residential use. A Conditional Use application/request is required for consideration of an accessory apartment in the RR zoning district.
- (5) **Impact of the proposed development on community facilities:** Community facilities are the public streets in the neighborhood, police and fire services, none of which will be noticeably impacted by

another residence being built on the site. There is no public water or sewer service available to the neighborhood.

Conditional Use:
Shed with living
quarters

Residential
Property



135th Street West
(paved)

Residential
Property

Electrical
Utility Pole

current
Development

PRESENT

Rainwater drains West → East
Well is in basement of House

MacArthur Rd
(paved)

Legal Description:
The E 300' of the S 726' of
the S/2 of the SE/4 EXC the
S 40' for road, 11-28-2W

Scale: 1" = 50'
Thomas Dreiling
Prepared by: Adam &
Nicole Pracht

STAFF REPORT
Cheney 3-23-2015
MAPC 4-2-2015

CASE NUMBER: CON2015-00011

APPLICANT/AGENT: Joshua Price

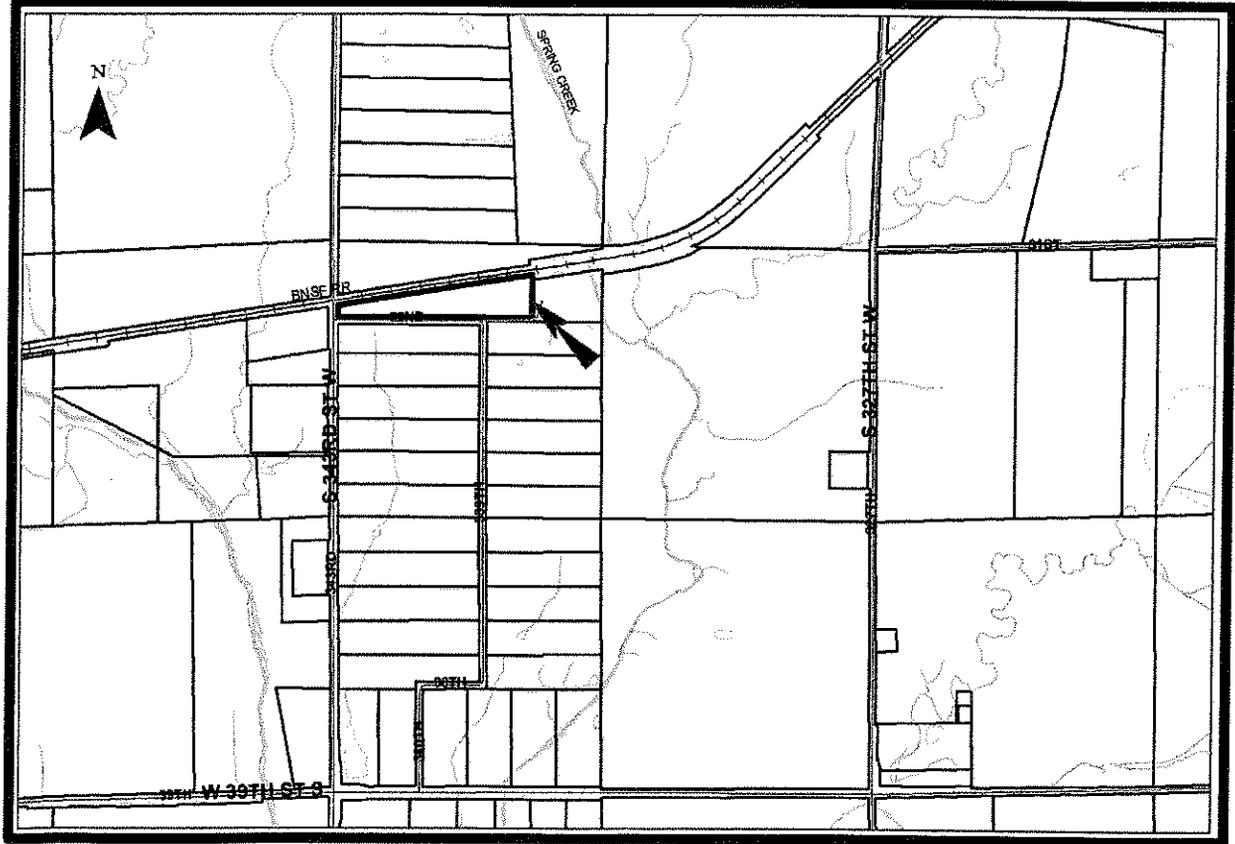
REQUEST: Conditional Use to permit an accessory apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: 11.55 acres

LOCATION: Northeast corner of South 343rd Street West and West 32nd Street South
(3300 South 343rd Street West)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant requests a Conditional Use for an “accessory apartment” on unplatted property zoned Rural Residential (RR). The site is located on the northeast corner of South 343rd Street and West 32nd Street South (3300 South 343rd Street West). The property is currently developed with a single-family residence, a number of accessory buildings and a variety of animal enclosures located on 11.55 acres. The applicant proposes to convert an existing structure, shown on the eastern side of the applicant’s site plan that is attached to a structure identified as the “garden store kitchen” into an accessory apartment. Access to the site is via South 343rd Street West, which is unpaved. Based upon the submitted site plan, the site’s existing driveway has been or can be extended to provide vehicular access to the proposed apartment. The principal structure located on the site appears to be a single-wide manufactured home with cream or beige colored vinyl or metal siding. The exterior of the proposed accessory apartment is unpainted galvanized metal or aluminum. The site utilizes on-site sanitary sewer and water well. The application area has an existing hedgerow located on a small portion of the southern property line abutting West 32nd Street South, which is also unpaved.

The applicant’s site plan is not drawn to scale and does not provide any dimension control relative to the proposed accessory apartment’s specific location. A comparison of a 2011 aerial (the latest to which staff has access) indicates the structure proposed to house the accessory apartment was built after 2011.

All properties abutting or adjoining the application area are zoned RR. The property located immediately north of the site contains railroad tracks. North of the railroad tracks is a 16-acre pasture. North of the pasture is a single-family residence. Property (7.3 acres) located to the east is developed with a site-built single-family residence. Property (multiple lots containing between eight and 9.9-acres) located to the south of the site, across West 32nd Street South, are developed with a mix of manufactured and site-built single-family residences. Some of the homes located south of the site front to the east onto South 339th Street West while some front west onto South 343rd Street West. Land (7.4 acres) located west of the site, across South 343rd Street West, is developed with a manufactured home.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Article II, Section II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Article III, Section III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

With respect to the applicant’s current proposal, the existing structure is not in compliance with Supplementary Use Regulations Article III, Section III-D.6.a(2) and (4). Section III-D.6.a(2) requires the appearance of the accessory apartment to be compatible with the main dwelling unit and with the character of the neighborhood. As noted above, the exterior of the proposed accessory structure is unfinished metal or aluminum while the exterior of the principal structure is cream or beige vinyl. Staff has been advised that because the proposed accessory apartment is attached to the “garden store kitchen” in which food is proposed to be prepared, including the processing of chicken, the “garden store kitchen” and the accessory apartment will need to be connected to a separate on-site sanitary sewer system. Article V, Section V-D.6 allows modifications to the Supplementary Use Regulation requirements by the governing body. Waivers for these two requirements will be needed.

