



Wichita-Sedgwick County Metropolitan Area Planning Department

May 8, 2009

Discalced Carmelite Monastery
5660 S 151st St W
Clearwater, KS 67026

RE: CON2009-00008 - County Conditional Use for a group residence, general for the development of a monastery, generally located west of Woodlawn Avenue and approximately 1/2 mile south of 77th Street north.

Dear Ladies and Gentlemen:

At its regular meeting on **April 23, 2009** the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum'.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Enclosure

cc: Baughman Company, PA, Attn: Russ Ewy, 315 Ellis, Wichita, KS 67211
Chris Bohm, 6201 Briar Rose Lane, Valley Center, KS 67147
Steve Robl, 5842 W. 21st North, Wichita, KS 67205
BCOC I, Dave Unruh, Mail Stop County, Room 320
Bill Buchanan, County Manager, County Room 343

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

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CONDITIONAL USE RESOLUTION NO. CON2009-00008

WHEREAS, Discalced Carmelite Monastery (Applicant) and Baughman Company P.A., c/o Russ Ewy (agent); 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 group residence, general for the development of a monastery on 40.36 acres zoned RR Rural Residential ("RR") described as:

The South Half of the Northeast Quarter of Section 1, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part described as BEGINNING at the Southeast corner thereof; THENCE North 0 degrees 00'00" East along the East line of said South Half, 1327.82 feet to the Northeast corner of said South half; THENCE North 89 degrees 48'23" West along the North line of said South half, 1325.57 feet; THENCE South 0 degrees 07'17" West, 1327.27 feet to the South line of said South half; THENCE south 89 degrees 47'00" East along said South line, 1328.39 feet to the POINT OF BEGINNING along with an access easement described as: The North 40 feet of the South 683.5 feet of that part of the South half of the Northeast Quarter of Section 1, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as BEGINNING at the Southeast corner thereof; THENCE North 0 degrees 00'00" East along the East line of said South half, 1327.82 feet to the Northeast corner of said South half; THENCE North 89 degrees 48'23" West along the North line of said South half, 1325.57 feet; THENCE South 0 degrees 07'17" West 1327.27 feet to the South line of said South half; THENCE South 89 degrees 47'00" East along said South line, 1328.39 feet to the POINT OF BEGINNING. Said easement shall run with the land and be binding on the grantors and the grantees successors, heirs and assigns; generally located west of 63rd Street East (Woodlawn), approximately ½ mile south of 77th Street North.

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 23, 2009, 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 group residence, general for the development of a monastery on 40.36 acres zoned RR Rural Residential ("RR") described as:

The South Half of the Northeast Quarter of Section 1, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part described as BEGINNING at the Southeast corner thereof; THENCE North 0 degrees 00'00" East along the East line of said South Half, 1327.82 feet to the Northeast corner of said South half; THENCE North 89 degrees 48'23" West along the North line of said South half, 1325.57 feet; THENCE South 0 degrees 07'17" West, 1327.27 feet to the South line of said South half; THENCE south 89 degrees 47'00" East along said South line, 1328.39 feet to the POINT OF BEGINNING along with an access easement described as: The North 40 feet of the South 683.5 feet of that part of the South half of the Northeast Quarter of Section 1, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas described as BEGINNING at the Southeast corner thereof; THENCE North 0



