

R# 30-1989

RESOLUTION NO. 30-1989

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT ESTABLISHING A RELIGIOUS/EDUCATIONAL FACILITY FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to establish a religious/educational facility on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described as follows:

CASE NO. CU-318

The west 1,050 feet of the east 1,100 feet of the north 660 feet of the SE 1/4, Section 20, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of Webb Road in an area north of 55th Street South.

subject to the following:

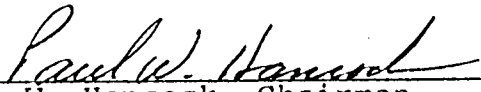
- A. In addition to the use of the building as a church, the building is limited to the preparation of written and audiovisual religious educational materials, Bible and related health and nutrition training. Approval of these uses does not authorize a church-related campground.
- B. The operation of the sewage lagoon shall be in accordance with all conditions established by the Kansas Department of Health and Environment (KDHE) and the Wichita-Sedgwick County Health Department.
- C. If a private well is proposed, a Water Resources Permit shall be obtained from the Department of Agriculture prior to the issuance of any permits for construction.
- D. If a water well is constructed to serve the conditional use site, it shall be in accordance with the standards established by KDHE and the Wichita-Sedgwick County Health Department for a non-community water supply.
- E. Building construction on the site shall be limited to one building. This building shall not exceed 35 feet in height and shall not contain more than 28,000 square feet of gross floor area.
- F. The one building permitted on the site shall not be located closer to the center line of Webb Road than 250 feet. The building shall not be located within 100 feet of the south line of the application area.
- G. The number of employees permitted to work at the religious/educational facility at one time shall not exceed 12.
- H. The number of students at one time permitted to receive training on the subject site shall not exceed 28.
- I. Any violation of these conditions shall declare the conditional use permit null and void.

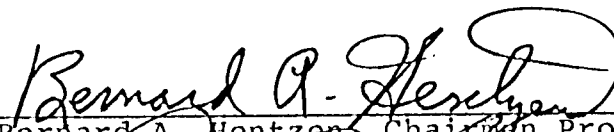
Serv for publication 12/19/89
For

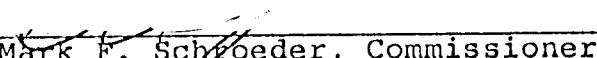
SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

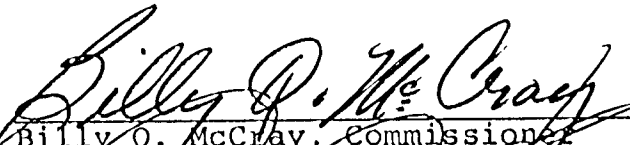
SECTION III. That this Resolution shall take effect and be in force from and after its adoption.

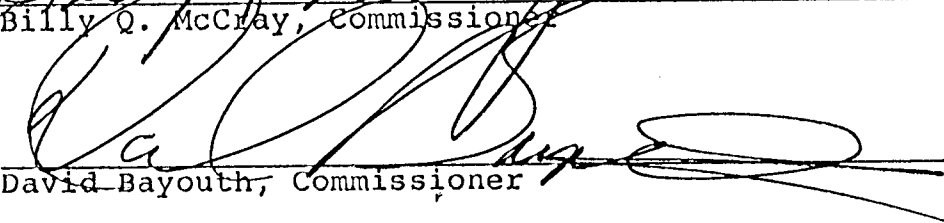
PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 1st day of February, 1989.


