

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law on September 26, 2024, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code (UZC), the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. PUD2024-00014

Zone change request from RR Rural Residential District to PUD Planned Unit Development, subject to the general provisions of the Sandy Bottom Planned Unit Development (PUD #132), on property legally described as:

The Southwest Quarter of the Northeast Quarter of Section 31, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part lying East of the Railroad right-of-way; AND The South Half of the Northwest Quarter of Section 31, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT beginning at the Southeast corner of the Southwest Quarter of the Northeast Quarter; thence North 4 feet; thence Westerly to a point 31.5 feet North of the Southwest corner of the Southeast Quarter of the Northwest Quarter; thence South to the Southwest corner; thence East to the point of beginning.

AND

Beginning at a point 4 feet North of the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 31, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence Westerly to a point 31.5 feet North of the Southwest corner of the Southeast Quarter of the Northwest Quarter; thence South 31.5 feet to the Southwest corner; thence East to the Southeast corner of the Southwest Quarter of the Northeast Quarter; thence North 4 feet to the point of beginning.

AND

The East 25 Acres of the Northwest Quarter of the Southeast Quarter of Section 31, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT the South 16.5 feet thereof.

AND

Government Lot 3 in the Southwest Quarter of Section 31, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; AND The West 16.11 Acres of the North Half of the Southeast Quarter; AND The South 1 Rod of the East 25 Acres of the Northwest Quarter of the Southeast Quarter; AND The South 1 Rod of that part of the Northwest Quarter lying West of the Railroad, all in Section 31, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

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PUD #132 is subject to the following conditions:

1. The above-described property shall be developed in accordance with the approved PUD language as included herein.

A. Area Description:

- 1) Tract 1 is the east 21 acres, more or less, lying west of the railroad right-of-way in the northwest quarter of the southeast quarter of section 31, township 29 south, range 2 east of the 6th p.m., Sedgwick County, Kansas.
- 2) Tract 2 is the northwest quarter of the southeast quarter, including government Lot 3, comprising of 62 acres, more or less, in section 31, township 29 south, range 2 East of the 6th p.m., Sedgwick County, Kansas.
- 3) Tract 3 is that part of the southwest quarter of northeast quarter lying west of the railroad right-of-way, the southeast quarter of the northwest quarter and government lot 2, comprising 78.5 acres, more or less, all in section 31, township 29 south, range 2 east of the 6th p.m., Sedgwick county, Kansas.
- 4) Total acres is more or less 160.92 acres.

B. Project Description: This PUD is intended to allow for mixed use development that allows a mixture of assembly and entertainment uses, both indoor and outdoor, for both private and public events. This PUD provides flexible development regulations to accomplish the above goals which otherwise would not be possible per the limited industrial (LI) zoning district as defined in the UZC, along with one single-family dwelling for the property owner in accordance with the adopted subdivision regulations.

C. Permitted uses: All uses permitted by right in the (LI) limited industrial zoning district subject to applicable supplementary use regulations and those additional uses permitted as described in the general provisions, along with one single-family dwelling for the property owner in accordance with the adopted subdivision regulations.

D. Prohibited Uses: The following uses are prohibited: cemetery; correctional facility; correctional placement residence, limited and general; reverse vending machine; marine facility, recreational; monument sales; pawnshop; secondhand store; sexually oriented businesses; recycling processing center; vehicle storage yard.

E. General Provisions:

- 1) Tavern and drinking establishment shall have the distance requirement (UZC Sec. III-D.6.w) waived from a church or place of worship, public park, school or residential zoning district. The sale and/or provision of alcohol shall be accessory to and provided only during live events as described herein.
- 2) All live performances, disc jockeys, and shows shall not begin prior to 8:00 a.m. each day of the week and be required to stop all noise generating activities, such as music, at 8:00 p.m. on Sunday through Thursday, and 12:00 a.m. midnight on Friday and Saturday, or move such activities into the building.
- 3) Live performances that are open to the public will be limited to a maximum of 24 per year, with the maximum number of events per any given calendar month limited to two (2). The site shall be permitted to be used as a recreational vehicle campground accessory to live events, but only within two days prior to and after a scheduled event. 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.
- 4) Private membership use of motorized vehicles (defined as outdoor recreation and entertainment) shall be limited to sunrise to sunset, daily.
- 5) Outdoor recreational activities such as horseshoes, corn hole, etc., shall be considered accessory uses and allowed for both private and public activities/events.

- 6) Parking shall be provided at a rate of 1 space per 4 occupants unless a parking plan is approved by the zoning administrator that permits fewer parking spaces based on off-site parking and transportation to and from. Parking for other uses shall be provided per the requirements of the UZC.
- 7) Gravel parking (as defined by Article II, section II-B.1.p, all weather surface) is permitted. All driveways and circulation aisles shall be an all-weather surface as defined herein and shall meet all standards of the applicable fire code.
- 8) All areas licensed to serve for sale alcohol shall be allowed to operate from 8:00 a.m. to 8:00 p.m. on Sunday through Thursday, and 12:00 a.m. midnight on Friday and Saturday. All patrons shall be directed to vacate the property in a timely and orderly manner within thirty minutes of the closing.
- 9) The property owner/operator shall be responsible for the cost of mitigating all noise impacts prior to operation and shall be responsible for the ongoing cost of monitoring noise associated with the approved use.
- 10) Outdoor concert speaker systems shall be directed away from residential housing and shall not be allowed within the east 300 feet of the property.
- 11) Proof of insurance: the operator shall be responsible for obtaining and maintaining liability insurance coverage for events held at the event center.
- 12) The owner/operator shall obtain and maintain a liquor license as required from the appropriate local and/or state authority.
- 13) The property shall be subject to the zoning district standards and site development regulations of the UZC for the (LI) limited industrial zoning district except as modified by the general provisions.
- 14) Trash receptacles shall be appropriately screened to reasonably hide them from street view. Screening shall be constructed of materials and/or landscaping compatible with the building exterior.
- 15) If the Zoning Administrator, or designee, finds that there is a violation of any of the conditions of approval, the Zoning Administrator, or designee, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the "Planned Unit Development" null and void.
- 16) A site plan shall be required prior to the first event and will cover all subsequent events unless there is an event other than what has been described in the PUD. Site plans can be administratively adjusted and re-approved administratively as needed. In the case of special events, an operational site plan can be provided to and approved administratively by the zoning administrator.
- 17) Maximum building or site occupancy is limited to that established by building/or fire officials utilizing applicable building or fire code standards. Such occupancy may be administratively adjusted to accommodate special short-term events and subject to provision #4 herein.
- 18) Buildings, events and activities shall comply with applicable building, fire, life-safety and other applicable codes.
- 19) Signage shall be per the applicable sign code.
- 20) The service of food and drink for sale 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.
- 21) All existing and new buildings shall obtain commercial building permits and all platting requirements shall be met prior to any live event taking place.

2. All existing and new buildings shall obtain commercial building permits and all platting requirements shall be met prior to any live event taking place.
3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #132 Sandy Bottom Planned Unit Development) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 20 day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

[Signature]
KELLY B. ARNOLD, County Clerk



[Signature]
RYAN K. BATY, Chairman
Commissioner, Fourth District

[Signature]
SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

[Signature]
PETER F. MEITZNER
Commissioner, First District

[Signature]
DAVID T. DENNIS
Commissioner, Third District

[Signature]
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

[Signature] 10/30/24
SAMANTHA SEANG
Assistant County Counselor