CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

July 11, 2014

Wichita Children's Home
Attn: Sarah Robinson
810 N. Holyoke
Wichita, KS 67208

RE: CON2014-21 – City Conditional Use request for a Day Care, General on TF-3 Two-family Residential zoned property, generally located west of N. Vassar and north of Murdock (833 N. Vassar).

Dear Applicants:

At its regular meeting on **June 19, 2014**, 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 the following conditions:

1. The Conditional Use permits a "day care, general," as defined in the Wichita-Sedgwick County Unified Zoning Code. The "day care, general" shall be developed and operated in 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 18. The hours of operation shall be7:30 am to 7:30 pm daily.
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 case received no protests during the two-week protest period, therefore the MAPC decision is final. The attached resolution and site plan are for your files. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Senior Planner

Copies to: Lavonta Williams, WCC CM I
Alana Haynes, NA I
Tom Stolz, MABCD
J. R. Cox, MABCD

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer

Don Klausmeyer, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2014-21

WHEREAS, the Wichita Children's Home c/o Sarah Robinson (owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as the Unified Zoning Code), requests a Conditional Use for a Day Care, General in TF-3 Two-family Residential (TF-3) zoning on .25 acres described as:

The South 69 feet of the East 16 feet of lot 12 AND the South 69 feet of lots 14, 16 and 18, Sunrise Park Addition to Wichita, Sedgwick County, Kansas. Generally located west of N. Vassar and north of Murdock (833 N. Vassar).

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 June 19, 2014, 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 in TF-3 Two-family Residential (TF-3) zoning on .25 acres described as:

The South 69 feet of the East 16 feet of lot 12 AND the South 69 feet of lots 14, 16 and 18, Sunrise Park Addition to Wichita, Sedgwick County, Kansas. Generally located west of N. Vassar and north of Murdock (833 N. Vassar).

Approved subject to the following conditions:

1. The Conditional Use permits a "day care, general," as defined in the Wichita-Sedgwick County Unified Zoning Code. The "day care, general" shall be developed and operated in 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 18. The hours of operation shall be7:30 am to 7:30 pm daily.
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.

