



Wichita-Sedgwick County Metropolitan Area Planning Department

January 8, 2007

St. Albans Episcopal Church
7230 E. 29th St., North
Wichita, KS 67226

RE: CON2006-49 - Conditional Use for personal improvement service (an art school) in "GO" General Office zoning, generally located north of 29th Street North and east of Gouverneur (7230 E 29th Street N), associated with ZON2006-37

Dear Ladies and Gentlemen:

At its regular meeting on November 16, 2006, 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 'Jess McNeely'.

Jess McNeely, AICP
Senior Planner
Current Plans Division

DM/mc
Enclosure

Cc: PEC, P.A., Attn: Robert Hartman, 303 S. Topeka, Wichita, KS 67202
Carl Brewer, WCC I, Mail Stop 1-13
Virдена Gilkey, NA WCC I, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2006-00049

WHEREAS, St. Albans Episcopal Church (applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Personal Improvement Service on 2.1 acres zoned “GO” General Office described as:

Lot 13, Block 2, Cottonwood Village 6th Addition to Wichita, Sedgwick County, Kansas. Generally located north of 29th Street North and east of Gouverneur (7230 E 29th Street N).

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 November 16, 2006, 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 Personal Improvement Service on 2.1 acres zoned “GO” General Office described as:

Lot 13, Block 2, Cottonwood Village 6th Addition to Wichita, Sedgwick County, Kansas. Generally located north of 29th Street North and east of Gouverneur (7230 E 29th Street N).

Approved subject to the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
3. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.


Adopted this 4th DAY of January, 2007.

METROPOLITAN AREA PLANNING COMMISSION



Darrell Downing, Chair MAPC

ATTEST:



John L. Schlegel, Secretary



FILE COPY

AGENDA ITEM NO. _____



STAFF REPORT

MAPC, November 16, 2006

CASE NUMBER: CON2006-49

APPLICANT/AGENT: St Albans Episcopal Church (applicant), PEC c/o Rob Hartman (agent)

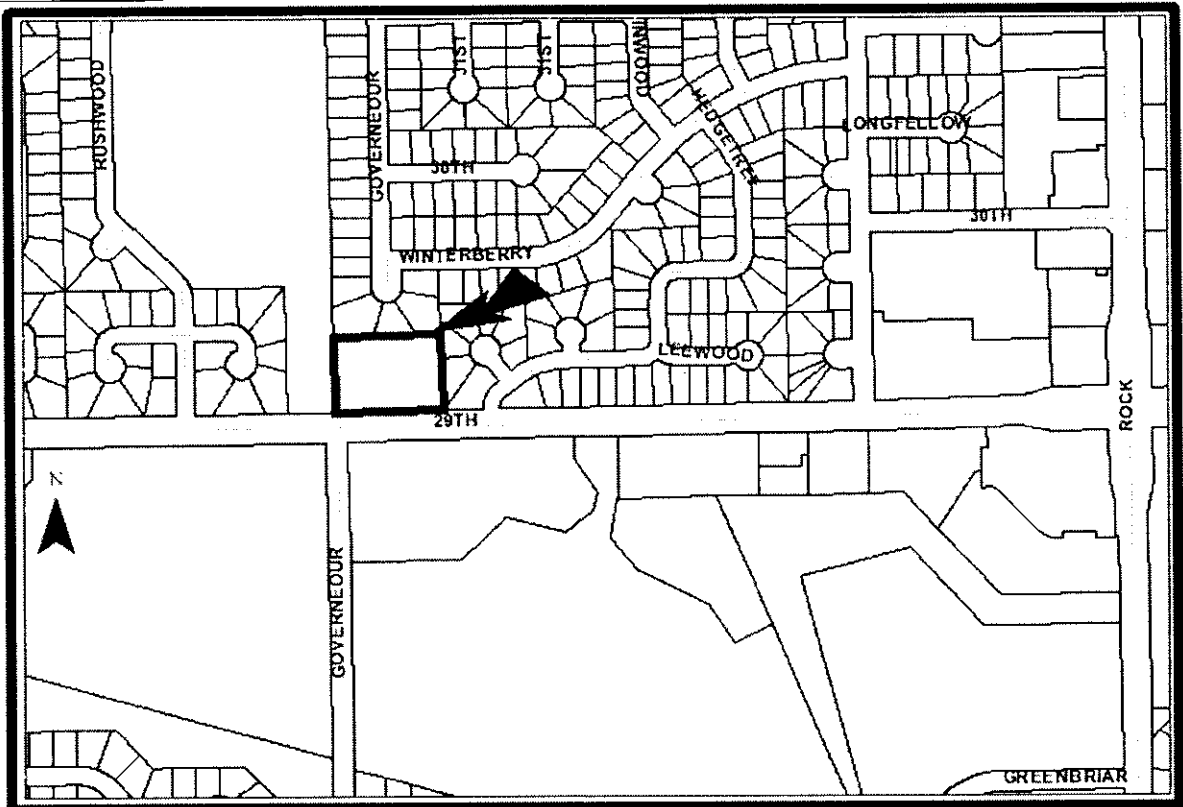
REQUEST: Conditional Use for Personal Improvement Service in "GO" General Office zoning

