CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 19, 2013

Unified School District 260
120 E. Washington
Derby KS 67037

RE: **CON2013-00002** – County Conditional use request to permit a public elementary school on property zoned LI Limited Industrial ("LI"), generally located east of South Clifton Avenue, approximately ¼ mile south of East 47th Street South (5000 South Clifton).

Dear Ladies and Gentlemen:

At its regular meeting on February 21, 2013, 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 platting within one year and the provisions of the attached resolution.

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

Sincerely,

Dale Miller
Current Plans Manager

DLM/mc
Attachments

Copies to: Young & Associates, 100 South George, Derby, KS 67037
Jim Skelton, BCOC 5, e-mail
Bob Parnacott, County Attorney, e-mail
Kelly Dixon, County Code Enforcement, e-mail
Jim Weber, County Public Works, e-mail

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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www.wichita.gov

CONDITIONAL USE RESOLUTION NO. CON2013-00002

WHEREAS, Derby Unified School District No. 260 (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit an elementary school on approximately 12.63 acres zoned LI Limited Industrial ("LI") ("RR"), described as:

Located in the East Half (E ½), of the Northwest Quarter (NW ¼) of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Commencing at the Northwest Corner (NW Cor.), of the East Half (E ½) of the Northwest Quarter (NW ¼) of Section 28, Township 28 South, Range 1 East, of the 6th P.M., thence South 00°00'00" West along the West line of said East Half, a distance of 1,234.25 feet; thence South 90°00'00" East a distance of 50.00 feet to the Point of Beginning; thence continuing South 90°00'00" East a distance of 968.13 feet, thence South 13°10'06" East a distance of 550.82 feet; thence North 89°43'10" West a distance of 1,093.62 feet; thence North 00°00'00" West a distance of 530.98 feet to the Point of Beginning.

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 February 21, 2013, 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 permit an elementary school on property zoned LI Limited Industrial ("LI"), described as:

Located in the East Half (E ½), of the Northwest Quarter (NW ¼) of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows: Commencing at the Northwest Corner (NW Cor.), of the East Half (E ½) of the Northwest Quarter (NW ¼) of Section 28, Township 28 South, Range 1 East, of the 6th P.M., thence South 00°00'00" West along the West line of said East Half, a distance of 1,234.25 feet; thence South 90°00'00" East a distance of 50.00 feet to the Point of Beginning; thence continuing South 90°00'00" East a distance of 968.13 feet, thence South 13°10'06" East a distance of 550.82 feet; thence North 89°43'10" West a distance of 1,093.62 feet; thence North 00°00'00" West a distance of 530.98 feet to the Point of Beginning. Contains 12.63 acres more or less.

Approved subject to platting within one year and development of the site as depicted on the site plan.

Adopted this 21st day of February 2013.

METROPOLITAN AREA PLANNING COMMISSION

David Dennis, Chair MAPC

ATTEST:

