

CONDITIONAL USE NO. 520

WHEREAS, Family Adventure Ministry (Owner) and Bobbie Vanatta (Applicant/Lessee), 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 all an adult day care on ½ acres zoned “TF-3” Two-family Residential described as:

Lots 86, 88, 90, 92, 94 and 96, on Salina Avenue, in Garden Grove Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located South of 16th Street east of Salina.

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 May 13, 1999, 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 an adult day care on ½ acres zoned “TF-3” Two Family Residential described as:

Lots 86, 88, 90, 92, 94 and 96, on Salina Avenue, in Garden Grove Addition to Wichita, Kansas, Sedgwick County Kansas. Generally located South of 16th Street east of Salina.

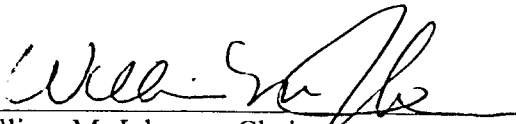
Subject to the following conditions:

- A. The adult 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 adults to be accommodated at any one time shall not exceed 20 and the hours of operation shall be Monday through Friday 7:00 a.m. to 6:00 p.m.

- C. Signs for the adult care center shall be limited to those permitted in the "TF-3" Two-Family Residential District.
- D. The applicant shall provide to the Metropolitan Area Planning Department a copy of the State license for this day care facility.
- E. No activities shall be conducted within the church, which has more than 60 attendees, while the adult day care facility is in operation except for 10 times per year for special functions.
- F. Any violation of these conditions shall render this Conditional Use null and void.

Adopted this 13th day of May 1999. 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



William M. Johnson, Chairman

ATTEST:



Marvin S. Krout, Secretary

CASE NUMBER: CU-520

APPLICANT/AGENT: Family Adventure Ministry (Owner) and Bobbie Vanatta (Applicant/Lessee)

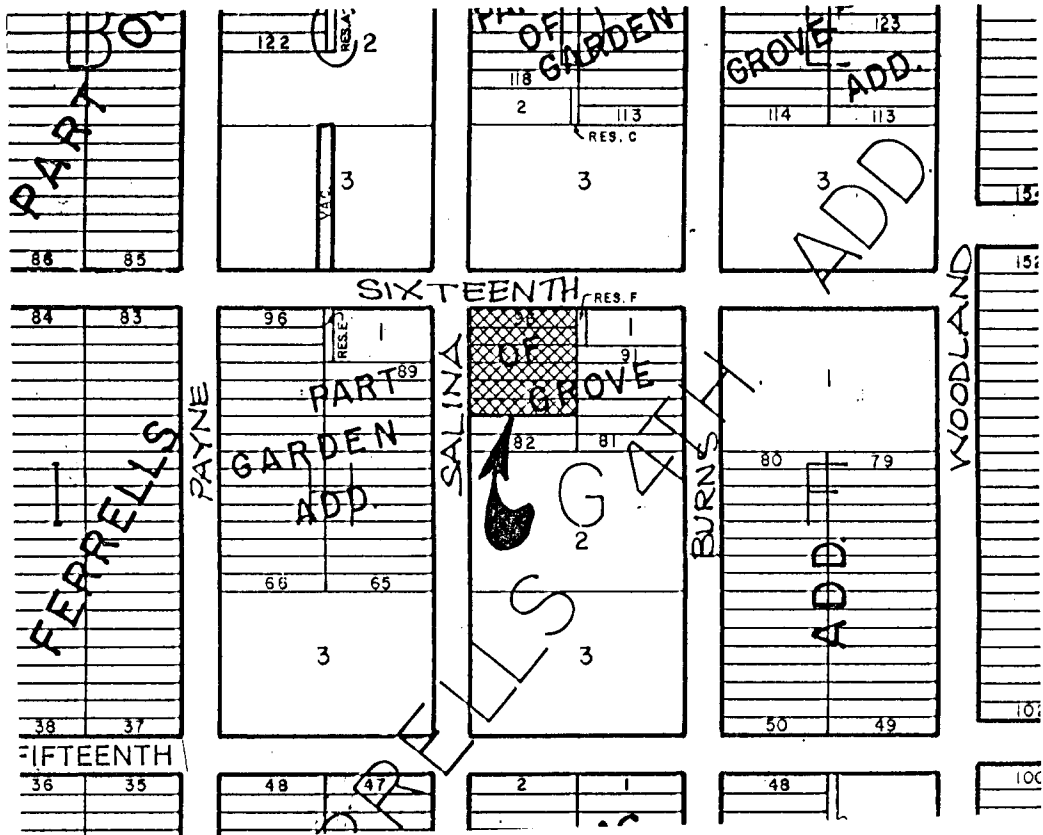
REQUEST: Conditional Use to allow an adult day care