The RR zoning district property development standards call for a minimum rear setback of 25 feet for principal structures; however, accessory structure rear building setback (Sec. III-D.7.e(1)) shall be at least ten feet from the centerline of any platted or dedicated alley, and if no alley exists, then five feet from the rear lot line. Accessory structures may not utilize more than one-half of any required rear yard, and shall not exceed 60 percent of the allowable height limit for the zoning district unless the accessory structure conforms to principal structure setback requirements. The RR district has a 20-foot interior side yard setback requirement; accessory structures may be located within three feet of a side lot line if located on the rear half of the property. The front yard setback is 30 feet. The UZC parking standards require one off-street parking space per single-family residence and one per accessory apartment. The fire department requires a 20-foot wide rock or paved driveway; however, there is not requirement that the parking space be next to the apartment or that there be a driveway to the proposed apartment.

CASE HISTORY: The RR zoning was applied in 1985 when the county adopted county wide zoning.

ADJACENT ZONING AND LAND USE:

North: RR; railroad track, farmland and single-family residence
South: RR; site-built and manufactured homes on large lots
East: RR; site-built single-family residence on a large lot
West: RR; a manufactured home on a large lot

PUBLIC SERVICES: The site utilizes on-site water and sanitary sewer services. South 343rd Street West is unpaved and has approximately 98 feet of right-of-way. West 32nd Street South is unpaved and has approximately 70 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts this site as a rural area. Rural areas are land located outside of urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

RECOMMENDATION: The surrounding area is overwhelmingly rural with large tracts of farmland/farmsteads or large-lot single-family residences. The application area has 11.5 acres which is more than enough room to accommodate the accessory apartment and the existing principal structure. Based on information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

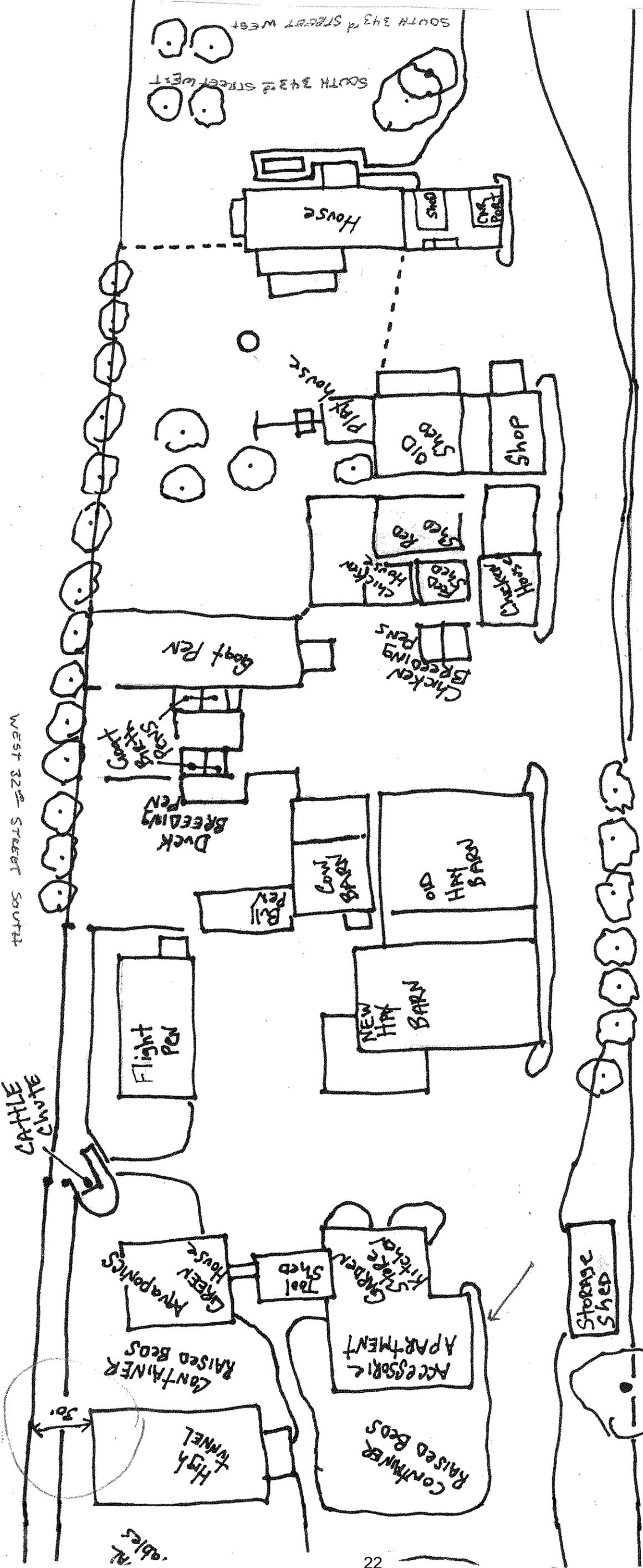
1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan and in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6.a(1) and (3); building, fire and utility regulations or codes. Article III, Section III-D.6.a(2) and (4) are waived.
2. The applicant shall submit a revised site plan that includes dimension control and abutting roadways. The applicant shall also submit a photograph or elevation drawing of the approved accessory apartment. The appearance of the accessory apartment shall be maintained in substantial compliance with that approved by the planning commission or governing body. Modifications to the accessory apartment may be made with the concurrence of the Zoning Administrator provided the improvements are consistent with the spirit and intent of the accessory apartment regulations.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional

Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All properties abutting or adjoining the application area are zoned RR. The property located immediately north of the site contains railroad tracks. North of the railroad tracks is a 16-acre pasture. North of the pasture is a single-family residence. Property (7.3 acres) located to the east is developed with a site-built single-family residence. Property (multiple lots containing between eight and 9.9-acres) located to the south of the site, across West 32nd Street South, are developed with a mix of manufactured and site-built single-family residences. Some of the homes located south of the site front to the east onto South 339th Street West while some front west onto South 343rd Street West. Land (7.4 acres) located west of the site, across South 343rd Street West, is developed with a manufactured home.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR that primarily permits large-lot single-family residences and agriculture. The site could continue to be used as a single-family residential site and have economic value without approval of the application.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The recommended conditions of approval should minimize anticipated impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would presumably represent a hardship upon the property owner with respect to providing additional housing on the property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as a rural area. Rural areas are land located outside of urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.
6. Impact of the proposed development on community facilities: None identified.

