Wichita-Sedgwick County Metropolitan Area Planning Department

Father David Marstall
2801 S. Seneca St.
Wichita, KS 67230

February 7, 2025

RE: CON2024-00280: Conditional Use request to permit a Day Care, General on property zoned SF-5 Single-family Residential; Generally located on the northwest and southwest corners of South Seneca Street and West Regal Street (2801 South Seneca Street & 1121 West Regal Street).

Dear Applicant:

At its regular meeting on **January 23, 2025**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1. All requirements of Article III, Section III.D.6.i of the Unified Zoning Code shall be met.
2. The site shall be developed in conformance with the approved site plan.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 352-4864.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member, District IV
Brooke Kauchak, CSR, District IV
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

Father David Marstall
2801 S. Seneca St.
Wichita, KS 67230

January 28, 2025

RE: **CON2024-00280:** Conditional Use request to permit a Day Care, General on property zoned SF-5 Single-family Residential; Generally located on the northwest and southwest corners of South Seneca Street and West Regal Street (2801 South Seneca Street & 1121 West Regal Street).

Dear Applicant;

At its regular meeting on **January 23, 2025**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the requests with the following conditions:

1. All requirements of Article III, Section III.D.6.i of the Unified Zoning Code shall be met.
2. The site shall be developed in conformance with the approved site plan.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

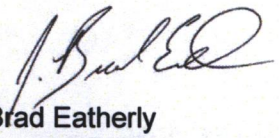
Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **February 6, 2025.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **February 6, 2025, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) IV on **Monday, February 3, 2025**, beginning at 6:00 p.m. at the WATER Center (101 East Pawnee Street). For more information on this meeting, please contact Community Services Representative for District IV, Brooke Kauchak at (316) 268-4197 or mailto:bkauchak@wichita.gov.

If the application is not protested, the MAPC decision becomes final. If the application is protested, the application will be forwarded onto the Wichita City Council for final action. If necessary, the Council would consider this case on **Tuesday, February 25, 2025**, 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 application, please contact our office at 268-4421.

Sincerely,



Brad Eatherly
Current Plans
Senior Planner

Copies to: Dalton Glasscock, Council Member, District IV
Brooke Kauchak, CSR, District IV
MABCD

CONDITIONAL USE RESOLUTION NO. CON2024-00280

WHEREAS, Catholic Diocese of Wichita, Owner, 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 Day Care, General in SF-5 Single-Family Residential District zoning located at 2801 South Seneca Street and 1121 West Regal Street, legally described as:

> Lots 1, 2, and 3, EXCEPT the South 30 feet for street, Martinson's Tenth Addition to Wichita, Sedgwick County, Kansas.
> AND
> Lot 21, Block 2, Replat of Iva Fultz Gardens Addition to Wichita, Sedgwick County, Kansas.

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 January 23, 2025, 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 Day Care, General in SF-5 Single-Family Residential District zoning located at 2801 South Seneca Street and 1121 West Regal Street, legally described as:

> Lots 1, 2, and 3, EXCEPT the South 30 feet for street, Martinson's Tenth Addition to Wichita, Sedgwick County, Kansas.
> AND
> Lot 21, Block 2, Replat of Iva Fultz Gardens Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. All requirements of Article III, Section III.D.6.i of the Unified Zoning Code shall be met.
2. The site shall be developed in conformance with the approved site plan.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 7th Day of March, 2025.

METROPOLITAN AREA PLANNING COMMISSION

Bryan Frye, Chairman

ATTEST:

Scott Wadle, Secretary

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	622543	Print Legal Ad-IPL02097390 - IPL0209739	MAPC/BZA 1/23/25	$60.00	2	49 L

Attention: Mandy Hebert
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on December 29, 2024
(One Time Only)
MAPC/BZA January 23, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 23, 2025, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. Full notice can be found at www.wichita.gov/LegalNotices.

CON2024-00247: Conditional Use in the City to allow a Short-Term Rental on property zoned SF-5 Single Family Residential; located approximately 357 feet south of the intersection of East 2nd Street North and West 9th Street North and North Battin Avenue (227 North Battin Avenue).

CON2024-00280: Conditional Use in the City to allow for Day Care, General on properties zoned SF-5 Single-Family Residential, located on the northwest corner of South Seneca Street and West Regal Street (2801 South Seneca Street and 1121 West Regal Street).

CON2024-00282: Conditional Use request in the City for Utility, Major for an internet exchange point on property zoned SF-5 Single-Family Residential; located on the north side of East 21st Street North and within one-half west of North Oliver Avenue (on the northwest corner of East Hillside and North Fountain).

CUP2024-00048: CUP Amendment in the City to CUP DP-8 to amend maximum height, maximum building coverage, maximum gross area, and floor area ratio on Parcel 2C, generally located northwest of the intersection of East 21st Street and Pinecrest Avenue.

DER2024-00009: Unified Zoning Code amendment creating the Short-Term Rental in the County land use and the establishment of permitting standards.

VAC2024-00059: Vacation request in the City of Interior side setback; generally located on the south side of East Willowbrook Circle and within one-quarter mile west of South 159th Street East (15513 East Willowbrook Circle).

VAC2024-00061: Vacation request in the City to reduce a platted 15-foot street side setback to 12 feet for future development on property zoned TF-3 Two-Family Residential District; located within one-block west of North 151st Street West and within one-quarter mile south of West 21st Street North.