CURRENT ZONING: "TF-3" Two-family

SITE SIZE: ½ acre

LOCATION: South of 16th Street and east of Salina

PROPOSED USE: An adult day care facility



BACKGROUND: The applicant is requesting a Conditional Use to allow a “general day care” facility for adults on a ½ acre platted tract located south of 16th Street North and east of Salina. This site is zoned “TF-3,” Two-family residential and is currently developed with a church and an educational building. An adult day care facility is classified as a “day care facility” in the Unified Zoning Code, which requires a Conditional Use in the “TF-3” Two-family zoning district when not operated as a home occupation.

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 applicant has stated that she intends to open an adult day care facility in the existing educational building, a 2,880 square foot building (72 foot by 40 foot). She plans on this operation being open between 7:30 a.m. and 6 p.m. Monday through Friday serving approximately 40 senior citizens. These individuals would be dropped off in the morning, and then picked up by 6 p.m. There would be different activities for these individuals throughout the day, but all activities would be conducted within the building. The applicant stresses that the services she will provide are basically the same as those found in a child day care center but for older adults. No persons with severe medical problems would be taken in. A maximum number of 5 employees would work at this operation.

The Unified Zoning Code requires day care facilities to provide one parking space per employee, one parking space per vehicle used in the operation of the day care and one parking space per 10 persons based on enrollment above 12. Therefore, if approved as requested by the applicant, a total of 9 parking spaces would be required. There are a total of 25 parking spaces shown on the site plan; however Central Inspection has stated that the five parking spaces in the 25 foot front yard setback, and the three parallel parking spaces along the south property line (number 4, 5 and 6) cannot be used to meet the required parking spaces, because there is not a 13 foot wide driveway to serve these spaces. This leaves a total of 17 parking spaces, which is more than sufficient to meet the required parking, if they are not used at the same time by major church functions.

There are single family homes located to the north, east, south and west, on property zoned “TF-3” Two-family residential. An elementary school is located at the northwest corner of 16th Street and Salina. A middle school and church is located approximately one block south of this area.

CASE HISTORY: BZA 54-75 permitted a child day care facility at this location. However, it specifically labeled this facility as a childcare center and did not discuss

the possibility of adults coming to the establishment.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family homes
SOUTH:	"TF-3"	Single-family homes
EAST:	"TF-3"	Single-family homes
WEST:	"TF-3"	Single-family homes

PUBLIC SERVICES: This site has access to 16th Street North and Salina, both of which are two-lane residential streets. Parking is permitted on both sides of the streets.

Municipal services are available to serve this site.

CONFORMANCE TO PLANS/POLICIES: The 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: This request will probably increase traffic somewhat, but the applicant could open a child day care facility with 20 children at this location without applying for a Conditional Use (BZA 54-75). Therefore, staff does not believe that this request will substantially increase traffic in the area, nor will it severely impact the surrounding property owners, more than the uses currently permitted on-site.

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

- A. The adult 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 adults to be accommodated at any one time shall not exceed 20.
- C. Signs for the adult care center shall be limited to those permitted in the "TF-3" Two-Family Residential District.
- D. The applicant shall provide to the Metropolitan Area Planning Department a copy of the State license for this day care facility.

- E. No activities shall be conducted within the church, which has more than 60 attendees, while the adult day care facility is in operation.
- F. 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, north and west. There is an elementary school located at the northwest corner of 16th Street and Salina, and a church and school at the southwest corner of 15th Street North.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently permitted to be a church or a child day care center. If this request were approved, it would not significantly change the uses permitted on-site nor substantially generate additional traffic.
3. 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 adults permitted on-site will be 20, which should not significantly increase noise or traffic in the general area. Also a childcare facility could be opened at this location with 20 children, currently without a need for a Conditional Use.
4. 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.
5. Impact of the proposed development on community facilities: This Conditional Use should have no negative impact on community facilities. The development could possibly generate 20 additional vehicles during the A.M. peak and 20 during the P.M. peak. During the P.M. peak, the two schools will have already released their students, which should eliminate the conflict between the traffic generated by these uses.

There is a large parking lot on the application area, which should allow for the adults to be dropped off and picked up without blocking traffic on Salina or 16th Street North.