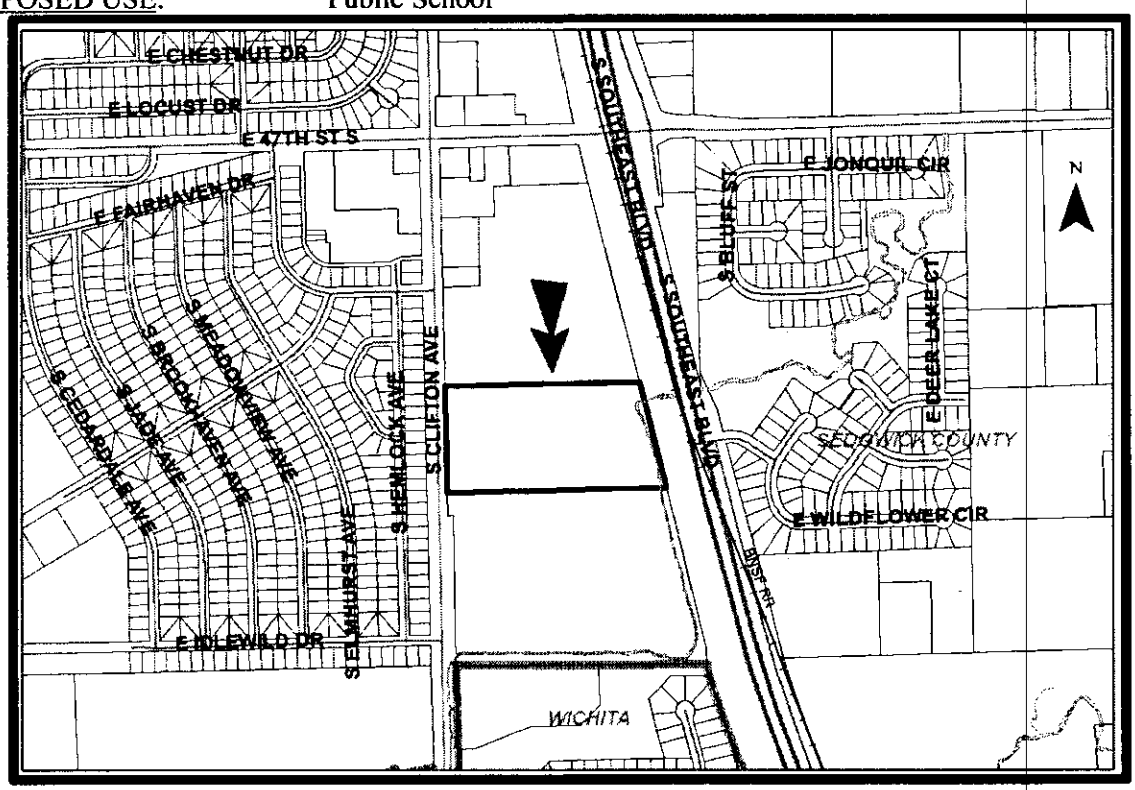
John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT
MAPC 2-21-2013

CASE NUMBER:	CON2013-00002
APPLICANT/AGENT:	Derby Unified School District No. 260 Board of Education ("USD 260") / Young & Associates (Dustin Billingsley)
REQUEST:	Conditional Use to permit a public elementary school in the LI Limited Industrial ("LI") zoning district
CURRENT ZONING:	LI Limited Industrial ("LI")
SITE SIZE:	12.63 acres
LOCATION:	5000 South Clifton Avenue
PROPOSED USE:	Public School



BACKGROUND: Oaklawn Elementary School is one of Unified School District 260's (USD 260) facilities. Oaklawn Elementary is located on 12.63 unplatted acres that are located approximately 1,500 feet south of East 47th Street South, east of South Clifton Avenue (5000 South Clifton Avenue). The property is zoned LI Limited Industrial ("LI"). Per the *Wichita-Sedgwick County Unified Zoning Code* ("UZC") schools are permitted in the LI district only with Conditional Use approval. The school was built prior to the adoption of County-wide zoning in 1985; therefore for zoning purposes, the school is a nonconforming use. Nonconforming uses have a limitation on how many square feet of additional gross floor area can be added to an existing nonconforming building. Sedgwick County building officials have concluded that, over the years, Oaklawn Elementary School has used up all of its nonconforming gross floor area expansion allocation. USD 260 proposes to construct an addition to the school, which triggers the need for the site to come into compliance with the UZC; thus this Conditional Use request to permit a school in the LI district. See the attached site plan that depicts the existing school and the proposed addition. The property will also contain a medical office. Medical services are permitted by-right in the LI district.

The application area has 530.98 feet of frontage along South Clifton Avenue. Further west, across South Clifton Avenue is a large area that is zoned SF-5 (County) and is developed with a single-family subdivision. The application's eastern line abuts the Atchison Topeka & Santa Fe ("AT&SF) Railroad. East of the AT&SF Railroad right-of-way is the 240-foot wide K-15 Highway / Southeast Boulevard. East of Southeast Boulevard is property zoned County SF-5 that is developed with a single-family subdivision. The subject property and the land located north and south of the subject property are part of 30-plus acres owned by USD 260, most of which are zoned LI. The LI zoned property located to the north of the application area is developed with a community recreation center. Property to the south of the subject site is zoned LI, and is undeveloped.