CURRENT ZONING: approved for "GO" General Office with a Protective Overlay

SITE SIZE: 2.1 acres

LOCATION: North of 29th Street North and east of Gouverneur (7230 E 29th Street North)

PROPOSED USE: Children's art school



BACKGROUND: The applicant was approved for a zone change to "GO" General Office at the Wichita City Council on November 7, 2006. The zone change was subject to a Protective Overlay limiting the site to uses permitted in the "NO" Neighborhood Office zoning district, and Personal Improvement Service. The applicant now requests a Conditional Use for a Personal Improvement Service (a children's art school) in GO zoning. The application area is a former church site on a 2.1-acre platted lot, located north of 29th Street North and east of the Gouverneur intersection.

The immediate surrounding area is zoned SF-5 and developed with single-family residences to the north and east. West of the site is an elementary school and single-family residences. Southwest of the site, across 29th Street, is an SF-5 zoned apartment complex, part of the DP-73 Residential CUP. Southeast of the site is an SF-5 zoned nursing home, also a part of DP-73. GO zoned property exists 560 feet east of the site, on the south side of 29th Street. The western lots of this GO property are vacant; one lot is developed with a medical office use. This GO property is part of the greater CUP DP 108, which includes "LC" Limited Commercial zoned property at the Rock intersection. Three of the four corners at the Rock/29th intersection are developed with LC zoned CUPs.

CASE HISTORY: The subject property was platted as Lot 13, Block 2, Cottonwood Village Addition in 1985.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residential
SOUTH:	"SF-5", DP-73	Multi-family residential, nursing home
EAST:	"SF-5"	Single-family residential
WEST:	"SF-5"	Elementary school, single-family residential

PUBLIC SERVICES: The subject property has frontage along 29th Street North, a four-lane arterial street with a 50-foot half-street right-of-way (ROW). The south side of 29th has an additional turn lane at the Gouverneur intersection. All other typical municipal services are available. The application area has a 40-foot pipeline easement running north-south through the property.

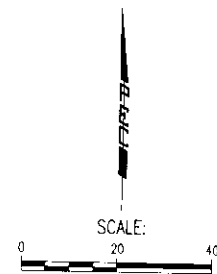
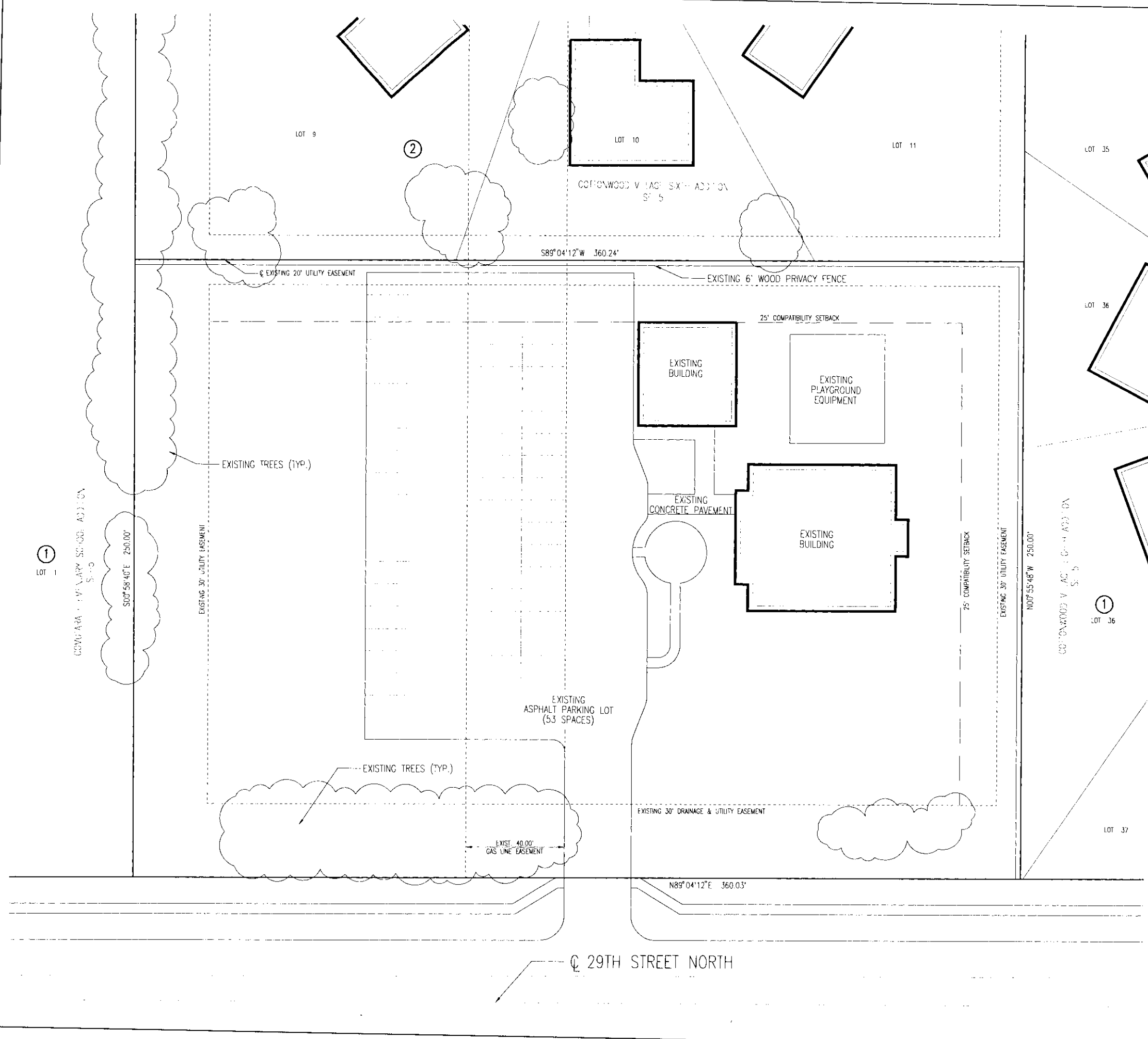
CONFORMANCE TO PLANS/POLICIES: The Wichita Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Major Institutional" use, consistent with the church on the site. However, the site was recently approved for GO zoning.

