

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

July 29, 1994

Steps to Life, Inc.
P.O. Box 782828
Wichita, KS 67278

RE: CU-369 Conditional Use permit to amend an existing Conditional Use (CU-318), generally located ½ mile north of 55th Street South on the west side of Webb Road.

At its regular meeting on July 28, 1994, the Metropolitan Area Planning Commission (MAPC) considered the above-captioned request. The MAPC failed to forward a recommendation to the Board of County Commissioners due to a tie vote (6-6). The Derby Planning Commission also met to consider this request and recommended that the Conditional Use permit be DENIED. Therefore, a unanimous vote will be required by the County Commission for this request to be approved.

This matter will be forwarded to the Board of County Commissioners for consideration at their regular meeting on Wednesday, August 24, 1994. This meeting will be held in Room 320, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

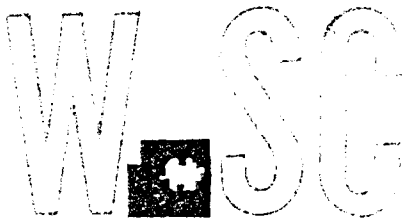
This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office at 268-4421.

Sincerely,

Kevin Kokes
Associate Planner

cc: Michael D. Herd; Curfman, Harris, Rose, Weltz, Metzger, & Smith; 800 First
National Bank Bldg.; Wichita, KS 67202
Morris Dunlap; 3611 N. Broadway; Wichita, Kansas 67219
Ron Reeves; 5001 W. Webb Rd.; Derby, KS 67037
Joe Carmichael; 2911 E. Douglas; Wichita, KS 67211

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

August 25, 1994

Steps to Life, Inc.
P. O. Box 782828
Wichita, KS 67278

RE: CU-369 - Conditional Use Permit to allow the number of employees permitted from 12, and not to exceed 24, on property zoned "R-1" Suburban Residential, generally located 1/2 mile north of 55th Street South on the west side of Webb Road.

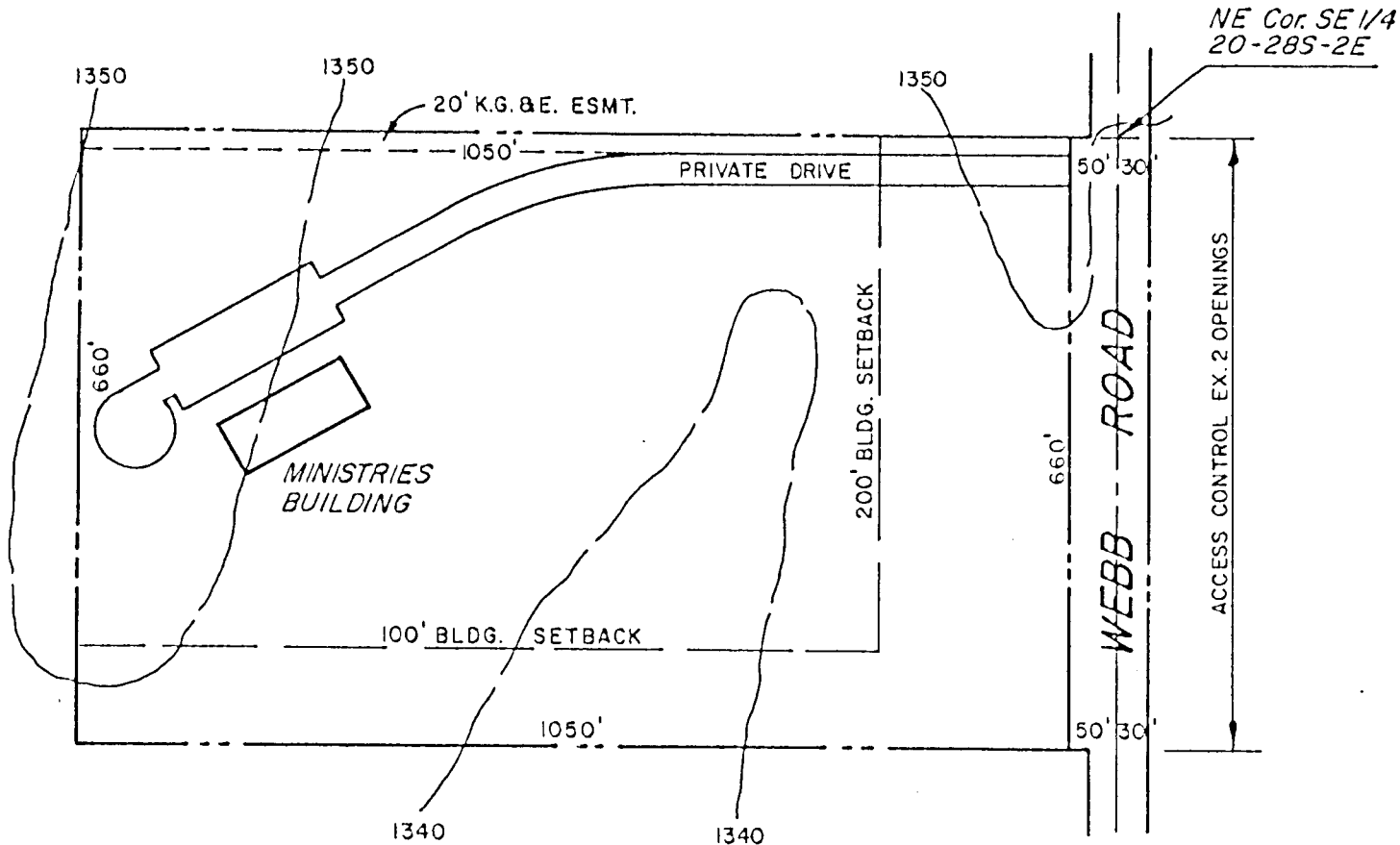
On August 24, 1994, the Board of County Commissioners considered the above-captioned conditional use permit case. The action taken by the Board was to deny the request. The case has been marked closed.

