CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 4, 2013

Midland Baptist Church
1860 North Tyler
Wichita, KS 67212

Erika Tomlin
4615 N. Steeds Crossing
Park City, KS 67219

RE: **CON2013-00016** - City Conditional Use to permit a "day care, general" in SF-5 Single-family Residential zoning on property generally located at 1860 N. Tyler (north of 18th Street North and east of Tyler).

Dear Ladies and Gentlemen:

At its regular meeting on August 8, 2022, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to approve the request, subject to conditions listed below:

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" shall be developed and operated in general conformance with the 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 forty-four. The hours of operation shall be Monday through Friday, 6:00 a.m. to 6:00 p.m.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, may, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, declare that the Conditional Use is null and void.

Property owners may also file written protest petitions on zoning or Conditional Use items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, September 5, 2013. Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the

perimeter of the application area, unless the City Council overrides such a protest and approves the application by a positive vote of 6 of its members. Property owners owning property located outside of the 200 foot perimeter may file protests; however, those protests do not count towards the 20 percent supermajority vote requirement.

The applicant and anyone who signed up to speak at the MAPC meeting will be advised of the date your application will be forwarded to the Governing Body for review and final action. City Council consideration is only required if a protest or an appeal of the action of the MAPC is filed.

This is a reminder that the zoning notification signs may be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Dale Miller
Current Plans Manager

Copies to: WCC V, Jeff Longwell, Mail Stop 1-13
Neighborhood Assistant V, Megan Buckmaster, Mailstop 1-135
Julianne Kallman, Mail Stop 1-71
Pines Patio Homes, Mary Ann McLeland, 9111 W. 21st Street, #81, Wichita, KS 67205
Westlawn Home Owners Assoc., P. O. Box 75182, Wichita, KS 67275

CONDITIONAL USE RESOLUTION NO. CON2013-00016

WHEREAS, Midland Baptist church (owner) and Erika Tomlin (applicant); 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 1.94 acres zoned SF-5 Single-family Residential ("SF-5"), described as:

Lot 1, Midland Baptist Church 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 August 22, 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")

Lot 1, Midland Baptist Church Addition to Wichita, Sedgwick County, Kansas

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" shall be developed and operated in general conformance with the 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 forty-four. The hours of operation shall be Monday through Friday, 6:00 a.m. to 6:00 p.m.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, may, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, declare that the Conditional Use is null and void.

Adopted this 22nd day of August 2013.

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer

Don Klausmeyer , Chair MAPC

ATTEST:

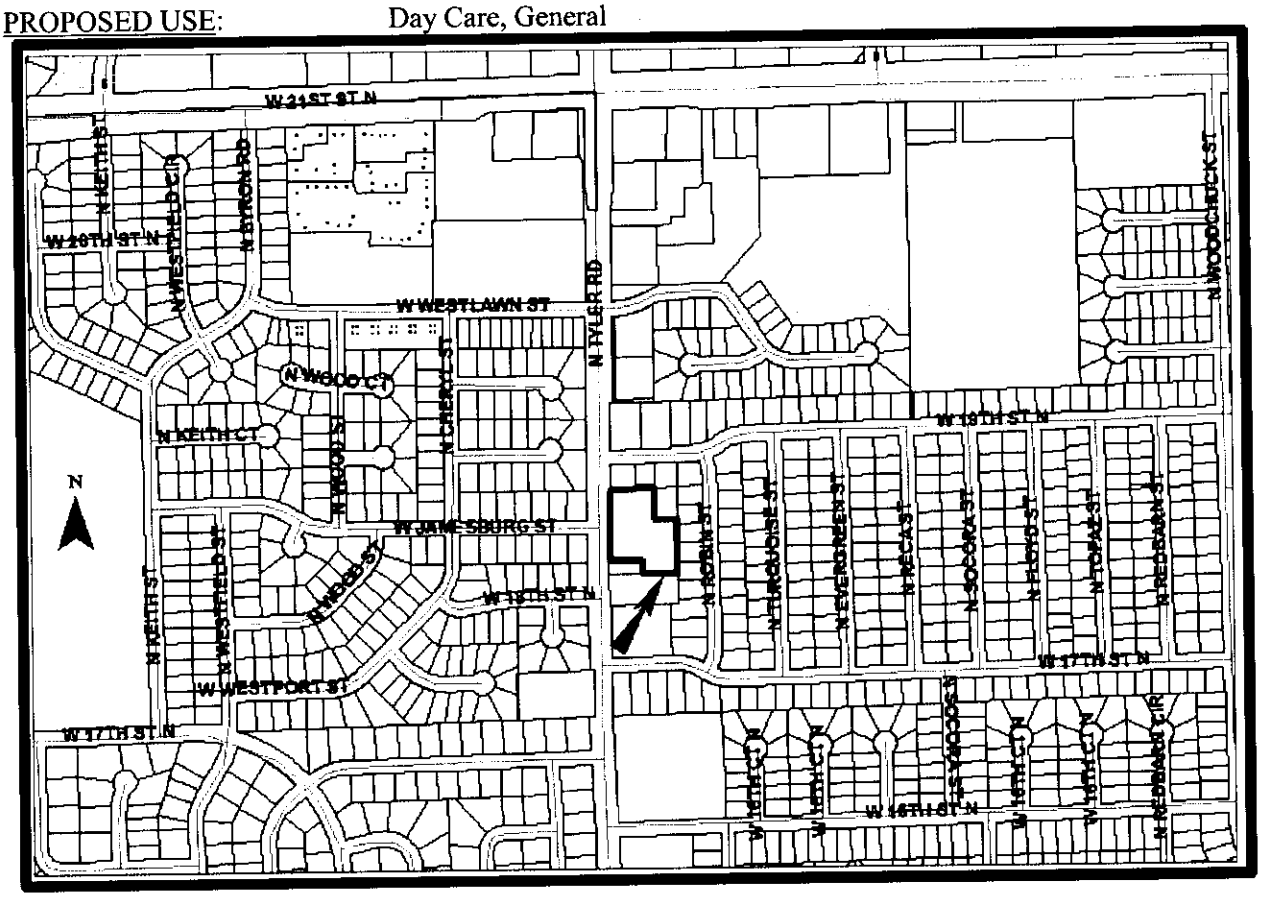
John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT
DAB V 8-5-2013
MAPC 8-22-2013

