FILE COPY

CONDITIONAL USE RESOLUTION NO. 527

WHEREAS, Cheney Baptist Church (owner); SRB c/o Mark Savoy (agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Code), request a Conditional Use to allow a church on 6.5 acres zoned "RR", Rural Residential and legally described as:

> A tract of land located in the Northeast Quarter of Section 5, Township 28 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the Northeast Quarter; thence N 00 degrees 00'00"E (assumed) along the West line of said Northeast Quarter for 400 feet; thence S 89 degrees 56'10"E parallel to the South line of said Northeast Quarter for 762.30 feet; thence south 00 degrees 00'00"W for 400 feet to the South line of the Northeast Quarter; thence N 89 degrees 56'10"W for 762.30 feet to the point of beginning. Generally located approximately ½ mile south of 23rd Street South and east of 383rd Street West

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did at the meeting of June 24, 1999, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate tin order to assure full compliance with the criteria of the Unified Zoning code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Conditional Use to all a church on 6.5 acres zoned "RR" Rural Residential legally described as:

> A tract of land located in the Northeast Quarter of Section 5, Township 28 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the Northeast Quarter; thence N 00 degrees 00'00"E (assumed) along the West line of said Northeast Quarter for 400 feet; thence S 89 degrees 56'10"E parallel to the South line of said Northeast Quarter for 762.30 feet; thence south 00 degrees 00'00"W for 400 feet to the South line of the Northeast Quarter; thence N 89 degrees 56'10"W for 762.30 feet to the point of beginning. Generally located approximately ½ mile south of 23rd Street South and east of 383rd Street West

Subject to the following conditions:

1. The property shall be screened by provision of a 15-foot wide landscaped yard adjacent to residential zoning districts, or by provision of a screening fence 6 feet to 8 feet in height.

2. The property shall be developed in substantial conformance with the site plan. Any substantial deviation from development as show on the site plan shall deem the Conditional Use null and void.

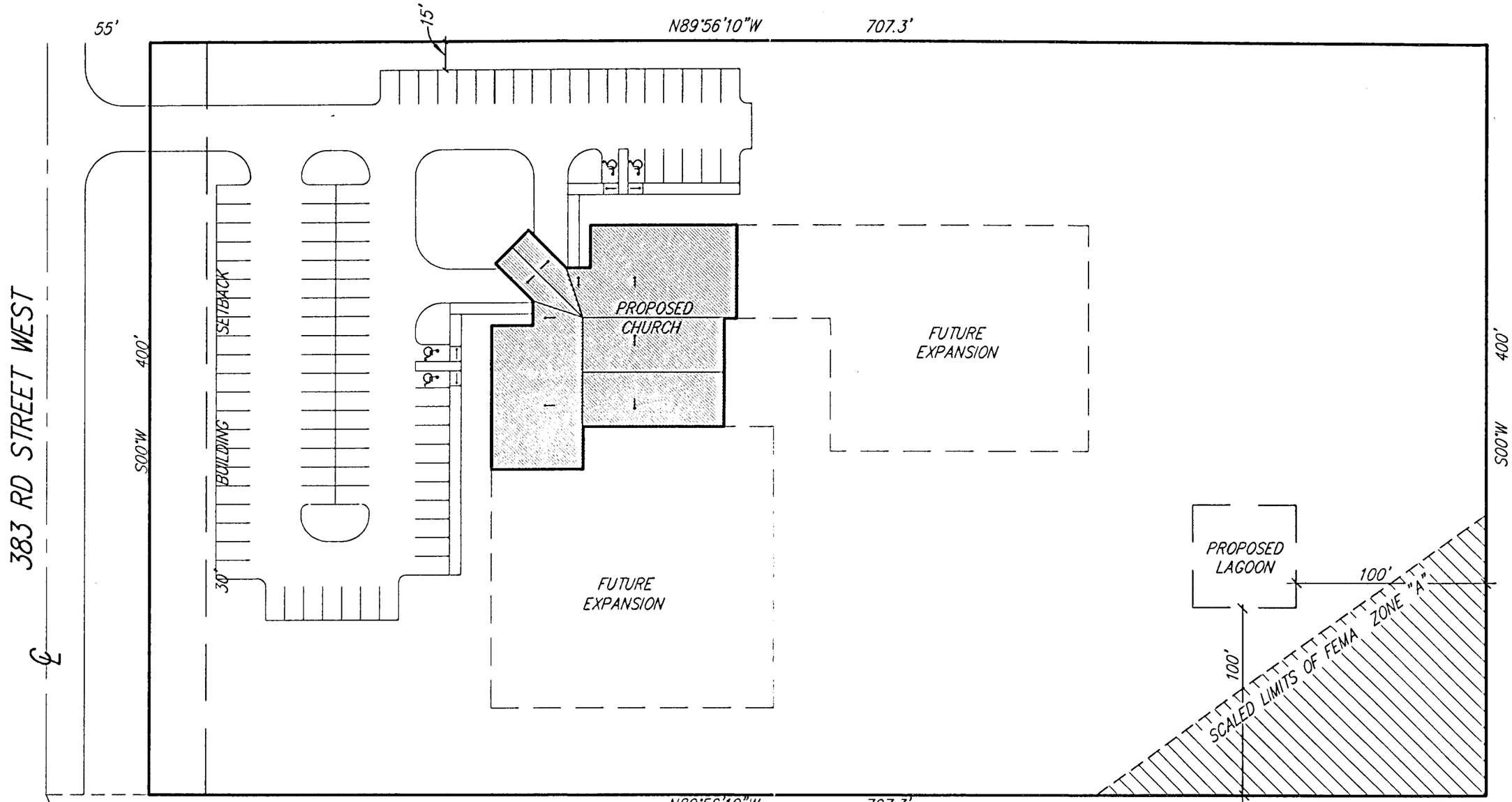
Adopted this 24th day of June, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matt6er is forwarded to the Governing Body for final action under the provision of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