VAC2024-00062: Vacation request in the City to vacate a portion of a platted 60-foot to reduce it to 55 feet to bring an existing building in compliance, on property zoned LI Limited Industrial; located one-quarter mile east of South Hydraulic Ave and two-blocks south of East Wassall St (2110 E. Industrial Ave).

ZON2024-00061: Zone Change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential, generally located on the north side of West 51st Street North and one-quarter mile west of North Seneca Street (1608 West 51st Street North).

IPL0209739
Dec 29 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:
12/29/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth 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 from 12/29/2024 to 12/29/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/30/2024

Margaret K. Wilson

Notary Public in and for the state of Texas, residing in Dallas County

NOTARY PUBLIC STATE OF TEXAS
MARGARET KATHLEEN WILSON
My Notary ID # 134916732
Expires May 24, 2028

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: January 23, 2025
DAB IV: February 3, 2025

CASE NUMBER:	CON2024-00280 (City)
OWNER/APPLICANT:	Father David Marstall (Applicant)
REQUEST:	Conditional Use for Day Care, General
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	6.2 acres
LOCATION:	Generally located on the northwest and southwest corners of South Seneca Street and West Regal Street (2801 South Seneca Street & 1121 West Regal Street).
PROPOSED USE:	Day Care, General.
RECOMMENDATION:	Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow Day Care, General as a use on properties zoned SF-5 Single-Family Residential District (SF-5). The properties are generally located on the northwest and southwest corners of South Seneca Street and West Regal Street (2801 South Seneca Street & 1121 West Regal Street). The sites are developed with a church and a parochial school associated with the church.

The Unified Zoning Code defines Day Care as "an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day." Day Care, General as a Day Care center that provides care, protection and supervision for more than 12 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 12 or fewer individuals at any one time that is not operated as a Home Occupation. Day Cares are subject to Section III-D.6.i, Supplementary Use Regulations of the UZC, which state the following conditions:

1. Compliance with state regulations: Day Care Centers shall comply with all applicable state regulations.
2. Compliance with Home Occupation standards: When located in the residence of the care provider, in a residential zoning District, Day Care Centers shall comply with the general Home Occupation standards of Sec. IV-E.3 of the UZC.
3. Outdoor play in residential areas: Outdoor play shall be limited to the hours of 7:30 a.m. to 6:30 p.m. if located within 100 feet of a Lot containing a Dwelling Unit.
4. Parking and loading: Provisions of Parking Spaces in Sec. IV-A.4 may be provided by shared Parking when the Day Care is located within an existing Church or Place of Worship, however, the Day Care shall provide convenient off-street loading facilities as required in Sec. IV-A.14.

The applicant is requesting Conditional Uses for two (2) separate properties. The 2801 South Seneca Street address is where the Day Care would mainly be located. However, there would be times when the children in the Day Care would be led across the street to the school location at 1121 West Regal Street. Therefore, the applicant is requesting the Day Care, General use for both locations.

The Supplementary Use Regulations found in Section III-D.6.i(4) state that off-street parking requirements can be met when the Day Care is located within an existing Church or Place of Worship by a shared parking agreement. However, convenient off-street loading facilities must be provided for.

Because Day Care, General is considered a civic use and not a residential use, it will be required to provide screening and landscaping along the north property line of the 2801 South Seneca Street property, where it is adjacent to the SF-5 zoning district. Sufficient screening currently exists along the west property line. Planning staff believes that the distance from the school building at 1121 West Regal Street to the adjacent residentially zoned properties to the west is sufficient for not requiring additional screening or landscaping because it is at least 150 feet away. The requirement for screening is a six- to eight-foot solid fence, and the requirement for landscaping is one shade tree or two ornamental trees per forty linear feet of street yard.

The character of the neighborhood is residential and commercial. Property to the north of the 2801 South Seneca Street property, across West 27th Street South, is zoned SF-5 and GO General Office District (GO) and is developed with an office building and associated parking lot. Properties to the east, across South Seneca Street, are zoned LC Limited Commercial District (LC) and are developed with a restaurant, a vehicle repair center, a grocery store, and office buildings. Properties to the south of the 1121 West Regal Street property, are zoned SF-5 and are developed with single-family dwellings. Properties to the west of both properties are zoned SF-5 and are developed with single-family dwellings.

CASE HISTORY: On August 26, 1951, the 2801 Seneca Street property was platted as part of the Martinson's 10th Addition. In 1973, the property received a Variance (BZA30-73) to reduce the required

front yard setback from 25 feet to zero feet for the purpose of off-street parking. In 1979, the property received a use variance (BZA34-79) to permit a Day Care center on property zoned AA Single-Family Dwelling District. This new action will not contradict the BZA from 1979 but will overlay it and permit a Day Care for the school property.

On April 6, 1954, the 1121 West Regal Drive property was platted as part of the Iva Fultz Garden Addition replat. In 1964, the property received a variance (BZA54-64) to reduce the front setback from 25 feet to zero feet and the side yard setbacks from 12.5 feet to zero feet. In 2015, the property received a Sign Code Adjustment (BZA2015-00020) to permit a monument sign with an electronic message board for an institutional use on property zoned SF-5.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, GO	Office building, Parking lot
SOUTH:	SF-5	Single-family residences
EAST:	LC	Restaurant, Office building, Vehicle Repair, grocery
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The subject properties are currently accessed by South Seneca Street, which is a two-way, four-lane arterial street with sidewalks on both sides. The 2801 South Seneca Street property is also accessed by West 27th Street South on the north side, which is a two-way local street with no sidewalks. Both sites are also accessed by West Regal Street, a two-lane local street with no sidewalks on either side. This site is already served by municipal services, such as water and sewer. Wichita Transit serves the site with stops directly in front of the 2801 South Seneca Street property.