South
COM 2015-60011
MAPC 4-2-15

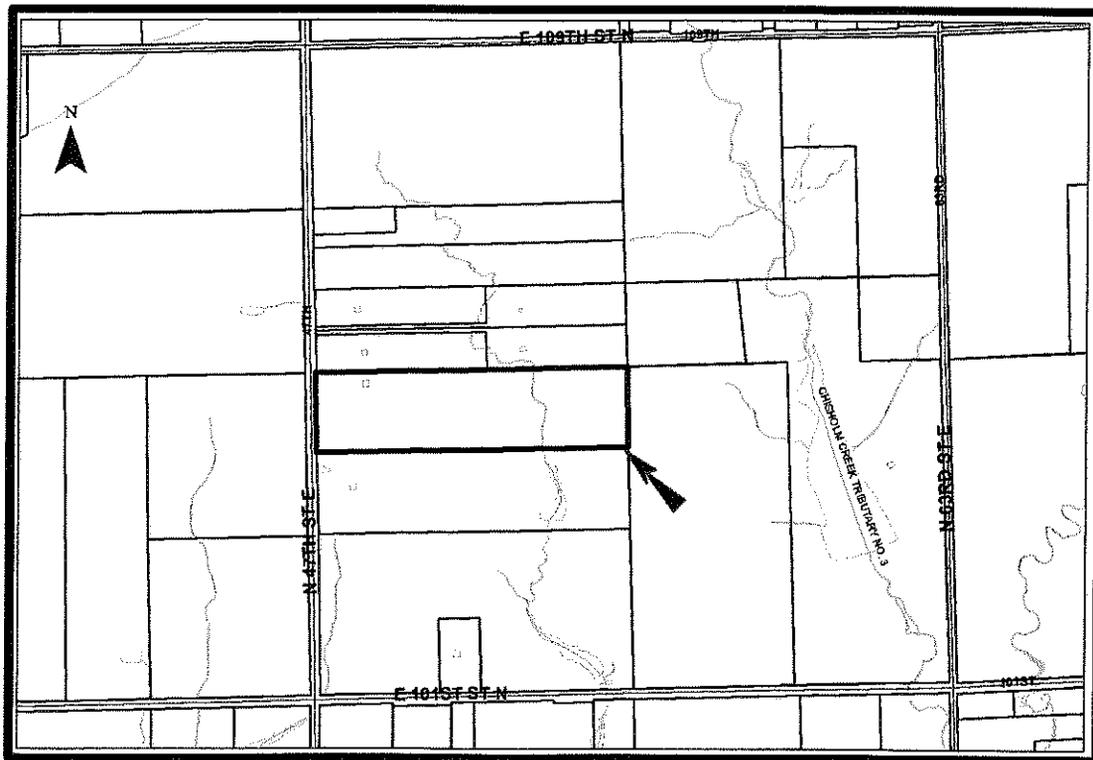


North ↑
R 911 Road

STAFF REPORT

MAPC April 2, 2015

- CASE NUMBER:** PUD2015-00002 - Planned Unit Development #45, the Sweetheart B Estates
- APPLICANT/AGENT:** Greg and Deb Boen (owners/applicants) Ruggles and Bohm, c/o Chris Bohm (agent)
- REQUEST:** PUD #45
- CURRENT ZONING:** RR Rural Residential (RR)
- SITE SIZE:** Approximately 37.8-acres
- LOCATION:** Generally located midway between 101st and 109th Streets North on the east side of Oliver Avenue/47th Street East (BoCC #4)
- PROPOSED USE:** Special events venue and residential development



BACKGROUND: The applicants propose to change the RR Rural Residential (RR) zoned 37.8-acre tract to a mixed use Planned Unit Development zoning (PUD #45). The subject site is located mid-mile between 101st and 109th Streets North. Entrance to the PUD is off of Oliver Avenue/47th Street East, a paved, two-lane County arterial. The proposed PUD is divided into three parcels:

The 10-acre Parcel 2 has the applicants' existing single-family residence located on it, although the PUD does not show the residence. Parcel 2's proposed uses are:

- (a) One single-family residence, residential and agricultural accessory buildings and all other residential and agricultural uses permitted by right in the RR zoning district.

The 7.5-acre Parcel 3 is not developed. Parcel 3's proposed uses are:

- (a) One single-family residence, residential and agricultural accessory buildings and all other residential and agricultural uses permitted by right in the RR zoning district.

These parcels' uses are permitted by right in the RR zoning district, their size are common in the RR zoning district and not out of character with the immediate area (1/2-mile search), which is zoned RR and developed with large tract single-family residences and agricultural fields. Parcels 2 and 3 make up the north half of the deep (2,525 feet) and narrow (659 feet) proposed PUD.

The 20-acre Parcel 1 is not developed. It is proposed to be used as:

- (a) An indoor and outdoor event center not open to the general public, but scheduled on an as needed basis seven days a week, with no hours of operation listed; Unified Zoning Code's definitions, UZC, Sec-B.4.m.
- (b) Indoor events will be located in a 77-foot x 100-foot event 'barn' (as shown on PUD) built to Sedgwick County Standards, including permits and inspections. The events barn will be sprinkled. A parking lot, including paved handicap parking, is shown on the north side of the events barn. The PUD shows 181 total parking spaces.

Proposed events and activities for Parcel 1:

- (a) Weddings, family gatherings, birthdays, corporate gatherings, Christmas parties and similar activities, may include dancing; community assembly, UZC, Sec-B.4.m.
- (b) Catered dining; restaurant, UZC 2-B.11.k.
- (c) Art exhibits and sales, and photography sessions; retail, UZC Sec.2-B.11.L., and personal improvement service, UZC, Sec.2-B.10.i
- (d) Religious services/chapel; church, UZC, Sec.2-B.3.d. or community assembly, UZC, Sec.2-B.3.h
- (e) Outdoor recreation, such as soccer and baseball; outdoor recreation and entertainment, UZC, Sec.2-B.11.b.
- (f) Seasonal entertainment, such as pumpkin patches; outdoor recreation and entertainment, UZC, Sec.2-B.11.b.
- (g) Live Music Concerts, may include dancing, both indoors and outdoors; indoor and outdoor recreation and entertainment, UZC, Sec.2-B.11.b.
- (h) The sale and consumption of alcoholic beverages, live music or DJ music and the catering of food at these events is an option; nightclub in the city, UZC, Sec.2-B.9b.
- (i) Equestrian events; outdoor recreation and entertainment, UZC, Sec.2-B.11.b.
- (j) Incidental camping; outdoor recreation and entertainment, UZC, Sec.2-B.11.b.
- (k) Similar events to those described

The proposed PUD provides a maximum of 350 people for indoor events, but no maximum number of people for outdoor events. The PUD does not provide a landscape plan nor does it show existing trees. The PUD shows what appears to be open space in Parcel 1 that could be the areas for outdoor recreation and entertainment.

