CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 4, 2012

Russell Yost
7207 E. Shoal Creek
Wichita, KS 67226

Michael Schoneweis
4438 N. Cypress
Wichita, KS 67226

RE: **CON2012-00009** - County Conditional Use request for a proposed Church on property zoned RR Rural Residential, generally located along the east side of North 63rd Street East and north of K-254 (6428 N. 63rd St. E.)

Dear Applicants:

At its regular meeting on **April 19, 2012**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution. There have been no protests on the case during the two-week protest period, thus the decision of the MAPC is considered final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Derrick K. Slocum
Acting Division Supervisor
Metropolitan Area Planning Department

CONDITIONAL USE RESOLUTION NO. CON2012-00009

WHEREAS, Russell Yost and Pastor Michael Schoneweis (Owner/Applicant)pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Church on 9.5 acres zoned RR Rural Residential ("RR") described as:

> The South 393.5 feet of the North 1180.5 feet of the West 1007 feet of the Southwest Quarter of Section 7, Township 26 South, Range 2 East of the 6th P.M., except the West 30 feet for road, Sedgwick County, Kansas, generally located along the east side of North 63rd Street East and north of K-254 (6428 N. 63rd St. E.)

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 April 19, 2012, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in 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 allow a Conditional Use for a Church on 9.5 acres zoned RR Rural Residential ("RR") described as:

> The South 393.5 feet of the North 1180.5 feet of the West 1007 feet of the Southwest Quarter of Section 7, Township 26 South, Range 2 East of the 6th P.M., except the West 30 feet for road, Sedgwick County, Kansas, generally located along the east side of North 63rd Street East and north of K-254 (6428 N. 63rd St. E.)

Approved subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan.
3. Pole lighting shall be no taller than 15-feet in height and shall be directed onto the church property and away from the adjacent properties.
4. Signs will be limited to 60 sq. ft. in size and can only be illuminated indirectly by incandescent or fluorescent lighting.
5. All Principle and accessory buildings will not excess a height of 35 feet, except for silos and grain elevators.
6. Any wind energy conversion systems for private use shall not exceed 80 feet for the height of the turbine, and will be setback from all lot lines at a distance equal to or more than the height of the turbine.
7. If operations have not begun within two years of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 19th Day of April 2012

METROPOLITAN AREA PLANNING COMMISSION

Shawn Farney, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

Kechi: April 18, 2012
MAPC: April 19, 2012
BoCC: May 23, 2012 (If protests are received)

CASE NUMBER: CON2012-00009

OWNER/APPLICANT: Russell Yost (Owner/Applicant)
Pastor Michael Schoneweis (Owner/Applicant)

