PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

ITEM NO. 1 CONDITIONAL USE PERMIT; STONY POINT HALL; 1514 N 600 RD (MKM)

CUP-16-00035: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. (Joint meeting with Baldwin City Planning Commission)

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for Stony Point Hall, a Recreation Facility use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

1. The Conditional Use shall be administratively reviewed every 5 years.

Reason for Request: “We wish to renew the C.U.P. for Stony Point Hall. Our business has reliably and responsibly provided a rural space for weddings and special events since 2007 and we desire the opportunity to continue to do so into the future.”

KEY POINTS
- A Conditional Use Permit, CUP-12-09-05, for the Stony Point Reception Hall was approved by the County Commission on March 15, 2006. One of the conditions was that the approval was valid for a ten year period unless the CUP was renewed. This CUP application is a request for a renewal following the expiration of the ten year approval period.
- The Zoning Regulations do not require that time limits be set for Conditional Use Permits but they can be applied in cases where it is expected that the use may not be compatible with the surrounding area as it develops.

ATTACHMENT
- A --CUP Plans
- B –Public communications

ASSOCIATED CASES
- A Conditional Use Permit, CUP-12-09-05, for the Stony Point Reception Hall was approved by the County Commission on March 15, 2006.
- A Site Plan was administratively approved on May 31, 2007 for changes to the structure which included addition of porch areas and a vestibule and enclosing an existing porch and additional parking. This site plan was included as part of the Conditional Use Permit and a new file was not created.
- A Site Plan, SP-16-00101, was administratively approved on March 28, 2016 for the addition of a gazebo in the reception/garden area.
OTHER ACTION REQUIRED
• Approval of the Conditional Use by the Board of County Commissioners.
• Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office.

PUBLIC COMMENT
• Two letters of support were provided by nearby property owners. These are included as attachments with this staff report.

GENERAL INFORMATION
Current Zoning and Land Use: A (Agricultural) District; Recreation Facility, Residential Detached Dwelling, Agriculture.

Surrounding Zoning and Land Use: In all directions: A (Agricultural) District; Agriculture, Woodlands, and Residential Detached Dwellings.

To the southeast: F-F (Floodway Fringe Overlay) District; wooded stream corridor.

Summary of Request
This request is for a renewal of a previously approved Conditional Use Permit which had a ten-year approval (expired March 15, 2016). The property is not within an urban growth area of any city but is within the 3 mile radius of Baldwin City; therefore, a joint meeting with the Lawrence-Douglas County Planning Commission and Baldwin City Planning Commission will be held on the request.

A 3,500 sq ft building was converted for reception and meeting facilities with the original Conditional Use Permit. The area was increased to 5,065 sq ft with the approval of the 2007 site plan. This plan noted that there was a 3,347 sq ft assembly area and a 462 sq ft kitchen area. Maximum occupancy was listed as 226 persons. The building, as approved in 2007, is shown in Figure 2. A site plan was approved in 2016 for the addition of a gazebo in the garden area.
The proposed use is included in the enumerated list of uses that are permitted as Conditional Uses in Section 12-319-4.11 *Recreation Facility*. This use is permitted in the A (Agricultural) Zoning District only when approved as a Conditional Use Permit.

**12-319-4.11 Recreation Facility**

The proposed use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. **ZONING AND USES OF PROPERTY NEARBY**

Nearby properties are zoned A (Agricultural) and the principal land uses are agriculture, rural residences, and woodland. The F-F (Floodway Fringe Overlay) District containing regulatory floodplain is present to the southeast of the subject property.

The reception hall has been in operation since 2007. The Zoning and Codes Office indicated they received a few complaints the first few years of operation, but no complaints have been submitted to the Zoning and Codes Office regarding this use since. Two nearby property owner/residents provided letters of support for the CUP. (Figure 3)

**Staff Finding** - Surrounding land uses are predominantly agricultural, woodland/open space, and rural residential. The reception hall has been in existence since 2007 and is compatible with the surrounding land uses.

II. **CHARACTER OF THE AREA**

The area is divided east and west by N 600 Road/County Route 460, a Principal Arterial, and is bounded on the east by E 1700 Road, County Route 1055, also a Principal Arterial. (Figure 4) N 600 Road/County Route 460 connects with E 1700 Road to the east and Hwy 59, another Principal Arterial, to the west. The topography in the area is varied, with steep slopes throughout. The woodlands correspond with the steep terrain. The character of the area is rural with woodlands, agriculture, and rural residences being the predominate uses. The facility has a rustic appearance and is set back from the road (Figure 5). The facility is compatible with, and enhances the rural character of the area.

**Staff Finding** - The area has access to the major transportation network with the subject property taking access to N 600 Road, an east/west Principal Arterial, which connects with 2 north/south Principal Arterials to the west and east. The area has a varied topography with woodlands corresponding with the steep terrain. Agriculture, woodlands, and rural residences are predominate land uses in the area. The design and location of the facility are compatible with the rural character of the area.
Figure 4a. Area map showing wooded areas and floodplain. Subject property marked with dot.

Figure 4b. Topography map. Light green: 3 to 7% slope, Orange: 7 to 15% slope, Red: 15% and above.

Figure 5a. Reception Hall

Figure 5b. View of facility from road, Google Street View map.
III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant’s Response:
“The property has been used for this purpose since 2007. We have made many improvements in that time to make the property more suitable and idyllic for large group gatherings to celebrate and enjoy the natural beauty.”

