CITY OF WICHITA

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

March 30, 2012

Ronnie Farhat
8943 Boxthorn Ct.
Wichita, KS 67208

Islamic Society of Wichita
PO Box 8157
Wichita, KS 67208

**RE:CON2012-06** - City Conditional Use request for a Daycare, General in TF-3 Two-family Residential zoning; generally located south of 34th Street North and 800 feet east of Woodlawn Avenue (6655 E. 34th Street North).

Dear Applicants:

At its regular meeting on **March 1, 2012**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request. No protests of this request were filed; therefore the decision of the MAPC is final, subject to the attached resolution.

If have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

Attachment

Copies to: Copies to:LaShonda Garnes, NA I, Mail Stop 1-135
Lavonta Williams, WCC I, Mail Stop 1-13
Julianne Kallman, Engineering, Mail Stop 1-71

## CONDITIONAL USE RESOLUTION NO. CON2012-00006

**WHEREAS**, the Islamic Society of Wichita, Inc. (Owner/Applicant), c/o Ronnie Farhat (Agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Daycare, General on 8.4 acres zoned TF-3 Two-family Residential ("TF-3") described as:

> LOT 1 BLOCK 2 KILLARNY WEST RESIDENTIAL ADDITION to Wichita, Sedgwick County, Kansas, generally located south of 34th Street North and 800 feet east Woodlawn Avenue (6655 E. 34th 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 1, 2012, 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 a Daycare, General on 8.4 acres zoned TF-3 Two-family Residential ("TF-3") described as:

LOT 1 BLOCK 2 KILLARNY WEST RESIDENTIAL ADDITION to Wichita, Sedgwick County, Kansas, generally located south of 34th Street North and 800 feet east Woodlawn Avenue (6655 E. 34th Street North).

Approved subject to the following conditions:

1. In addition to the uses permitted by right in the TF-3 district, a Day Care, General is permitted.

2. All applicable requirements of Art III, Sec III-D.6.i of the Unified Zoning Code shall be met.

3. The site shall be developed in general conformance with the approved site plan.

4. The Day Care, General shall be developed and operated in compliance with all federal, state, and local licensing, ordinances and regulations.

5. 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 1st Day of March 2012

METROPOLITAN AREA PLANNING COMMISSION

Shawn Farney, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

# STAFF REPORT

MAPC: March 1, 2012
DAB I: March 5, 2012

**CASE NUMBER:** CON2012-06

**APPLICANT/OWNER:** Islamic Society of Wichita, Inc. (Owner/Applicant), c/o Ronnie Farhat (Agent)

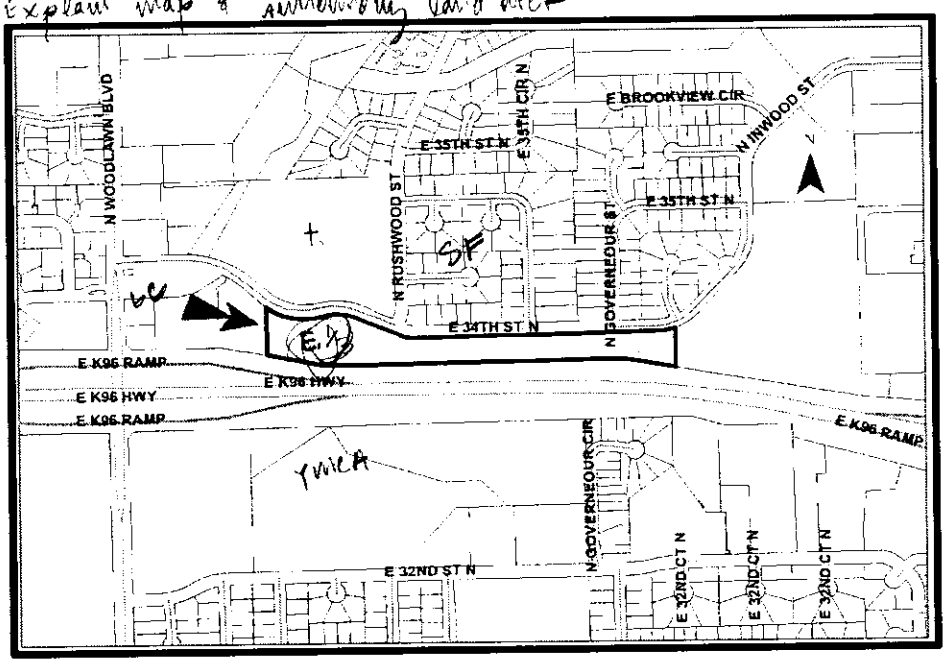
**REQUEST:** Conditional Use to permit a "Day Care, General"

