

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR A CHURCH ON APPROXIMATELY 11 ACRES LOCATED ON THE NORTHEAST OF K-254 AND WEBB ROAD ON PROPERTY ZONED "RR" RURAL RESIDENTIAL, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

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 V-D of the Wichita Sedgwick County Unified Zoning Code, a conditional use for the land legally described herein is approved as follows:

Case No. CON2002-00052

A Conditional Use for a Church on property described as:

Lot 1, Block A, Goshen Christian Center Addition, Sedgwick County, Kansas. Located on the northeast corner of K-254 and Webb Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The church will comply with the Sedgwick County standards for water service for the church's use.
2. The surface required for the roads used by the church for access to the site will be an asphalt, concrete or a surface approved by Sedgwick County Code Enforcement Department prior to operations commencing on the site.
3. The surface of the parking lots shall be concrete, asphalt, or an all weather surface as recommended and approved by the Sedgwick County Code Enforcement Department prior to operations commencing on the site.
4. The church will comply with the Sedgwick County and KDHE standards for a lagoon for the church's use prior to operations commencing on the site.
5. Signage shall be one monument type sign, with indirect lighting, no electrical message boards, no taller than 15-feet from the ground level to the top of the sign, shall be no more than 12-square feet in area and made of similar materials as the church. Signage on the church confined to one on the principal south wall of the church, with indirect lighting, no electrical message boards, with individual letters no larger than 2-feet (x) 2-feet. Signage shall be shown on the revised site plan.
6. Landscaping will consist of a 30-foot wide landscape buffer along the north side of the site with evergreen trees, a minimum of 5-feet tall planted every 30-feet. Along the 61st Street North frontage, where the parking lot is located there shall be a 10-foot landscape buffer with trees every 50-feet. Along the east and west side parking lots, running parallel to their west and east sides trees will be planted every 50-feet within a 10-foot landscape buffer.
7. Development shall be substantially in conformance with a revised Site Plan and Landscape Plan.
8. As long as that portion of the property where the house and garage are located is operated as a residence and not as part of the church itself or some facility associated with the church its drive will remain open. If its use shifts from being single family residential and its use becomes associated with the church the drive will be closed.
9. Pole lighting shall be no taller than 15-feet in height and shall be directed onto the church property and away from the residence on the site's north side.
10. The church shall agree to hook up to water and sewer when these services become available.
11. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

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

Commissioners present and voting were:

DAVE UNRUH	<u>Age</u>
TIM R. NORTON	<u>Age</u>
THOMAS G. WINTERS	<u>Age</u>
CAROLYN MCGINN	<u>Age</u>
BEN SCIORTINO	<u>Age</u>

DATED this 26th day of May, 2004

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, Chairman
Third District

ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor



Bill

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Milt Mounts, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for

1 consecutive issues - weeks, that the first publication of said notice was

made as aforesaid on the 14th day, of

November A.D. 2002, with

subsequent publications being made on the following dates:

And affiant further says that _____ he has personal knowledge of the statements above set forth and that they are true.

[Handwritten signature]