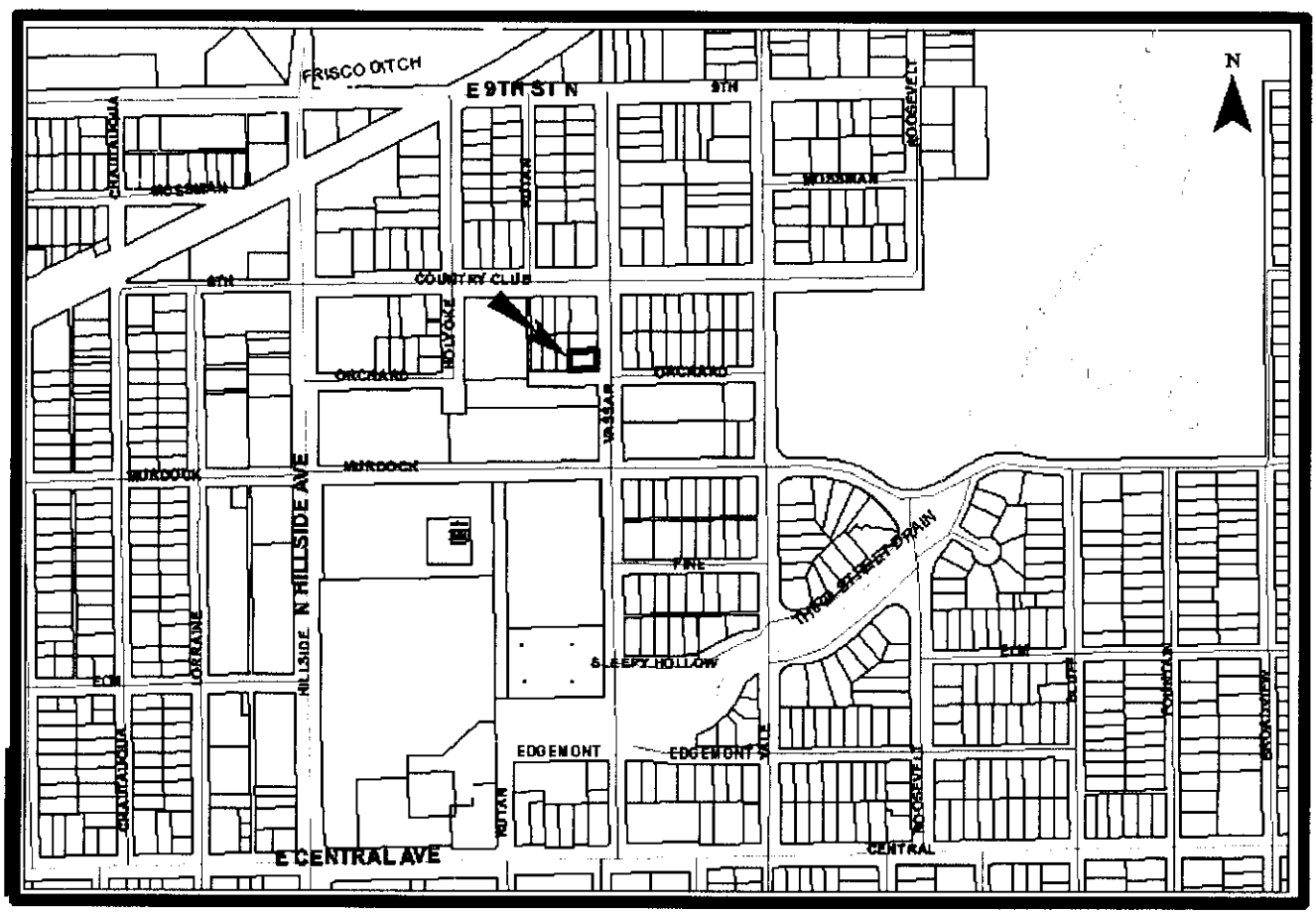
Adopted this 19th Day of June 2014

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING

AGENDA ITEM NO. 10

STAFF REPORT
DAB I 7-7-2014
MAPC 6-19-2014

CASE NUMBER:	CON2014-00021
APPLICANT/AGENT:	Wichita Children's Home / Sarah Robinson
REQUEST:	Conditional Use to permit a Day Care, General
CURRENT ZONING:	TF-3 Two-family Residential
SITE SIZE:	.25 acres
LOCATION:	Generally located west of N. Vassar and north of Murdock (833 N. Vassar).
PROPOSED USE:	Day Care, General



BACKGROUND: The application area is a TF-3 Two-family Residential (TF-3) zoned, .25 acre lot developed with a single-family house. The site is owned by the Wichita Children's Home; the Children's Home main campus is on contiguous property to the east and south. The applicant intends to provide a school age program for a total of 15 children 10 to 17 years old from 7:30 am to 7:30 pm daily with staff supervision at all times. The applicant has adequate outdoor play facilities and parking on their campus, therefore the applicant does not intend to make site improvements on the application area. The site has a driveway along the north property line and vacated Orchard Avenue along the south property line.

"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 TF-3 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. The site has limited parking on the existing driveway. However, the larger, contiguous Wichita Children's Home site has additional parking, 72 off-street spaces, to support this use. 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 is within 100 feet of several lots containing dwelling units.

A TF-3 zoned property north of the site is also owned by the applicant and is developed with a single-family residence. South and west of the site is the B Multi-family Residential (B) zoned Wichita Children's home with residential buildings, accessory buildings, parking areas and outdoor play areas. Further south is a portion of the B zoned Wesley Medical complex. East of the site, across Vassar, are TF-3 zoned single-family residences and a TF-3 zoned former school redeveloped as an apartment building.

CASE HISTORY: The property is a portion of Lots 12 through 18 of the Sunrise Park Addition, platted in 1888. The single-family house on the site was built in 1928.

ADJACENT ZONING AND LAND USE:

North	TF-3	Single-family residences
South	B	Wichita Children's Home, hospital
East	TF-3	Single-family and multi-family residences
West	B	Wichita Children's Home

PUBLIC SERVICES: North Vassar is a paved local street with an 80-foot right-of-way at this location. All other municipal services are supplied at 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 a "day care, general," as defined in the Wichita-Sedgwick County Unified Zoning Code. The "day care, general" shall be developed and operated in 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 18. The hours of operation shall be7:30 am to 7:30 pm daily.
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: A TF-3 zoned property north of the site is also owned by the applicant and is developed with a single-family residence. South and west of the site is the B zoned Wichita Children's home with residential buildings, accessory buildings, parking areas and outdoor play areas. Further south is a portion of the B zoned Wesley Medical complex. East of the site, across Vassar, are TF-3 zoned single-family residences and a TF-3 zoned former school redeveloped as an apartment building.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned TF-3, which accommodates single and two-family residential development. The property could continue to be used as a residence without the requested Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: A large, institutional use and associated outdoor play areas already exist on the applicant's adjoining property. The proposed day care should have no greater impact on surrounding residences than the existing children's home.

4. 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.

5. Impact of the proposed development on community facilities: Existing community facilities will accommodate the proposed use.