



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 12, 2012

New Hope Missionary Baptist Church, Inc.
Victor Scott
1001 North Ohio
Wichita, KS 67214

RE: CON2012-00034 - City Conditional Use request for a Day Care, General on property zoned SF-5 Single-family Residential ("SF-5") located on both sides of East 9th Street North, west of North Ohio Avenue (1001 North Ohio)

Dear Ladies and Gentlemen:

At its regular meeting on August 16, 2012, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Miller'.

Dale Miller
Current Plans Manager

Copies to: WCC I, Lavonta Williams, Mail Stop 1-13
J. R. Cox, OCI, Mail Stop 1-72
Rick Stubbs, OCI, Mail Stop 1-72
Julianne Kallman, Mail Stop 1-71
Jeff Van Zant, Law, Mail Stop 1-131
City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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CONDITIONAL USE RESOLUTION NO. CON2012-34

WHEREAS, New Hope Missionary Baptist Church, Inc. (owners); 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 approximately .896 acre zoned SF-5 Single-family Residential ("SF-5"), described as:

Lot 11 and the south 10 feet of Lot 13, Wabash Addition and Lots 2, 4, 6 and 8, J. Wilson's Addition and Lots 1 & 3 except the west 5 feet and Lots 5, 7, 9 & 11, Ohio Avenue, Moore's Addition (1001 Ohio), generally located north of East 9th Street and west of North Ohio 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 August 16, 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 "day care, general" on property zoned SF-5 Single-family Residential ("SF-5"), described as:

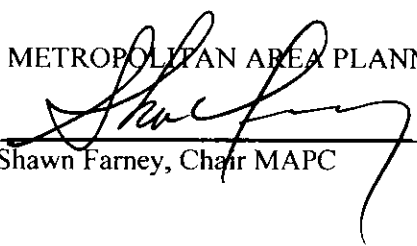
Lot 11 and the south 10 feet of Lot 13, Wabash Addition and Lots 2, 4, 6 and 8, J. Wilson's Addition and Lots 1 & 3 except the west 5 feet and Lots 5, 7, 9 & 11, Ohio Avenue, Moore's Addition (1001 Ohio), generally located north of East 9th Street and west of North Ohio Avenue.

Approved subject to the following conditions:

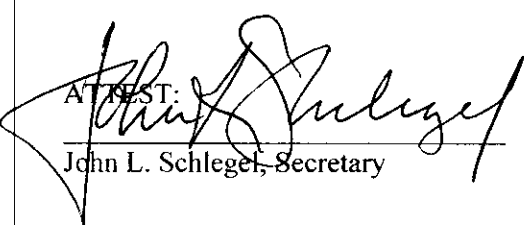
1. The Conditional Use permits the establishment and operation of a "day care, general," as defined in the Wichita-Sedgwick County Unified Zoning Code. The "day care, general" use shall be developed and operated in general conformance with approved site plan, and all applicable local and state regulations.
2. The maximum number of children allowed to be cared for by the day care is sixty. The hours of operation shall be Monday through Friday, 6:00 a.m. to 6:00 p.m., year-round, excluding major holidays.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 6 day of September 2012.

METROPOLITAN AREA PLANNING COMMISSION


Shawn Farney, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

BACKGROUND: The New Hope Missionary Baptist Church is requesting Conditional Use approval for a “day care, general,” for up to 60 children. The proposed day care is to be located in the existing church. The church’s facilities are located on two platted properties, .89 total acres that are separated by East 9th Street North and located west of North Ohio Avenue (south of East 13th Street North, west of I-135). The northern property (.456 acre) contains the church building that is proposed to house the “day care, general.” The northern property offers virtually no off-street parking. Paved off-street parking for the church is located on property (.437 acre) located south of East 9th Street that is developed with a 52-space parking lot. See the attached aerial photograph that was submitted as the applicant’s site plan. Hours of operation for the day care are proposed to be Monday through Friday, 6:00 a.m. to 6:00 p.m., year-round, excluding major holidays. Children between the ages of two-weeks to twelve years would be accepted.

