

**EXCERPT MINUTES OF THE APRIL 5, 2012 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

Case No.: ZON2012-06 – South Broadway Baptist Church (Chris Bray, Ernest Feeler)/Ruggles & Bohm, P.A. (Will Clevenger, Agent) request a County zone change from RR Rural Residential to SF-20 Single-Family Residential on property described as:

The South 10 acres of the Northwest Quarter of the Southwest Quarter of Section 9, Township 29, Range 1 East of the Principle Meridian, Sedgwick County, Kansas.

BACKGROUND: The applicant, South Broadway Baptist Church, owns 9.78 acres of unplatted land located 1,500 feet north of East 87th Street South, east of South Broadway Avenue. The applicant’s acreage has split zoning; the approximate northern 209 feet are zoned RR Rural Residential (“RR”) while the approximate southern 121 feet are zoned SF-20 Single-family Residential (“SF-20”). The site is partially developed with a church. The *Wichita-Sedgwick County Unified Zoning Code* (“UZC”) permits a “church or place of worship” by right in the SF-20 district, but requires Conditional Use approval in the RR district. The applicant is seeking to rezone the RR zoned portion of the church’s ownership to SF-20, thereby providing uniform SF-20 zoning on all of the church’s property and eliminate any potential claim the church is a nonconforming use.

Property to the north is zoned SF-20 (SCZ-0599, 1989) and developed as a single-family residential neighborhood, and platted as the Stillwater Addition (Haysville platting jurisdiction). Property located immediately east of the application area is 2.99 acres in size with split zoning identical to the applicant’s property (RR and SF-20), and is used for farming and ranching, with improvements. Land located immediately south of the application area is the approximate southern one-third of the applicant’s 9.78-acre ownership, and is zoned SF-20. Property located south of the applicant’s ownership is zoned also SF-20, and is developed with single-family residences on lots or tracts ranging in size from 12.46 acres to .36 acre. Land located to the west, across Broadway, is zoned SF-20; some of which is platted and some is not. Lot or tract size for property west of Broadway ranges from 5.69 acres (an unplatted tract located immediately west of the application area) to .37 acres (Dennis Addition located along West 85th Street South).

CASE HISTORY: Staff was unable to find any previous cases dealing with the application area.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20, Single-family Residential; single-family residences
SOUTH: SF-20, Single-family Residential; church, single-family residences
EAST: SF-20, Single-family Residential and RR Rural Residential; farming and ranching with improvements
WEST: SF-20; farming and ranching with improvements, single-family residences

PUBLIC SERVICES: The applicant’s property has approximately 330 feet of frontage along South Broadway Avenue with 30 feet of half-street right-of-way. It appears the standard half-street right-of-way width for South Broadway is sixty feet. It also appears there are not any public sewer or water services adjacent to the site.

CONFORMANCE TO PLANS/POLICIES: The proposed January 2012 final draft of the *South Broadway Corridor Plan* depicts this site as appropriate for “Neighborhood Mixed Use.” The Neighborhood Mixed Use designation includes a mix of residential types and small-scale commercial and

institutional use that are typically meant to serve the need of the surrounding neighborhood, but does not allow drive-thru businesses like banks, restaurants or car washes. The property is located within the City of Haysville's Zoning Area of Influence and subdivision jurisdiction. The zone change is scheduled for hearing by Haysville's Planning Commission on March 22, 2012. Platting, if required, will have to be scheduled through the City of Haysville. The site is located within Haysville's 2030 Urban Growth Area, as depicted on the Wichita and Small Cities 2030 Urban Growth Areas map.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property located to the immediate north and south of the application area is zoned SF-20. Property located to the east is split zoned like the subject tract with both RR and SF-20 zoning. Much of the land in the greater neighborhood has been divided into lots or tracts smaller than the subject site and developed with single-family residential uses. There are still some tracts used for farming or ranching. The area has a suburban character, and has, for a considerable time, seen a significant proportion of the neighborhood gradually convert from farming and ranching activities to large-lot residential uses. The casino, located further south, has or will likely add to the continued intensification of uses in the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is split zoned, RR and SF-20, and developed with a church or place of worship. The RR district requires Conditional Use approval for a church. Approval of the SF-20 request would clear up any questions of non-conforming use, and make the applicant's entire ownership one zoning. Property located on all four sides of the subject tract is zoned SF-20. The requested zone change would allow the subject site to match zoning with the overwhelming majority of the zoning on abutting property and be more suitably zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Since most of the land adjoining the site is zoned SF-20, the requested SF-20 zoning should not detrimentally impact nearby property.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial could leave non-conforming use questions in place and make it difficult for the property to be sold (if sold for church use). Approval should not damage the public's health or safety.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed January 2012 final draft of the *South Broadway Corridor Plan* depicts this site as appropriate for "Neighborhood Mixed Use." The Neighborhood Mixed Use designation includes a mix of residential types and small-scale commercial and institutional use that are typically meant to serve the need of the surrounding neighborhood, but does not allow drive-thru businesses like banks, restaurants or car washes. The property is located within the City of Haysville's Zoning Area of Influence and subdivision jurisdiction. The site is located within Haysville's 2030 Urban Growth Area, as depicted on the Wichita and Small Cities 2030 Urban Growth Areas map.

6. Impact of the proposed development on community facilities: Existing facilities or those that can be obtained through the platting and/or permitting process will be able to meet expected demands generated by this request.

DALE MILLER, Planning Staff presented the Staff Report.

MITCHELL said staff recommendation requires platting within 1 year. He asked about additional right-of-way along Broadway Avenue.

MILLER commented that the area is located within the Hayesville subdivision jurisdiction and unless there are questions, that is not anything Planning Staff would review.

WILL CLEVINGER, RUGGLES & BOHM, AGENT FOR THE APPLICANT said they are currently negotiating with Hayesville and are recommending a 60-foot street dedication along the east side of Broadway Avenue.

MOTION: To approve subject to staff recommendation.

ALDRICH moved, **SHEETS** seconded the motion, and it carried (13-0).