Should you have any questions, please call me at 268-4421.

Sincerely

Kevin Kokes
Associate Planner

cc: Michael D. Herd; Curfman, Harris, Rose, Weltz, Metzger & Smith; 800 First
National Bank Bldg.; Wichita, KS 67202
Morris Dunlap, 3611 N. Broadway, Wichita, KS 67219
800 First National Bank Bldg., Wichita, KS 67202
Ron Reeves, 5001 W Webb Rd, Derby, KS 67037
Joe Carmichael, 2911 E. Douglas, Wichita, KS 67211
Teresa Kendall, 9330 Prairie Meadow, Derby, KS 67037
Sherri Anderson, 1430 E. James, Derby, KS 67037
Forest Nagley, 611 Mulberry, Derby, KS 67037
Sheri Degarmo, Sedgwick County Code Enforcement
Scott Pike, Sedgwick County Code Enforcement



PROPOSED USE - MINISTRIES BUILDING THAT WILL INCLUDE
A CHAPEL, RELATED OFFICES FOR THE LAY
BIBLE TRAINERS AND STAFF,
AUDIO/VISUAL, REPRODUCTION OF
SERVICES, BIBLE TRAINING MATERIAL AND
HEALTH AND NUTRITION TRAINING AREAS.

MAXIMUM NUMBER OF EMPLOYEES - 12
MAXIMUM BUILDING HEIGHT - 35 FEET
MAXIMUM NUMBER OF BUILDINGS - ONE



NOV., 1988

STEPS TO LIFE, INC.

CONDITIONAL USE



AGENDA ITEM NO. 5

STAFF REPORT

May 5, 1994

CASE NUMBER: CU-369

APPLICANT/AGENT: Steps to Life, Inc.

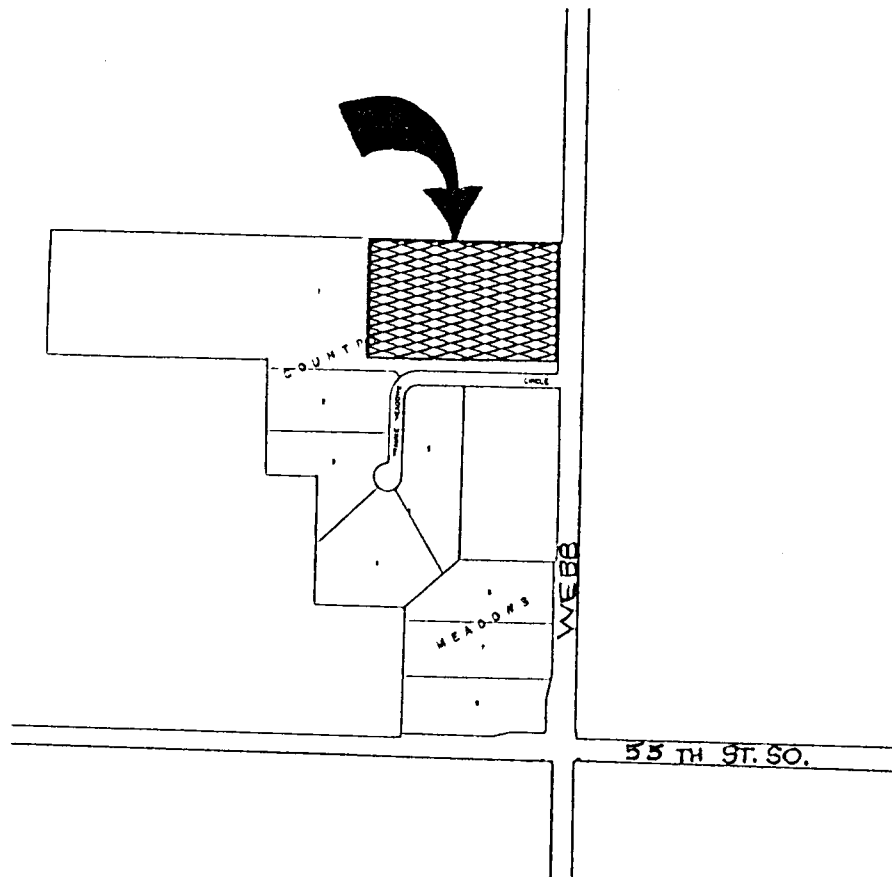
REQUEST: Amend an existing conditional use permit