In general, most of the properties surrounding the application area are zoned SF-5; however, there are a few scattered lots located in all directions that are zoned TF-3, Two-family Residential (“TF-3”), B Multi-family Residential (“B”) or GC General Commercial (“GC”). The New Hope Missionary Baptist Church also owns land located east, across North Ohio Avenue, and west, across the alley. Surrounding lots are developed primarily with single-family residences but there are a few duplexes, and a garage. Some of the surrounding lots are vacant.

The Unified Zoning Code (“UZC”) defines a “day care, general” as a facility that provides care, protection and supervision for more than ten 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 ten or fewer individuals at any one time that is not operated as a home occupation. A “day care, general” use is permitted in the SF-5 zoning district with Conditional Use approval, subject to Supplementary Use Regulation D.6.i: (1) Day Care Centers shall comply with all applicable state regulations; (2) (does not apply as this subsection deals with a day care center located in a residence and (3) 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. In this instance there is a single-family residence located just west of the alley.

The UZC requires one off-site parking space per teacher/employee, plus one per vehicle used in the center, plus one per ten children based on enrollment above twelve.

CASE HISTORY: The property is platted Lot 11 and the South 10 feet of Lot 13, Wabash Addition; Lots 2, 4, 6 and 8 J. Wilson’s Addition and Lots 1 and 3 except the West five feet and Lots 5, 7, 9 and 11, Moore’s Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, TF-3 and B; single-family residences, duplex
SOUTH:	SF-5, GC; vacant and single-family residences
EAST:	SF-5, GC; garage, single-family residences
WEST:	SF-5, TF-3, GC; vacant, single-family residences

PUBLIC SERVICES: Both East 9th Street North and North Ohio Avenue are two-lane paved streets with sixty-feet of right-of-way. The northern segment of East 9th Street that abuts the church structure is posted for no overnight parking. The site is served by all usually provided public services.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts this site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically

found in a large urban municipality, including special residential accommodations for the elderly (assisted living, congregate care and nursing homes), elementary and middle school facilities, churches, playgrounds and other similar residential serving uses. The McAdams Neighborhood Revitalization Plan Future Land Use Redevelopment Concept map depicts the site as appropriate for “religious assembly.”

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 permits the establishment and operation of a “day care, general,” as defined in the Wichita-Sedgwick County Unified Zoning Code. The “day care, general” use shall be developed and operated in general conformance with approved site plan, and all applicable local and state regulations.
2. The maximum number of children allowed to be cared for by the day care is sixty. The hours of operation shall be Monday through Friday, 6:00 a.m. to 6:00 p.m., year-round, excluding major holidays.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most of the properties surrounding the application area are zoned SF-5; however, there are some scattered lots with TF-3, B or GC zoning. Most of the lots are developed with single-family residences. There are a few two-family residential units and a garage, as well as some vacant lots located in the area surrounding the subject site.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned SF-5, which is the second most restrictive zoning district found in the City. Churches are permitted by right in the SF-5 district. The existing church could continue to be operated as currently zoned. However, it is not unusual for a church to seek approval for a day care center as a means to increase more frequent use of the church’s facilities and as an a method of community outreach.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Presumably approval of the day care center for up to 60 children would increase the number of Monday-Friday vehicle trips to the site.
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 add to the child care opportunities available to northeastern Wichita. Denial would presumably represent an economic loss to the church.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality, including special residential accommodations for the elderly (assisted living, congregate care and nursing homes), elementary and middle school facilities, churches, playgrounds and other similar residential serving uses. The McAdams Neighborhood

Revitalization Plan Future Land Use Redevelopment Concept map depicts the site as appropriate for “religious assembly.”

6. Impact of the proposed development on community facilities: Existing community facilities are adequate to meet any additional demands created by the proposed day care center.