RECOMMENDATION: The recent zone change request was discussed in public hearings at both DAB I and MAPC. At those hearings, the contract purchaser discussed the desire to locate a children's art school at this site. Several neighbors spoke against the zone change, with concerns regarding more intensive land uses permitted under GO zoning. However, general consensus at both public hearings was that the former church would be appropriate for a children's art school.

Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is zoned "SF-5" Single-family residential. Abutting property to the north and east are single-family residences, an elementary school exists to the west, apartments and a nursing home exist to the south. The proposed Personal Improvement Service should not be out of character with the surrounding zoning or land uses.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property approved for "GO" General Office zoning with a Protective Overlay limiting uses on the site to those permitted in NO zoning and Personal Improvement Service. The property could be developed as zoned; however, the recent zone change was approved specifically anticipating the requested Personal Improvement Service.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site has been used until recently as a church, and neighboring property to the west is an elementary school. The use of the site for a Personal Improvement Service should not be significantly more intense than the former church use, and should not have a detrimental effect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Major Institutional" use, consistent with the former church on the site. However, the site was recently approved for GO zoning with a Protective Overlay.
5. Impact of the proposed development on community facilities: none anticipated above the impact of the former church on the site.



CONDITIONAL USE

TO PERMIT PERSONAL IMPROVEMENT SERVICES AND ALL USES PERMITTED IN NEIGHBORHOOD OFFICE (N.O.) ZONING DISTRICT, IN THE G.O. ZONING DISTRICT. ALL BUILDINGS, PARKING AND DRIVES SHOWN ON THE SITE PLAN ARE EXISTING.

ACCESS - ACCESS TO 29TH STREET NORTH SHALL BE LIMITED TO ONE OPENING.

BUFFERS - PER CITY LANDSCAPE ORDINANCE.

LEGAL DESCRIPTION

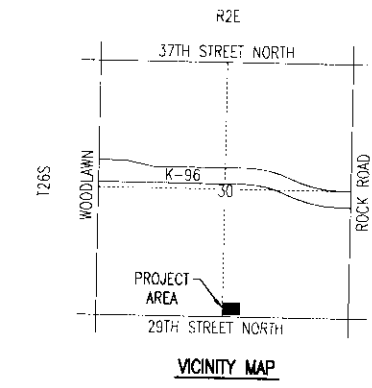
LOT 13, BLOCK 2, COTTONWOOD VILLAGE SIXTH ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. (2.1 ACRES MORE OR LESS.)

APPLICANT

ST. ALBAN'S EPISCOPAL CHURCH
4230 E. 29TH STREET NORTH
WICHITA, KS 67226

PREPARED BY

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
303 S. TOPEKA
WICHITA, KS 67202



No.	Revision	By	Date
CONDITIONAL USE SITE PLAN			
LOT 13, BLOCK 2 COTTONWOOD VILLAGE SIXTH ADDITION			
Professional Engineering Consultants, P.A. 303 S. TOPEKA • WICHITA, KANSAS 67202 316-262-2691 • FAX 316-262-3003			
Designed by	RMH, IDK	Job No.	06486-3027
Drawn by	IDK	Date	OCT. 9, 2006
			Sht. 1 of 1



10/10/06 10:59:25 AM 25440 AM BY JK
 C:\3001\10480\10480.dwg