CURRENT ZONING: "R-1"

SITE SIZE: 15.9 acres

LOCATION: Approximately 1/2 mile north of 55th Street South on the west side of Webb Road.

PROPOSED USE: Amend an existing conditional use to permit to allow the following uses: 1) elementary school instruction, 2) increase the maximum number of employees from 12 to 24 and 3) installation of an antenna.



BACKGROUND: The applicant is requesting an amendment to an existing Conditional Use permit to allow the following circumstances:

1. Increase the number of employees from 12 to 24.
2. Offer elementary school education to children of the church within the present building facilities, not to exceed 28 students.
3. Installation of an antenna to be used for satellite broadcasting "Exhibit A," attached, contains the applicants complete request.

The application area is a 15.9 acre site zoned "R-1" Suburban Residential, generally located 1/2 mile north of 55th Street South and west of Webb Road, developed with a single building. The site is part of Lot 1, Country Meadows subdivision.

Surrounding land uses are either large lot residential or agricultural and zoned "R," Rural Residential. There appear to be seven residences within the area, ranging 900 to 1,800 feet in distance from the existing building on the site.

CASE HISTORY: This site was granted Conditional Use (CU-318) in 1989. CU-318 contained nine conditions and permitted the following uses:

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. Building construction on the site shall be limited to one building not exceeding 35 feet in height and shall not contain more than 28,000 square feet of gross floor area. The one building shall not be located closer to the center line of Webb Road than 250 feet and shall not be located within 100 feet of the south line of the application area. The number of employees permitted to work at the religious/educational facility at one time shall not exceed 12 with the number of students permitted to receive training on the site at one time shall not exceed 28.

The application area is part of Country Meadows subdivision, an 85.4 acre plat approved in 1989 which contains 8 lots.

ADJACENT ZONING AND LAND USE:

NORTH:	"R" Rural Residential	Large lot residential and agricultural
SOUTH:	"R" Rural Residential	Large lot residential and agricultural
EAST:	"R" Rural Residential	Large lot residential and agricultural
WEST:	"R" Rural Residential	Large lot residential and agricultural

PUBLIC SERVICES: The site is served by Webb Road, a two lane sand and gravel section line with 50 feet of half-street right-of-way along the applicant's property. In this location, Webb is not designated as an arterial and is maintained by Gypsum Township.

The Steps to Life chapel is currently served by on-site sewer and water facilities. Rural Water District No. 3 has a line running along Webb Road.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan depicts this area as "agricultural." This site is located just west of one of the areas designated as "Suburban." As indicated in the Comprehensive Plan, the agricultural designation was developed to promote and protect agricultural land and discourage urban level development from occurring. Besides agricultural and large-lot (recommended 20 acres) or cluster residential subdivisions, other recommended uses in agriculturally designated areas are basic convenience and service-oriented commercial to serve rural residents and highway users. However, the initial conditional use was approved two and one-half years before the current plan was adopted.

RECOMMENDATION: On April 21, 1994, the Derby Planning Commission recommended that this request be DENIED. Concerns expressed at the Derby meeting included the level of traffic on both 55th Street South and Webb Road, a concern for area property values, and increased commercial uses of the church property which are inappropriate for the area which is zoned "R-1" Suburban Residential.

MAPD staff recommends the request be APPROVED, subject to the following conditions:

1. CU-318 be null and void, with those conditions being replaced by the conditions established in this case.
2. In addition to the use of the building as a church, the use of the building is limited to the preparation of written and audiovisual religious educational materials, Bible and related health and nutrition training and elementary education activities. Approval of these uses does not authorize a church related campground.
3. 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.
4. All applicable permits and reviews shall be obtained for any water wells proposed, and those wells shall be installed, constructed and operated to standards established by KDHE and the Wichita-Sedgwick County Health Department.