The RR zoning district does not allow Parcel 1 to be used as proposed, thus the request for a PUD. 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; UZC, Sec.III-C.1.a.

This RR zoned unincorporated section of Sedgwick County is rural in character. Agricultural fields are the areas dominate feature, with scattered farmsteads and large tract single-family residences. The closet residence (built in 1990) is located approximately 60-foot south of Parcel 1. There are five single-family residences (built 1999, 1968 and three double-wide manufactured homes) located approximately 140 feet to 600 feet north of Parcels 2 and 3. The single-family residences are the most recent development in the area. The exception to the area's agricultural fields and scattered farmsteads and large tract single-family residences is a series of abutting RR zoned outdoor sports shooting ranges. These are located 1 ½-miles north of the subject site, between Oliver and Hillside Avenues on the north side of 117th Street North. There is also PUD #30 (PUD2008-09, Youth Horizons) located approximately one-mile north and one-mile east of the subject site. PUD #30 permits a group residence general and all uses permitted by right in the RR zoning district. The subject PUD would not be the first for this general area, but it has many more proposed uses.

CASE HISTORY: The RR zoned subject site not platted. The RR zoning district was established in 1985 when County wide zoning was adopted. Planning has received calls requesting information or not in favor of the requested zoning. Their concerns include, but are not limited to: traffic, the number of people allowed per event, loud music, the availability of liquor and beer and disruption to the rural character of the area.

ADJACENT ZONING AND LAND USE:

NORTH: RR	Large tract single-family residences, agricultural fields
SOUTH: RR	Large tract single-family residences, agricultural fields
EAST: RR	Agricultural fields, large tract single-family residences
WEST: RR	Agricultural fields, farmstead

PUBLIC SERVICES: There is no sewer available to the site, thus approved on-site sewage must be provided. The site is located in Rural Water District #2. Access to the site is off of Oliver Avenue/47th Street East, a paved, two-lane County arterial.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide” of the “Wichita-Sedgwick County Comprehensive Plan” identifies this area as “rural.” The rural classification is outside of any city’s growth area and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick

County and predominately large lot residential development. The RR zoning district is appropriate for the rural classification. The PUD proposes commercial uses not allowed in the RR zoning district. A PUD is intended to:

- (1) Reduce or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots.
- (2) Allow greater freedom in selecting the means to provide access, light, open space and design amenities.
- (3) Promote quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.
- (4) Allow deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code.

The purpose of the UZC is to implement regulatory aspects of the “2005 Update to the Wichita-Sedgwick County Comprehensive Plan” including that an adequate supply of land is made available to promote successful commercial activity in appropriate areas throughout the County. All rezoning request must consider the importance of a proposed land use and its interrelationship with surrounding properties.

The proposed PUD could introduce a desired commercial activity in the County, per the 2005 Update to the Wichita-Sedgwick County Comprehensive Plan, at a mid-mile location in an area that is rural in character and zoning. The anticipated activity generated by the proposed PUD is unlike the other rural activities in the area, including perhaps the RR zoned outdoor sports shooting ranges located 1 ½-miles north of the proposed PUD. The mid-mile location exposes more abutting properties to commercial activity than a corner location would. The noted outdoor shooting ranges occupy all of the north side of 117th Street North between Oliver and Hillside Avenues. The applicants believe that the proposed PUD’s location in rural Sedgwick County enhances the PUD mix of limited (two of the three parcels) large tract single-family residential development and commercial development in the form of a unique indoor and outdoor events venue. The proposed PUD’s indoor commercial availability for 350 people and an unstated number of people for outdoor commercial activity all year undermines the area’s rural character and intrudes on its neighbors. The intended flexibility of the PUD zoning district is an attempt to encourage orderly growth within the UZC’s purpose to implement the regulatory aspects of the 2005 Update to the Wichita-Sedgwick County Comprehensive Plan. An amended PUD would not appear to be spot zoning, in that it is not solely for the personal benefit of the property owner requesting the rezoning, but would appear to be in compliance with the 2005 Update to the Wichita-Sedgwick County Comprehensive Plan.

RECOMMENDATION: The requested PUD zoning for an indoor and outdoor event center is the second one this year in the County. Staff is proposing to use the development standards of the previously approved event center PUD to amend the proposed PUD, noting that the proposed PUD has listed more activities than the previously approved event center PUD. Based upon information available prior to the public hearings staff is recommending that the proposed PUD be APPROVED, subject to platting within a year and the following revisions to the attached PUD:

- (1) Add to #1; The number of events shall be limited to a maximum of 30 days a year, available seven (7) days a week. The exception shall be religious services, which can be held as needed/rented. Events are available for rent: Monday – Thursday, 8 a.m. to 8 p.m. with outdoor acoustic music off by 7:30 p.m.; Friday – Saturday 8 a.m. to 11 pm., with outdoor acoustic music off by 7:30 p.m. and; on Sunday 8 a.m. to 7 p.m. with outdoor acoustic music off by 6:30 p.m. The maximum number of people attending indoor and outdoor events shall be 150 people. (this eliminates #15)
- (2) Add; The site shall be developed per the approved PUD.
- (3) Change #2 by eliminating incidental camping and similar events to those described.
- (4) For #4 amend to; A 35-foot setbacks shall be provided along the perimeter of the PUD, except the areas where equestrian events, outdoor recreation and entertainment venues are located, which shall have a 50-foot setback.
- (5) For #5 add; A 15-foot landscape buffer will provide the equivalence of solid screening where Parcel 1 abuts residential zoning. 5-foot tall evergreens (at the time of planting) will be planted at 15-20 foot centers. The evergreens will be planted at the nearest growing season from the date of approval of this PUD by the governing body. Provide Staff with a landscape plan.
- (6) For #6, amend to; All outdoor lighting shall employ cut-off luminaries to minimize light trespass and glare, and will be aimed or shielded such that the light source is not visible from the neighboring Lot. Lighting sources shall be no taller than 15 feet in height, including the base. No pole lighting within building setbacks.
- (7) For #7 revise to; Solid screening of trash receptacles and outdoor mechanical equipment for heating and air and equipment storage shall be per the Wichita-Sedgwick County Unified Zoning Code. Trash receptacles shall not be placed in setbacks and shall be placed on the north side of Parcel 1.
- (8) For #9 revise to; All drives and access to the PUD shall be at a width and surfaced with a material approved by Sedgwick County standards including Sedgwick County Fire.
- (9) For #10 revise to; Access control on the PUD will be as shown on the approved plat.
- (10) Revise #20 to add; No outdoor public announcement systems. No music shall be heard on the neighboring properties. Monday – Thursday music off by 7:30 p.m.; Friday – Saturday music off by 10:30 p.m. and; Sunday music off by 6:30 p.m.
- (11) Add; Food services shall be allowed per Sedgwick County Code.
- (12) General Provision #19 revise to add; Tents are available for events as approved by Sedgwick County Code and will not be used for over-night camping.
- (13) Revise #11 revise to add; Temporary portable toilets are allowed as needed and as permitted and approved by the MABCD, per event.
- (14) Add to #3; The facility shall not be affiliated with any Class A or Class B clubs, as defined the Wichita-Sedgwick County Unified Zoning Code.
- (15) Add to #16a; No building signage shall be facing abutting residential properties. Lighting of signs shall be external and directed onto signs.

This recommendation is based on the following findings:

- (1) The zoning, uses and character of the surrounding area: This RR zoned unincorporated section of Sedgwick County is rural in character. Agricultural fields are the areas

dominate feature, with scattered farmsteads and large tract single-family residences. The closet residence (built in 1990) is located approximately 60-foot south of Parcel 1. There are five single-family residences (built 1999, 1968 and three double-wide manufactured homes) located approximately 140 feet to 600 feet north of Parcels 2 and 3. These are the most recent developments in the area. The exception to the area's agricultural fields and scattered farmsteads and large tract single-family residences is a series of abutting RR zoned outdoor sports shooting ranges. These are located 1 1/2-miles north of the subject site, between Oliver and Hillside Avenues on the north side of 117th Street North. There is also PUD #30 (PUD2008-09, Youth Horizons) located approximately one-mile north and one-mile east of the subject site. PUD #30 permits a group residence general and all uses permitted by right in the RR zoning district. The subject PUD would not be the first for this general area, but it has many more proposed uses.

- 1) The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture uses and large lot residential uses. The site could continue to be used for a single-family residence or agriculture. The site could continue to be used as zoned.
- 2) Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed 20-acre commercial PUD is open to a wide range of events including, weddings, family and corporate gatherings, outdoor recreation, equestrian events, sales and exhibits of art, photography settings, seasonal entertainment, church services, and concerts. The facility will not be open to the general public, but rented on an as needed basis. There is only one PUD in the County that is similar to this proposed PUD, but it had fewer uses and had a limited amount of days that it could operate. Staff applied that approved PUD's development standards to the proposed PUD, thus the maximum of 150 persons for these events. These events will be scheduled on an as need basis, 30 times a year, and not repeated on a weekly basis. 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. Any time the serving and consumption of alcoholic liquor or cereal malt beverages is allowed, there is a possible negative impact on an area, which could increase the presence of Law Enforcement. Music that is too loud can degrade a neighborhood. The proposed provisions of the PUD are intended to lessen that possibility of the need for more policing (providing security) in the area as well as the intrusion of loud music (cannot be heard on the neighboring properties) on the neighboring properties.
- 3) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the "Wichita-Sedgwick County Comprehensive Plan" identifies this area as "rural." The rural classification is outside of any city's growth area and is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large lot residential development. The RR zoning district is appropriate for the rural classification. The PUD proposes commercial uses not allowed in the RR zoning district. A PUD is intended to:

- (1) Reduce or eliminate the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots.
- (2) Allow greater freedom in selecting the means to provide access, light, open space and design amenities.
- (3) Promote quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.
- (5) Allow deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code.

The proposed PUD could introduce a desired commercial activity in the County, per the 2005 Update to the Wichita-Sedgwick County Comprehensive Plan, at a mid-mile location in an area that is rural in character and zoning. The anticipated activity generated by the proposed PUD is unlike the other rural activities in the area, including perhaps the RR zoned outdoor sports shooting ranges located 1 ½-miles north of the proposed PUD. The mid-mile location exposes more abutting properties to commercial activity than a corner location would. The noted outdoor shooting ranges occupy all of the north side of 117th Street North between Oliver and Hillside Avenues. The applicants believe that the proposed PUD's location in rural Sedgwick County enhances the PUD mix of limited (two of the three parcels) large tract single-family residential development and commercial development in the form of a unique indoor and outdoor events venue. As proposed by the applicant the PUD's indoor commercial availability for 350 people and an unstated number of people for outdoor commercial activity all year undermines the area's rural character and intrudes on its neighbors. The intended flexibility of the PUD zoning district is an attempt to encourage orderly growth within the UZC's purpose to implement the regulatory aspects of the 2005 Update to the Wichita-Sedgwick County Comprehensive Plan. An amended PUD, as proposed by staff, would not appear to be spot zoning, in that it is not solely for the personal benefit of the property owner requesting the rezoning, but would appear to be in compliance with the 2005 Update to the Wichita-Sedgwick County Comprehensive Plan

- 4) Impact of the proposed development on community facilities: Any time there is a concentration of people and the serving and consumption of alcoholic beverages is allowed, there is the potential for an increase in EMS or Law Enforcement services. If the request is approved the site will generate a significant amount of traffic onto Oliver Avenue. At the time of platting any needed road improvements can be obtained.

NOTES:

1.) DRAINAGE WILL BE HANDLED AT THE TIME OF PLATTING. REQUIRED DRAINAGE IMPROVEMENTS SHALL BE GUARANTEED WITH THE FINAL PLAT. ALL STRUCTURES SEWER SYSTEMS AND WATER SYSTEMS MUST OBTAIN THE NECESSARY PERMITS AND INSPECTIONS.

THE TRANSFER OF TITLE OF ALL OR ANY PORTION OF THE LAND INCLUDED WITHIN THE DEVELOPMENT DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND FOR DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES, UNLESS AMENDED.