**CURRENT ZONING:** TF-3 Two-family Residential ("TF-3")

**SITE SIZE:** 8.4 acres

**LOCATION:** Generally located south of 34th Street North and 800 feet east Woodlawn Avenue (6655 E. 34th Street North).

**PROPOSED USE:** Day Care, General



**BACKGROUND:** The applicant requests a Conditional Use to permit a "Day Care, General" on 8.4 acres located south of 34th Street North and 800 feet east of Woodlawn Avenue (6655 E. 34th Street North). The application area is developed with a religious facility on the western third of the site; the remainder of the site is vacant. The site currently provides a limited duration preschool by right, the applicant now intends to operate a full-day childcare program. The applicant intends to use the site as it is currently developed, see the attached site plan.

The property is zoned TF-3 Two-family Residential ("TF-3"). Per the *Wichita-Sedgwick County Unified Zoning Code* (UZC), a Day Care, General is permitted in the TF-3 district only by Conditional Use approval. The UZC defines a Day Care, General as a day care center that provides care, protection and supervision for more than ten individuals at any one time, including those under the supervision or custody of employees. The applicable conditions for a Day Care, General as a Conditional Use, per Art. III, Sec. III-D 6.i of the UZC are: day care centers shall comply with all applicable state regulations; 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; and provisions of parking spaces in Art. IV, Sec. IV-A.4 may be provided by shared parking when the day care is located within an existing church or place of worship, and the day care shall provide convenient off-street loading spaces equivalent to one space per ten students.

Property north of the subject site is zoned MF-29 Multi-Family Residential ("MF-29") and is developed with a religious facility. Northeast of the site is an SF-5 Single-family Residential ("SF-5") zoned subdivision. South of the site, across K-96, is the GC General Commercial ("GC") zoned YMCA North Branch. East of the site is an MF-29 zoned apartment complex, and west of the site is LC Limited Commercial ("LC") zoned vacant commercial property.

**CASE HISTORY:** The property was platted as Lot 1, Block 2, Killarney West Residential Addition in 1990. Zoning adjustments on this site permitted parking within the front building setback.

**ADJACENT ZONING AND LAND USE:**

| | | |
|---|---|---|
| NORTH: | MF-29, SF-5 | Church or place of worship, single-family residences |
| SOUTH: | GC | YMCA |
| EAST: | MF-29 | Multi-family residential |
| WEST: | LC | Vacant |

**PUBLIC SERVICES:** The site has three access points along East 34th Street North, a two-lane urban collector with a 70-foot right-of-way. Public water and sewer service are available at the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the western portion of the site as appropriate for "Major Institutional" uses, reflecting the current land use, and the remainder of the site as appropriate for "Urban Residential" use. Urban Residential is a category that encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle school facilities, churches, playgrounds, parks and other

similar residential serving uses may also be found in this category.

