CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 7, 2007

Robert & Annell Harmon
644 N. Ridgewood
Wichita, KS 67208

RE: CON2007-37 – City Conditional Use for day care general in "SF-5" Single-family Residential zoning, generally located midway between Central and Murdock Avenues, west of Edgemoor Avenue, and south of Pine Street on the east side of Ridgewood Drive.

Dear Ladies and Gentlemen:

At its regular public hearing meeting on October 18, 2007, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of MAPC was to APPROVE the request, subject to the following conditions:

1. All requirements of Art III, Sec III, 6(i), Art IV, Sec IV-E, 3 and Art IV, Sec IV-E, 4 of the Unified Zoning Code shall be met.

2. The maximum number of children allowed in the day care center at any one time shall not exceed 12.

3. The site shall be developed in general conformance with the approved site plan, including a break down of the area(s) within the single-family residence to be used by the day care. The drive way shall be designated/ used as the drop off/pick up area. All improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.

4. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

5. 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

RE: CON2007-37 – City Conditional Use for day care general in "SF-5" Single-family Residential zoning, generally located midway between Central and Murdock Avenues, west of Edgemoor Avenue, and south of Pine Street on the east side of Ridgewood Drive.

Because there were no valid appeals or protest petitions filed opposing this action by **November 1, 2007,** the action of the MAPC is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division, MAPD

BL/mc

Copies to:

Lavonta Williams, WCC I, Mail Stop #1-13
Virdena Gilkey, NA WCC I, Mail Stop #1-135
Randy Sparkman, Supervisor, OCI, Mail Stop #1-71
Tina Chilcott-Henry, Neighborhood Inspector, OCI, Mail Stop #1-71
JR Cox, Neighborhood Inspector, OCI, Mail Stop #1-71

CONDITIONAL USE RESOLUTION NO. CON2007-00037

WHEREAS, Robert & Annell Harmon (applicants); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a day care, general on 0.20-acres zoned "SF-5" Single-family Residential described as:

Lots 58 & 59 & the south ½ half of Lot 60, all in Block 11, all in the East Highlands Addition, Wichita, Sedgwick County, Kansas. Generally located midway between Murdock & Central Avenues, west of Edgemoor Avenue, and south of Pine Street, on the east side of Ridgewood Drive.

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 October 18, 2007, 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 permit a Conditional Use for a day care, general on approximately 0.20-acres zoned "SF-5" Single-family Residential described as:

Lots 58 & 59 & the south half ½ of Lot 60, all in Block 11, all in the East Highlands Addition, Wichita, Sedgwick County, Kansas. Generally located midway between Murdock & Central Avenues, west of Edgemoor Avenue, and south of Pine Street, on the east side of Ridgewood Drive.

Subject to the following conditions:

(1) All requirements of Art III, Sec III, 6(i), Art IV, Sec IV-E, 3 and Art IV, Sec IV-E, 4 of the Unified Zoning Code shall be met.

(2) The maximum number of children allowed in the day care center at any one time shall not exceed 12.

(3) The site shall be developed in general conformance with the approved site plan, including a break down of the area(s) within the single-family residence to be used by the day care. The drive way shall be designated/ used as the drop off/pick up area. All improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.

(4) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

(5) 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 15th DAY of NOVEMBER 2007. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

M.S. Mitchell, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT
MAPC October 18, 2007
DAB I November 5, 2007