PARCEL 1
ACRES = 20
USES:

1.) THIS PUD IS CREATED TO ALLOW AN INDOOR/OUTDOOR EVENT VENUE WITHIN THE PUD AREA. THE FACILITY WILL BE RENTED ON AN AS NEEDED BASIS AND WILL NOT BE OPEN TO THE GENERAL PUBLIC. THE INDOOR VENUE WILL CONSIST OF AN EVENT BARN WITH A GROSS AREA OF BETWEEN 7,000 AND 8,000 SQUARE FEET, AND A SEATING AREA OF BETWEEN 4,500 AND 5,500 SQUARE FEET. THE INTERIOR OF THE EVENT BARN WILL BE LIMITED TO 350 PEOPLE.

ALLOWED COMMERCIAL USES WITHIN THE PUD SHALL INCLUDE (INDOOR AND/OR OUTDOOR):

WEDDINGS
RELIGIOUS SERVICES/CHAPEL
FAMILY GATHERINGS
CORPORATE GATHERINGS
RECREATION
PHOTOGRAPHY
ART DISPLAY AND SALES
SEASONAL ENTERTAINMENT/PARTIES
MUSICAL CONCERTS/LIVE MUSIC/DJ (SEE #20)
EQUESTRIAN EVENTS (SEE #13)
CATERED DINING
INCIDENTIAL CAMPING
SIMILAR EVENTS TO THOSE DESCRIBED ABOVE

NOTES:

1.) DRAINAGE WILL BE HANDLED AT THE TIME OF PLATTING. REQUIRED DRAINAGE IMPROVEMENTS SHALL BE GUARANTEED WITH THE FINAL PLAT. ALL STRUCTURES SEWER SYSTEMS AND WATER SYSTEMS MUST OBTAIN THE NECESSARY PERMITS AND INSPECTIONS.

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- 3.) ALCOHOL SALES AND SERVICE: THE SERVICE AND CONSUMPTION OF ALCOHOL IS PERMITTED IN ASSOCIATION WITH THE ALLOWED USES ON SITE. THIS PUD IS NOT DESIGNATED AS A CLUB OR AS A TAVERN AND DRINKING ESTABLISHMENT.
- 4.) BUILDING SETBACKS: SETBACKS SHALL BE PER RR ZONING DESIGNATION UNLESS OTHERWISE INDICATED ON THIS PUD AND COMPANION PLAT.
- 5.) HEALTHY TREES EXISTING ON AND ALONG THE EAST PROPERTY LINE OF THE PROPERTY SHALL REMAIN. THIS SHALL NOT PREVENT TRIMMING OR PRUNING OF EXISTING TREES FOR LANDSCAPING PURPOSES.
- 6.) ALL OUTDOOR LIGHTING SOURCES SHALL EMPLOY CUTOFF LUMINARIES AND SHALL REFLECT LIGHTING DOWNWARD AND AWAY FROM RESIDENTIAL AREAS. BUILDING FACE ILLUMINATION IS ALLOWED DURING THE HOURS OF OPERATION.
- 7.) ALL TRASH DUMPSTERS SHALL BE ENCLOSED BY SOLID SCREENING.
- 8.) PARKING SHALL BE IN ACCORDANCE WITH ARTICLE IV, SEC. 1V.A OF THE UNIFIED ZONING CODE.
- 9.) ALL DRIVES AND ACCESS THROUGH THE SITE WILL BE SURFACED AS DIRECTED BY COUNTY FIRE.
- 10.) ACCESS CONTROL: ACCESS CONTROLS SHALL BE AS SHOWN ON THE FACE OF THE PUD.
- 11.) TEMPORARY BATHROOMS SHALL BE ALLOWED ON A LIMITED BASIS FOR SCHEDULED EVENTS. ALL OTHER BATHROOM FACILITIES WILL BE PERMANENT, AS APPROVED BY COUNTY CODE.
- 12.) ALL BUILDINGS/STRUCTURES MUST MEET COUNTY CODES AND PERMITTING REQUIREMENTS.
- 13.) HORSES AND EQUESTRIAN EVENTS ARE ALLOWED WITHIN THE PUD. HORSES SHALL BE MAINTAINED PER COUNTY CODE IN REGARDS TO HANDLING, PENNING, VETERINARIAN CARE, FEED AND WATER, WASTE COLLECTION, STORAGE AND DISPOSAL. WASTE SHALL BE COLLECTED OFTEN ENOUGH TO MINIMIZE ODOR AND FLY INFESTATION. WASTE MAY BE SPREAD IN AREAS APPROVED BY COUNTY CODE ENFORCEMENT, BUT NOT WITHIN ANY FLOODWAY RESERVES OR EASEMENTS AND NOT WITHIN 100 YARDS OF ABUTTING OR ADJACENT PROPERTIES. GRAIN SHALL BE STORED IN ENCLOSED CONTAINERS TO MINIMIZE FLY AND RODENT INFESTATION.
- 14.) ALL OUTDOOR STORAGE OF EQUIPMENT NEEDED TO MAINTAIN THE PUD IS PERMITTED.
- 15.) HOURS OF OPERATION:
 - a. SUNDAY THROUGH THURSDAY SHALL BE LIMITED FROM 9:00 A.M. TO 9:00 P.M., CLEANING FROM 9:00 P.M. TO 10:00 P.M.
 - b. FRIDAY AND SATURDAY SHALL BE LIMITED FROM 9:00 A.M. TO 10:00 P.M., CLEANING FROM 10:00 P.M. TO 11:00 P.M.

16.) SIGNS: ALL SIGNAGE ASSOCIATED WITH THE PUD SHALL REQUIRE PERMITTING.

PARCEL 1:

- a. SIGNAGE ON THE EVENT BARN SHALL BE ALLOWED, BUT LIMITED TO 240 SQUARE FEET ON ONLY ONE FACE OF THE STRUCTURE.
- b. SIGNAGE INCORPORATED IN AN ENTRANCE GATE SHALL BE LIMITED TO 750 SQUARE FEET.
- c. WINDOW SIGNS SHALL BE LIMITED TO 25% OF THE WINDOW AREA.

NO PORTABLE OR FLASHING SIGNS SHALL BE PERMITTED ON THE SUBJECT PROPERTY. NO OTHER BUILDING SIGNS SHALL BE PERMITTED ALONG THE FACE OF ANY BUILDING, EXCEPT THAT 2-SQUARE FOOT STATIC NAME PLATE SIGNS AS NEEDED ON PADDOCKS, STALLS AND BUILDINGS. NO LIGHTING ON THE NAME PLATES.

ALL SIGNS SHALL MEET THE STANDARDS OF THE SEDGWICK COUNTY SIGN CODE

17.) ACCESSORY BUILDINGS TO SUPPORT THE PUD ARE ALLOWED.

18.) 35-FOOT MAXIMUM HEIGHT FOR ALL STRUCTURES.

