



Wichita-Sedgwick County Metropolitan Area Planning Department

March 8, 2018

Milt Dougherty
The Independent School
8317 East Douglas Avenue
Wichita, KS 67207

RE: CON2018-00003 - City Conditional Use to allow a Daycare, General for a maximum of 77 children on property zoned SF-5 Single Family, generally located on the south side of East Douglas Avenue and east of South Rock Road (8427 East Douglas Avenue).

Dear Applicant:

At its regular meeting on **February 15, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kyle C Kobe
Associate Planner

Copies to: MABCD
Pete Meitzner, Council Member District II
Laura Rainwater, CSR District II
Michael Cathcart, 843 Cypress Court, Derby, KS 67037

CONDITIONAL USE RESOLUTION NO. CON2018-00003

WHEREAS, Michael Cathcart with Cathcart Architecture (Agent), on behalf of Milt Dougherty with The Independent School, (Owner) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Daycare, General, on property zoned SF-5 Single Family at 8427 East Douglass Avenue and legally described as:

Lot 1, Block 1, Bonnie Brae Third Addition to Wichita, Sedgwick County, Kansas, except that part described as follows: Beginning at the NW Comer of said Lot 1; thence S $9^{\circ}59'55''$ E, along the north line of said Lot 1, 695 feet; thence S $00^{\circ}00'05''$ W, 230 feet; thence S $56^{\circ}0'10''$ E, 125 feet; thence S $29^{\circ}45'17''$ E, 338.94 feet; thence S $56^{\circ}00'10''$ E, 145 feet to a point on the southeasterly line of said Lot 1; thence S $33^{\circ}58'26''$ W, along the said southeasterly line of Lot 1, 260 feet to the P.C. of a curve to the right having a radius of 100.03 feet; thence southwesterly, westerly, and northwesterly along said curve through a central angle of $90^{\circ}01'24''$ and having an arc distance of 157.17 feet to the P.T. of said curare; thence N $56^{\circ}00'10''$ W, along the southwesterly line of said Lot 1, 696.98 feet to the P.C. of a curve to the right having a radius of 512.07 feet; thence northwesterly along said curare through a central angle of $56^{\circ}23'41''$ and having an arc distance of 504.16 feet to the P.T. of said survey; thence N $00^{\circ}24'31''$ E, 99.99 feet to the point of beginning.

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 February 15, 2018, 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 a Conditional Use for a Daycare, General, on property zoned SF-5 Single Family at 8427 East Douglass Avenue and legally described as:

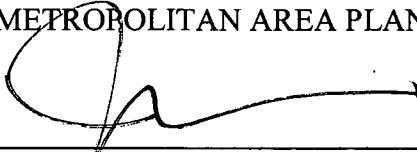
Lot 1, Block 1, Bonnie Brae Third Addition to Wichita, Sedgwick County, Kansas, except that part described as follows: Beginning at the NW Comer of said Lot 1; thence S $9^{\circ}59'55''$ E, along the north line of said Lot 1, 695 feet; thence S $00^{\circ}00'05''$ W, 230 feet; thence S $56^{\circ}0'10''$ E, 125 feet; thence S $29^{\circ}45'17''$ E, 338.94 feet; thence S $56^{\circ}00'10''$ E, 145 feet to a point on the southeasterly line of said Lot 1; thence S $33^{\circ}58'26''$ W, along the said southeasterly line of Lot 1, 260 feet to the P.C. of a curve to the right having a radius of 100.03 feet; thence southwesterly, westerly, and northwesterly along said curve through a central angle of $90^{\circ}01'24''$ and having an arc distance of 157.17 feet to the P.T. of said curare; thence N $56^{\circ}00'10''$ W, along the southwesterly line of said Lot 1, 696.98 feet to the P.C. of a curve to the right having a radius of 512.07 feet; thence northwesterly along said curare through a central angle of $56^{\circ}23'41''$ and having an arc distance of 504.16 feet to the P.T. of said survey; thence N $00^{\circ}24'31''$ E, 99.99 feet to the point of beginning.