PLANTING NOTES:

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THESE LANDSCAPE SPECIFICATIONS AND LOCAL INDUSTRY STANDARDS.
- TOPSOIL HAULED ON TO SITE SHALL BE FERTILE, TRIABLE, NATURAL LOAM TOPSOIL OF UNIFORM QUALITY CHARACTERISTICS OF REPRESENTATIVE LOCAL SOILS WHICH PRODUCE HEAVY GROWTHS OF CROPS, GRASS, OR OTHER VEGETATION. IT SHALL BE FREE OF SUBSOIL, CLAY LUMPS, BRUSH, WEEDS, ROOTS, STONES, TRASH OR OTHER MATTER TOXIC TO PLANT GROWTH.
- TOPSOIL SHALL BE DELIVERED TO AN UNFROZEN AND NON-MUDDY CONDITION AND SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT.
- TREES WITH BROKEN LEADERS WILL NOT BE ACCEPTED.
- PLASTIC EDGING SHALL BE USED TO SEPARATE ALL TURF AREAS FROM PLANTING BEDS. EDGING SHALL BE COBRA COMMERCIAL HEAVY DUTY GRADE FROM OLD DUTCH MATERIALS CO. OR APPROVED OTHERS.
- ALL PLANTING BEDS SHALL BE PREPARED BY KILLING OLD EXISTING VEGETATION WITH ROUND-UP (OR EQUAL) ACCORDING TO LABEL DIRECTIONS. A PRE-EMERGENT HERBICIDE SUCH AS TREFLON (OR EQUAL) SHALL BE APPLIED PER LABEL DIRECTIONS.
- CONTRACTOR TO INSTALL DEWITT WEED BARRIER (OR EQUAL) IN ALL PLANTING BEDS PRIOR TO MULCHING.
- MULCH 4" DEEP AROUND TREES AND 2" DEEP AROUND ALL SHRUB PLANTING BEDS WITH SHREDDED CYPRESS MULCH.

- ALL AREAS THAT ARE CALLED OUT AS SEED ARE TO BE SEEDED AND FERTILIZED AS FOLLOWS:
SEED: KANSAS PREMIUM FESCUE BLEND - 5 - 8# 11000 S.F. (EQUAL PARTS OF OLYMPIC, BONANZA, APACHE AND MONARCH VARIETIES).
FERTILIZER: 16-20-5 RATIO - 4# 11000 SQ. FT. OR APPROVED EQUALS
MULCH: 2 TONS OF PRAIRIE HAY PER ACRE POTTED WITH FORKS OR PUNCHED INTO SOIL TO REDUCE LOSS DUE TO WIND
- PRIOR TO EXCAVATION FOR ANY LANDSCAPING PURPOSES THE LOCATION OF UNDERGROUND UTILITIES SHALL BE DETERMINED BY CALLING KANSAS ONE-CALL SYSTEM AT 316-687-2470. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE DONE TO EXISTING UTILITIES.
- LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR ALL PERMITS REQUIRED AND IS TO SEE THAT ALL WORK IS PERFORMED IN ACCORDANCE WITH STATE AND LOCAL CODES.
- IRRIGATION-WATER FOR ESTABLISHMENT AND MAINTENANCE OF PLANT MATERIALS ON THIS PROJECT WILL BE PROVIDED BY A HOSE BIB SYSTEM WITH SPOCKETS ON THE WEST SIDE OF THE BUILDING.
- LANDSCAPE CONTRACTOR SHALL SUBMIT BID WITH UNIT PRICES FOR THE PLANTS, WHICH INCLUDES MULCH, INSTALLATION, GUARANTEE, AND ETC..
- REPORT ANY DISCREPANCIES TO THE PLANTING PLAN TO THE LANDSCAPE ARCHITECT PRIOR TO STARTING CONSTRUCTION.