Paul W. Hancock, Chairman

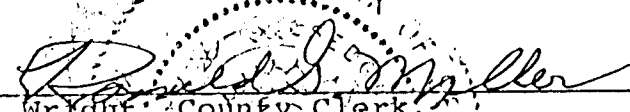

Bernard A. Hentzen, Chairman Pro Tem


Mark F. Schroeder, Commissioner


Billy Q. McCray, Commissioner

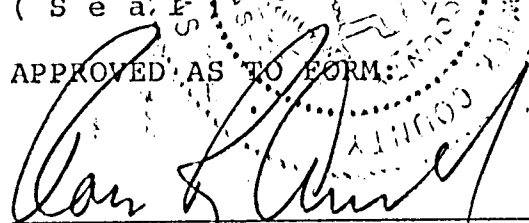

David Bayouth, Commissioner

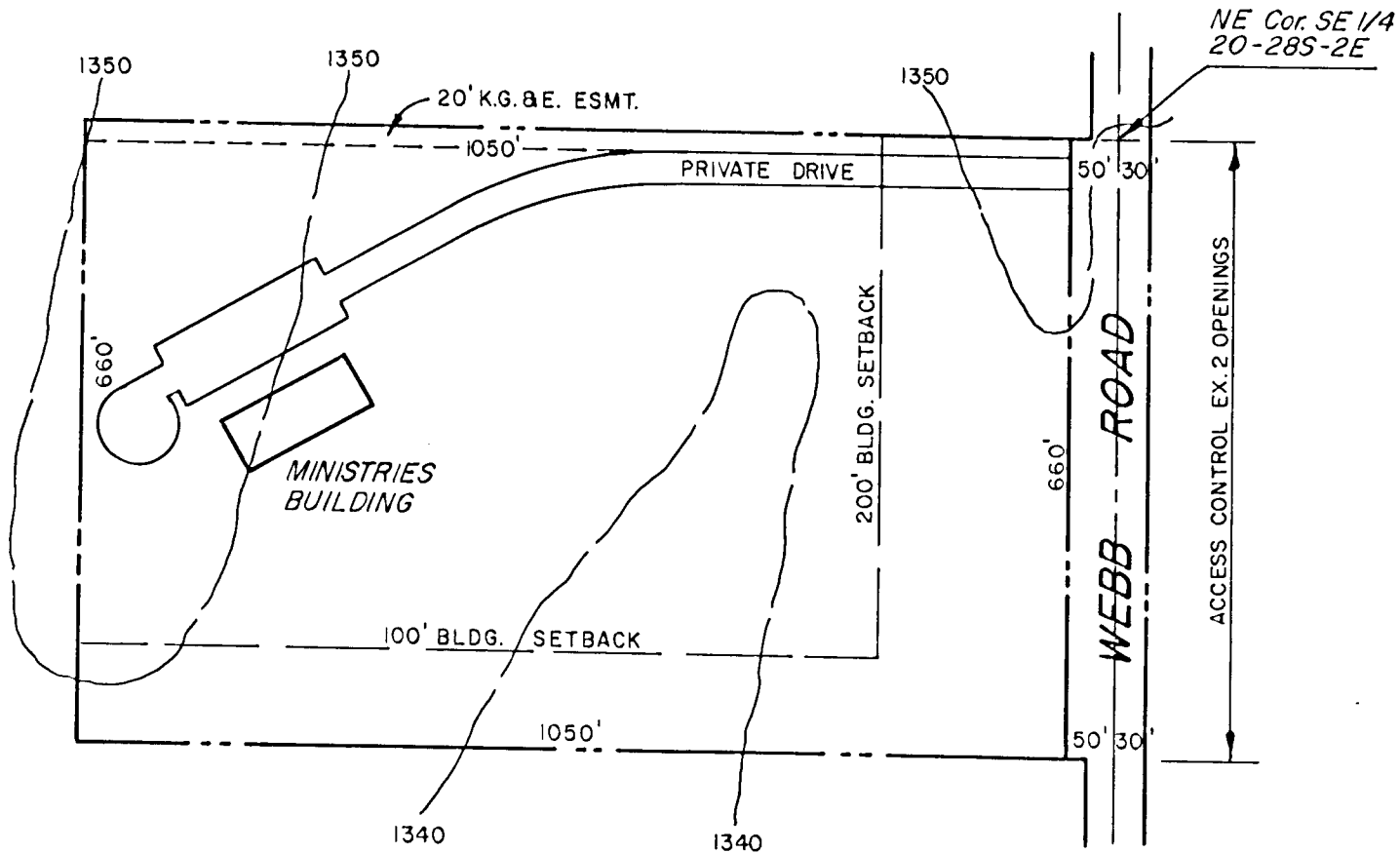
ATTEST:


Don Wright, County Clerk

(Seal)

APPROVED AS TO FORM:


Robert R. Arnold, County Counselor



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 2a4b
DPC 12/22/88
MAPC 01/05/89

REVISED
STAFF REPORT

CASE NUMBER: SCZ-0595 & CU-318 (both as amended)

OWNER/APPLICANT/AGENT: STEPS TO LIFE, INC. (owner/applicant)
Thomas Borniger of Curfman, Harris, Borniger
and Rose (agent)

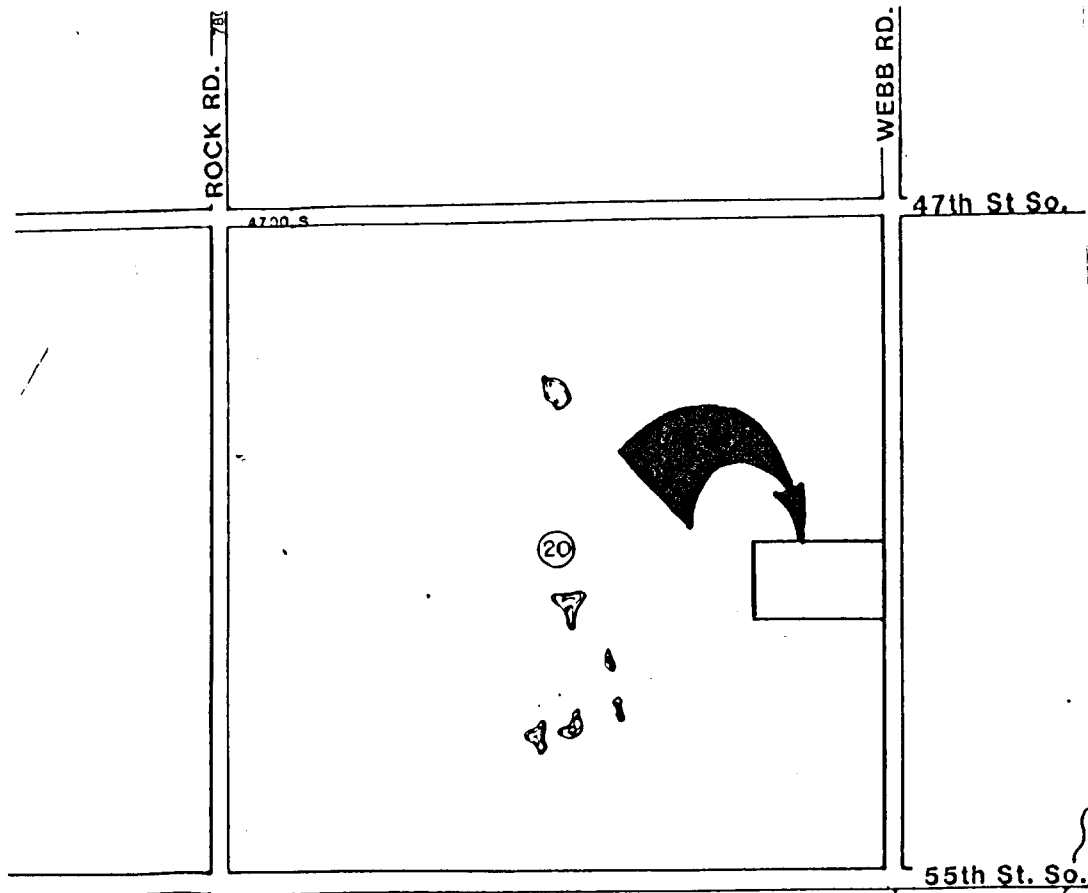
REQUEST: Zone change to the "R-1" Suburban Residential
District and associated conditional use to
establish an educational/religious facility.

CURRENT ZONING: "R" Rural Residential District

SITE SIZE: 15.9 acres (660 ft. x 1,050 ft.)

LOCATION: On the west side of Webb Road in an area
north of 55th Street South.

PROPOSED USE: Ministry Building (church) for the holding of
religious services with associated religious/
educational facility.