CONFORMANCE TO PLANS/POLICIES: The requested zone change is in conformance with the following plans:

Community Investments Plan: The requested Conditional Use is in conformance with the *Community Investments Plan*. The *Plan*'s Wichita Future Growth Concept Map identifies the site as appropriate for Commercial uses, which the *Plan* describes as areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, residential uses. While the *Plan*'s Future Growth Concept Map does not address public or civic uses within the Commercial category, as Day Cares are defined in the Unified Zoning Code, the intensity of the proposed use is akin to a light commercial setting.

Wichita: Places for People Plan: The requested Conditional Use is in conformance with the *Wichita: Places for People Plan*. The proposed Day Care at this site aligns with Strategy 3 of the *Plan*, which aims to "improve the economic feasibility of commercial / service uses and the markets necessary to support them." Granting the Conditional Use improves the site's economic feasibility of the site by utilizing the existing building.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be **APPROVED**, subject to the following conditions:

1. All requirements of Article III, Section III.D.6.i of the Unified Zoning Code shall be met.
2. The site shall be developed in conformance with the approved site plan.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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 Article VIII of

the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

1. **The zoning uses and character of the neighborhood:** The character of the neighborhood is residential and commercial. Property to the north of the 2801 South Seneca Street property, across West 27th Street South, is zoned SF-5 and GO General Office District (GO) and is developed with an office building and associated parking lot. Properties to the east, across South Seneca Street, are zoned LC Limited Commercial District (LC) and are developed with a restaurant, a vehicle repair center, a grocery store, and office buildings. Properties to the south of the 1121 West Regal Street property, are zoned SF-5 and are developed with single-family dwellings. Properties to the west of both properties are zoned SF-5 and are developed with single-family dwellings.

2. **The suitability of the subject property for the uses to which it has been restricted:** The properties are zoned SF-5 Single-Family District and are developed with a church and a parochial school. The Unified Zoning Code (UZC) allows a Conditional Use for Day Care, General within residential zoning districts.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff anticipates that approval of the Day Care center would result in an increase in traffic and noise in the immediate area. However, the site is currently used as a church and a school and has ample parking and locations for drop-off/pick-up. The site with the school should not see a discernible increase in traffic or noise to the area.

4. **Length of time subject property has remained vacant as zoned**: The properties are currently used as a church and a parochial school.

5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant**: Approval of the request may bring increased economic viability to the area, which is generally a gain to the public. Denial of the request may result in the loss of use and enjoyment for the applicant.

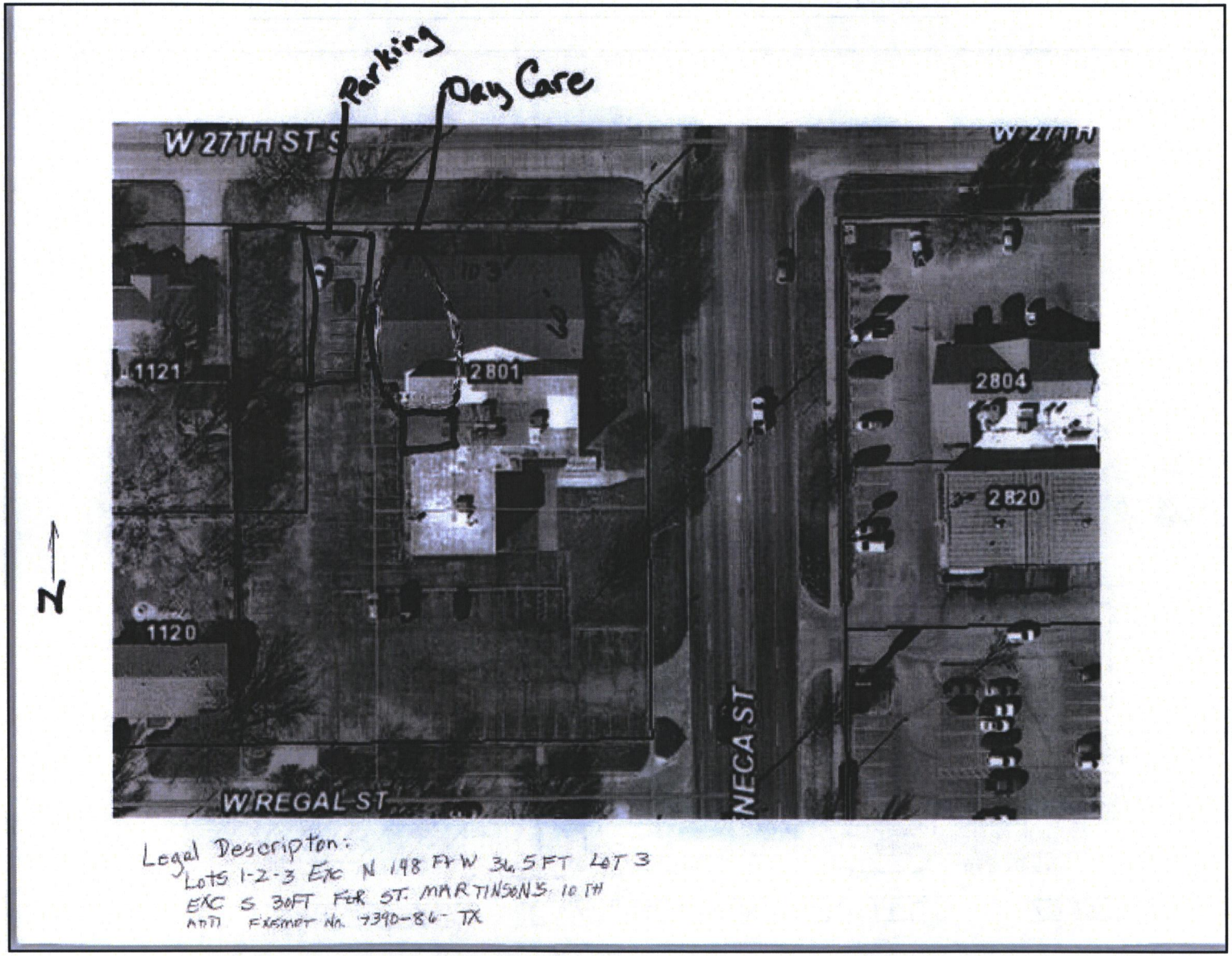
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The requested Conditional Use is in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan* as discussed in the staff report.