CASE NUMBER:	CON2013-00016
APPLICANT/AGENT:	Midland Baptist Church / Erika Tomlin
REQUEST:	Conditional Use to permit a Day Care, General
CURRENT ZONING:	SF-5 Single-family Residential
SITE SIZE:	1.94 acres
LOCATION:	1860 North Tyler Road
PROPOSED USE:	Day Care, General



BACKGROUND: The application area is 1.94 platted acres zoned SF-5 Single-family Residential that is developed with the Midland Baptist Church, parking lot and an accessory structure. The property is located 300 feet south of West 19th Street North and east of North Tyler Road (1860 North Tyler Road). The applicant is requesting approval of a Conditional Use to permit a "day care, general" use in the church identified as Kiddy Kollege Child Care. The site plan indicates the covered driveway will be the loading area. Forty-one parking spaces are shown. Additional fencing will be constructed to create a fully enclosed backyard. The property has two drive approaches from Tyler Road. Staff has been advised the maximum number of people permitted is 44 and the hours of operation would be Monday through Friday, 6:00 a.m. to 6:00 p.m.

"Day care, general" is defined by the Unified Zoning Code 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 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." "Day care, general" is permitted with Conditional Use approval in the SF-5 district. "Day care, general" requires one parking space per teacher/employee, plus one space per vehicle used in the center, plus one per ten children based upon an enrollment above 12, and one off-street loading space per ten students for "day care centers" with 11 or more students. Supplemental Use Regulation Article III, Section III-D.6.i requires that all day care centers comply with all applicable state regulations and outdoor play 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. The subject property abuts multiple lots containing a dwelling unit.

All abutting properties are zoned SF-5 and developed with single-family residences. Further south of the application area is a lot that is zoned NR Neighborhood Retail, subject to Protective Overlay #264 that is developed with a retail store. North of the site, at the northeast corner of 19th Street and Tyler is a lot that is zoned GO General Office.

CASE HISTORY: The property is platted as Lot 1, Block A, Midland Baptist Church Addition.

ADJACENT ZONING AND LAND USE:

North: SF-5; single-family residences
South: SF-5; single-family residences
East: SF-5; single-family residences
West: SF-5; single-family residences

PUBLIC SERVICES: North Tyler Road has fifty feet of half-street right-of-way along the frontage of the application area, and is classified as a four-lane arterial. Other normally supplied utilities are available or can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide depicts the 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. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

RECOMMENDATION: Based upon the information available prior to the public hearing, 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" shall be developed and operated in general conformance with the 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 forty-four. The hours of operation shall be Monday through Friday, 6:00 a.m. to 6:00 p.m.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, may, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, 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 adjacent to the application area are zoned SF-5and developed with single-family residences. There are two nearby properties that are zoned NR and GO.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5, which is the most restrictive zoning district found in the City, and is developed with a church. The property could continue to be used as currently developed without the requested Conditional Use; however, it is becoming more common for churches to also offer day care services through the week.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: At 1.94 acres the site is a relative large urban lot. The site is already developed with an institutional use and associated parking that could be used seven days a week; therefore, the introduction of a day care, general use should not impact nearby properties to any greater extent than the existing church. The proposed fencing and the size of the site also lessen anticipated impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial presumably would be an economic loss to the church or the day care operator or both. Approval would provide additional day care choices in that segment of the City.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide depicts the 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. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

6. Impact of the proposed development on community facilities: Existing improvements are available or can be extended to accommodate the site.

Kiddy Kollege Child Care

Conditional Use Request to Allow Daycare General in SF-5

Prepared by Erika Tomlin

Existing Fencing | Grass | Pavement | 1 = 3 sq ft

Fencing to be Installed | Building | Tree/Bush

1860 N Tyler Rd, 67212
Lot 1, Midland Baptist Church Addition, SG Co KS