5. Building construction on the site shall be limited to one building not exceeding 35 feet in height, and shall not contain more than 28,000 square feet of gross floor area.
6. Development will be in general conformance to the site plan submitted by the applicants. 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. One antenna not exceeding 35 feet in height for satellite broadcasting is permitted, provided it is located in approximately the same location as indicated by the site plan submitted by the applicant. The location being approximately 200 feet west of the northwest corner of the existing building and approximately 200 feet south of the north property line.
8. The number of employees permitted to work at the religious/educational facility at one time shall not exceed 24.
9. The number of students at one time permitted to receive training on the subject site shall not exceed 28.
10. The applicant shall comply with all applicable regulations of the FCC.
11. Prior to the publication of the resolution effectuating the conditional use, the applicant shall submit 4 copies of a landscape plan for approval by the Planning Department denoting the location, types and size of plant materials to be utilized for screening for the antenna along the north, west, and south boundaries of the property. Said plant materials shall be placed as indicated on the approved plan in the first planting season after the extraction operation commences and their planting and maintenance shall be the responsibility of the owner.
12. Any violation of these conditions shall declare the conditional use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is located in a largely rural area of the county best described as a mixture of agricultural and residential uses. At least six homes on large lots are located within 2,000 feet of the site. The potential exists for at least five more homes due to the undeveloped lots contained in Country Meadows subdivision. All properties surrounding the application area are zoned "R" Rural Residential.

Initially the applicant's request for permission to establish an elementary school, to add 12 additional employees and to place a satellite transmission antenna, appears to be inconsistent with the surrounding rural character of the neighborhood. Most typical rural uses probably do not need 24 employees, nor a satellite transmission antenna. However, the religious instructional facility already exists, is situated on a large lot, and a public school could be located on the site, as a use by right, without the current limitation on the number of students or employees. Radio and television transmitters are allowed as conditional uses in both the "R" Rural Residential and "R-1" Suburban Residential districts. The applicant's site is zoned "R-1." The satellite transmission antenna proposed for this site is 32 feet 9 inches in height, which is under the allowed 35 foot height limit. The topography of the site and the location selected for the antenna would screen the antenna from the east, but not necessarily from the other directions.

Given these facts, the request to allow elementary instruction for the same number of children for which they are currently restricted, to increase the number of employees to 24 and place an antenna on the site may be reasonable. However the point could be raised that what was once a church with limited educational activities needing only a small number of employees is transforming into more of a commercial audiovisual production and broadcast studio that may not be consistent with its rural surroundings. The code first allows "broadcasting or recording studios without transmitting towers" as a permitted use in the "OC" Office Commercial district.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned "R-1" Suburban Residential, with a conditional use that allows for a church building that may be used to prepare written and audiovisual religious educational materials; one 28,000 square foot building; and no more than 12 full time employees and 28 students. The "R-1" district allows, "by-right:" agriculture, one-family dwellings, churches and related church school facilities, gas and oil exploration, golf courses, public schools and private schools if the curriculum is equivalent to a public school. Radio and television antennas are allowed as a "conditional use." Based on the information provided to date, it appears that the property is suited for the uses for which it has been restricted in as much as the facility is currently operating. The question appears to center on what is the appropriate scale for this facility (e.g. 12 versus 24 employees, religious instruction versus elementary school instruction to the same number of students, and the addition of the antenna versus no antenna). The site is 15.9 acres in size and is adequate for the uses requested. Sewer and water service exists on the site in the form of a lagoon and a private water well. Webb Road is an unpaved road probably not able to handle excessive amounts of trips without additional maintenance or improvement, but the applicant's proposal should not generate enough traffic by itself to negatively impact the roadway.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: No evidence exists at this point to indicate that 12 additional employees, creating a minimum of 24 extra trips a day (assuming that each employee drove a vehicle), would negatively impact the roadway or adjoining property owners. That number of trips could occur naturally as the area develops. There should not be any impact on nearby property in adding elementary school instruction for the same number of children. Assuming the antenna does not interfere with reception of nearby property owners, the antenna's impact is primarily visual.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: A key issue here is whether the antenna will cause disruption to radio or television reception to nearby owners, and the visual impact of a 32 foot antenna in a rural setting. Based upon current information the current request does not appear to significantly impact public health, safety or welfare.

5. Conformance of the requested change to adopted or recognized Plans/Policies: If the facility were not in existence now this request might not be viewed as being in conformance with adopted plans as this area is shown as agricultural. This use has little to do with agricultural uses and normally agricultural uses do not need 24 employees. However, the facility was approved nearly two and one-half years prior to the adoption of the current comprehensive plan. Antennas and school facilities are uses which may be allowed in rural settings under the county zoning code. Further, the MAPC has an informal policy of generally supporting the expansion of existing enterprises.

6. Impact of the proposed development on community facilities: Other than possible increased maintenance of Webb Road, this applicant's request will have minimal impact on community facilities.