



Wichita-Sedgwick County Metropolitan Area Planning Department

May 4, 2012

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

Catholic Diocese of Wichita
c/o Robert E. Hemberger
424 N. Broadway
Wichita, KS 67202

RE: CON2012-00014 - City Conditional Use for Daycare, General in SF-5 Single-family Residential ("SF-5") zoning, generally located north of 21st Street North and west of 127th Street East (12626 21st Street North).

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,

A handwritten signature in black ink, appearing to read 'D. Slocum'.

Derrick K. Slocum
Acting Division Supervisor
Metropolitan Area Planning Department

CONDITIONAL USE RESOLUTION NO. CON2012-00014

WHEREAS, Catholic Diocese of Wichita, c/o Robert E. Hemberger (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 27.45 acres zoned SF-5 Single-family Residential ("SF-5") described as:

Lot 1, Block A, Church of the Magdalen 2nd Addition, to Wichita, Sedgwick County, Kansas,
generally located at the northwest corner of the intersection of East 21st Street North and North 127th Street East.

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 ~~6~~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 27.45 acres zoned SF-5 Single-family Residential ("SF-5") described as:

Lot 1, Block A, Church of the Magdalen 2nd Addition, to Wichita, Sedgwick County, Kansas,
generally located at the northwest corner of the intersection of East 21st Street North and North 127th Street East.

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. 13

STAFF REPORT

MAPC: April 19, 2012

DAB II: May 7, 2012

Tentative WCC Date: May 22, 2012
(If protests are received)

CASE NUMBER:

CON2012-00014

APPLICANT/OWNER:

Catholic Diocese of Wichita, c/o Robert E. Hemberger
(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:

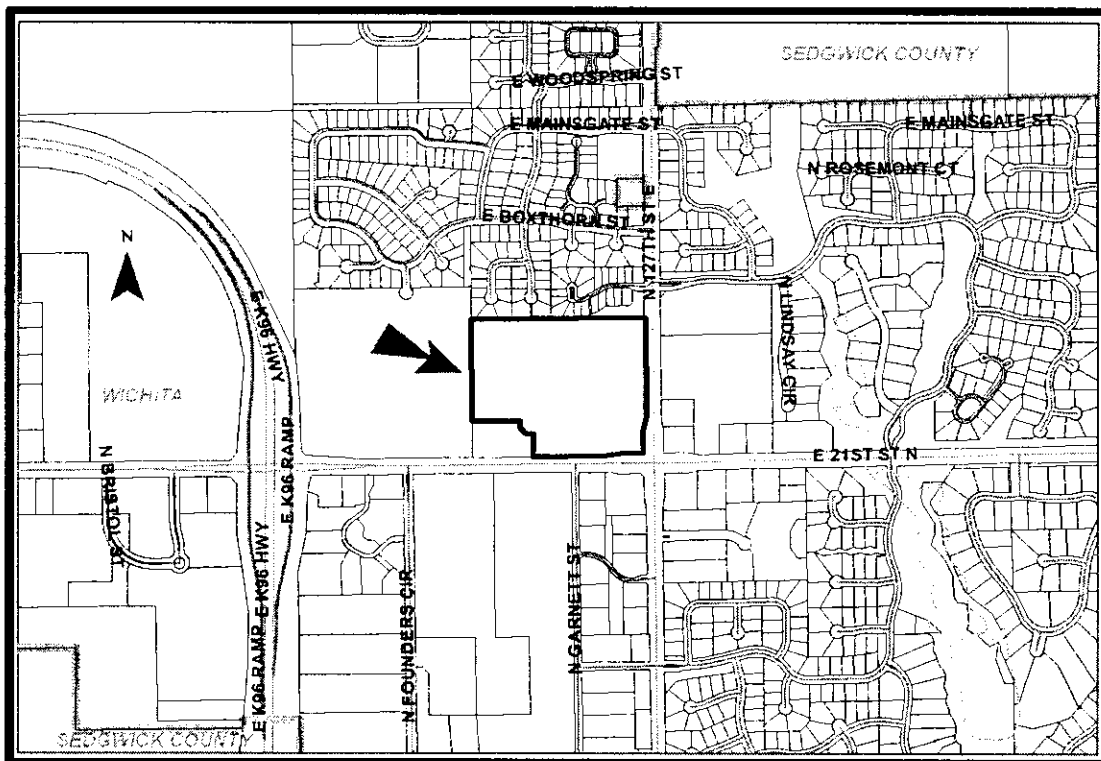
27.45 acres

LOCATION:

Generally located at the northwest corner of the intersection of
East 21st Street North and North 127th Street East.

PROPOSED USE:

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



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Metropolitan Area Planning Commission

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BACKGROUND: The applicant is seeking Conditional Use approval to permit a “day care, general” on 27.45 acres located at 12626 East 21st Street North, at the northwest corner of the intersection of East 21st Street North and North 127th Street East. The subject site is currently developed with a large 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 would allow parents to drop off their children at this location, have the children participate in activities until the bus arrives to deliver the children to the YMCA and its summer programs. When the program is complete for the day, the children are brought back to the church and 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 MF-18 Multi-family Residential (“MF-18”), and is developed with single-family residences. Property east of the subject site is zoned LC Limited Commercial (“LC”) and is currently undeveloped. Property south of the subject site is zoned SF-5 Single-family Residential (“SF-5”) and LC, and is developed with a school and some undeveloped commercial property. Property west of the subject site is zoned SF-5, and is developed with a church.

CASE HISTORY: The property is platted as Lot 1, Block A, Church of the Magdalen 2nd Addition, to Wichita, Sedgwick County, Kansas, recorded on October 31, 2002. The site has had two administrative adjustments approved to allow for parking within the front setback (BZA2000-00065) and to allow a L.E.D. sign (BZA2007-00054).

ADJACENT ZONING AND LAND USE:

NORTH:	MF-18	Residential
SOUTH:	SF-5 and LC	School and Vacant Commercial Land
EAST:	LC	Vacant Commercial Land
WEST:	SF-5	Church

PUBLIC SERVICES: The subject site has frontage along North 127th Street East (east side of property), a four-lane, paved minor arterial without traffic counts at this location. The site also has frontage along East 21st Street North (south side of property), which is a four-lane, with center turn lane, paved principal arterial with no traffic counts at this location. Public water and sewer service are currently available to the subject property.

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CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Major Institutional” use. Major Institutional is a category that includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment 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 MF-18, and is developed with single-family residences. Property east of the subject site is zoned LC, and is currently undeveloped. Property south of the subject site is zoned SF-5 and LC, and is developed with a school and some undeveloped commercial property. Property west of the subject site is zoned SF-5, and is developed with a church.
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 large 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-off 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 the site as appropriate for “Major Institutional” use. Major Institutional is a category that includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.
6. **Impact of the proposed development on community facilities:** All public facilities are available and existing road facilities are adequate.



YMCA - SAP

Church of the Magdalene office

Conditional Use Exhibit

Drop off for Camp

SITE PLAN

APPROVED 5/9/12 BY [Signature]

MKEC

ENGINEERING

CONSULTANTS, INC.

N

500 250 0

Feet

The information presented hereon is best available data gathered by MKEC from various outside sources. MKEC does not guarantee the positional accuracy of 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 used
 (O) → parking lot used

SITE PLAN

APPROVED 5/9/12 BY [Signature]

Magdalen Catholic School Indicates Tornado Safe Room