William M. Johnson, Chairman

ATTEST:

Marvin S. Krout, Secretary



CONDITIONAL USE EXHIBIT

CHENEY BAPTIST CHURCH

OWNER: CHENEY BAPTIST CHURCH
P.O. BOX 551
CHENEY, KS. 67205
(316) 540-3393

SRB

SCALE: 1"=60'
DATE: 24 MAY 1999

SRB
924 NORTH MAIN
WICHITA, KANSAS 67203
316-264-8008
FAX 264-4621
SAVOY, RUGGLES & BOHM, P. A.
ENGINEERING & SURVEYING

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3

STAFF REPORT

MAPC June 24, 1999
Cheney PC June 21, 1999

CASE NUMBER: CU-527

APPLICANT/AGENT: Cheney Baptist Church (owner); SRB c/o Mark Savoy (agent)

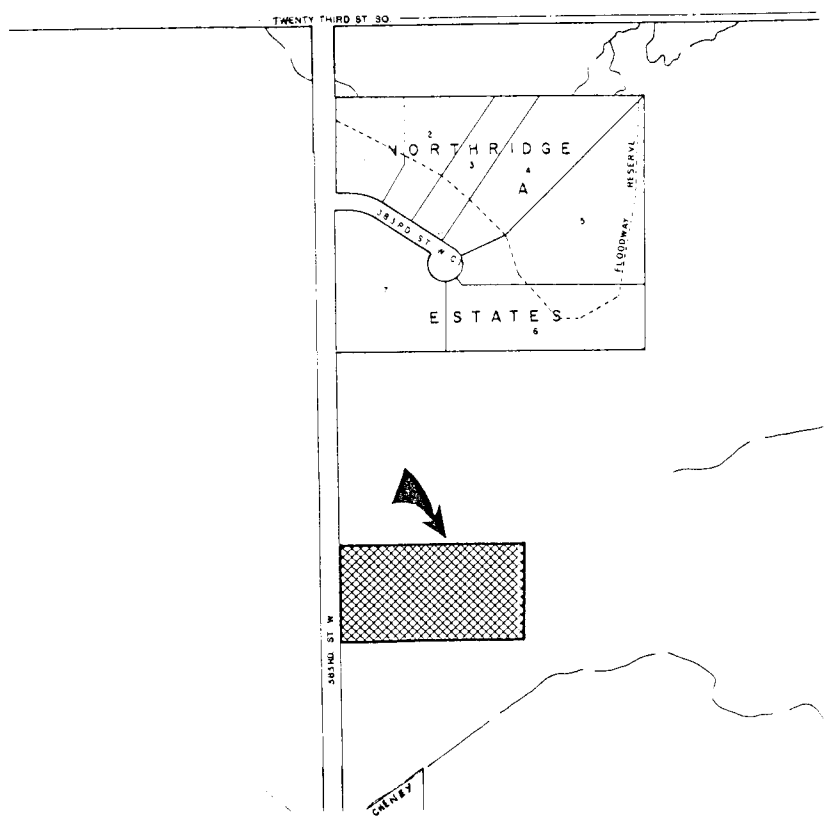
REQUEST: Conditional Use to allow a church in "RR "Rural Residential