19.) TENTS AND AWNINGS FOR OUTDOOR ACTIVITIES SHALL BE PERMITTED.

20.) OUTDOOR PUBLIC ADDRESS SYSTEMS AND THEIR OPERATION SHALL BE LIMITED TO THE EAST 1360 FEET OF PARCEL 1. AMPLIFIED MUSIC SHALL BE LIMITED TO THE INTERIOR OF THE EVENT BARN. OUTDOOR MUSIC SHALL BE LIMITED TO ACOUSTICAL.

PARCEL 2

ACRES = 10.0

USES:

- (A) ONE (1) RESIDENTIAL HOME.
- (B) RESIDENTIAL ACCESSORY BUILDINGS/AGRICULTURAL BUILDINGS
- (C) ALL OTHER RESIDENTIAL/AGRICULTURAL USES PERMITTED BY RIGHT.

PARCEL 3

ACRES = 7.5

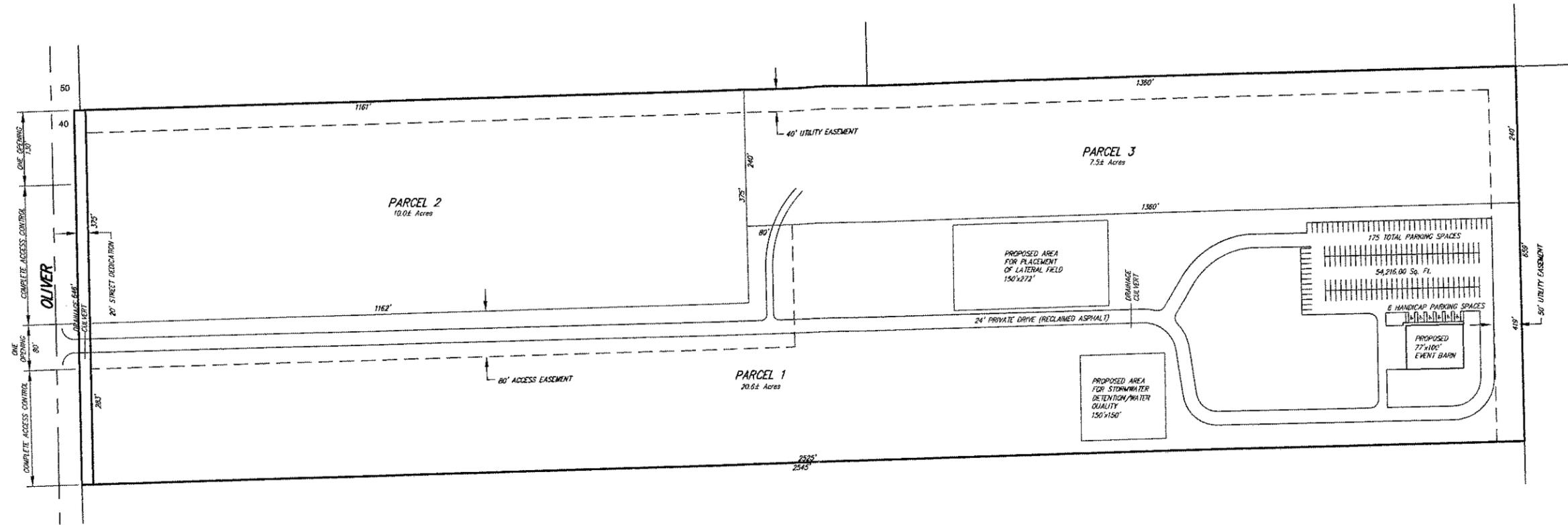
USES:

- (A) ONE (1) RESIDENTIAL HOME.
- (B) RESIDENTIAL ACCESSORY BUILDINGS/AGRICULTURAL BUILDINGS
- (C) ALL OTHER RESIDENTIAL/AGRICULTURAL USES PERMITTED BY RIGHT.

Planned Unit Development

SWEETHEART B ESTATES

Sedgwick County, Kansas



LEGAL DESCRIPTION
 The North Half of the North Half of the Southwest Quarter of Section 13, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

THIS DEVELOPMENT IS PROPOSED TO CONTAIN 37.8 GROSS ACRES.

NOTES:
 1.) DRAINAGE WILL BE HANDLED AT THE TIME OF PLATING. REQUIRED DRAINAGE IMPROVEMENTS SHALL BE GUARANTEED WITH THE FINAL PLAN. ALL STRUCTURES, SEWER SYSTEMS AND WATER SYSTEMS MUST OBTAIN THE NECESSARY PERMITS AND INSPECTIONS.

2.) THE TRANSFER OF TITLE OF ALL OR ANY PORTION OF THE LAND INCLUDED WITHIN THE DEVELOPMENT DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND FOR DEVELOPMENT AND BE BINDING UPON THE PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS AND THEIR LESSEES, UNLESS AMENDED.

PARCEL 1
 ACRES = 20
 USES:

1.) THIS PUD IS CREATED TO ALLOW AN INDOOR/OUTDOOR EVENT VENUE WITHIN THE PUD AREA. THE FACILITY WILL BE RENTED ON AN AS NEEDED BASIS AND WILL NOT BE OPEN TO THE GENERAL PUBLIC. THE INDOOR VENUE WILL CONSIST OF AN EVENT BARN WITH A GROSS AREA OF BETWEEN 7,000 AND 8,000 SQUARE FEET AND A SEATING AREA OF BETWEEN 4,500 AND 5,500 SQUARE FEET. THE INTERIOR OF THE EVENT BARN WILL BE LIMITED TO 150 PEOPLE.

2.) ALLOWED COMMERCIAL USES WITHIN THE PUD SHALL INCLUDE (INDOOR AND/OR OUTDOOR):

- a. WEDDINGS
- b. RELIGIOUS SERVICES/CHAPEL
- c. FAMILY GATHERINGS
- d. CORPORATE GATHERINGS
- e. RECREATION
- f. PHOTOGRAPHY
- g. ART DISPLAY AND SALES
- h. SEASONAL ENTERTAINMENT/PARTIES
- i. MUSICAL CONCERTS/LIVE MUSIC/DJ (SEE #20)
- j. EQUESTRIAN EVENTS (SEE #13)
- k. CATERED DINING
- l. INCIDENTAL CAMPING
- m. SIMILAR EVENTS TO THOSE DESCRIBED ABOVE

3.) ALCOHOL SALES AND SERVICE: THE SERVICE AND CONSUMPTION OF ALCOHOL IS PERMITTED IN ASSOCIATION WITH THE ALLOWED USES ON SITE. THIS PUD IS NOT DESIGNATED AS A CLUB OR AS A TAVERN AND DRINKING ESTABLISHMENT.

