

CONDITIONAL USE RESOLUTION NO. CU-472

WHEREAS, Kevin and Daphne Lynch, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a general day care facility on 8,470 square feet zoned "SF-6" Single-Family Residential described as:

Lot 14, Block 1, Ken-Mar Addition to Wichita, Sedgwick County, Kansas.
Generally located east of Oliver and south of 17th Street North.

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 March 26, 1998, 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 permit a conditional use to allow general day care facility on 8,470 square feet zoned "SF-6" Single-Family Residential described as:

Lot 14, Block 1, Ken-Mar Addition to Wichita, Sedgwick County, Kansas.
Generally located east of Oliver and south of 17th Street North.

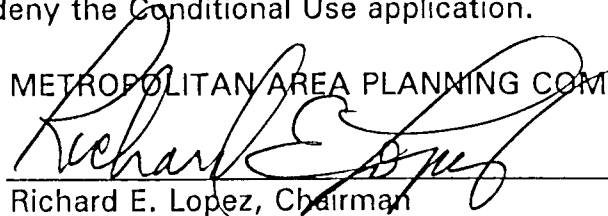
subject to the following conditions:

- A. The child care center shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
- B. The maximum number of children to be accommodated at any one time shall not exceed 10 children.
- C. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m.
- D. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center.

- E. Signs for the child care center shall be limited to those permitted in the "SF-6" Single-Family Residential District.
- F. The applicant shall provide to the Metropolitan Area Planning Department a copy of the State license for this day care facility.
- G. The approval of the Conditional Use is for a period not to exceed six years from the date of approval by the MAPC. At such time the applicant shall cease operation as a day care facility or apply for a new Conditional Use.
- H. Any violation of these conditions shall render this Conditional Use null and void.

Adopted this 26th day of March, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Richard E. Lopez, Chairman

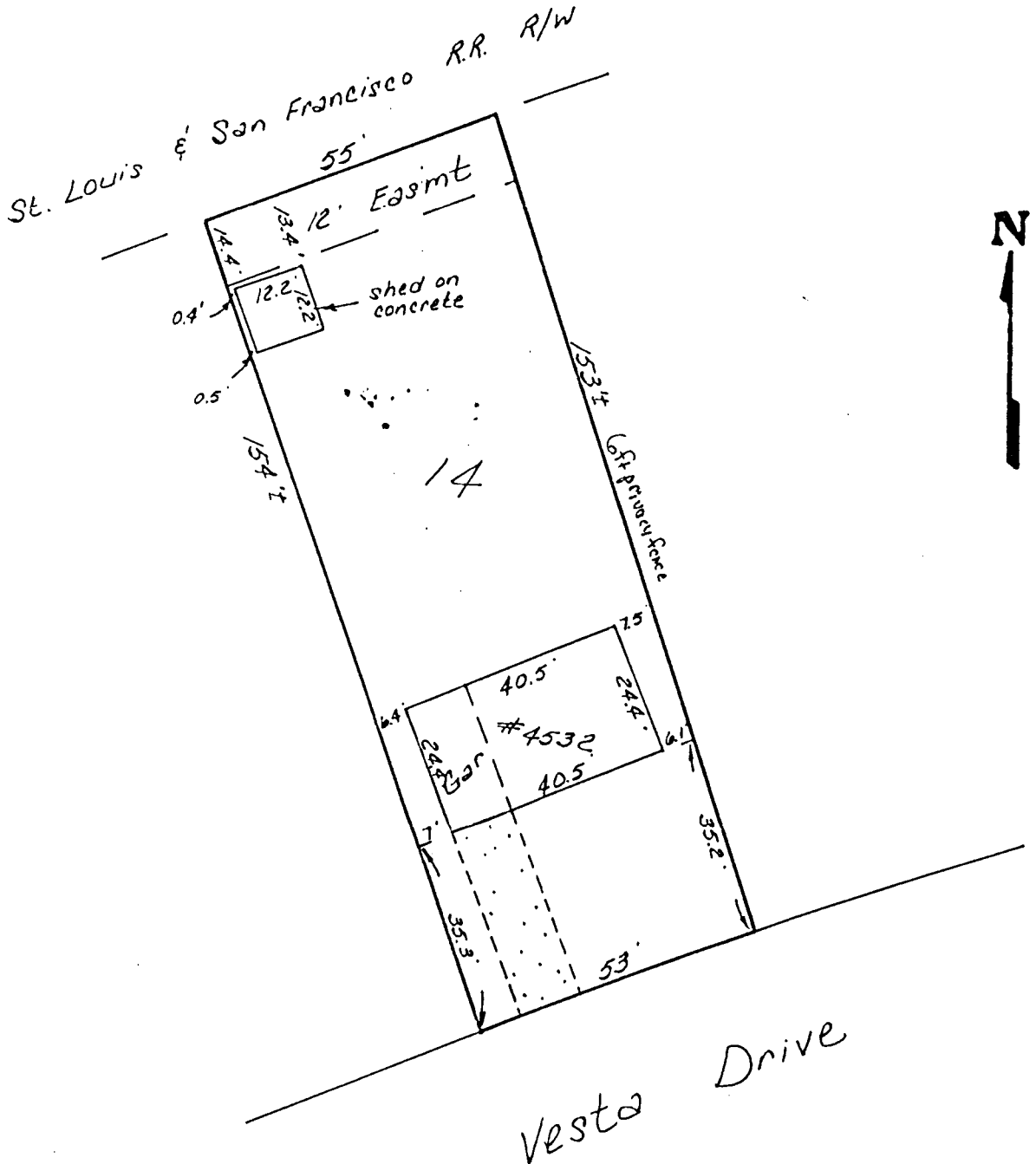
ATTEST:


Marvin S. Krout, Secretary



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MORTGAGE TITLE INSPECTION
(This Does Not Constitute A Boundary Survey)





AGENDA ITEM NO. 3

STAFF REPORT

CPO (1) March 23, 1998

MAPC March 26, 1998

CASE NUMBER: CU-472

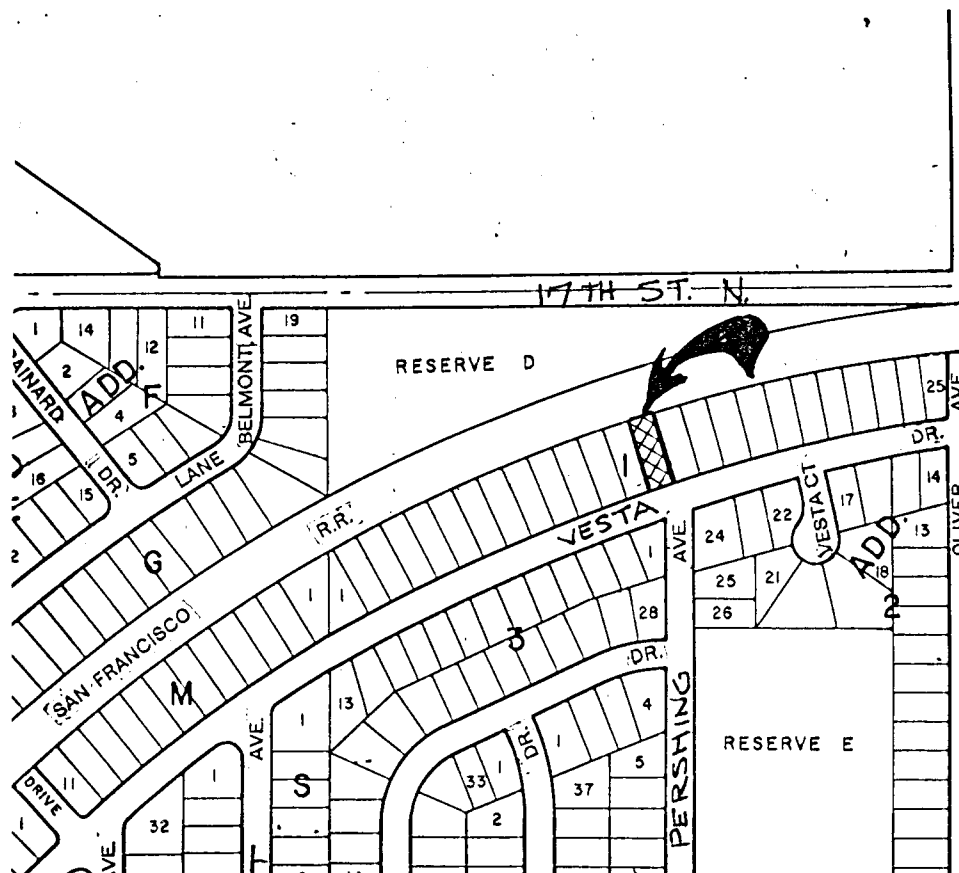
APPLICANT/AGENT: Kevin and Daphne Lynch (Owners)