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 6.5 acres

LOCATION: Approximately ½ mile south of 23rd Street South and east of 383rd Street West

PROPOSED USE: Church



BACKGROUND: The applicant is requesting a Conditional Use to construct a church on a 6.5-acre tract located just north of Cheney. The property is located on the east side of 383rd Street West approximately ½ mile south of 23rd Street South.

The property is zoned "RR" Rural Residential. All the property immediately adjacent to the site is zoned "RR". There are five large lot residential residences and spread along the stretch of 383rd located between the application area and 23rd Street South, and a residential subdivision with seven lots, Northridge Estates. The subdivision has two lots currently occupied. The mix of land uses changes to the south. A single family residence and some farm ground is located immediately south of the site. The next property is Lubbers Chevrolet Ford Mercury, and is located at the corporate limits for the City of Cheney. The next property to the south is the Cheney Coop. A golf course is located across the street from the Coop and Lubbers, and extends almost as far north as the application area on the west side of 383rd.

The applicant has stated that the church is planning to construct a 310-seat sanctuary. Based on the Unified Zoning Code requirement of one parking space per four seats in the room with the maximum seating capacity, the applicant would be required to provide 78 parking spaces. The site plan shows 110 parking spaces. The location of the parking spaces is in conformance with zoning ordinance requirement that parking not be located within the front yard setback.

CASE HISTORY: The property is unplatted. A plat was approved by Subdivision Committee on June 3, 1999.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential;	Agricultural, single family residences
SOUTH:	"RR" Rural Residential;	Agricultural, single family residence, car sales
EAST:	"RR" Rural Residential;	Agricultural
WEST:	"RR" Rural Residential;	Agricultural, golf course

PUBLIC SERVICES: This site has access to 383rd Street West, a two-lane County highway with 1996 traffic volumes of 1,157 (ADTs). As part of the platting process, County Fire has requested a second point of access. The subdivision plat will show access control except for two openings. Municipal water will be available from Cheney to serve the site. However, municipal sewer service will not be available. The site plan shows the location of the proposed lagoon in the southeast quadrant of the property. It is to be placed directly north and outside of the area designated on the subdivision plat as being within the scaled limits of Zone "A" of the floodplain.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Land Use Development Guide identifies this area as within Cheney's growth area for Cheney. This category

is designated for the small cities' future growth and is generally located adjacent to their existing municipal boundaries, and indicates the direction and magnitude of growth these communities can expect to occur over the next 20 years.

RECOMMENDATION: This request is located along an County Highway and is located within the growth area of the City of Cheney. Therefore, staff believes this is an appropriate request at this location. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the within 1-year and the following conditions:

1. The property shall be screened by provision of a 15-foot wide landscaped yard adjacent to residential zoning districts, or by provision of a screening fence 6 feet to 8 feet in height.

2. The property shall be developed in substantial conformance with the site plan. Any substantial deviation from development as shown on the site plan shall deem the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All the land surround the site is zoned "RR" Rural Residential. The property to the north, east, and west is primarily agricultural and large lot residential. The property immediately to the south of the site is residential/agricultural, but further south it is commercial and recreational.

2. The suitability of the subject property for the uses to which it has been restricted: This property is currently zoned "RR" Rural Residential, which permits churches to be located in this district as a Conditional Use. Property with frontage on the main entrance to the City of Cheney would be expected to be developed with more intensive uses than a church.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Since churches are permitted as a Conditional Use in "RR" Rural Residential areas, approval of this Conditional Use would not seem to provide substantial detrimental effects to the surrounding land uses. The main impact would be intensification of use of the property and traffic generated during services and activities.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan identifies this area as growth area for Cheney. This request does conform to the Comprehensive Plan. However, the church would generate less impact than might be generated by other non-residential uses which could be expected to located along this

corridor.

5. Impact of the proposed development on community facilities: The development will generate additional traffic on 383rd Street West. However, through the required traffic improvements, this impact should be minimized. The applicant will be required to extend water service from Cheney and develop an approved on-site sewage disposal system per County requirements.