CONDI[illegible] NAL USE RESOLUTION NO. CU-[illegible]7

WHEREAS, Southwest Baptist Church, c/o Pastor David Hill (owner), 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 daycare, general on property zoned"SF-6" Single-Family Residential described as:

> Lot 1, Southwest Baptist Church Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the north side of 31st Street South approximately 500 feet east of Seneca.

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 16, 2000, 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 daycare, general on property zoned "SF-6" Single Family Residential described as:

> Lot 1, Southwest Baptist Church Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located on the north side of 31st Street South approximately 500 feet east of Seneca.

subject to the following conditions:

1. The daycare, general, facility shall be developed in general conformance with the site plan, attached hereto and made a part of this application.

2. The daycare shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.

3. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.

4. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play by children under the supervision of the daycare facility shall be limited to the hours between 7:30 a.m. and 6:30 p.m.

5. A six-to-eight foot tall screening fence, constructed to prevent the passage of light and debris, shall be erected along the north property line. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire). A buffer of one tree for every 40 feet shall be provided along the playground.

6. On-site parking shall be provided for the daycare as required by the UZC, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.

7. Signs for the daycare shall be limited to those permitted in the "SF-6" Single-Family Residential District.

8. A loading area for the daycare facility shall be provided on-site as required by code.

9. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

Adopted this 16th day of l :ch, 2000. This resolution shall b ime 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

Frank Garofalo, Chair

ATTEST:

Marvin S. Krout, Secretary

TITLE:

WE ASK FOR A CONDITIONAL USE PERMIT TO RUN A DAYCARE.

APPLICANT NAME:

SOUTHWEST BAPTIST CHURCH

928 W. 31st

WICHITA, KS 67217

LEGAL DESCRIPTION:

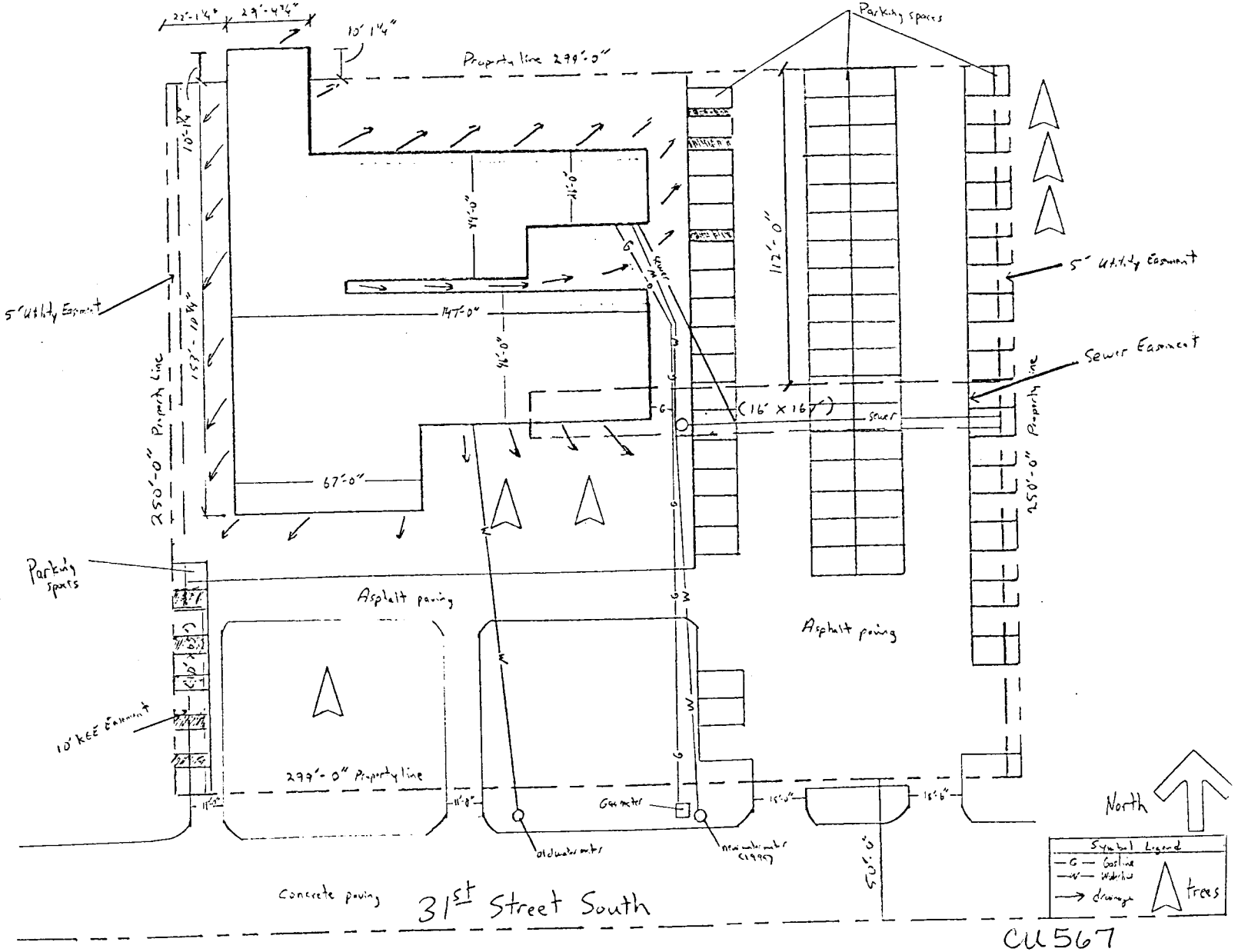
SOUTHWEST BAPTIST CHURCH ADDITION

MODIFICATIONS:

NONE

SITE PLAN

APPROVED 3/30/00 BY Lauren Yoffe



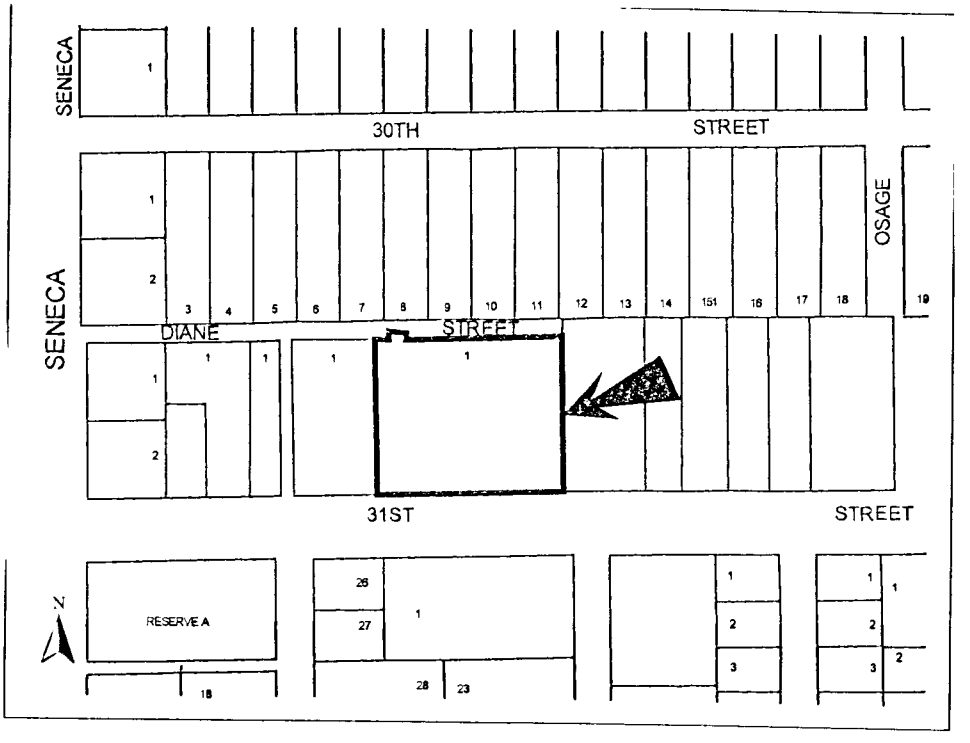
CU567

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT
MAPC March 16, 2000

CASE NUMBER:	CU-567
APPLICANT/AGENT:	Southwest Baptist Church, c/o Pastor David Hill (owner)
REQUEST:	Conditional Use to allow daycare, general
CURRENT ZONING:	"SF-6" Single Family
SITE SIZE:	2.0 acres
LOCATION:	North side of 31st Street South approximately 500 feet east of Seneca
PROPOSED USE:	To operate a daycare facility



BACKGROUND: The applicant is requesting that a 2.0-acre tract of property zoned "SF-6" Single Family be approved for a "Conditional Use" to operate a "daycare, general," program within the existing church building. The application area is located on the north side of 31st Street South approximately 500 feet east of Seneca.