Subscribed and sworn to before me this

14th Day of November, 2002

[Handwritten signature]
Notary Public Sedgwick County, Kansas

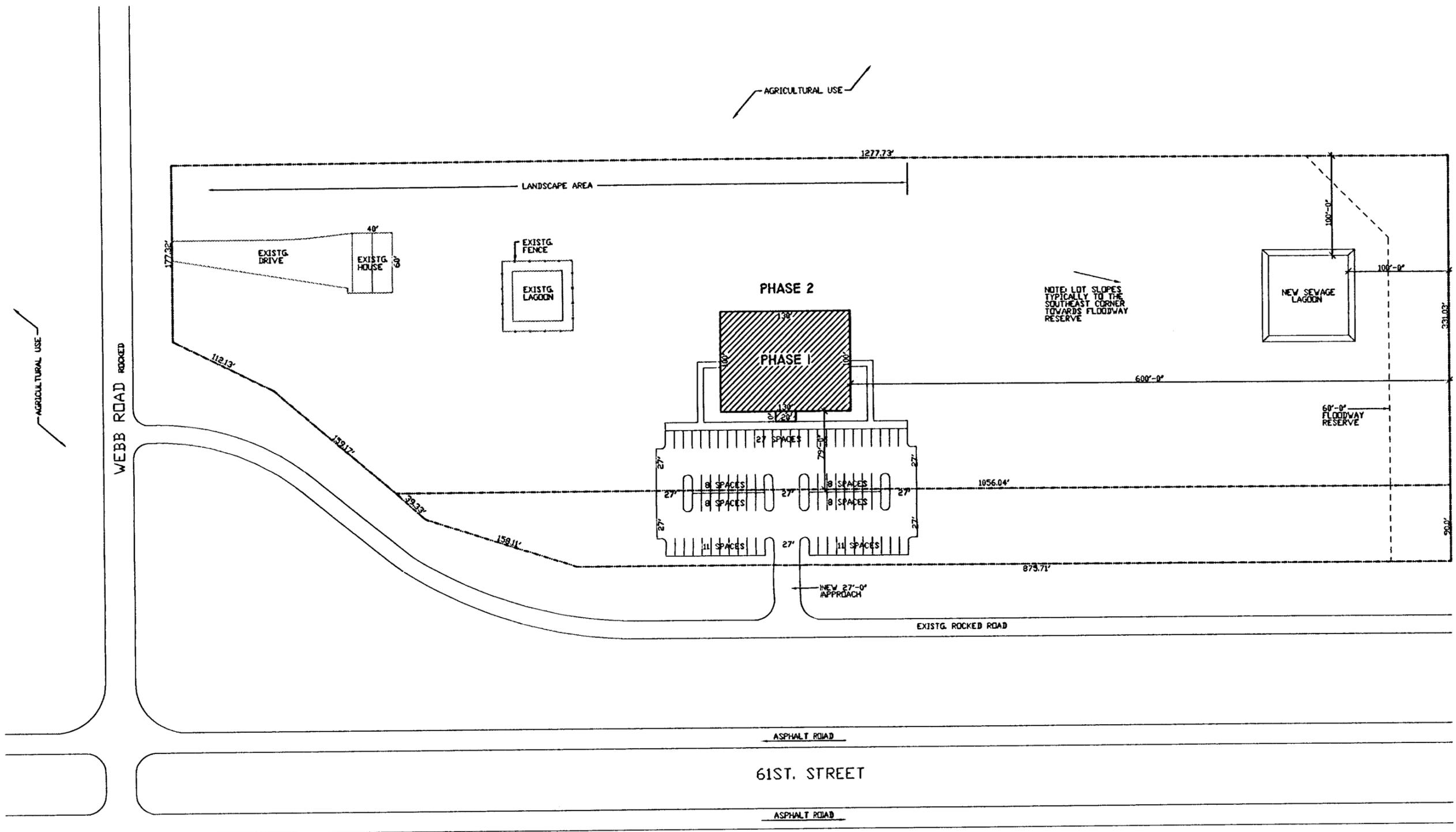
NORMA J. HOCH
NOTARY PUBLIC
STATE OF KANSAS
My Appointment Expires August 12, 2006

Printer's Fee **\$27.20**

LEGAL PUBLICATION
CW
Published in The Wichita Eagle
November 14, 2002 (#1748762)
MAPC PUBLIC HEARING NOTICE
NOTICE IS HEREBY GIVEN that on **Thursday, December 5, 2002, at 1:30 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 N. Main St., Wichita, Kansas will consider the following applications and heard no earlier than 1:30 p.m.
CON2002-00052 - Sedgwick County Conditional Use for church on property zoned "RR" Rural Residential. Generally located on the northeast corner of K-254 (61st Street North) and Webb Road.
ZON2002-00063 - Zone change from "GO" General Office to "LC" Limited Commercial and amendment to Protective Overlay 49. Generally located on the northwest corner of Maize Road and Central Park.
Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, Wichita City Hall - 10th Floor. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.
WITNESS MY HAND this 8th DAY OF NOVEMBER.
Dale Miller, Assistant Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

RECEIVED
NOV 21 2002
METROPOLITAN PLANNING
ROUTE

[Handwritten scribble]



AGRICULTURAL USE

PHASE 2

PHASE 1

NOTE: LOT SLOPES TYPICALLY TO THE SOUTHEAST CORNER TOWARDS FLOODWAY RESERVE

ASPHALT ROAD

61ST. STREET

ASPHALT ROAD

PROPOSED PHASE I SITE LAYOUT PLAN

1" = 50'-0"



