CITY OF WICHITA

FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

March 16, 2009

Chisholm Trail Church of Christ
c/o Walter Avant and Ivory Lifsey
5833 E. 37th St. North
Bel Aire, KS 67220

**Re:** **CON2009-00010: An administrative adjustment to condition of approval #2 for CON2008-00007 to extend the Conditional Use.**

**Legal Description: Commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter of Section 36, Township 26 South, Range 1 East of the Sixth Principal Meridian, thence East along the North line of said Northwest Quarter of the Northeast Quarter 460 feet to the point of beginning, thence continuing East along the North line of said Northwest Quarter of the Northeast Quarter 400 feet, thence South parallel with the West line of said Northwest Quarter of the Northeast Quarter 500 feet, thence West parallel with the North line of said Northwest Quarter of the Northeast Quarter 400 feet, thence North parallel with the West line of said northwest Quarter of the Northeast Quarter 500 feet to the point of beginning; Except that part being used for 37th Street North road right-of-way. The Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 36, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; generally located west of Woodlawn Avenue on the south side of 37th street North.**

Dear Ladies and Gentlemen:

We have reviewed your request for an administrative adjustment to condition of approval #2 for CON2008-00007. We understand that the condition of approval #2 requires the improvements to the site in order to operate a daycare center on the subject property to be completed in April 2009. However, the daycare board is currently in the process of hiring staff for the daycare and your intent is to be open in June. Therefore, you have requested an administrative adjustment to extend the time allowed to begin operation of the daycare for 6 months.

The Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to conditions of approval for Conditional Uses as long as the adjustment does not have any of the negative impacts stated in Section V-I.6. We find that extending the Conditional Use meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: Extending the length of time to complete the improvements in order to operate the daycare center will have no significant impact on the safety and convenience of vehicular and pedestrian circulation.

2) Impact on existing uses in surrounding areas: No definable impact since type of use is not changed.

3) Compatibility with existing or permitted uses on abutting sites: The adjustment should not impact the compatibility with existing or permitted uses on abutting sites in any manner since there is no change in type of activity permitted.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an administrative adjustment to condition of approval #2 for CON2008-00007 to extend the Conditional Use on the aforementioned property is hereby granted subject to the following conditions:

1) All applicable requirements of Art. III, Sec III-D6 (i) of the unified Zoning Code shall be met.

2) The site shall be developed in general conformance with the approved site plan. All improvements shall be completed by the end of June 2009, as applicable.

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 Administrative Adjustment, 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 Administrative Adjustment is null and void.

The zoning adjustment sign may now be removed from the property.

John L. Schlegel
Planning Director

Kurt Schroder
Superintendent of Central Inspection

cc: Lavonta Williams, WCC I, Mail Stop #1-13
LaShonda Porter, NA WCC I, Mail Stop #1-135
Julianne Kallman, Engineering, Mail Stop #1-71
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Paul Hays, Office of Central Inspection
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Matthew Lee, Office of Central Inspection
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