CASE NUMBER: CON2007-00037

APPLICANT/AGENT: Robert & Annell Harmon

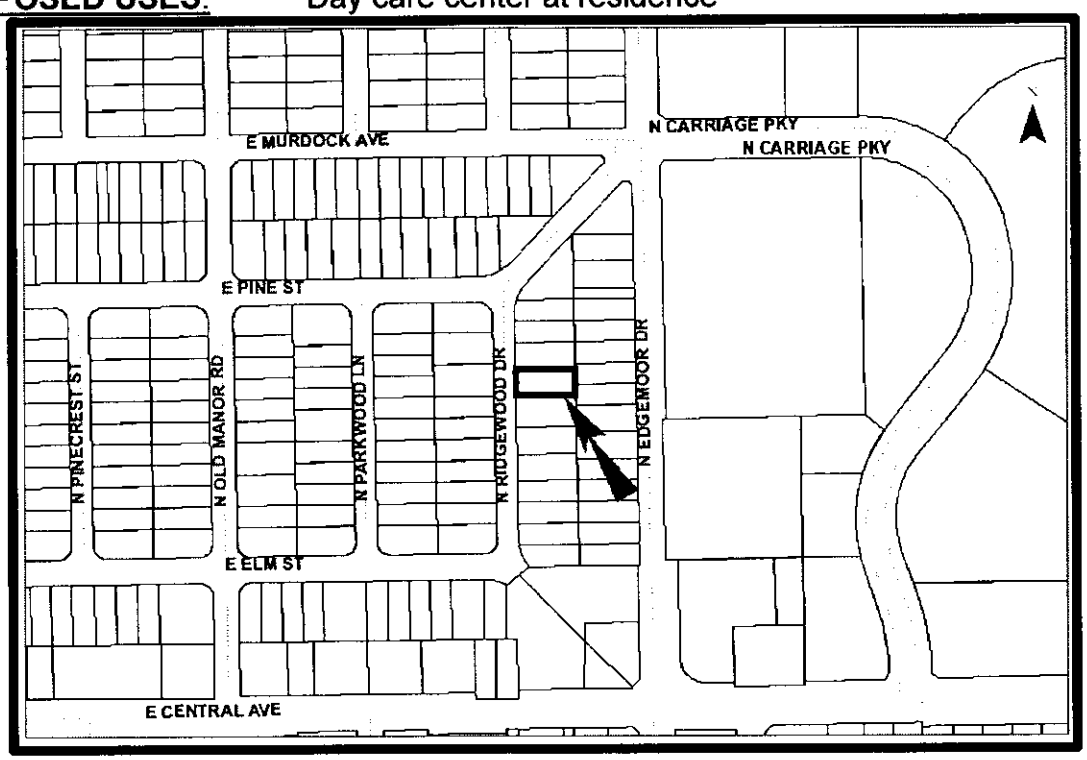
REQUEST: Conditional Use to allow for a day care, general

CURRENT ZONING: "SF-5" Single-family Residential

SITE SIZE: 8,750-square feet

LOCATION: Generally located midway between Central & Murdock Avenues, west of Edgemoor Avenue, and south of Pine Street on the east side of Ridgewood Drive.

PROPOSED USES: Day care center at residence



BACKGROUND: The applicants are requesting a Conditional Use to operate a day care, general out what appears to be their 1,006-square foot single-family residence. The property is zoned "SF-5" Single-family Residential. Day care, general (Unified Zoning Code, UZC, Art II, Sec II-B, 4(b)) allows for the care of more than 10 individuals at one time and can be considered as a Conditional in the "SF-5" zoning district. The applicants currently operate a day care, limited (UZC, Art II, Sec II-B, 4(c)) at their residence, which is permitted as a home occupation in the "SF-5" zoning district, when it complies with the UZC's Supplementary Use Regulations, Art III, Sec III-D, 6(i). Day care, limited allows for the care of no more than 10 individuals at one time. The applicants would like to be able to care for more than 10 children at any one, thus the request for day care, limited and the Conditional Use. The applicant has provided a site plan.