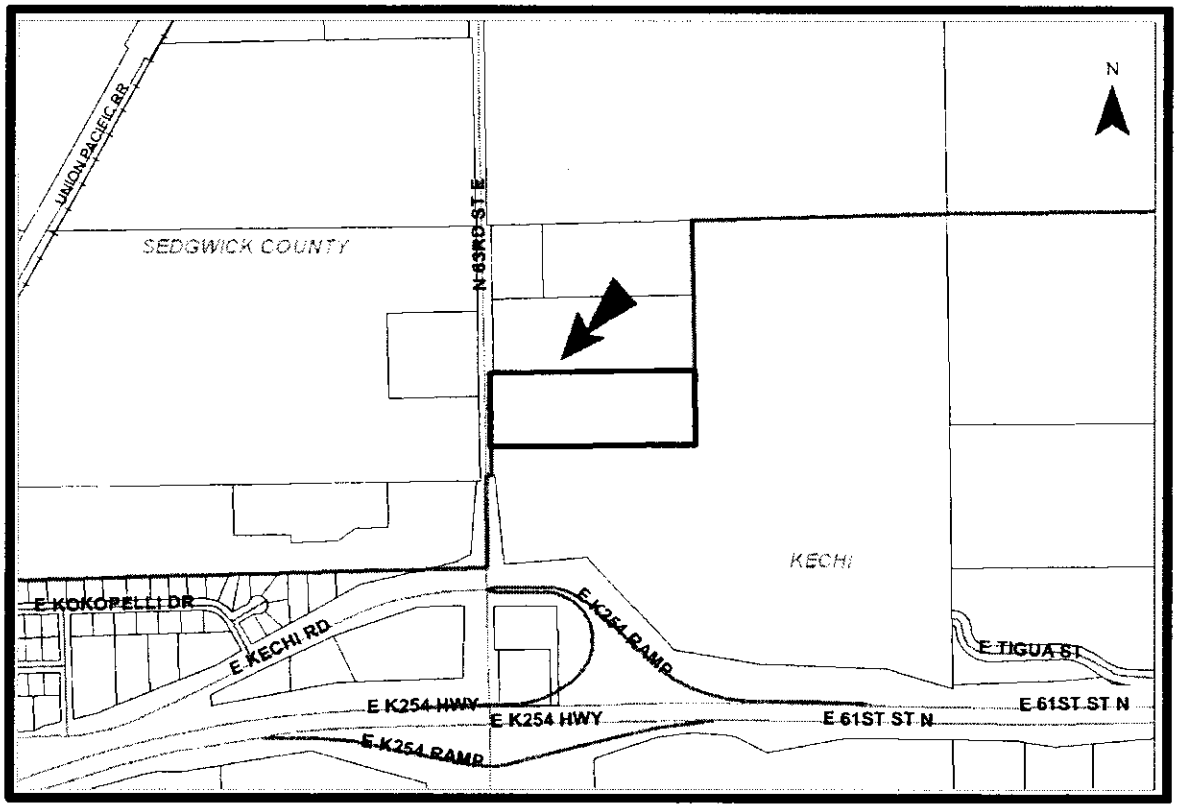
REQUEST: Conditional Use for a church

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 9.5 acres

LOCATION: Located northeast of the intersection of North 63rd Street East (Woodlawn) and East 61st Street North. (6428 N. 63rd St. E.)

PROPOSED USE: Church



BACKGROUND: The applicant is requesting a Conditional Use for a church in RR Rural Residential ("RR") zoning within the Kechi zoning area of influence. A Church or Place of Worship is a Conditional Use in the RR district. The application area is a 9.5-acre site, located northeast of the intersection of North 63rd Street East (Woodlawn) and East 61st Street North, with the Kechi city limits abutting the east and south property lines. The site has access to North 63rd Street East, which connects with K-254, one-quarter mile south of the subject site.

The attached site plan indicates three proposed structures to be developed in three phases, located in the middle of the subject site. The structures are surrounded by the parking area, with the access road running east to west, connecting the parking area with North 63rd Street East. The *Wichita-Sedgwick County Unified Zoning Code* (UZC) requires one parking space per four seats in a church; the applicants will be required to demonstrate that the number of seats and parking spaces meets the UZC requirements before getting a building permit from Sedgwick County. The site plan show the proposed location of a garage for any church vehicles, located east of the parking area, a picnic area in a field east of the proposed church and the lagoon location southeast of the church site.

Property to the north and west of the subject site is zoned RR and is used for farming and agricultural operations. Property south and east of the subject site is in the Kechi City Limits.

CASE HISTORY: The property is in the rural area of the county and is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Farming and Ranch Operations
SOUTH:	Kechi	
EAST:	Kechi	
WEST:	RR	Farming and Ranch Operations

PUBLIC SERVICES: North 63rd Street East (Woodlawn) is an unpaved, two-lane arterial/section line road. The 2030 Transportation Plan projects no change in its status. The site is within Sedgwick County Rural Water District #1, and also is served by a well. The site plan shows a lagoon southeast of the proposed structures, as it currently has no access to public sewer.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as being within the Small City 2030 Urban Growth Area for Kechi. The designated small cities' urban growth area is generally located adjacent to their existing municipal boundaries, and indicates the reasonable direction and magnitude of growth these communities can expect to experience out to the year 2030. 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 hearing, Staff recommends that the request be APPROVED subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.

2. Development and maintenance of the site shall be in conformance with the approved site plan.

3. Pole lighting shall be no taller than 15-feet in height and shall be directed onto the church property and away from the adjacent properties.

4. Signage shall be per the Sedgwick County Sign Code.

5. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator 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:** Property to the north and west of the subject site is zoned RR and is used for farming and agricultural operations. Property south and east of the subject site is in the Kechi City Limits.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR, which accommodates agricultural uses, low-density single-family residential development and complementary land uses. The site is developed with a single-family residence and two accessory buildings, and could continue to be used as currently zoned.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Provided that the church or place of worship meets all applicable codes, the use should have no affect on the surrounding properties.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as being within the Small City 2030 Urban Growth Area for Kechi. The designated small cities' urban growth area is generally located adjacent to their existing municipal boundaries, and indicates the reasonable direction and magnitude of growth these communities can expect to experience out to the year 2030. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, current infrastructure limitations, cost of delivery of future municipal services and environmental factors.

5. **Impact of the proposed development on community facilities:** If developed in compliance with the recommended conditions of approval, existing facilities are adequate.

SITE PLAN

APPROVED 5/10/12 BY [illegible]

Conditional Use Application to build a Church in RR zoning.

Property address: 6428 N. 63rd St. E., Kechi, KS 67067
Legal Description: The South 393.5 feet of the North 1180.5 feet of the Southwest Quarter of Section 7, Township 26 South, Range 2 East of the 6th P.M. except the West 30 feet for road.
Current Owner: Russell Yost, 7207 E. Shoal Creek, Wichita, KS 67226 316-516-4438
Buyer under contract: Cornerstone Baptist Church, Michael Schoneweis, Pastor, 4438 N. Cypress, Wichita, KS 67226 316-650- 8906
Phase 1: Sunday School Wing
Phase 2: Sanctuary
Phase 3: Fellowship and Activity Wing
Garage: Church van and lawn equipment storage
Picnic Shelter: Outdoor activities
Sign: Up to 100 sq. ft.
Parking Lots and Drive: all weather gravel surface