LEGAL DESCRIPTION:

THE WEST 80 FEET OF LOTS 2, 4, 6, 8, AND ALL OF LOTS 10, 12, 14, 16, 18 AND 20, ON OHIO AVENUE, WABASH 2ND ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS

SHRUBS:

COMMON NAME: COMPACT BURNING BUSH
SCIENTIFIC NAME: EUONYMUS ALATUS 'COMPACTA'
MATURE HEIGHT (FT.): 4-5
MATURE SPREAD (FT.): 3-4
SHADE: TOLERANT
DESCRIPTION: HARDY GREEN RED FALL COLOR

ORNAMENTAL TREE: (NOT APPLICABLE)

COMMON NAME: AMUR MAPLE
SCIENTIFIC NAME: ACER TATARICUM VAR. GINNALA
CULTIVARS: 'COMPACTUM' 'FLAME'
MATURE HEIGHT (FT.): 15-20
MATURE SPREAD (FT.): 15-25
DESIREABLE FLOWERS: F
SHOWY OR USEFUL FRUIT: F
ORNAMENTAL BARK: N/A
ALKALINE SOIL: F
DROUGHT: G
FULL SUN: G
LIGHT SHADE: F
WET SOIL: F
PEST RESISTANT: F
AUTUMN FOLIAGE COLOR: G

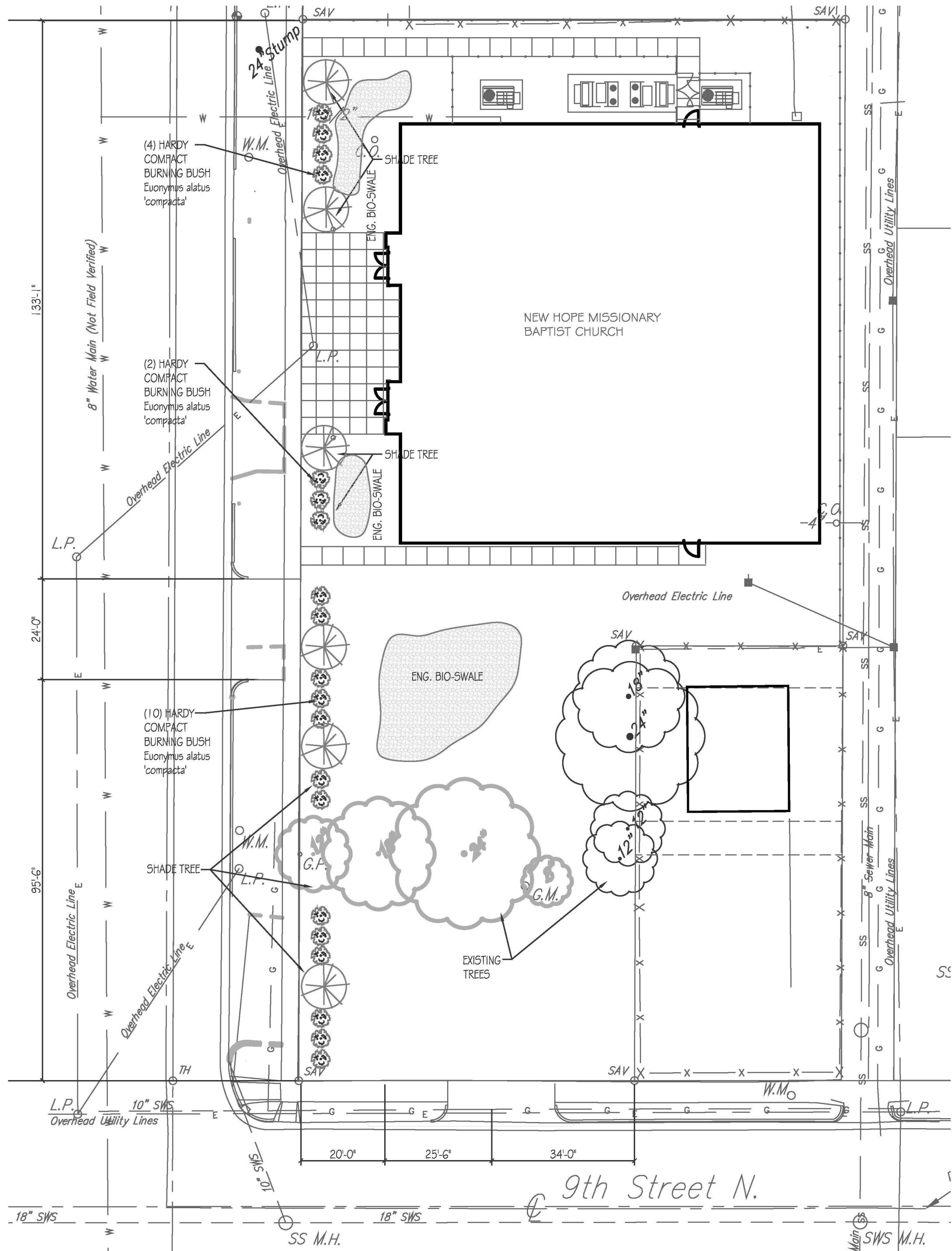
SHADE TREE (MEDIUM)