Standard #2 of Art III, Sec III, 6(i) of the UZC, states that when day care centers limited and general are located within the residence of the care provider they shall comply with the general home occupation standards of Art IV, Sec IV-E, 3. For this case, a few of the more significant of these home occupation standards are ;(b) 'The home occupation shall occupy no more than 50% of the gross floor area contained within the dwelling unit.', and (h) 'The home occupation shall be conducted entirely within the principle dwelling unit or in a permitted accessory structure.' Art IV, Sec IV-E, 4, district standards in the "SF-10" and "SF-5" zoning districts, states that its standards (a)-(d) shall prevail over the standards in Art IV, Sec IV-E, 3, if there is conflict between the two. Art IV, Sec IV-E, 4 (c) states that the home occupation shall be only conducted entirely within the main dwelling unit and not within any accessory structure, including detached and attached garages. This limits the applicants' day care general request to approximately 503-square feet of their residence. Staff needs verification of this square footage and a breakdown of the areas where the day care facilities will be conducted, as this could be a point of contention with the Office of Central Inspection (OCI). Parking for day care limited is 1 per employee/teacher, plus one per vehicle used in the center, plus 1 per 10 children based on an enrollment above 12. Art IV, Sec IV-E, 4 (a) states only the persons occupying the subject dwelling unit shall be engaged in the home occupation, thus only the two applicants can work at the day care center. This essentially limits their vehicles to what they own, with further constrains being the size and development of their property. A vehicle can be parked in the attached singlewide garage, leaving one space in the driveway, which appears to be 25-26-feet long before it becomes part of the street right-of-way (ROW). Parking requirements coupled with the size and development of the site limits the number of children at the day care center to 12.

The surrounding area is developed as single-family residences, with a sample (GIS) of those residences around the subject site showing most to have being built in the 1940s, the exception being a residence built in the 1960s. All the area is zoned "SF-5."

CASE HISTORY: The subject property, Lots 58, 59 and the south half of 60, Block 11 is part of the East Highlands Addition, which was recorded with the Register of Deeds August 5, 1924.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residences
EAST:	"SF-5"	Single-family residences
SOUTH:	"SF-5"	Single-family residences
WEST:	"SF-5"	Single-family residences

PUBLIC SERVICES: The subject property has access to Ridgewood Street, a paved, curbed residential street. There is no traffic volume data available. The 2030 Transportation Plan shows no change to the status of Ridgwood. All services are available, including Public water and sewer, to serve the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this site as appropriate for "Urban Residential." The Urban Residential category includes all densities of residential development found within the urban municipality. The policies of the UZC allow consideration of day care general as a Conditional Use in the "SF-5" zoning district, with application of the standards of Art III, Sec III, 6(i), Art IV, Sec IV-E, 3 and Art IV, Sec IV-E, 4. Application of these standards on a site can limit the size of a day center in the "SF-5" zoning district or deny it.

RECOMMENDATION: Based on the information available prior to the public hearing, planning staff recommends that the application be APPROVED, subject to the following conditions:

1. All requirements of Art III, Sec III, 6(i), Art IV, Sec IV-E, 3 and Art IV, Sec IV-E, 4 of the Unified Zoning Code shall be met.

2. The maximum number of children allowed in the day care center at any one time shall not exceed 12.

3. The site shall be developed in general conformance with the approved site plan, including a break down of the area(s) within the single-family residence to be used by the day care. The drive way shall be designated/ used as the drop off/pick up area. All improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.

4. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

5. 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 Article VIII of the Unified Zoning Code, 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: The surrounding area is a single-family residential neighborhood, zoned "SF-5". The proposed day care with the applied conditions of the Conditional Use allows for an additional two (2) children in the existing day care, limited which has operated as a home occupation on the site, and as such will not radically disturb the character and activity of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The application area is zoned "SF-5" Single-Family Residential and is currently a single-family residence with the occupants operating a day care, limited as a home occupation on the site. The UZC permits the operation of a day care, general within the single-family residence with the approval of a Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Detrimental affects on residential properties in the area should be minimized by the conditions of the Conditional Use.

4. 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 this site as appropriate for "Urban Residential." The Urban Residential category includes all densities of residential development found within the urban municipality. The policies of the UZC allow consideration of day care general as a Conditional Use in the "SF-5" zoning district, with application of the standards of Art III, Sec III, 6(i), Art IV, Sec IV-E, 3 and Art IV, Sec IV-E, 4.

5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

Living area = 1,006 □'

644 N. RIDGEWOOD

SITE PLAN

← NORTH

Scale 1" = 20'

APPROVED _____ BY _____

- - - - fence

——— property line