REQUEST: A Conditional Use Permit for a general day care facility

CURRENT ZONING: "SF-6" Single-Family

SITE SIZE: 8,470 square feet

LOCATION: East of Oliver and south of 17th St. North



BACKGROUND: The applicant requests a Conditional Use to allow a general day care facility on a .20 acre tract located east of Oliver and south of 17th St. North. The applicants currently operate a day care facility at this location, which is licensed for fewer than 10 children. A 988 square foot home sits on this site with a twelve foot driveway along the west side of the property. There is approximately a 94 foot by 55 foot backyard which serves as the children's playground. A 6 foot privacy fence screens the backyard from all adjoining properties.

The Unified Zoning Code defines general day care as a, "day care center that provides care, protection and supervision for more than 10 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 10 or fewer individuals at any one time which is NOT operated as a home occupation." The applicants do not live on-site, and therefore can not operate this day care as a home occupation. The Office of Central Inspection received a complaint that this property was being used illegally, and informed the applicants that they are required to obtain a Conditional Use Permit by the Unified Zoning Code.

The applicants have discussed this proposal with several persons living in the neighborhood. Many of these residents signed a petition stating no objections to this request. This document is enclosed.

The area surrounding the home consists of single-family homes to the east, south and west, while behind the house is located a railroad with a church located just north of this railroad. Another day care facility currently operates at the church, and one is also located at the southwest corner of Vesta and Oliver.

CASE HISTORY: This site was platted as part of the Ken-Mar Addition in 1950.

ADJACENT ZONING AND LAND USE:

NORTH:	Railroad and church
SOUTH:	"SF-6" Single-Family Residences
EAST:	"SF-6" Single-Family Residences
WEST:	"SF-6" Single-Family Residences

PUBLIC SERVICES: Municipal services are available to this site. The application area has access to Vesta, a 2-lane paved local street. Parking is allowed on both sides of this street.

CONFORMANCE TO PLANS/POLICIES: This Area Treatment Classification Map identifies this area as a Revitalization area. The Comprehensive Plan identifies high priorities within the Revitalization area as, "improving community services, encouragement of well designed infill housing, improvements in amenities such as

lighting, sidewalks, parks and other traditional neighborhood elements, and correction of housing deterioration.” The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low density residential development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. The child care center shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
- B. The maximum number of children to be accommodated at any one time shall not exceed 10 children.
- C. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m.
- D. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center.
- E. Signs for the child care center shall be limited to those permitted in the “SF-6” Single-Family Residential District.
- F. The applicant shall provide to the Metropolitan Area Planning Department a copy of the State license for this day care facility.
- G. The approval of the Conditional Use is for a period not to exceed three years from the date of approval by the MAPC. At such time the applicant shall cease operation as a day care facility or apply for a new Conditional Use.
- H. The applicant shall enlarge the driveway to 18 feet in width within 60 days of the approval of this permit, to more adequately deal with the loading and parking demands for this use.
- I. Any violation of these conditions shall render this Conditional Use null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The area surrounding this site is characterized by single-family residences, to the east, south and west. A railroad line exists to the north of the subject tract. Since a home occupation

with up to 10 children is allowed by the existing zoning, the same use without a resident is not a significant change in character.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The day care facility should not significantly impact nearby properties. The maximum number of children permitted on-site will be 10 children, which should not significantly increase noise or traffic in the general area, beyond what is already permitted as a home occupation.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low-density residential uses. The Plan considers schools, churches, and other similar uses as appropriate in these areas. The plan also calls for improving community services in "revitalization" areas like this.
4. Impact of the proposed development on community facilities: This Conditional Use should have no negative impact on community facilities. The enlarged driveway should allow for children to be dropped off and picked up on-site and not on Vesta. This would increase safety for children and traffic along Vesta.