COMMON NAME: TRIDENT MAPLE
SCIENTIFIC NAME: ACER BUERGERIANUM
MATURE HEIGHT (FT.): 20-35
MATURE SPREAD (FT.): 20-30
DESIREABLE FLOWERS: N/A
SHOWY OR USEFUL FRUIT: N/A
AUTUMN FOLIAGE COLOR: G
ORNAMENTAL BARK: F
FULL SUN: G
LIGHT SHADE: F
ALKALINE SOIL: F
DROUGHT: F
WET SOIL: F
PEST RESISTANT: F

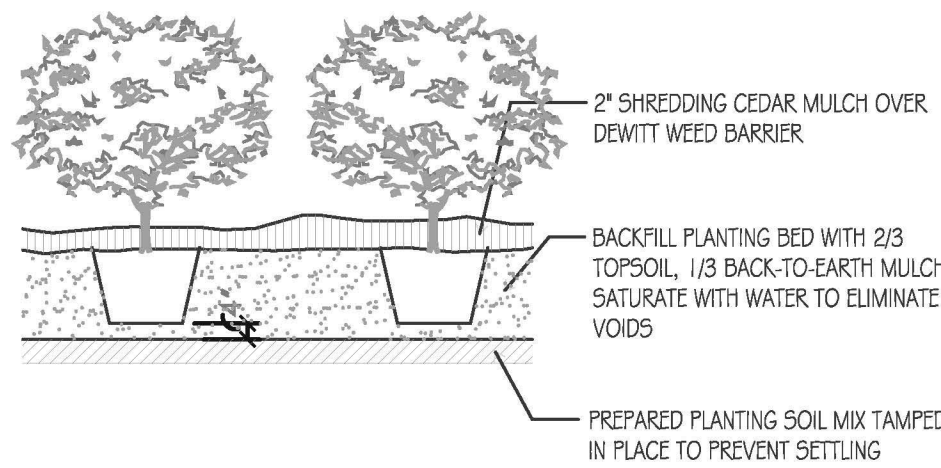
LANDSCAPE ORDINANCE CALCULATIONS:

253'-0" TOTAL FEET OF FRONTAGE
- 80'-0" PERPENDICULAR DISTANCE
173'-0" ADJUSTED STREET FRONTAGE
X 8 REQUIRED SQ. FT. FACTOR
1,384 TOTAL SQ. FT. REQUIRED