Subject to the following conditions:

1. The site is to be developed as shown on the Bonnie Brae 3rd Addition Conditional Use drawing dated 1/7/2018 by Michael Cathcart of Cathcart Architects.
2. 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.

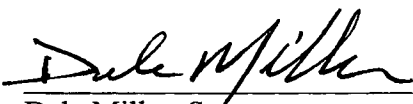
Adopted this 15 Day of February, 2018

METROPOLITAN AREA PLANNING COMMISSION



Joseph A. Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary



STAFF REPORT

MAPC: February 15, 2017

DAB I: February 6, 2017

CASE NUMBER: CON2018-00003

AGENT | APPLICANT: Michael Cathcart with Cathcart Architecture (Agent) | Milt Dougherty with The Independent School (Applicant)

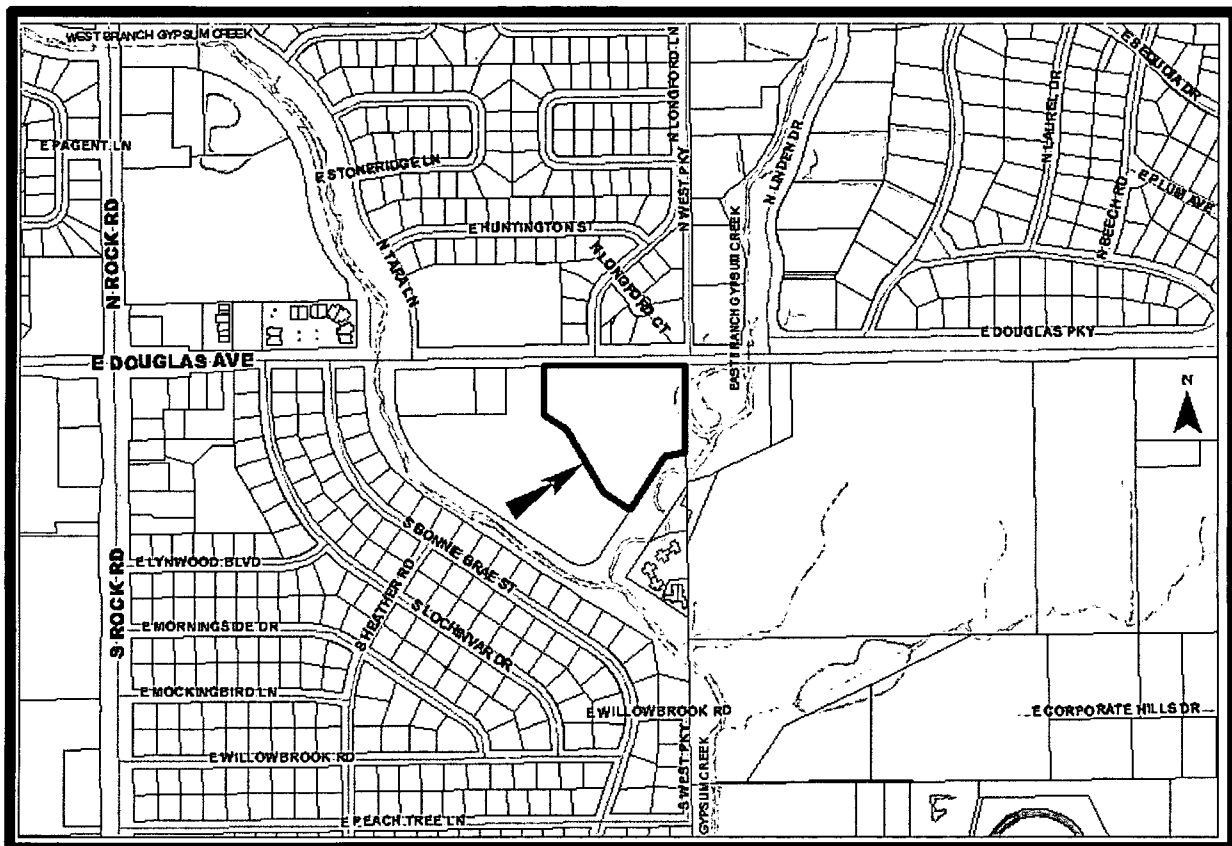
REQUEST: Conditional Use for Daycare, General

