



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

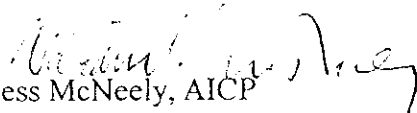
RE:CON2012-06 - City Conditional Use request for a Daycare, General in TF-3 Two-family Residential zoning; generally located south of 34th Street North and 800 feet east of Woodlawn Avenue (6655 E. 34th Street North).

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:

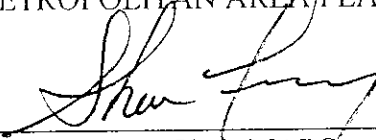
LOT 1 BLOCK 2 KILLARNY WEST RESIDENTIAL ADDITION to Wichita, Sedgwick County, Kansas, generally located south of 34th Street North and 800 feet east Woodlawn Avenue (6655 E. 34th Street North).

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

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"

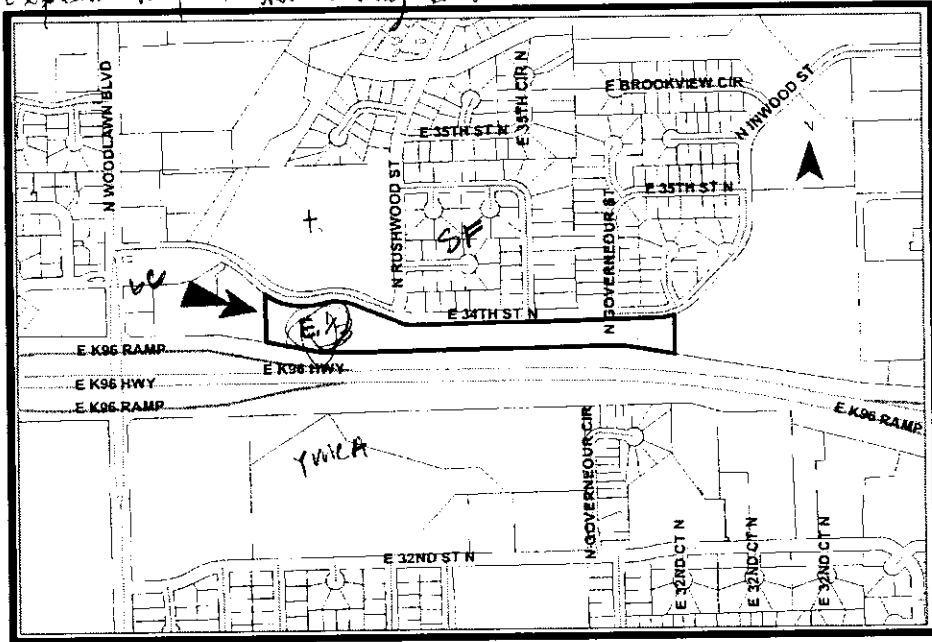
CURRENT ZONING: TF-3 Two-family Residential ("TF-3")

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

explain map & surrounding land area



TF-3 permits single two-family dwellings by right, parks & schools. This site has a permitted preschool, but they are unable to provide a day care, which requires a conditional use.

the applicant proposes no changes to the existing zoning.



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 ~~servicing~~ 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.

