CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 4, 2012

YMCA
c/o Jon McReynolds
402 N. Market St.
Wichita, KS 67202

Westside Baptist Church
c/o Anna Green
304 S. Seneca St.
Wichita, KS 67203

RE: **CON2012-00016** - City Conditional Use for a Daycare, General in SF-5 Single-family Residential ("SF-5") zoning, generally located east of South Seneca and south of Burton (304 South Seneca).

Dear Applicants:

At its regular meeting on **April 05, 2012**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request subject to the conditions on the attached resolution. There have been no protests on the case during the two-week protest period, thus the decision of the MAPC is considered final.

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

Sincerely,

Derrick K. Slocum
Acting Division Supervisor
Metropolitan Area Planning Department

CONDITIONAL USE RESOLUTION NO. CON2012-00016

WHEREAS, Westside Baptist Church, c/o Amos Greer (Owner/Applicant) and YMCA, c/o Jon McReynolds (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 Day Care, General on 1.3 acres zoned SF-5 Single-family Residential ("SF-5") described as:

> Lots 1 thru 13 and Lots 15, 17, 19, 21, 23 and 25, Stantons Addition, to Wichita, Sedgwick County, Kansas, generally located east of South Seneca Street and south of West Burton Avenue.

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 April 19, 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 Day Care, General on 1.3 acres zoned SF-5 Single-family Residential ("SF-5") described as:

> Lots 1 thru 13 and Lots 15, 17, 19, 21, 23 and 25, Stantons Addition, to Wichita, Sedgwick County, Kansas, generally located east of South Seneca Street and south of West Burton Avenue.

Approved subject to the following conditions:

1. The Conditional Use shall comply with Article III, Section III-D.6.i of the UZC.
2. A revised site plan will be required to be submitted to the Planning Department within 60 days.
3. The property shall be developed and maintained in accordance with the revised site plan.
4. The applicant shall obtain all applicable local and state permits and operate in conformance to state regulations.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 19th Day of April 2012

AGENDA ITEM NO. 15

STAFF REPORT

MAPC: April 19, 2012
DAB IV: May 7, 2012
Tentative WCC Date: May 22, 2012
(If protests are received)

CASE NUMBER: CON2012-00016

APPLICANT/OWNER: Westside Baptist Church, c/o Amos Greer (Owner/Applicant)
YMCA, c/o Jon McReynolds (Agent)

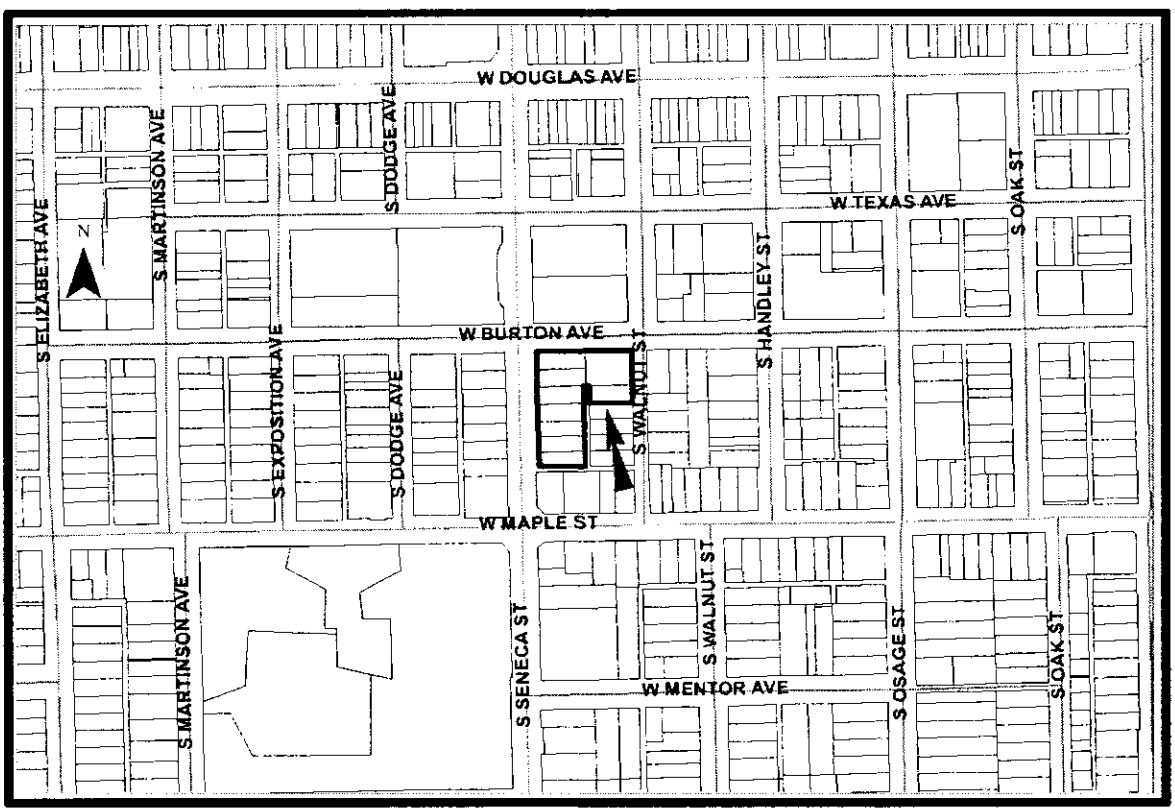
REQUEST: Conditional Use to permit a "Day Care, General"

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: 1.3 acres

LOCATION: Generally located east of South Seneca Street and south of West Burton Avenue.