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 7.1 acres

LOCATION: On the south side of East Douglas Avenue and east of South Rock Road (8427 East Douglas Avenue).

PROPOSED USE: Daycare



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BACKGROUND: The applicant is requesting a Conditional Use to allow a daycare for 77 students. The site is located at 8427 East Douglas Avenue, and is a part of The Independent School development footprint. The applicant is proposing a Day Care, General use that would have 77 students and 15-16 teachers and administrators. Operating hours would be from 7:30 am to 5:30 pm, Monday through Friday.

The applicant also indicates that there is the potential to license an additional room per a KDHE suggestion, the number could increase to as many as 97 students and 16-19 teachers and administrators.

The property was formerly used as a residence. The applicant is proposing to retain the residence on the back part of the lot, but convert the main residential building just off Douglas Avenue into the daycare center, per the site plan.

The site plan also shows proposed additional parking and drives to accommodate the change in use for the property. There will also be a playground added, the small lake removed, and the building will be remodeled to accommodate building codes and make the building more suitable to the proposed use.

To the north of this property, across Douglas Avenue, are single family homes zoned SF-5. To the east is a building that used to be part of the Garvey Estate, the Ruffin Building and a YMCA facility, zoned SF-5 Single Family Residential, MF-18 Multi Family Residential, GO General Office, and GC General Commercial. To the south and west is The Independent School development, zoned SF-5, and beyond that other residential developments zoned SF-5 and MF-18. Roughly a half mile to the west along Douglas Avenue is the intersection of Douglass Avenue and North Rock Road, a major commercial intersection.

Day Care, General means a Day Care center that provides care, protection and supervision for more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees, or a Day Care center for ten or fewer individuals at any one time that is not operated as a Home Occupation.

CASE HISTORY: The site was platted as a part of the Bonnie Brae Third Addition in 1981.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residential
SOUTH:	SF-5, MF-18	The Independent School, Multi-Family Residential
EAST:	SF-5	Former Gymnasium
WEST:	SF-5	The Independent School

PUBLIC SERVICES: The subject property has direct access to East Douglas Avenue, a paved four lane arterial street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan* Future Growth Concept Map identifies the area "Residential." This proposed project is in conformance with the Community Investment Plan.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** To the north of this property, across Douglas Avenue, are single family homes zoned SF-5. To the east is a building that used to be part of the Garvey Estate, the Ruffin Building and a YMCA facility, zoned SF-5 Single Family Residential, MF-18 Multi Family Residential, GO General Office, and GC General Commercial. To the south and west is The Independent School development, zoned SF-5, and beyond that other residential developments zoned SF-5 and MF-18. Roughly a half mile to the west along Douglas Avenue is the intersection of Douglass Avenue and North Rock Road, a major commercial intersection.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned SF-5. The Unified Zoning Code (UZC) allows a conditional use for Daycare, General within residential zoning districts. Further, the location of this type of use within the footprint of an established school area would make this a more suitable location than most.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** A daycare at this location will not negatively impact residential use in the area. Given that there is already a school in operation at this location the impact of this additional use would likely be very low.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan* Future Growth Concept Map identifies the area "Residential." This proposed project is in conformance with the Community Investment Plan.
5. **Impact on Community Facilities:** The subject property has direct access to East Douglas Avenue, a paved four lane arterial street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