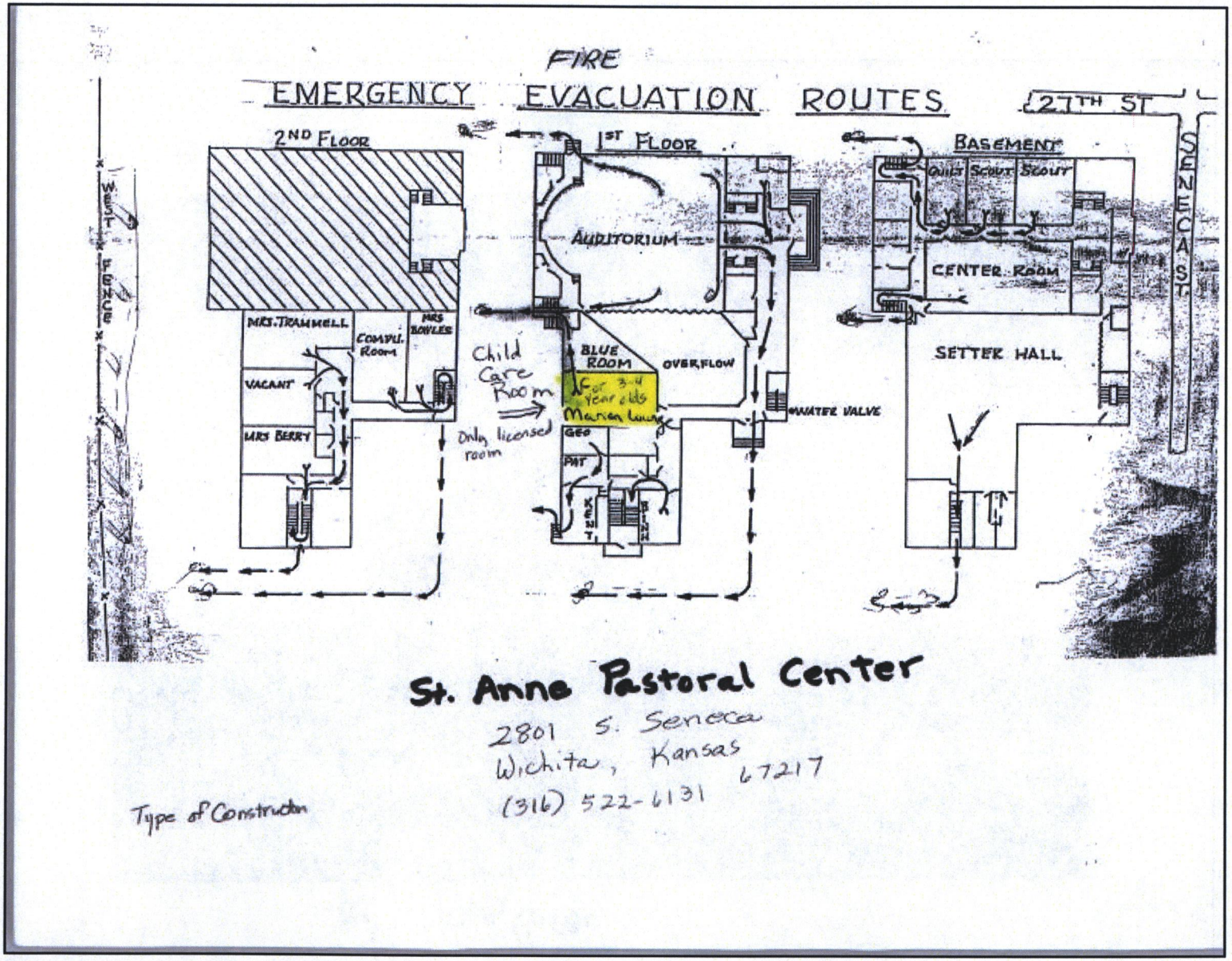
7. **Impact of the proposed development on community facilities:** Staff does not anticipate the requested Conditional Use to have a significant impact on community facilities. Municipal services, such as water and sewer, already serve the site.