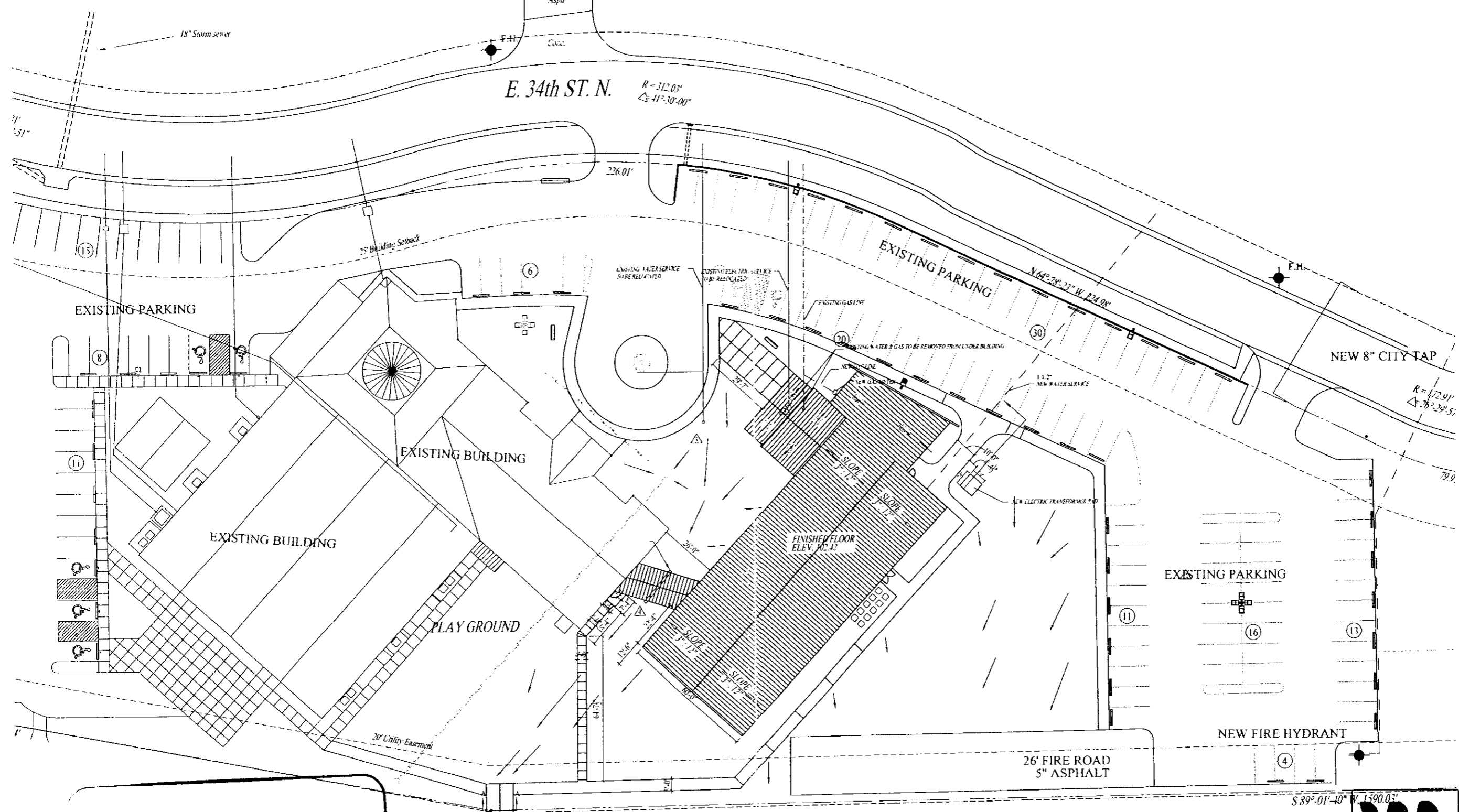
The staff's recommendation is based on the following findings:

X processes • no contact from neighbors or any opposition • appropriate given recommendations

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.

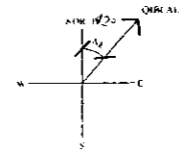
5. **Impact of the proposed development on community facilities:** Traffic for the drop-off and pick-up of children could increase beyond current the current traffic generated by the existing preschool. However, 34th Street North is an urban collector at this location, and the site has adequate drop-off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



APPROVED
 SITE PLAN CON 2012-06
 11/16/12
 Date: 3-10-12

96 HIGHWAY

UTILITY SITE PLAN
 1"=30'



WOLF & ASSOCIATES
 ARCHITECTURE
 12223 DOWE HILL CT.
 DERBY, KANSAS 67037
 TEL: 1-316-776-1170 CELL: 1-316-300-6411



WILLIAM E. WOLF
 REGISTERED ARCHITECT
 KANSAS LICENSE NO. 2991

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

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	BY
△	01/28/10	EL
△	02/10/10	EL
△	02/25/10	EL
△	08/5/10	EL

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

PROJECT NO.

SHEET
SA1.1