

**CONDITIONAL USE RESOLUTION NO. CON2013-00009**

**WHEREAS**, the Catholic Diocese of Wichita (owner); 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 1.03 acres zoned SF-5 Single-family Residential (“SF-5”), described as:

Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, Block 11, Junction Town Company Addition to Wichita, Sedgwick County, Kansas

**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 May 9, 2013, 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 , described as: SF-5 Single-family Residential (“SF-5”)

Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, Block 11, Junction Town Company Addition to Wichita, Sedgwick County, Kansas

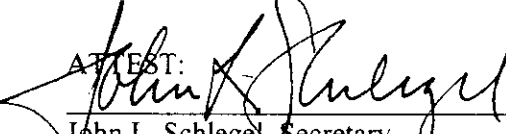
Approved subject to the following conditions:

- A. The Conditional Use permits a “day care, general” for up to 12 children.
- B. The “day care” shall be developed, operated and maintained in general conformance with the approved site plan, and in conformance with all applicable local, state or federal laws or regulations. Pick up and loading spaces shall not be located in street right-of-way and may be accounted for by a parking space.
- C. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 9<sup>th</sup> day of May 2013.

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
David Dennis, Chair MAPC

ATTEST:  
  
\_\_\_\_\_  
John L. Schlegel, Secretary

**STAFF REPORT**  
DAB IV May 6, 2013  
MAPC May 9, 2013

**CASE NUMBER:** CON2013-00009

**APPLICANT/AGENT:** Catholic Diocese of Wichita (owner) / Fr. Stuart Smeltzer (St. Joseph Catholic Church) and Jennifer Riddel (day care operator)

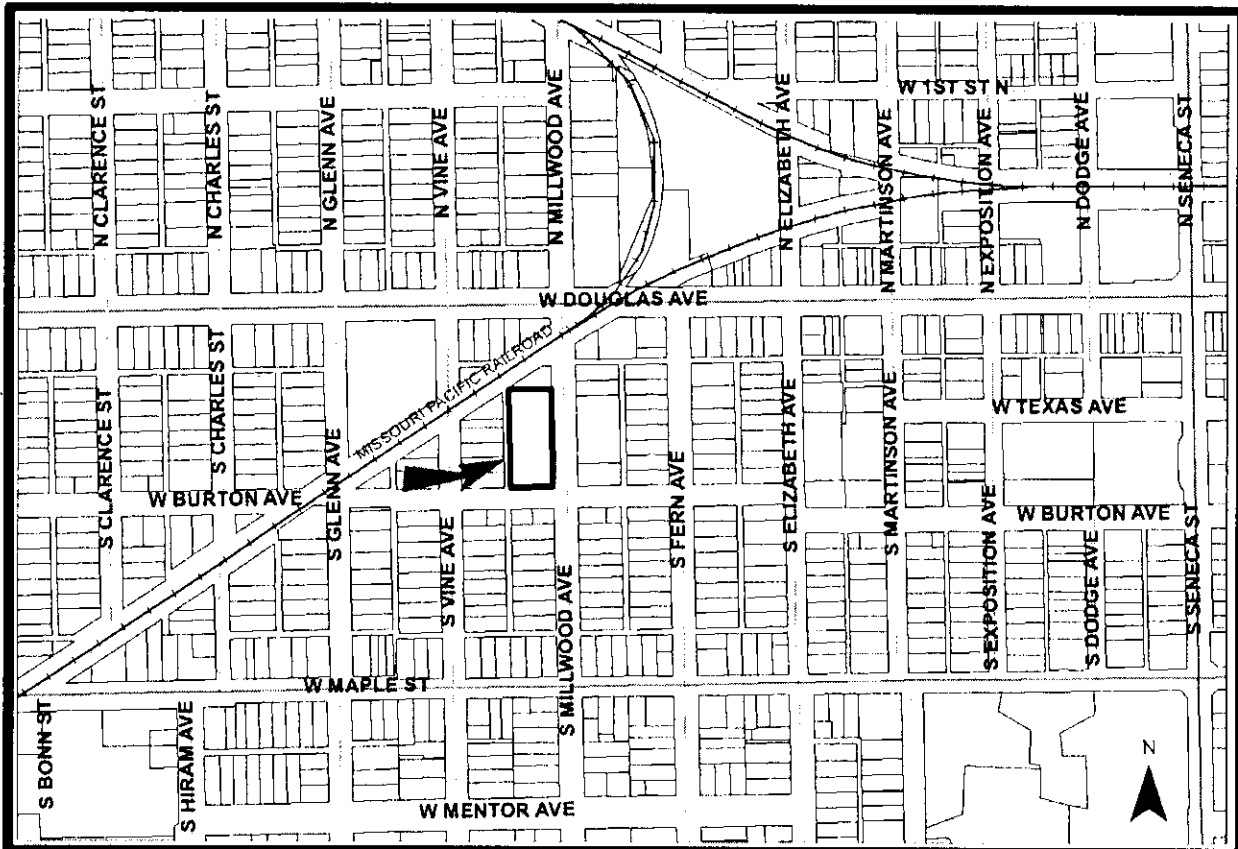
**REQUEST:** Conditional Use to permit a Day Care, General