4.) BUILDING SETBACKS: SETBACKS SHALL BE PER OR ZONING DESIGNATION UNLESS OTHERWISE INDICATED ON THIS PUD AND COMPANION PLAN.

5.) HEALTHY TREES EXISTING ON AND ALONG THE EAST PROPERTY LINE OF THE PROPERTY SHALL REMAIN. THIS SHALL NOT PREVENT TRIMMING OR PRUNING OF EXISTING TREES FOR LANDSCAPING PURPOSES.

6.) ALL OUTDOOR LIGHTING SOURCES SHALL EMPLOY CUTOFF LUMINAIRES AND SHALL REFLECT LIGHTING DOWNWARD AND AWAY FROM RESIDENTIAL AREAS. BUILDING FACE ILLUMINATION IS ALLOWED DURING THE HOURS OF OPERATION.

7.) ALL TRASH DUMPSTERS SHALL BE ENCLOSED BY SOLID SCREENING.

8.) PARKING SHALL BE IN ACCORDANCE WITH ARTICLE IV, SEC. 17A OF THE UNIFIED ZONING CODE.

9.) ALL DRIVES AND ACCESS THROUGH THE SITE WILL BE SURFACED AS DIRECTED BY COUNTY FIRE.

10.) ACCESS CONTROL: ACCESS CONTROLS SHALL BE AS SHOWN ON THE FACE OF THE PUD.

11.) TEMPORARY BATHROOMS SHALL BE ALLOWED ON A LIMITED BASIS FOR SCHEDULED EVENTS. ALL OTHER BATHROOM FACILITIES WILL BE PERMANENT, AS APPROVED BY COUNTY CODE.

12.) ALL BUILDINGS/STRUCTURES MUST MEET COUNTY CODES AND PERMITTING REQUIREMENTS.

13.) HORSES AND EQUESTRIAN EVENTS ARE ALLOWED WITHIN THE PUD. HORSES SHALL BE MAINTAINED PER COUNTY CODE IN REGARDS TO HANDLING, PENNING, VETERINARIAN CARE, FEED AND WATER, WASTE COLLECTION, STORAGE AND DISPOSAL. WASTE SHALL BE COLLECTED OFTEN ENOUGH TO MINIMIZE ODOR AND FLY INFESTATION. WASTE MAY BE SPREAD IN AREAS APPROVED BY COUNTY CODE ENFORCEMENT, BUT NOT WITHIN ANY FLOODWAY RESERVES OR EASEMENTS AND NOT WITHIN 100 YARDS OF ADJACENT PROPERTIES. DRAIN SHALL BE STORED IN ENCLOSED CONTAINERS TO MINIMIZE FLY AND RODENT INFESTATION.

14.) ALL OUTDOOR STORAGE OF EQUIPMENT NEEDED TO MAINTAIN THE PUD IS PERMITTED.

15.) HOURS OF OPERATION:
 a. SUNDAY THROUGH THURSDAY SHALL BE LIMITED FROM 9:00 A.M. TO 9:00 P.M., CLEANING FROM 9:00 P.M. TO 10:00 P.M.
 b. FRIDAY AND SATURDAY SHALL BE LIMITED FROM 9:00 A.M. TO 10:00 P.M., CLEANING FROM 10:00 P.M. TO 11:00 P.M.

16.) SIGNS: ALL SIGNAGE ASSOCIATED WITH THE PUD SHALL REQUIRE PERMITTING.

PARCEL 1:
 a. SIGNAGE ON THE EVENT BARN SHALL BE ALLOWED, BUT LIMITED TO 240 SQUARE FEET ON ONLY ONE FACE OF THE STRUCTURE.
 b. SIGNAGE INCORPORATED IN AN ENTRANCE GATE SHALL BE LIMITED TO 750 SQUARE FEET.
 c. WINDOW SIGNS SHALL BE LIMITED TO 25% OF THE WINDOW AREA.

NO PORTABLE OR FLASHING SIGNS SHALL BE PERMITTED ON THE SUBJECT PROPERTY, NO OTHER BUILDING SIGNS SHALL BE PERMITTED ALONG THE FACE OF ANY BUILDING EXCEPT THAT 2-SQUARE FOOT STATIC NAME PLATE SIGNS AS NEEDED ON PADDOCKS, STALLS AND BUILDINGS. NO LIGHTING ON THE NAME PLATES.

ALL SIGNS SHALL MEET THE STANDARDS OF THE SEDGWICK COUNTY SIGN CODE

17.) ACCESSORY BUILDINGS TO SUPPORT THE PUD ARE ALLOWED.

18.) 35-FOOT MAXIMUM HEIGHT FOR ALL STRUCTURES.

19.) TENTS AND AWNINGS FOR OUTDOOR ACTIVITIES SHALL BE PERMITTED.

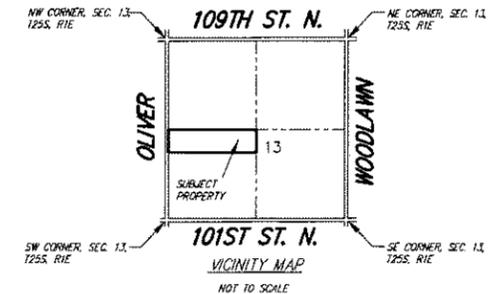
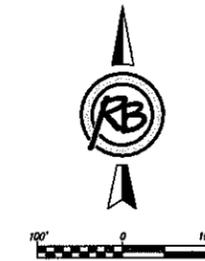
20.) OUTDOOR PUBLIC ADDRESS SYSTEMS AND THEIR OPERATION SHALL BE LIMITED TO THE EAST 1,360 FEET OF PARCEL 1. AMPLIFIED MUSIC SHALL BE LIMITED TO THE INTERIOR OF THE EVENT BARN. OUTDOOR MUSIC SHALL BE LIMITED TO ACOUSTICAL.

PARCEL 2
 ACRES = 10.0
 USES:

- (A) ONE (1) RESIDENTIAL HOME.
- (B) RESIDENTIAL ACCESSORY BUILDINGS/AGRICULTURAL BUILDINGS
- (C) ALL OTHER RESIDENTIAL/AGRICULTURAL USES PERMITTED BY RIGHT.

PARCEL 3
 ACRES = 7.5
 USES:

- (A) ONE (1) RESIDENTIAL HOME.
- (B) RESIDENTIAL ACCESSORY BUILDINGS/AGRICULTURAL BUILDINGS
- (C) ALL OTHER RESIDENTIAL/AGRICULTURAL USES PERMITTED BY RIGHT.



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