BACKGROUND: On October 27, 1988, the Metropolitan Area Planning Commission (MAPC) considered this zone change and associated conditional use request. At that time, the application area for the zone case consisted of 86 acres of land and the conditional use application area involved 40 acres. The MAPC unanimously voted to recommend denial of the rezoning and conditional use requests. Previously, the Derby Planning Commission had reviewed the two requests and voted 6 to 2 to recommend approval.

On November 23, 1988, the Board of Sedgwick County Commissioners considered the cases. Based upon a request by the applicant, the County Commission voted to return the cases to the MAPC for consideration of an amended request for a lesser area. The original zone change request resulted in a 35.3% protest from property owners within 1,000 feet of the application area.

The applicant (Steps to Life, Inc.) is now requesting a zone change from the "R" Rural Residential District to the "R-1" Suburban Residential District for an 15.9-acre unplatted tract located on the west side of Webb Road, north of 55th Street South. Associated with this zone case is a request for a conditional use for a religious/educational facility. The original conditional use case asked for permission to construct a 12-bed sanitarium and a dormitory with a maximum of 14 living units. Both the sanitarium and dormitory requests have been deleted from the amended conditional use request. Surrounding property owners have been notified of the amended requests.

Steps to Life, Inc. is a non-profit entity incorporated by adherents of the Seventh Day Adventist faith. The group emphasizes and provides training on the health, nutrition and medical missionary aspects of their religious beliefs.

The first district in the County Zoning Resolution that permits religious/educational facilities is the "R-1" zoning district. This is the case, provided a conditional use application is approved by the Board of County Commissioners. Specifically, the conditional use application has been submitted in order to permit the construction of church-related offices and facilities for the training of lay Bible workers. One building is now proposed on the site. The maximum square footage is not expected to exceed 16,500 square feet. The number of employees may reach 12 for an expected enrollment of 28 students. Between 60 and 100 people may attend evening meetings two nights a week. Once a year, a special retreat will be held where it is anticipated that 300 people may attend. The construction of a church is a permitted use in the R-1 District.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	Single-family dwelling and agricultural use
SOUTH	"R"	Single-family dwelling and agricultural use
EAST	"R"	Single-family dwelling and agricultural use
WEST	"R"	Single-family dwelling and agricultural use

PUBLIC SERVICES: This property is not presently served by either municipal water or sanitary sewer. Webb Road is a sand street for which additional half-street right-of-way is needed. Access controls do not presently exist to the street.

CONFORMANCE TO PLANS/POLICIES: As this site is located within an unincorporated area of the County, an MAPC zoning policy does not exist for property at this general location. The Land Use Element of the Comprehensive Plan depicts agricultural land use for this area.

RECOMMENDATION: Approve the amended zone change request subject to the platting of the property within one year after approval of the zone change request by the Board of County Commissioners, or the applications shall be considered denied and closed,

AND

Approve the conditional use request for a Religious/Educational facility, subject to "R-1" zoning and subject to the following conditions of approval:

1. In addition to the use of the building as a church, the building is limited to the preparation of written and audiovisual religious educational materials, Bible and related health and nutrition training. Approval of these uses does not authorize a church-related campground. All permitted uses are to be conducted within the building.
2. The operation of the sewage lagoon shall be in accordance with all conditions established by the Kansas Department of Health and Environment (KDHE) and the Wichita-Sedgwick County Health Department.
3. A Water Resources Permit shall be obtained from the Department of Agriculture prior to the issuance of any permits for construction.
4. The water well to be constructed to serve the conditional use site shall be in accordance with the standards established by KDHE and the Wichita-Sedgwick County Health Department for a non-community water supply.
5. Building construction on the site shall be limited to one building. This building shall not exceed 35 feet in height and shall not contain more than 16,500 square feet of gross floor area.

6. The one building permitted on the site shall not be located closer to the center line of Webb Road than 250 feet. The building shall not be located within 100 feet of the south line of the application area.
7. The number of employees permitted to work at the religious/educational facility at one time shall not exceed 12.
8. The number of students at one time permitted to receive training on the subject site shall not exceed 28.
9. Any violation of these conditions shall declare the conditional use permit null and void.