PROPOSED USE: Day Care, General (Pick-up and Drop-off, latchkey type program)



BACKGROUND: The applicant is seeking Conditional Use approval to permit a "day care, general" on 1.3 acres located at 304 South Seneca Street, at the southeast corner of the intersection of South Seneca Street and West Burton Avenue. The subject site is currently developed with a church campus. The applicant proposes to use existing parts of the site for a pick-up and drop-off location for YMCA summer programs, and rooms within the existing church for activities. The request is to allow parents to drop off their children at this location and then have the children participate in activities until the bus arrives to deliver the children to the location of the YMCA summer program. When the program is complete for the day, the children are brought back to the church where they can participate in more activities until the parents are available to pick up their children.

The site plan that was submitted shows the aerial of the subject site. While it is known that there will be no changes to the site, staff will request, as a condition, a site plan that shows the location of the pick-up and drop-off location on the site and the location of the building on the campus that the applicant intends to use classrooms for the activities.

Per the *Wichita-Sedgwick County Unified Zoning Code* ("UZC"), a "day care, general" is permitted in the SF-5 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, or a day care center for ten or fewer individuals at any one time that is not operated as a home occupation.

Property north of the subject site is zoned SF-5 and is developed with a park. Property east of the subject site is zoned SF-5 and TF-3 Two-family Residential ("TF-3"), and is currently developed with single-family residences and a duplex. Property south of the subject site is zoned SF-5, TF-3 and GC General Commercial ("GC"), and is developed with single-family residences, a duplex, retail shops and a warehouse. Property west of the subject site is zoned SF-5, B Multi-family Residential ("B"), MF-18 Multi-family Residential ("MF-18") and TF-3, and is developed single-family and multi-family residential uses.

CASE HISTORY: The property is platted as Lots 1 thru 13 and Lots 15, 17, 19, 21, 23 and 25, Stantons Addition, to Wichita, Sedgwick County, Kansas recorded on December 13, 1886.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Park
SOUTH:	GC, SF-5 and TF-3	Retail/Warehouse, single-family residences and duplex
EAST:	SF-5 and TF-3	Single-family residences and duplex
WEST:	SF-5, B, MF-18 and TF-3	Single-family residences, Quadraplex, duplex

PUBLIC SERVICES: The subject site has frontage along South Seneca Street (west side of property), a four-lane, paved principal arterial with traffic counts of approximately 37,000 average daily trips at its intersection with Maple Street, just south of the subject site. The site also has frontage along West Burton Avenue (north side of property), which is a two-lane, paved local road with no traffic counts at this location. Public water and sewer service are currently

available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

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 Conditional Use shall comply with Article III, Section III-D.6.i of the UZC.
2. A revised site plan will be required to be submitted to the Planning Department within 60 days.
3. The property shall be developed and maintained in accordance with the revised site plan.
4. The applicant shall obtain all applicable local and state permits and operate in conformance to state regulations.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use 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 SF-5 and is developed with a park. Property east of the subject site is zoned SF-5 and TF-3 Two-family Residential ("TF-3"), and is currently developed with single-family residences and a duplex. Property south of the subject site is zoned SF-5, TF-3 and GC General Commercial ("GC"), and is developed with single-family residences, a duplex, retail shops and a warehouse. Property west of the subject site is zoned SF-5, B Multi-family Residential ("B"), MF-18 Multi-family Residential ("MF-18") and TF-3, and is developed single-family and multi-family residential uses.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-5, which is a district primarily limited to low density residential uses and a few compatible nonresidential uses such as churches, parks or schools. The site is currently developed with a church campus. The proposed use will utilize existing facilities on the subject site.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: No restrictions will be removed on the site due to the request. The use on the site already conducts similar operations. Pick-up and drop-of points and classrooms already exist on the site. The reason for this request is because another entity is requesting the use of the site and the activities proposed is not a part of an organized curriculum. The proposed use is defined as daycare, general and the reason for the Conditional Use request.

4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant**: Approval of the request would provide an additional pick-up and drop-off location for the YMCA summer camps. Denial of the application could presumably result in a reduction of location options for parents to drop-off and pick-up their kids for camp and a possible loss of revenue and participation for the YMCA summer camps.

5. **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 this site as appropriate for local commercial types of use. This category of use encompasses areas that contain concentrations of predominantly commercial, office, and personal service uses that do not have a predominately regional market draw. The range of uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities.