The Unified Zoning Code defines "daycare, general" as "an establishment 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."

Southwest Baptist Church is seeking to operate a daycare program that would serve 24 children between the ages of infant and five years initially, operating between the hours of 6:00 a.m. and 6:00 p.m. The daycare would be housed within the northern portion of its existing facilities. The playground area would be located at the rear of the building, along the church's north property line. The applicant would need to screen and provide a landscape buffer along this property line in order to comply with licensing regulations for daycare and the screening requirements in the Uniform Zoning Code.

In the surrounding area, there are commercial buildings to the west and south of the church. There is also a condo development to the southeast. There are residences located on deep lots (330 feet in depth) in the area to the north and east of the church. The church owns the first lot to the east of its current parking lot, thus giving it a buffer from the remaining residences on 31st Street South, but also providing a potential expansion area.

The church's building is approximately 25 feet from its north property line, which appears to meet UZC compatibility requirements. However, the residences to the north of the church property do not have any structures located near the property line due to the depth of the lots.

CASE HISTORY: The property was platted as Southwest Baptist Church Addition in 1968.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-Family	Single-family residences
EAST:	"SF-6" Single-Family	Single-family residences
SOUTH:	"LC" Limited Commercial; "NR" Neighborhood Retail	Retail, offices
WEST:	"LC" Limited Commercial	Retail

PUBLIC SERVICES: The site has access to 31st Street South. Traffic volumes on 31st westbound to Seneca were 12,639 ADTs. Projected traffic volumes for 2020 were

projected to decrease to 10,646 ADTs. Public water and sewer service is available and already serves the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the Comprehensive Plan identifies this property as "low density residential." The Plan considers schools, churches, and other similar uses as appropriate in low-density areas. The "Area Treatment Classification" shows the area for "revitalization," an area with some decline, but good market and development opportunities. This potential is verified by the current construction of a new Walgreens on the northeast corner of 31st and Seneca and is supported by this application's desire to offer daycare services to the neighborhood.

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

1. The daycare, general, facility shall be developed in general conformance with the site plan, attached hereto and made a part of this application.

2. The daycare shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.

3. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.

4. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play by children under the supervision of the daycare facility shall be limited to the hours between 7:30 a.m. and 6:30 p.m.

5. A six-to-eight foot tall screening fence, constructed to prevent the passage of light and debris, shall be erected along the north property line. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire). A buffer of one tree for every 40 feet shall be provided along the playground.

6. On-site parking shall be provided for the daycare as required by the UZC, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.

7. Signs for the daycare shall be limited to those permitted in the "SF-6" Single-Family Residential District.

8. A loading area for the daycare facility shall be provided on-site as required by code.

9. Any violation of the conditions of approval shall render the Conditional Use permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning and development of the property to the north and east is "SF-6" Single-Family. The property to the west and south is "LC" Limited Commercial and "NR" Neighborhood Retail, with retail, office, and some multi-family use to the southeast.

2. The suitability of the subject property for the uses to which it has been restricted: The property has been used as a church and will continue to be used for this purpose. The "Conditional Use" would allow operation of a daycare facility during the weekdays to better utilize the facility, plus offer services to the neighborhood.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The only potential detrimental effect might be the outdoor play close to the rear property line of the residences to the north. This effect should be mitigated by screening and buffering, and by the depth of the residential lots.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change in zoning classification is in conformance with the "Wichita Land Use Guide," which identifies the area for "low density residential." It is compatible with the "Area Treatment Classification" for "revitalization."

5. Impact of the proposed development on community facilities: The projected impact on traffic is minimal due to the low volume of potential traffic. Water and sewer service is adequate to handle the small demand generated by the "Conditional Use."