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

1. In addition to the uses permitted by right in the TF-3 district, a Day Care, General is permitted.
2. All applicable requirements of Art III, Sec III-D.6.i of the Unified Zoning Code shall be met.
3. The site shall be developed in general conformance with the approved site plan.
4. The Day Care, General shall be developed and operated in compliance with all federal, state, and local licensing, ordinances and regulations.
5. 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:** Property north of the subject site is zoned MF-29 and is developed with a religious facility. Northeast of the site is an SF-5 zoned subdivision. South of the site, across K-96, is the GC zoned YMCA North Branch. East of the site is an MF-29 zoned apartment complex, and west of the site is LC zoned vacant commercial property.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned TF-3, which is a district primarily limited to low density residential uses and a few compatible non-residential uses such as religious institutions, parks or schools. The site is developed with a religious institution, which is permitted in the TF-3 district by right. The site could continue to be used as currently zoned and developed; however, the addition of a day care can be considered an appropriate use along with an existing religious institution.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: The site currently operates a limited-hour preschool without negative impacts on surrounding properties. The proposed conditions and minimum code requirements should minimize potential impacts.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the western portion of the site as appropriate for "Major Institutional" uses, reflecting the current land use, and the remainder of the site as appropriate for "Urban Residential" use. Urban Residential is a category that encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. Elementary and middle school facilities, churches,

playgrounds, parks and other similar residential-serving uses may also be found in this category.

5. **Impact of the proposed development on community facilities:** Traffic for the drop-off and pick-up of children could increase beyond current the current traffic generated by the existing preschool. However, 34th Street North is an urban collector at this location, and the site has adequate drop-off queuing space to prevent impacting traffic flow on 34th Street North. All other community facilities are in place to serve the proposed use.

18" Storm sewer

F.H.

Conc.

E. 34th ST. N.

R = 512.03'
Δ 41°-30'-00"

226.01'

25' Building Setback

EXISTING PARKING

EXISTING BUILDING

PLAY GROUND

EXISTING WATER SERVICE TO BE RELOCATED

EXISTING ELECTRIC SERVICE TO BE RELOCATED

EXISTING GAS LINE

EXISTING WATER & GAS TO BE REMOVED FROM UNDER BUILDING

N 64°-28'-22" W 124.98'

NEW GAS LINE

NEW GENERATOR

1 1/2" NEW WATER SERVICE

NEW 8" CITY TAP

R = 472.91'
Δ 26°-29'-51"

SLOPE 3" PER 1'-0"

FINISHED FLOOR ELEV. 102.42

NEW ELECTRIC TRANSFORMER PAD

EXISTING PARKING

NEW FIRE HYDRANT

26' FIRE ROAD
5" ASPHALT

20' Utility Easement

S 89°-01'-40" W 1590.03'

96 HIGHWAY

APPROVED
SITE PLAN CON 2012-00
Date: 3-16-12

UTILITY SITE PLAN
1" = 30'-0"

EVANS BUILDING CO., INC.
9801 W. YORK WICHITA, KANSAS 67277

ISLAMIC SOCIETY OF WICHITA
NEW SCHOOL
6655 E. 34th STREET NORTH WICHITA, KANSAS 67226

PROPERTY OF EVANS BUILDING COMPANY, INC. UNLAWFUL TO REPRODUCE
Wichita City License No. 25
Sedgwick Co. License No. 00045

| REVISIONS | | |
|---|---|---|
| NO. | DATE | DWN |
| 1 | 01/08/10 | EL |
| 2 | 02/10/10 | EL |
| 3 | 02/25/10 | EL |
| 4 | 03/5/10 | EL |

WOLF & ASSOCIATES
ARCHITECTURE
12225 DOVE HILL CT.
DERBY, KANSAS 67037
TEL 1-316-776-1170 CELL 1-316-305-6811

DATE : 09/30/09
DR. BY : EL
CK. BY :

WILLIAM E. WOLF
LICENSED
2991
KANSAS
ARCHITECT

WILLIAM E. WOLF
REGISTERED ARCHITECT
KANSAS LICENSE NO 2991

PROJECT NO.
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SHEET
SA1.1