CASE HISTORY: The subject property was most likely zoned LI when countywide zoning was adopted in 1985. Sedgwick County Board of Zoning Appeals (CoBZA) case number CoBZA 3-87 (July 6, 1987) was a variance to reduce the front yard building setback from 85 feet to 65 feet. Subdivision Case number SUB2012-00043 is the Oaklawn Elementary Addition plat that was approved by MAPC on January 24, 2013.

ADJACENT ZONING AND LAND USE:

NORTH:	LI; community recreation center
SOUTH:	LI; vacant
EAST:	SF-5; single-family residential
WEST:	SF-5; single-family residential

PUBLIC SERVICES: The site is served by public sewer and water (Oaklawn and the City of Wichita). South Clifton Avenue has 100 feet of right-of-way in front of the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "major institutional" uses. The "major institutional" category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located west, across South Clifton Avenue is a large acreage that is zoned SF-5 (County), and is developed with a single-family subdivision. The application's eastern line abuts the Atchison Topeka & Santa Fe Railroad. East of the AT&SF right-of-way is the 240-foot wide K-15 Highway / Southeast Boulevard. East of Southeast Boulevard is property zoned County SF-5 that is developed with a single-family subdivision. The subject property and the land located north and south of the subject property are part of 30-plus acres owned by USD 260, most of which is zoned LI. Property to the north of the application area is zoned LI, and is developed with a community recreation center. Property to the south of the subject site is zoned LI and is undeveloped.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LI which allows many office, commercial and industrial uses. The LI district does not allow residential uses. In some respects, based upon the few uses developed on the site and in the surrounding area, the LI zoning is inappropriate. Approval of the Conditional Use to permit the school is a suitable zoning request given the land uses surrounding the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the Conditional Use to permit a school should not detrimentally impact adjacent property. The applicant owns the property abutting the subject site to the north and south. The school has existed in that location for many years. Approval of the request will not introduce a new use into the area.

