

dup (_____) Published in The Daily Reporter on MAR 6 1998

ORDINANCE NO. 43-709

AN ORDINANCE AUTHORIZING A CONDITIONAL USE TO ALLOW A GENERAL DAY CARE FACILITY ON .69 ACRES ZONED "SF-6" SINGLE-FAMILY ON CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY CITY OF WICHITA CODE SEC. 28.04.010.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by City of Wichita Code Sec 28.04.010, a Conditional Use to allow a general day care facility on .69 acres zoned "SF-6" Single-Family Zoning District, legally described below:

Case No. CU-464

A Conditional Use to allow a general day care facility on .69 acres zoned "SF-6" Single-Family Zoning District, described as:

The West 30 feet of Exposition Avenue, as vacated on Film 320, Page 1468, lying East of adjacent to Lots 4 and 5, Renollet 5th Addition to Wichita, Kansas, Sedgwick County, Kansas, and the West ½ of Lot 1, Block 1, Matthew Addition, Wichita, Kansas, Sedgwick County, Kansas, together with the East 30 feet of Exposition Avenue adjoining on the West as vacated on Film 320, Page 1468, and the West 115 feet of a tract beginning 1088 feet North of the Southeast corner of the Southeast Quarter of Section 31, township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence West 26 Rods; thence North 130 feet; thence East 26 Rods; thence South 130 feet to the point of beginning. Generally located on the south side of Lydia, west of Seneca (1313 Lydia).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The child care center shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.

2. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.
3. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any residence.
4. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.
5. Signs for the child care center shall be limited to those permitted in the "SF-6" Single-Family Residential District.
6. This proposed child care center shall be licensed and in operation within one year following approval by the MAPC, and/or the City Council, and continued operation shall be in compliance with all conditions as specified above, or this conditional use shall be considered null and void.
7. A loading area for the day care facility shall be constructed on-site as required by code.
8. The development of the day care facility shall proceed in accordance with the development plan as submitted with the request. Any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
9. Any violation of these conditions shall render this Conditional Use null and void.

SECTION 2. That upon the taking effect of this ordinance, the notation of such conditional use permit shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, MAR 3 1998



ATTEST:

Pat Burnett

Pat Burnett, City Clerk

Bob Knight

Bob Knight, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Jr.

Gary E. Rebenstorf, City Attorney



AGENDA ITEM NO. 14

STAFF REPORT

CPO (4) January 22, 1998
 MAPC January 29, 1998

CASE NUMBER: CU-464

APPLICANT/AGENT: Westside United Methodist Church (Property Owner, applicant); Mark Savoy, SRB (agent)

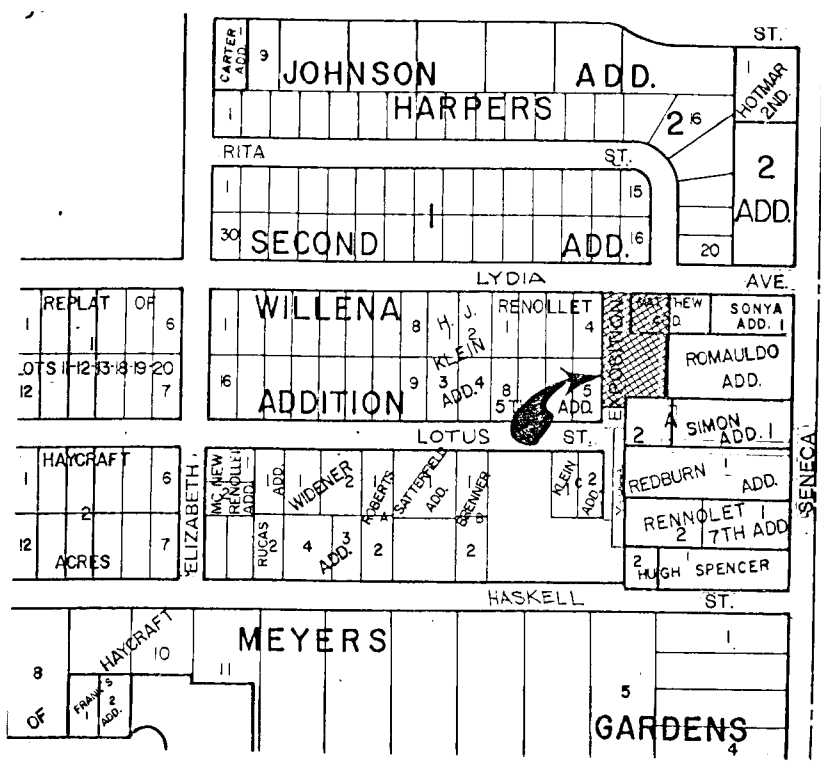
REQUEST: Conditional Use to allow general child care services