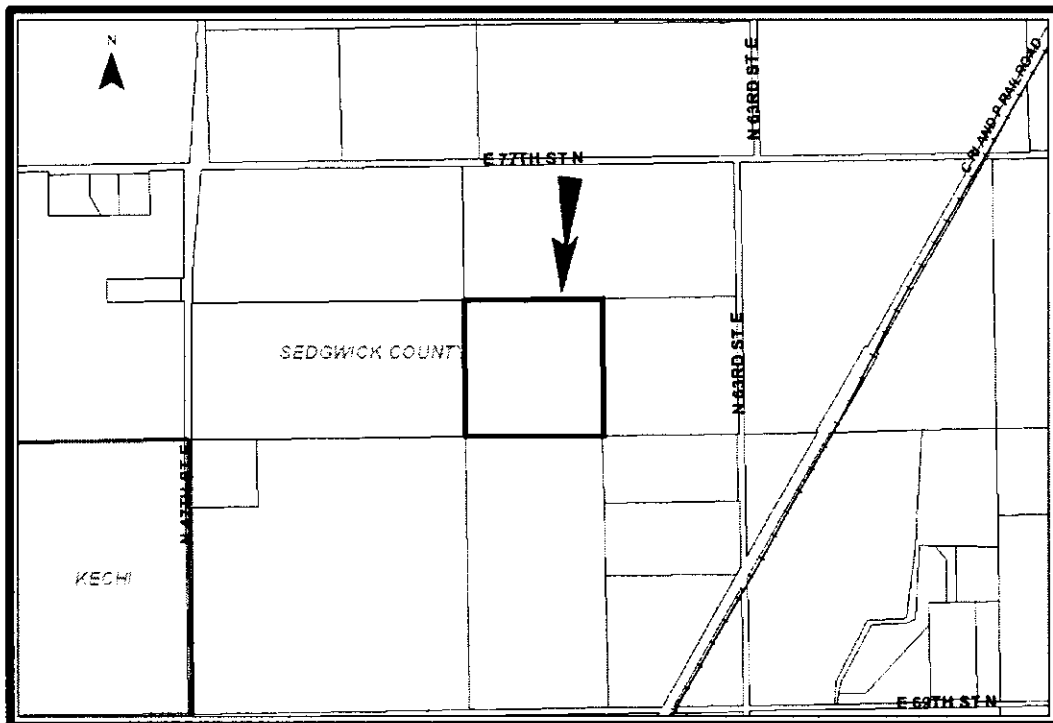
STAFF REPORT

MAPC April 23, 2009

Kechi Planning Commission: April 14, 2009

Tentative BoCC Date: May 27, 2009 (if needed)

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- CASE NUMBER:** CON2009-00008
- APPLICANT/AGENT:** Discalced Carmelite Monastery, c/o Steve Robl (Applicant)
Baughman Company P.A., c/o Russ Ewy (agent)
- REQUEST:** Conditional Use to permit a group residence, general for the development of a monastery.
- CURRENT ZONING:** RR Rural Residential ("RR")
- SITE SIZE:** 40.36 acres
- LOCATION:** West of 63rd Street East (Woodlawn), approximately ½ mile south of 77th Street North.
- PROPOSED USE:** Group Residence, General



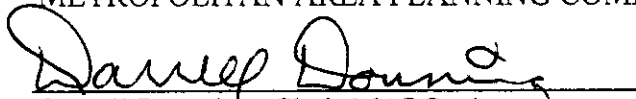
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Approved subject to the following conditions:

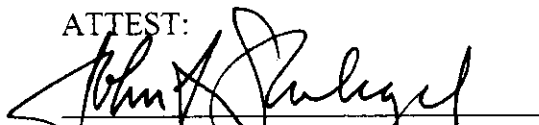
1. There shall be a maximum of two group residences, each not to exceed occupancy of more than 15 persons, and a maximum combined occupancy of 20 persons on this site.
2. The Group Residence (General) use is limited to a monastery and/or convent affiliated with a bona fide religious organization.
3. If or when the second residence is built, the applicant must request an administrative adjustment to revise the approved site plan.
4. The site shall be developed in substantial conformance with the approved site plan, and in conformance with all applicable codes and regulations, including the Wichita-Sedgwick County Unified Zoning Code requirements dealing with "group residence, general" uses.
5. The applicant shall obtain all applicable permits required to legally operate the requested use prior to occupying the "group residence."
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 23rd Day of April 2009

METROPOLITAN AREA PLANNING COMMISSION


Darrell Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

BACKGROUND: The applicant is requesting a Conditional Use to permit a “group residence, general” on an unplatted 40-acre tract of land. This property is zoned RR Rural Residential (“RR”), and is currently undeveloped. The applicant is requesting this Conditional Use to allow a group residence for the Discalced Carmelite Nuns of the Monastery of Divine Mercy and Our Lady of Guadalupe.

The application area is a square shaped, 40-acre tract of land, donated by the owner that owns an 80-acre tract on North 63rd Street East (North Woodlawn Avenue), a half mile north of 69th Street North. The site is located on the western half of the 80 acres, set back approximately 645 feet from North 63rd Street East (North Woodlawn Avenue). Access to the site would be by a private access drive, running through the front 40 acres, from Woodlawn Avenue. An access easement will need to be established to allow the road to run through the eastern half of the 80-acre tract. The site plan submitted with the application depicts the primary group residence structure, an accessory structure (greenhouse), a lagoon, a grey water collection location and a proposed pond.

Surrounding properties are zoned RR Rural Residential, and are mainly farmsteads and large agricultural or residential tracts.

The Unified Zoning Code (“UZC”) defines “group residence, general,” as a residential facility providing cooking, sleeping, and sanitary accommodations for a group of people 15 people or more, including staff, not defined as a family, on a weekly or longer basis.

CASE HISTORY: This site is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural
SOUTH:	RR	Agricultural
EAST:	RR	Agricultural
WEST:	RR	Agricultural

PUBLIC SERVICES: On-site services will be used, as publicly supplied sewer and water are not available.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan's “2030 Urban Growth Areas Map” depicts this site as appropriate for “rural” uses. Rural areas are primarily intended for agricultural uses, resource based uses and other non-agricultural uses having no impact greater than typical agricultural uses, and do not require publicly supplied services. This site is outside of any projected urban growth boundaries.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