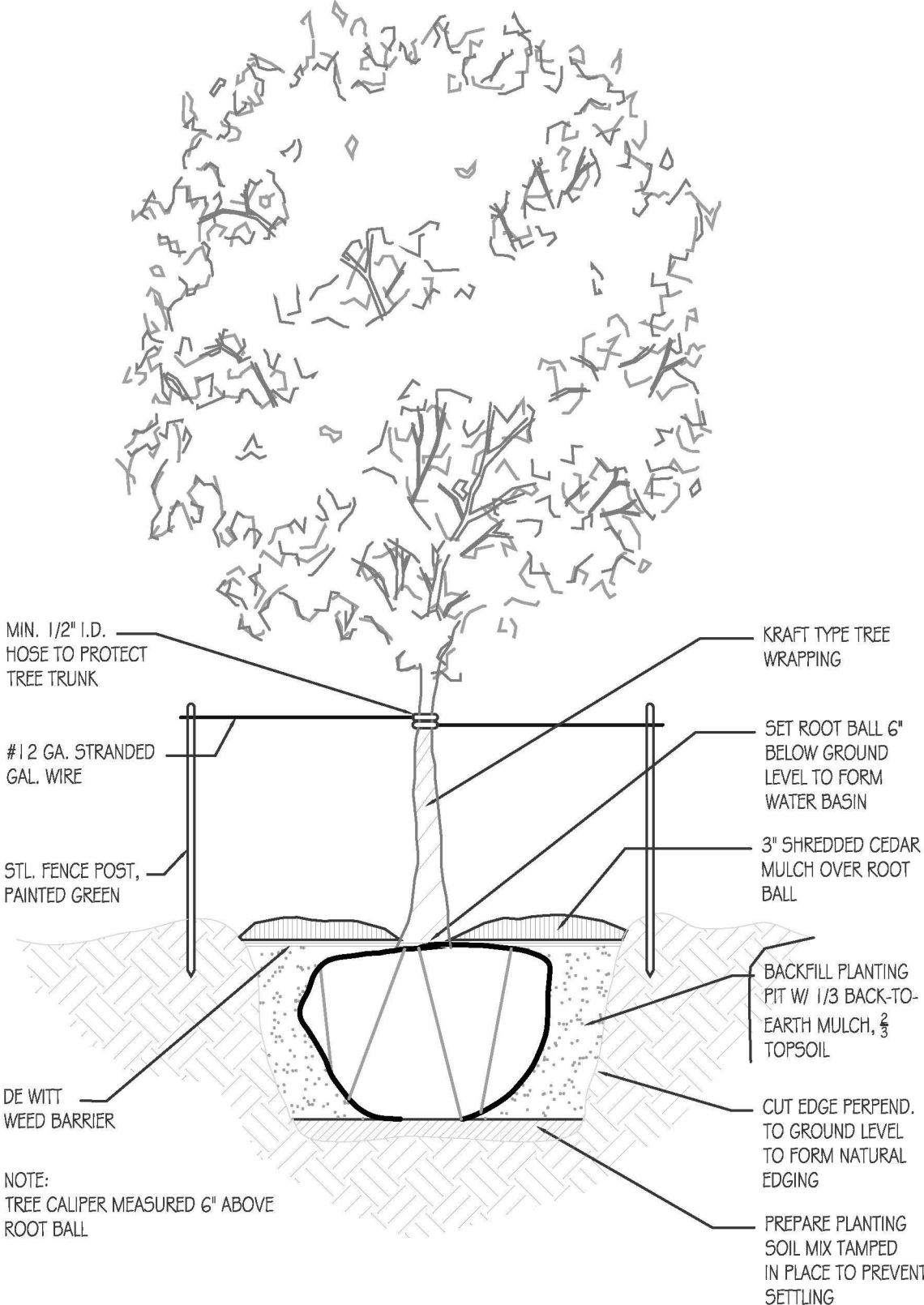
SHADE TREES REQUIRED: 7
SHADE TREES SHOWN: 7 SHADE TREES
0 ORNAMENTAL TREES
PARKING STALLS: ON SITE - TBD
EXISTING -



1 LANDSCAPE PLAN
SCALE: 1" = 20'-0"



2 TYP. PLANTING DTL.
SCALE: 1/4" = 1'-0"



3 TYP. TREE PLANTING DTL.
SCALE: 1/4" = 1'-0"



PLACES
ARCHITECTS
316-262-5822
3405 MAIN STREET WICHITA KANSAS 67202

NEW HOPE MISSIONARY
BAPTIST CHURCH

1001 N. OHIO AVE.
WICHITA, KANSAS

LANDSCAPE
PLAN

DATE:
4/7/14

SP1.3

SHEET NUMBER