**CURRENT ZONING:** SF-5 Single-family Residential (“SF-5”)

**SITE SIZE:** 1.03 acres

**LOCATION:** 330 feet south of West Douglas Avenue, west of South Millwood Avenue

**PROPOSED USE:** Day Care, General for up to 12 children and two employees



**BACKGROUND:** The applicant is seeking Conditional Use approval for a “day care, general” for up to 12 children and two employees at the existing St. Joseph Church and School complex located approximately 300 feet south of West Douglas Avenue, on the west side of South Millwood Avenue. The site contains 1.03 platted acres, and is zoned SF-5 Single-family Residential (“SF-5”). The attached site plan indicates the day care would be housed within the school building located north of the church. Parking for the proposed day care will be located in the existing 70-space parking lot located on the east side of Millwood Avenue that also serves both the school and the church.

The Unified Zoning Code (UZC) requires one off-street loading space per 10 students for day cares with 11 or more children capacity. In this instance, the applicant will need to identify one loading space on the site plan; it is permissible to identify a parking space as the loading space. The UZC also requires one space per teacher / employee, plus one per vehicle used in the center, plus one per ten children based upon the enrollment above 12. In this instance the applicant will need to supply a total of four off-street parking / loading spaces: one loading space, two off-street parking spaces for the two employees and one for the children. The existing parking for the church is a legal non-conforming use. Elementary schools are required to provide one space per teacher / employee, plus five visitor spaces. The school has 15 employees and would require a total of 20 off-street parking spaces. It appears the 70-space parking lot located east of Millwood has enough spaces to account for typical weekday daily parking demand for the school and the proposed day care.

The property located north of the site is zoned SF-5; property located further north, fronting East Douglas Avenue, is zoned LC Limited Commercial (“LC”). Property east of the site is zoned SF-5, and is owned by the Church and is developed with a meeting hall and a parking lot. The lots located to the south are zoned SF-5 and TF-3 Two-family Residential. The lots to the west are also zoned SF-5. Surrounding land is predominantly residential with some institutional and commercial uses located in the larger area surrounding the site.

**CASE HISTORY:** The property is platted as Lots 15-27, Block 11, Junction Town Company Addition.

**ADJACENT ZONING AND LAND USE:**

North: SF-5 and LC; single-family residence, railroad track, row stores  
South: SF-5, TF-3, MF-18; single-family, two-family, three and four family residences  
East: SF-5; assembly building, parking (this half-block is owned by the Church)  
West: SF-5; residences (most of this half-block is owned by the Church)

**PUBLIC SERVICES:** Millwood Avenue is a two-lane local street that has approximately 80 feet of right-of-way. Other normally supplied public utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts the site as being appropriate for “major institutional” The major institutional category includes facilities of a significant size and scale of operation and could include a range of uses such as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The site is also located within the Delano Neighborhood Plan boundaries and is depicted on that plan’s recommended land use map (Figure 15, Delano Neighborhood Plan) as being appropriate for Institutional Uses.


**RECOMMENDATION:** Based upon the information available at the time the report was prepared, planning staff recommends approval, subject to the following conditions:

- A. The Conditional Use permits a “day care, general” for up to 12 children.
- B. The “day care” shall be developed, operated and maintained in general conformance with the approved site plan, and in conformance with all applicable local, state or federal laws or regulations. Pick up and loading spaces shall not be located in street right-of-way and may be accounted for by a parking space.
- C. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