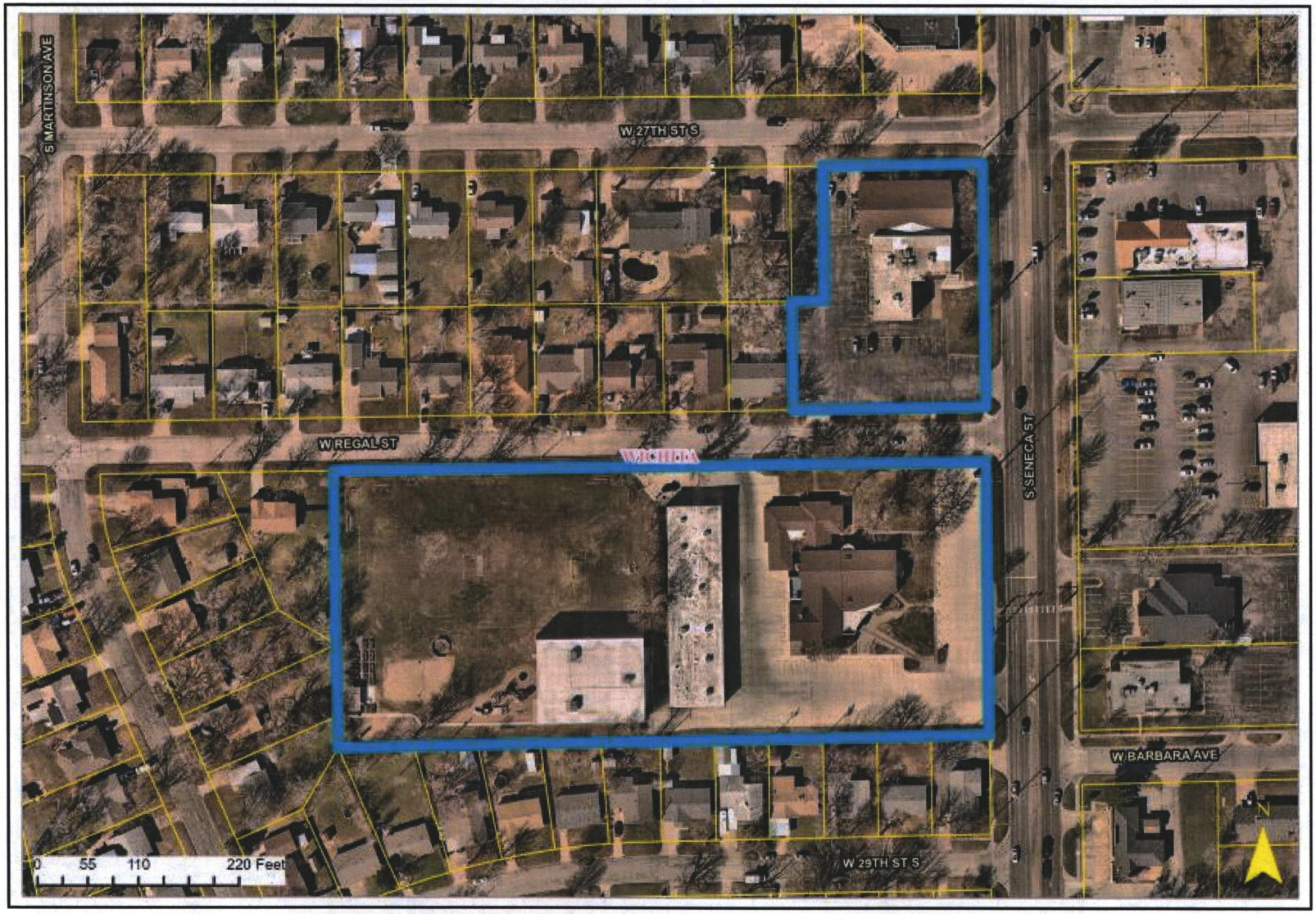
8. **Opposition or support of neighborhood residents**: At the time the staff report was prepared, staff did not receive any comments from the public on the requested Conditional Use.