6. **Impact of the proposed development on community facilities:** All public facilities are available and existing road facilities are adequate.



Path: J:\Civil\10466 - YMCA Camp Hyde\dwg\YMCA_DayCare.mxd - Date: 3/8/2012

YMCA - SAP *West Side Baptist Church*

Conditional Use Exhibit

Drop off for Camp

SITE PLAN

MKEC ENGINEERING CONSULTANTS, INC.

APPROVED 3/9/12 BY

The information presented hereon is best available data gathered by MKEC from various outside sources. MKEC does not guarantee the positional accuracy the data shown.
In no event shall MKEC become liable to users of the data presented hereon, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use of the presented data.
In using the data presented hereon, the user further agrees to indemnify, defend, and hold harmless MKEC for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

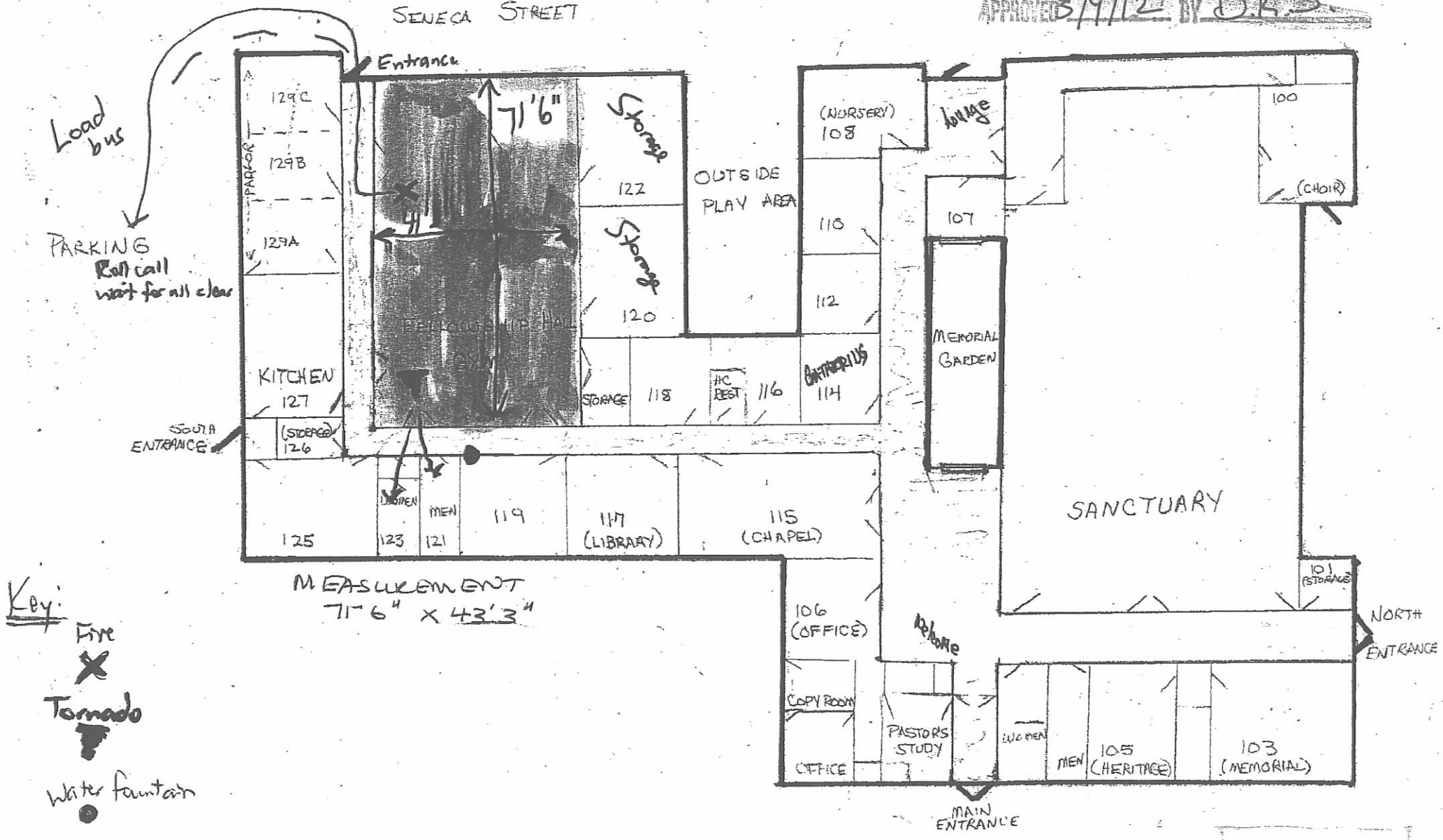
Key = (X) → Location of Program

O → parking lot used

WEST SIDE BAPTIST YMCA SAP

SITE PLAN

APPROVED 5/9/12 BY D.K.S.



MEASUREMENT
71'6" X 43'3"

Key:

Fire X

Tornado

Water fountain

Notes:

Boys RR - 1 sink / 2 toilets

Girls RR - 1 sink / 3 toilets