PHASE I
 300 SEAT SANCTUARY
 81 PARKING STALLS

LEGAL DESCRIPTION
 BEG 1989.16 FT S NW COR SW1/4
 E 1927.73 FT S 331.03 FT W
 1327.91 FT N 331.52 FT TO BEG
 EXC W 50 FT FOR RD & EXC PT DEEDED
 FOR STATE HIGHWAY
 SEC 9-26-2E

PRINTS ISSUED		

REVISIONS		



DON FOLGER JR. & ASSOCIATES
 ARCHITECTURE PLANNING
 CONSTRUCTION MANAGEMENT

234 & TOPEKA WICHITA, KS
 67202 (316) 269-2414

PROPOSED SITE
GOSHEN CHRISTIAN CENTER
 6250 NORTH WEBB ROAD
 WICHITA, KANSAS

DRAWN	CHECKED
SHEET TITLE	
SHEET NUMBER	
JOB NO.	02047



AGENDA ITEM NO. 7

STAFF REPORT

MAPC – January 23, 2003

CASE NUMBER: CON2002-00052

APPLICANT/OWNER: John G Wylie
Goshen Christian Center c/o Pastor Larry Barber
(contract purchase)

AGENT: Don Folger Jr. & Associates / Don Folger

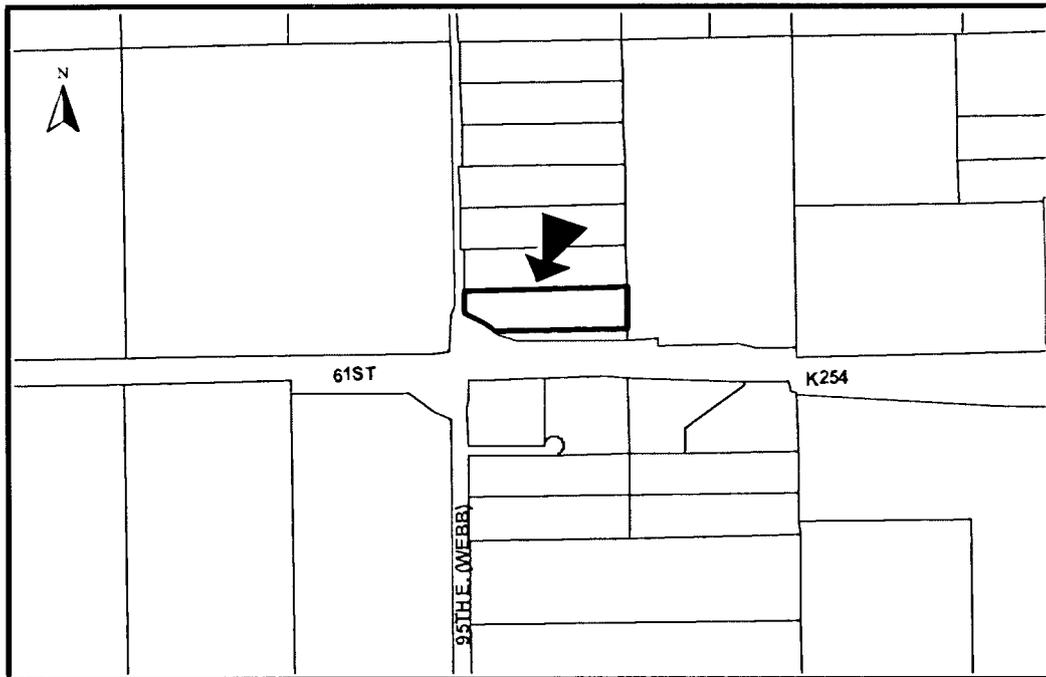
REQUEST: Conditional Use for a Church

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10- acres

LOCATION: Northeast of the 61st Street North – Webb Road/K-254
Intersection

PROPOSED USES: Church



BACKGROUND: The applicant is requesting consideration for a Conditional Use to allow a church on property zoned "RR" Rural Residential. The unplatted 10-acre site is located northeast of the 61st Street North and the Webb Road intersection. The applicant proposes to develop the church in three phases and has provided site plans showing these three phases of development. Churches are permitted by right in all residential zoning districts, except the "RR" zoning district where a Conditional Use is required.

The site plans' three phases of development for the church shows the initial development of a 13,000-square foot church building with a proposed 500 seats, the proposed parking layout with 81 parking stalls, access to the church and the location of a proposed lagoon. The existing house and garage with its access is also shown. The applicant proposes to use the house and garage for storage and possibly a parsonage. The second phase shows the addition of two 320-square foot wings on the west and east sides and additional parking. The third and final phase shows the addition of a 10,400-square foot extension, located towards the north side of the site and additional parking. The additional parking wrap around the east and west sides of the church and goes towards the north end of the site; towards an existing residence. A landscape area is called out on the site plan, but no details are given. No signage, lights or elevation of the church are shown.