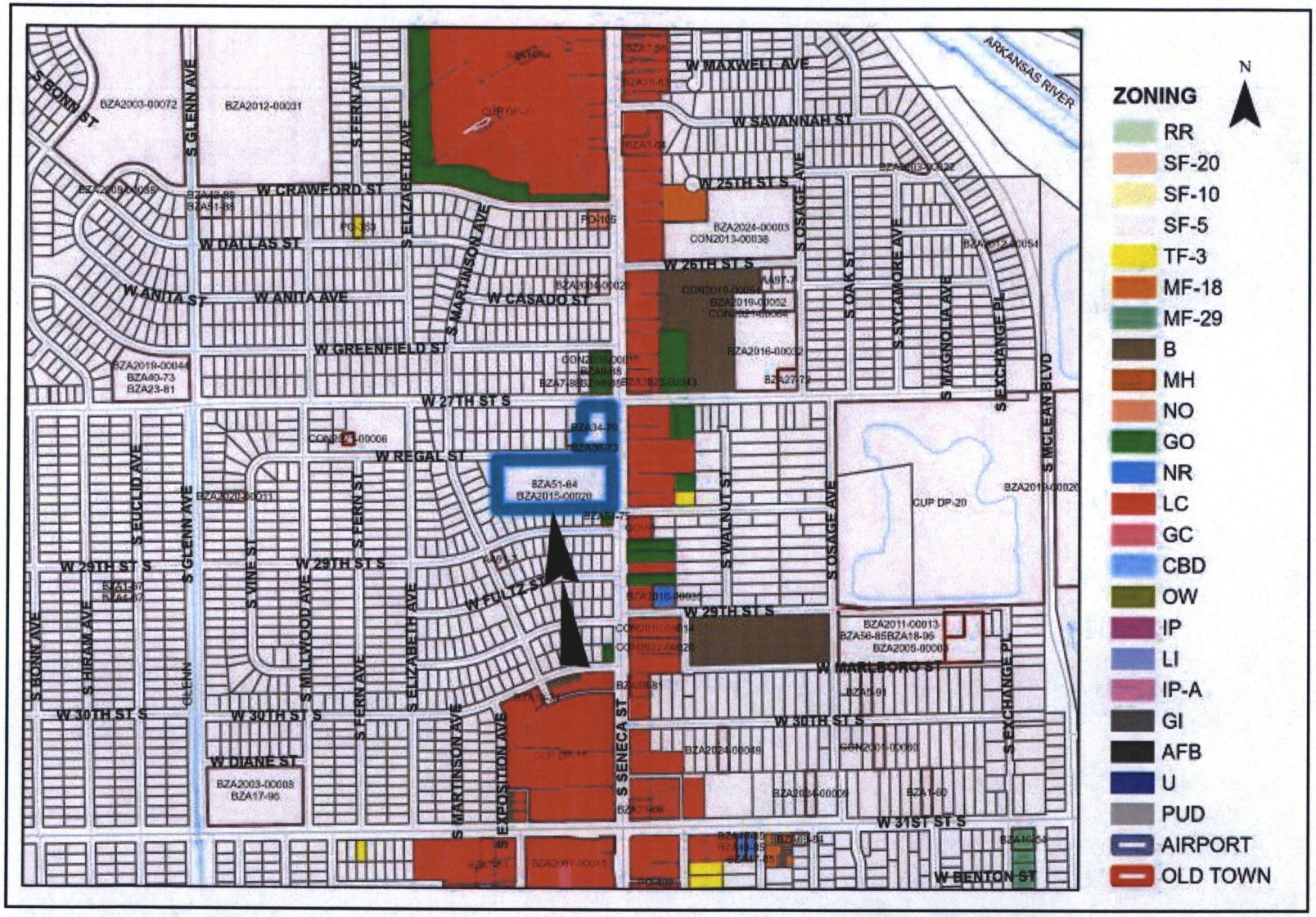
Attachments:

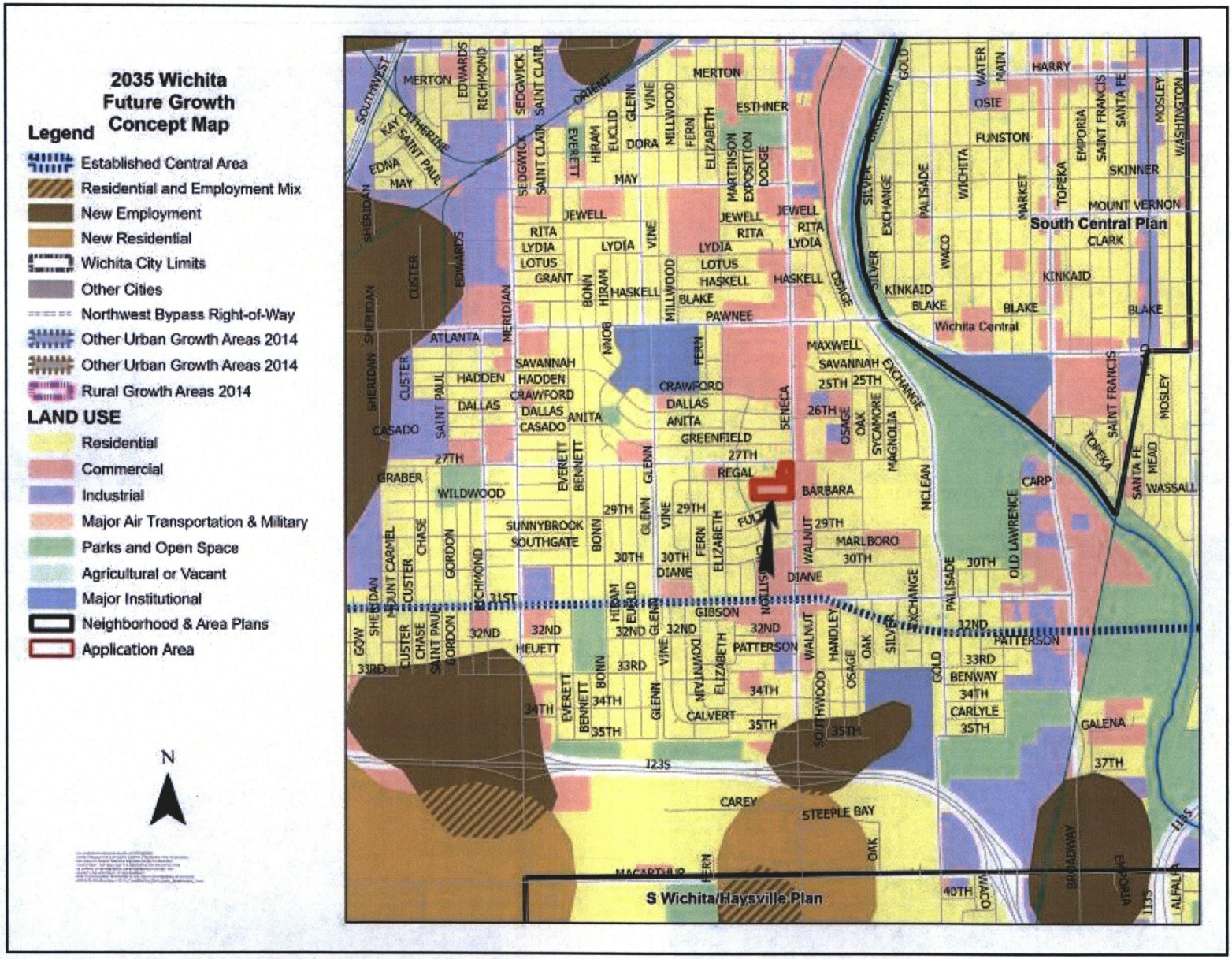
1. Site Plan
2. Aerial Photo
3. Zoning Map
4. Land Use Map
5. Site Photos