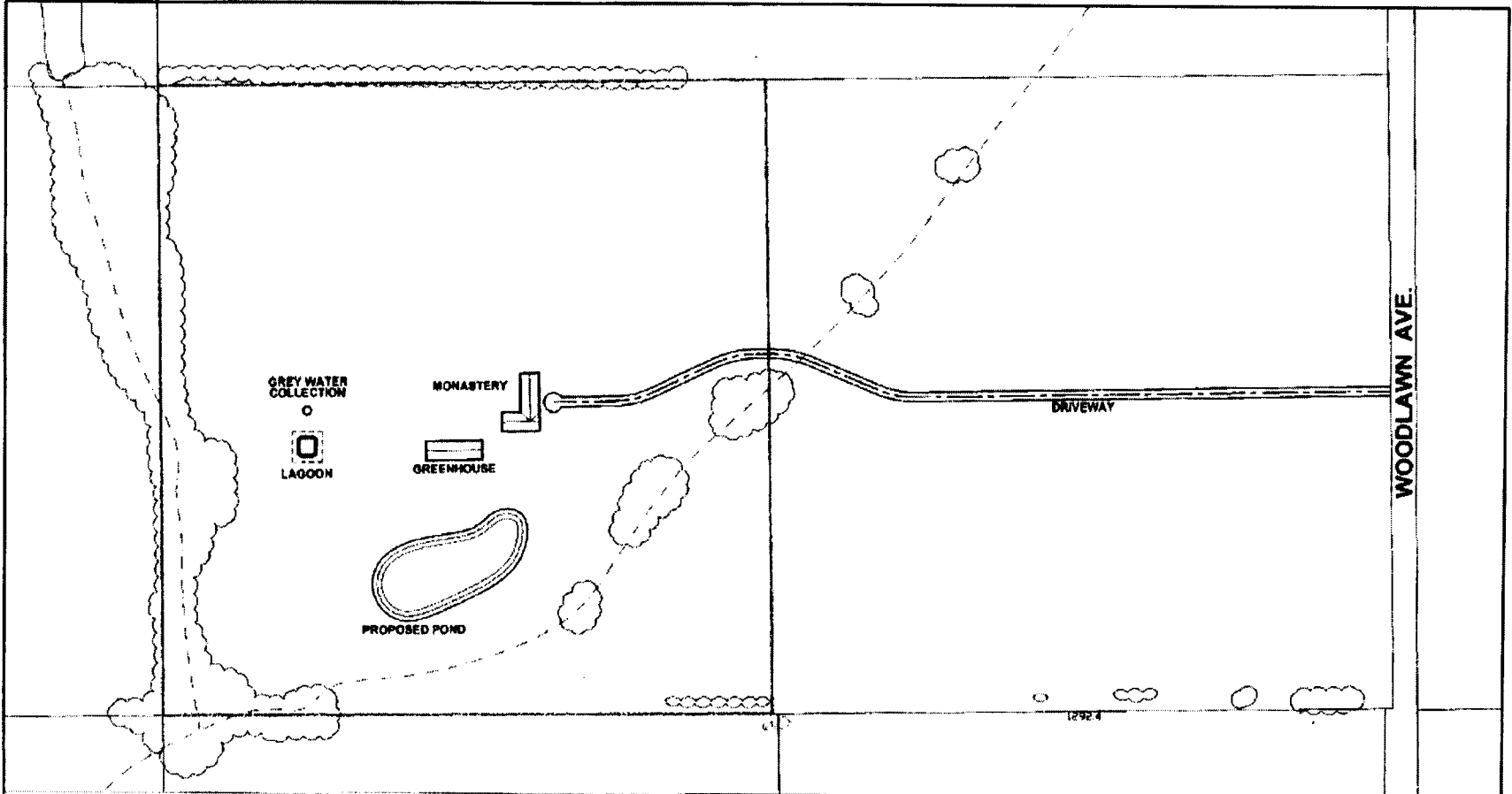
1. There shall be a maximum of two group residences, each not to exceed occupancy of more than 15 persons, and a maximum combined occupancy of 20 persons on this site.
2. If or when the second residence is built, the applicant must request an administrative adjustment to revise the approved site plan.
3. The site shall be developed in substantial conformance with the approved site plan, and in conformance with all applicable codes and regulations, including the Wichita-Sedgwick County Unified Zoning Code requirements dealing with "group residence, general" uses.
4. The applicant shall obtain all applicable permits required to legally operate the requested use prior to occupying the "group residence."
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII of the Unified Zoning Code, 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:** Surrounding properties are all zoned RR Rural Residential and used for agriculture and farmsteads. This is a rural area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR Rural Residential which permits a rather limited range of uses which are primarily residential, agricultural and institutional uses typically found in low density residential settings. The site could be used as currently zoned.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request subject to the recommended conditions should limit anticipated negative effects to nearby properties.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would provide the applicant additional space to properly serve the nuns of the monastery. Denial would force the applicant to find another location for the proposed monastery. Since the subject site is land that has been donated to the church, finding another site that could be donated to the church would be a hardship to the ultimate users. The type of use allowed on the subject site and the regulations of the UZC should protect the public's health, safety and welfare.
5. **Conformance of the requested change to the adopted or recognized**

Comprehensive Plan and policies: The plan does not contain policies specific to this request however, the proposed 40-acre site is consistent with the property's "rural" designation, and large lot residential uses found in rural areas.

6. **Impact of the proposed development on community facilities:** With approval of this project, the projected impact on community facilities is minimal.



SCALE: 1" = 20'

SITE PLAN - CON2009-??

CARMELITE MONASTERY