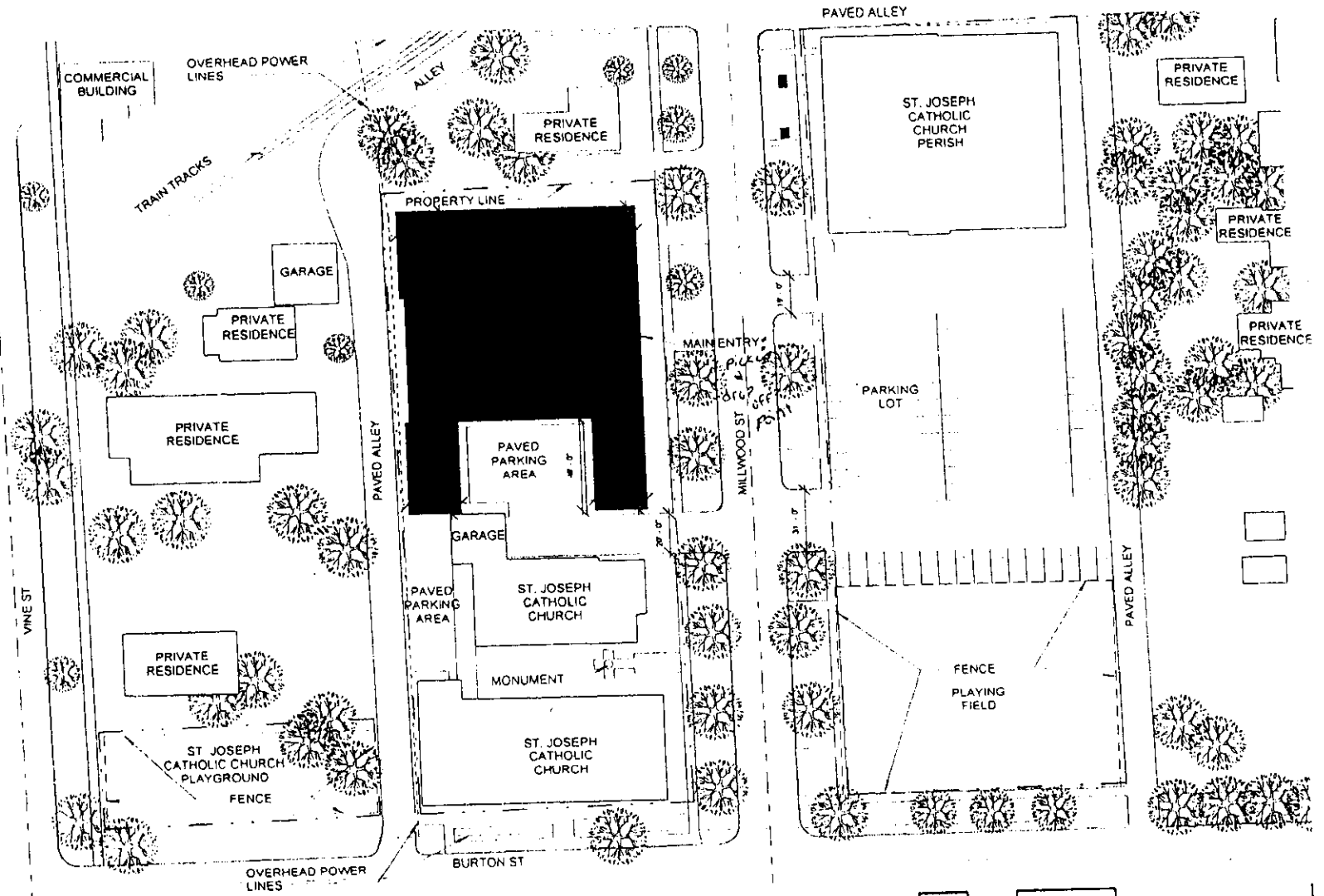
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area is an older neighborhood located in one of the oldest parts of the city. The zoning in the area surrounding the application area is predominately zoned SF-5, with some scattered lots zoned TF-3 or MF-18. There are lots fronting West Douglas Avenue that are zoned LC. The land use in the area is predominately residential with some institutional uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5 and is developed with a school and a church; both uses that are permitted by-right in the SF-5 district. The property could continue to be used as currently developed; however, the addition of a “day care, general” as proposed should not change the character of the site nor impact surrounding property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property is already developed with a church and school. The addition of a day care with twelve children to the school and church complex will likely go unnoticed by nearby property owners.
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 will provide additional day care choice to the area.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as being appropriate for “major institutional” The major institutional category includes facilities of a significant size and scale of operation and could include a range of uses such as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The site is also located within the Delano Neighborhood Plan boundaries and is depicted on that plan’s recommended land use map (Figure 15, Delano Neighborhood Plan) as being appropriate for Institutional Uses.
6. Impact of the proposed development on community facilities: The site is fully served by public services and facilities.

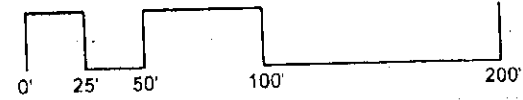
# SITE PLAN

APPROVED 6-7-13 BY 

CDM 13-12



(1) Level 1  
1" = 50'-0"



Pure Design

ST. JOSEPH CATHOLIC  
SCHOOL & DAYCARE

139 S. MILLWOOD  
WICHITA, KS 67213

JOB NO. 8JCS 13  
DATE 03-23-13

A1.0  
SITE PLAN



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

June 7, 2013

Catholic Diocese of Wichita  
Attn: Fr. Stuart M. Smeltzer  
132 South Millwood  
Wichita KS 67213

Jennifer Riddel  
145 South Millwood  
Wichita KS 67213

**RE: CON2013-00009** - City Conditional Use request for a "day care, general" on property zoned SF-5 Single-family Residential ("SF-5") generally located 330 feet south of West Douglas Avenue, west of South Millwood (132 South Millwood).

Dear Ladies and Gentlemen:

At its regular meeting on May 9, 2013, 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 in the attached resolution.

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

Sincerely,

A handwritten signature in black ink that reads 'Dale Miller'.

Dale Miller  
Current Plans Manager

Copies to: WCC IV, Bluebaugh, Mail Stop 1-13  
Julianne Kallman, Mail Stop 1-71  
Neighborhood Assistant IV, Kelli Geier, Mailstop 1-135  
MACBD

Attachments