The subject property is zoned A (Agricultural). Section 12-306 of the County Zoning Regulations provides the following information on the A District:
“...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses.”

The A District is associated with a majority of the unincorporated portion of Douglas County. Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. Other uses allowed include residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, rural home occupations, and agritourism.

In addition, all uses enumerated in Section 12-319, may be permitted when approved as Conditional Uses. The reception facility was approved with a CUP in 2006 and has been in operation since 2007.

Staff Finding - The property is suitable for agricultural uses which are permitted within the A (Agricultural) District. The property is also well suited for the existing reception hall, a Recreation Facility use.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding - The property is not vacant at this time but is developed with a rural residence, outbuildings, and the reception hall. The reception facility began operation in 2007.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant’s Response:
“We believe continuing our operations will not be detrimental to nearby property and owners. We strive to be conscientious of the desires, quality of life and property values of our neighbors and the surrounding countryside.”

Section 12-319-1.01 of the County Zoning Regulations recognize that “certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.” The proposed use is included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as Recreation Facility.

Impacts from this type of use are usually associated with traffic, crowd noise or activity, and lighting. The use has been in operation since 2007 and the traffic, noise, and lighting associated
with the existing use have not resulted in complaints from nearby property owners and residents. The Zoning and Codes Office indicated they received a few complaints in the early years regarding fireworks, but that they haven’t received any since. Continuing the current operation should have no detrimental impacts on nearby properties.

If the use were to be intensified: the building expanded or additional parking spaces added, for instance, a site plan application would need to be submitted to the Planning Office for review. Impacts of the change on nearby properties and the street network would be evaluated through the site plan review.

**Staff Finding** - The facility has been in operation since 2007 without detrimental impacts to nearby properties. Approval of the CUP will extend the use but will not change the intensity of the use. The approval of the CUP to allow the continuation of the current reception hall should not result in any detrimental impacts.

**VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS**

Applicant’s Response:

“We provide a popular, safe location for local families to hold special celebrations in a private, rural setting. We host a variety of social events including weddings, graduations, charity fundraisers, wakes, and award banquets.”

Approval of this request would allow the continuation of the established reception hall, Recreation Facility.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as no negative impacts are anticipated with the facility.

**Staff Finding** - In staff’s opinion, there would be no gain to the public health, safety, and welfare by the denial of the request. Approval of the request would allow the continued use of the Stony Point Reception Hall which offers many city residents a rural Douglas County experience.

**VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant’s Response:

“The hall’s architecture intentionally mirrors local, rural agriculture buildings so it is not obnoxious or non-conforming to the rural atmosphere of the area. It is somewhat unobtrusive to the area and provides an opportunity to share the history of the farm & area.”

Chapter 16 of Horizon 2020 recommends that the County encourage and develop policies that support agri- and eco-tourism. (Policy 2.7(d), Page 16-15, Horizon 2020) The Stony Point Reception Hall meets the definition of an Agritourism use: “...the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development.” (Section 12-319-7, Zoning Regulations of the Unincorporated Territory of Douglas County.)
The reception hall could be approved through the Agritourism registration process with the County Commission or as a Conditional Use Permit. In many cases, a Conditional Use Permit is requested rather than registering as an Agritourism use due to the longer approval time frame. Agritourism uses must re-register with the State and the County every 5 years.

**Staff Finding** - The reception hall is in compliance with Policy 2.7(d) of the Comprehensive plan that recommends the encouragement of agritourism uses.

**CUP PLAN REVIEW**

No physical changes are proposed to the site. This CUP request is solely for the extension of the Recreation Facility use. The approved CUP plan is attached with this report for context only.

One change being proposed with this CUP renewal is the removal of the 10 year expiration time frame. An expiration date is a useful tool for managing Conditional Uses in developing areas where it is anticipated that the character of the area may change to the degree that the use is no longer compatible with the nearby land uses. In this case, the reception hall use is compatible with the existing development and should be compatible with the area as it further develops. Any intensification of the use would require site plan approval and impacts on nearby properties and road networks would be evaluated with the review of the site plan. Staff recommends the removal of the 10 year expiration but keeping the 5 year administrative reviews, which provide an opportunity for regular reviews but lessens the impact on the operator to re-apply every 10 years.
CUP-16-00035: Conditional Use Permit for Stony Point Hall, a Reception and Banquet Hall, Located at 1514 N 600 Road
January 28, 2016

City of Lawrence Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044
Attn: Sandra Day

Dear Ms. Day –

It is our understanding that Stony Point Hall, located 1514 N600th Road, Baldwin City, Kansas, is in the process of renewing their Conditional Use Permit for the business. As neighbors we would like to express our support for their continued operation and renewal of the C.U.P.

Best regards,

Bruce & Linda Martin
1538 N600th Road
Baldwin City, Kansas
January 28, 2016

City of Lawrence Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044
Attn: Sandra Day

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It is our understanding that Stony Point Hall, located 1514 N600th Road, Baldwin City, Kansas, is in the process of renewing their Conditional Use Permit for the business. As neighbors we would like to express our support for their continued operation and renewal of the C.U.P.

Best regards,

[Signature]

Joseph M. Harvey
1521 N600th Road
Baldwin City, Kansas
On April 12, 2016 the Baldwin City Planning Commission met and reviewed the CUP application for Stony Point Hall.

By a unanimous vote, the Planning Commission voted in support of the continuation of the CUP, in addition, supports removing the requirement of ten year expiration for review.

The use is granted conditionally which allows for a review or investigation should complaints or noncompliance's become an issue.