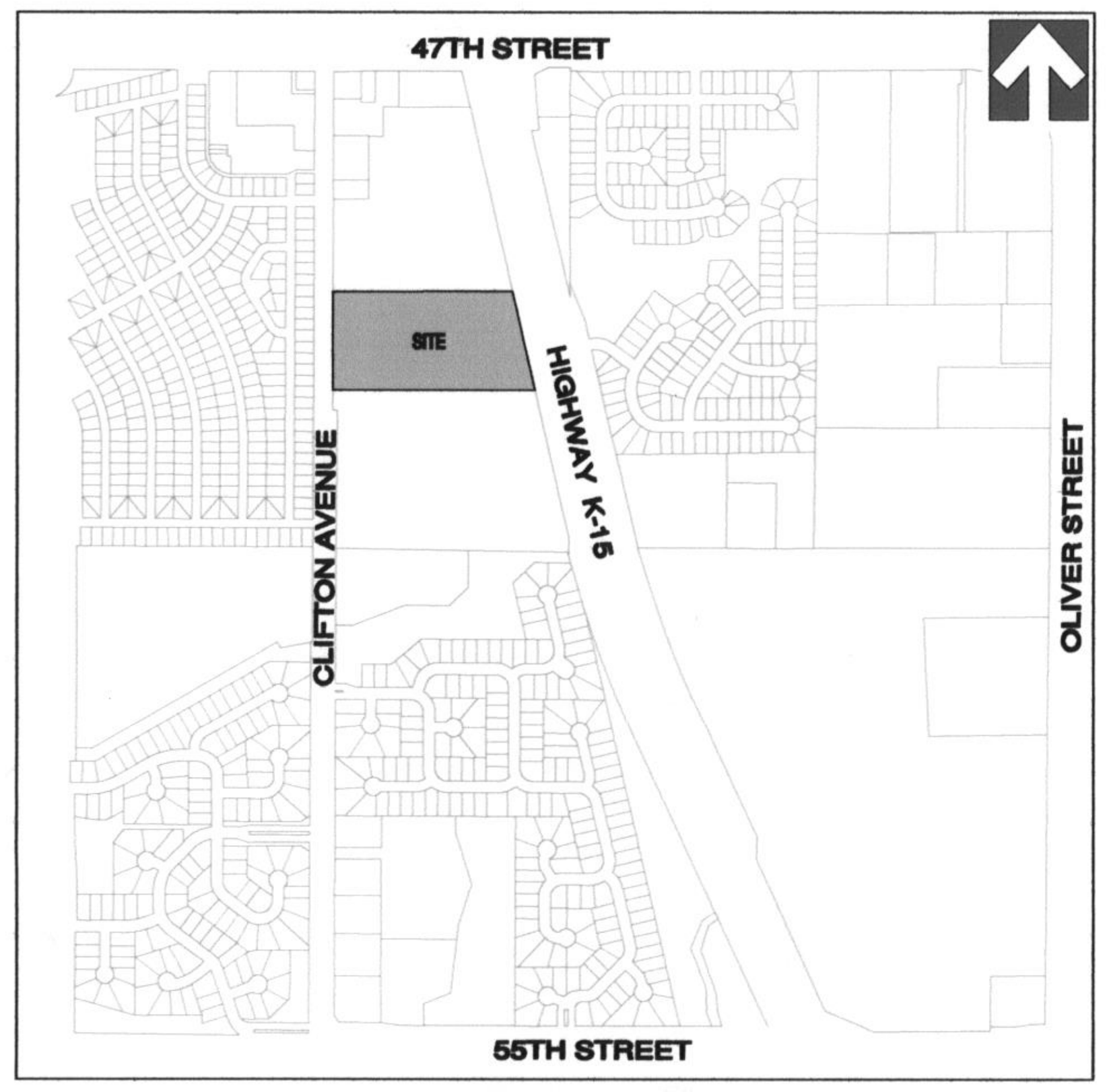
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial would preclude a necessary addition to a public school facility; a facility that is charged with the responsibility of educating the community's children and has an obligation to offer the necessary services and facilities needed to meet that obligation.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide

map depicts the site as appropriate for "major institutional" uses. The "major institutional" category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.

6. Impact of the proposed development on community facilities: Existing facilities are in place to address anticipated additional demands.

SITE PLAN
OAKLAWN ELEMENTARY IMPROVEMENTS
SEDGWICK COUNTY, KANSAS



VICINITY MAP
(No Scale)

OWNER INFORMATION:

Derby Unified School District No. 260
Board of Education
120 E. Washington
Derby, KS 67037

AGENT/ENGINEER:

YOUNG & ASSOCIATES, P.A.
Professional Civil Engineering Consultants
100 South Georgie, Derby, Kansas 67037
tele: (316)788-2552, fax: (316)788-4408, email: engineering@yngpa.com

LEGAL DESCRIPTION:

Located in the East Half (E ½), of the Northwest Quarter (NW ¼) of Section 23, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Northwest Corner (NW Cor.), of the East Half (E ½) of the Northwest Quarter (NW ¼) of Section 23, Township 28 South, Range 1 East, of the 6th P.M., thence South 00°00'00" West along the West line of said East Half, a distance of 1,234.25 feet; thence South 90°00'00" East a distance of 50.00 feet to the Point of Beginning; thence continuing South 90°00'00" East a distance of 968.13 feet, thence South 13°10'06" East a distance of 550.82 feet; thence North 89°43'10" West a distance of 1,093.62 feet; thence North 00°00'00" West a distance of 530.98 feet to the Point of Beginning.

FEET 0 50 100
Graphical Scale: 1" = 50'

NORTH

Preparation Date: January 14, 2012

LEGEND:

△ = Iron Pipe Found
(M) = Measured
(CM) = Calculated from Measurements
—— T —— = Existing Buried Telephone Line
—— G —— = Existing Buried Gas Line
—— OHE —— = Existing Overhead Electric Line
—— W —— = Existing Water Line
(shaded) = Existing to be removed