Parking
Day Care
W 27TH ST S
W 27TH
1121
2801
2804
2820
1120
N
W REGAL ST
NECA ST
Legal Description:
Lots 1-2-3 EXC N 198 FT W 34.5 FT LOT 3
EXC S 30FT FOR ST. MARTINSONS 10TH
ADD EXEMPT No. 7390-86- TX


FIRE
EMERGENCY EVACUATION ROUTES
27TH ST
SENECA ST
2ND FLOOR
1ST FLOOR
BASEMENT
WEST FENCE
AUDITORIUM
QUILT
SCOUT
SCOUT
CENTER ROOM
SETTER HALL
MRS. TRAMMELL
COMPU. Room
MRS BOWLES
VACANT
MRS BERRY
Child Care Room
Only licensed room
BLUE ROOM
OVERFLOW
For 3-4 year olds
Marian living
WATER VALVE
GEO
PAT
St. Anne Pastoral Center
2801 S. Seneca
Wichita, Kansas 67217
(316) 522-6131
Type of Construction


S MARTINSON AVE
W 27TH ST S
W REGAL ST
S SENECA ST
W BARBARA AVE
W 29TH ST S
0 55 110 220 Feet
N


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
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GC
CBD
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W 30TH ST S
W 31ST ST S
W CRAWFORD ST
W DALLAS ST
W ANITA ST
W ANITA AVE
W CASADO ST
W GREENFIELD ST
W REGAL ST
W FULTZ ST
W MARLBORO ST
W DIANE ST
W BENTON ST
S BONN ST
S GLENN AVE
S FERN AVE
S ELIZABETH AVE
S MARTINSON AVE
S EUCLID AVE
S VINE ST
S MILLWOOD AVE
S HIRAM AVE
S SENECA ST
EXPOSITION AVE
S WALNUT ST
S OSAGE AVE
S OAK ST
S SYCAMORE AVE
S MAGNOLIA AVE
S EXCHANGE PL
S MCLEAN BLVD
ARKANSAS RIVER
BZA51-64
BZA2015-00020
CUP DP-20


2035 Wichita
Future Growth
Concept Map
Legend
Established Central Area
Residential and Employment Mix
New Employment
New Residential
Wichita City Limits
Other Cities
Northwest Bypass Right-of-Way
Other Urban Growth Areas 2014
Other Urban Growth Areas 2014
Rural Growth Areas 2014
LAND USE
Residential
Commercial
Industrial
Major Air Transportation & Military
Parks and Open Space
Agricultural or Vacant
Major Institutional
Neighborhood & Area Plans
Application Area
N
South Central Plan
S Wichita/Haysville Plan
Wichita Central

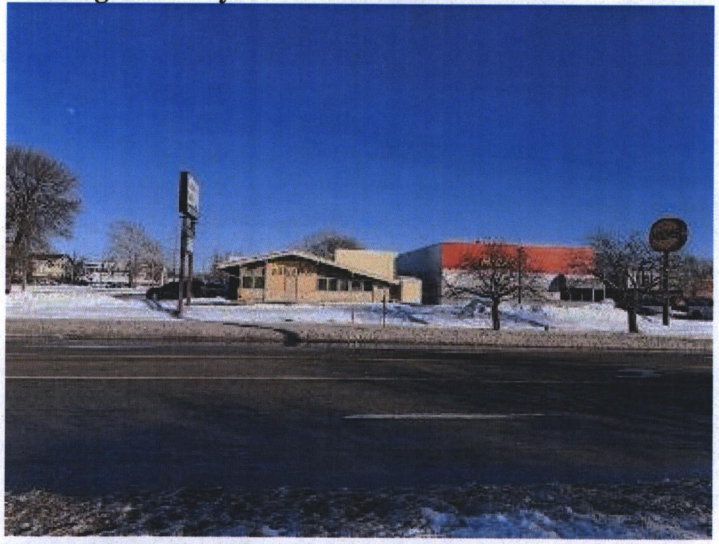
Looking south towards 2801 Seneca St. site