The subject property is in Sedgwick County, is outside the 2030 urban service area and outside two small city's zoning area of influence. The site's current use is agricultural and is mixture of wild grasses. The site and the surrounding area is zoned "RR" Rural Residential. There is a 10-acre tract with a residence on it abutting the north end of the site. There are five more 10-acre tracts with residences on them north of the abutting site. The areas to the east and west are being used for crops (west) and cattle (east). South of the site, across 61st Street North/K-254 there are some scattered large lot single-family residences and more agricultural land.

CASE HISTORY: The unplatted tract currently has a garage on it.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Large lot residential & Agriculture
EAST:	"RR" Rural Residential	Agriculture - cattle
SOUTH:	"RR" Rural Residential	Large lot residential & Agriculture
WEST:	"RR" Rural Residential	Agriculture

PUBLIC SERVICES: Webb Road north of the 61st Street North/K-254 intersection is an unpaved Payne Township road. Webb Road/K-254 is a 4-lane expressway. The 2030 Transportation Plan shows no change in status for these roads. The traffic count at

this intersection is 10,500 average trips per day on 61st Street North/K-254, east and west of the intersection. There is no water or sewer available for the site. Electricity is available for the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as Rural. This category encompasses land outside the 30-year Wichita urban service boundary and the small city growth areas. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses and large lot residential uses. The Unified Zoning Code requires a Conditional Use for churches in the "RR" Rural Residential zoning district.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED subject to a platting within a year and with the following conditions.

1. The church will comply with the Sedgwick County standards for water service for the church's use.
2. The surface required for the roads used by the church for access to the site will be an asphalt, concrete or a surface approved by Sedgwick Count Code Enforcement Department prior to operations commencing on the site.
3. The surface of the parking lots shall be concrete, asphalt, or an all weather surface as recommended and approved by the Sedgwick County Code Enforcement Department prior to operations commencing on the site.
4. The church will comply with the Sedgwick County and KDHE standards for a lagoon for the church's use prior to operations commencing on the site.
5. Signage shall be one monument type sign, with indirect lighting, no electrical message boards, no taller than 15-feet from the ground level to the top of the sign, shall be no more than 12-square feet in area and made of similar materials as the church. Signage on the church confined to one on the principal south wall of the church, with indirect lighting, no electrical message boards, with individual letters no larger than 2-feet (x) 2-feet. Signage shall be shown on the revised site plan.
6. Landscaping will consist of a 30-foot wide landscape buffer along the north side of the site with evergreen trees, a minimum of 5-feet tall planted every 30-feet. Along the 61st Street North frontage, where the parking lot is located there shall be a 10-foot landscape buffer with trees every 50-feet. Along the east and west side parking lots, running parallel to their west and east sides trees will be planted every 50-feet within a 10-foot landscape buffer.
7. Development shall be substantially in conformance with a revised Site Plan and Landscape Plan.
8. The drive to the garage & house off of Webb Road will be closed when the access to the church is developed. One point of access onto the frontage road on the south side of the church site, full access control on the Webb Road frontage, both to shown on the plat.
9. Pole lighting shall be no taller than 15-feet in height and shall be directed onto the church property and away form the residence on the site's north side.

10. The church shall agree to hook up to water and sewer when these services become available.
11. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the surrounding area is zoned "RR" Rural Residential. The immediate surrounding area is developed as agricultural with scattered single-family residence.
2. The suitability of the subject property for the uses to which it has been restricted: The site is agricultural in character with the approximately 10-acres in wild grasses. The site could continue to be used as it is or developed as residential with well and a lagoon. Because there are no plans for water and sewer service to be provided to this area large lot residential subdivisions are unlikely at this time or in the future.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Comprehensive Plan identifies the best use for this area as agricultural or similar compatible land use, which a church could be with the conditions required for this request. The request for a church on "RR" Rural Residential zoning is a Conditional Use per the Unified Zoning Code.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be significant. There will be increase in traffic on the site that will require paving of the frontage road up to the entrance into the church and that portion of Webb where it comes off of 61st Street North and intersects the frontage road.