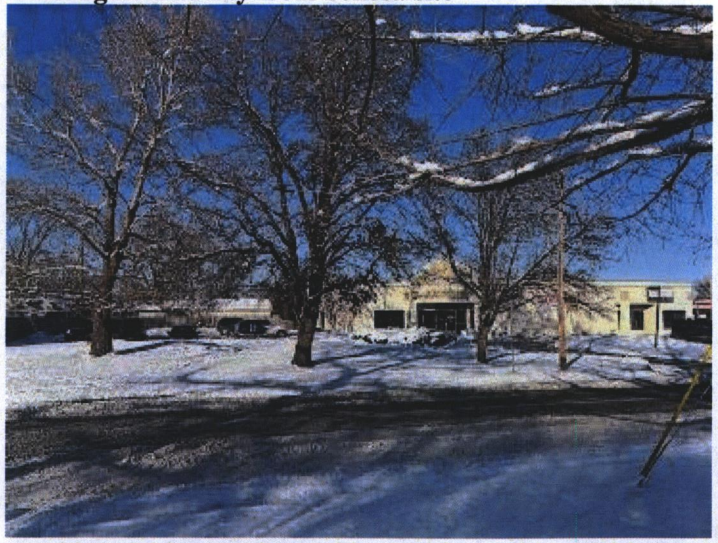
Looking west towards 2801 Seneca site



Looking east away from Seneca site



Looking north away from Seneca site



Looking west away from Seneca site



Looking south into Regal site

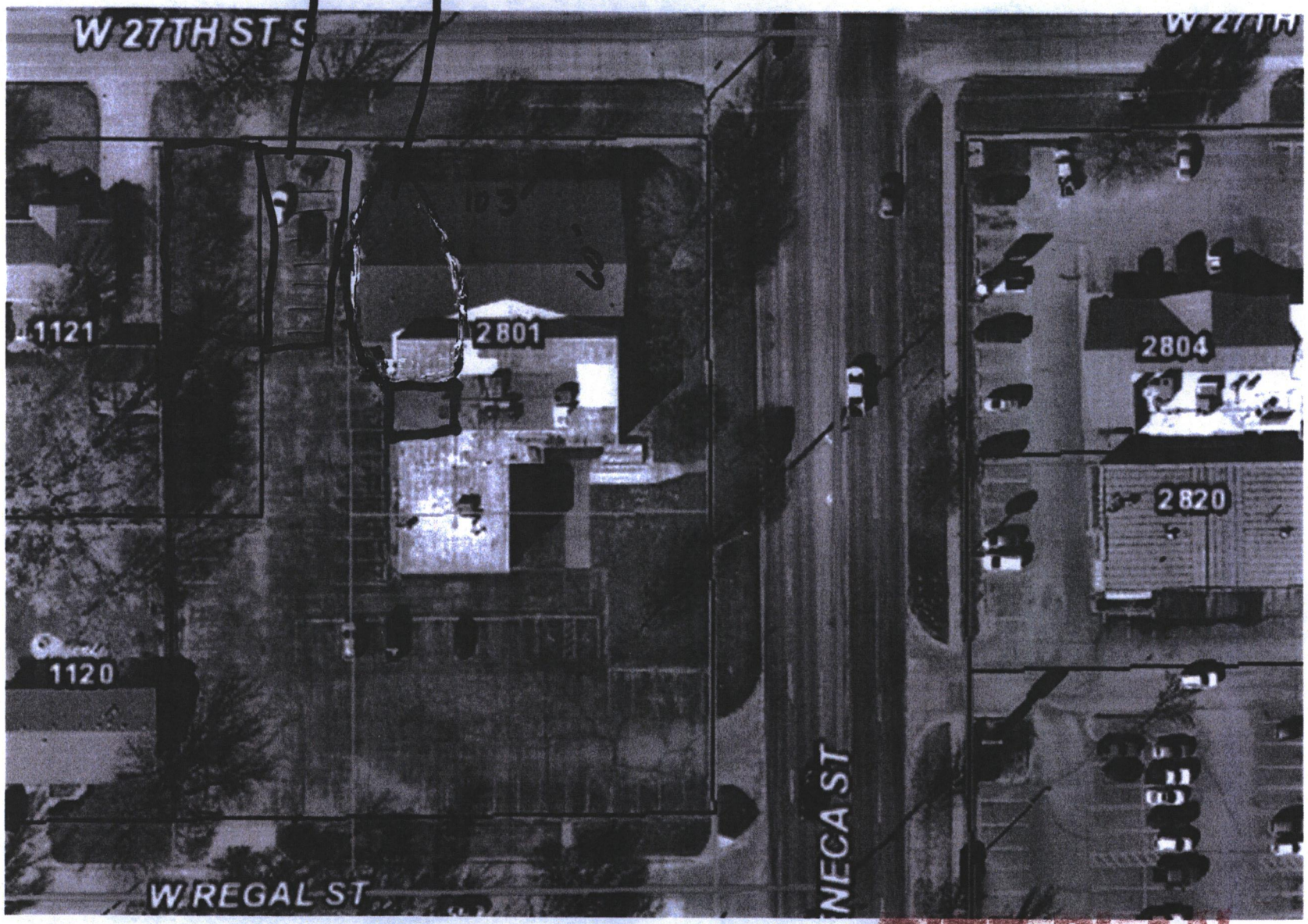


Looking west into Regal site school



Looking west into Regal site across Seneca





Legal Description:
Lots 1-2-3 Exc N 148 Ft W 36.5 FT Lot 3
EXC S 30FT FOR ST. MARTINSONS 10 TH
ADD. EXEMPT No. 7390-86- TX

SITE PLAN

APPROVED BY 5/13/25