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: .69 acre

LOCATION: South side of Lydia and West of Spruce (1313 Lydia)

PROPOSED USE: Day care



BACKGROUND: The applicant requests a Conditional Use to allow a general day care center on a .69 acre platted lot located north of Lydia and west of Seneca.

The area immediately to the north and west is zoned "SF-6" Single-Family Residential and is developed with single-family residences. The area to the east is zoned "SF-6" Single-Family Residential and "LC" Limited Commercial and is developed with single-family residences and commercial property. South of this property the area is zoned "SF-6" Single-Family Residential and "TF-3" Two-Family Residential and is developed with single-family homes.

The applicant's site plan shows a proposed 3,000 square foot day care center to the east of the existing church. There is a four foot chained link fence surrounding the existing playground where the proposed building will be built.

The Unified Zoning Code defines general day care centers as "an establishment that provides care, protection, and supervision for more than 10 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."

The proposed day care facility will serve children between the ages of 1 to 12 years. The facility will operate between the hours of 6:30 a.m. and 6:30 p.m. In the future, the hours of operation might be extended to midnight in order to serve persons working the 2nd shift. Any outdoor play after 6:30 p.m. would require a variance of the zoning code, which would be approved by the Board of Zoning Appeals.

CASE HISTORY: This site has been recently platted as Westside United Methodist Church Addition. However, the plat has not been recorded at this time.

ADJACENT ZONING AND LAND USE:

NORTH:	" SF-6"	Single-Family Homes
SOUTH:	" SF-6" and "TF-3"	Single-Family Homes
EAST:	" SF-6" and "LC"	Single-Family Homes and Commercial
WEST:	" SF-6"	Single-Family Homes

PUBLIC SERVICES: Municipal water and sewer service is available to this site. The application area has access to Lydia Street, a 2-lane paved local street.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low-density residential uses. The Plan considers schools, churches, and other similar uses as appropriate in these areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following

conditions:

- A. The child care center shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
- B. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.
- C. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any residence.
- D. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.
- E. Signs for the child care center shall be limited to those permitted in the "SF-6" Single-Family Residential District.
- F. This proposed child care center shall be licensed and in operation within one year following approval by the MAPC, and/or the City Council, and continued operation shall be in compliance with all conditions as specified above, or this conditional use shall be considered null and void.
- G. A loading area for the day care facility shall be constructed on-site as required by code.
- H. The development of the day care facility shall proceed in accordance with the development plan as submitted with the request. Any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- I. Any violation of these conditions shall render this Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area to the north and west is zoned "SF-6" Single-Family Residential and is developed with single-family residences. To the east the property is zoned "SF-6" Single-Family

Residential and "LC" Limited Commercial and is developed with single-family homes and commercial property. South of the proposed day care center is single-family residences and is zoned "SF-6" Single-Family Residential and "TF-3" Two-Family Residential.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The establishment of a day care facility at this site would not detrimentally affect nearby property. The area to the south is screened by several trees, while the west is screened by a 6 foot fence as well as the existing church. The area to the north is approximately 150 feet from the proposed day care facility. Finally, the area to the east is developed with one single-family residence and commercial property. The single-family residence is not located adjacent to the proposed day care building and with the limitations of outdoor play the residence should not be affected by the establishment of this day care facility.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low-density residential uses. The Plan considers schools, churches, and other similar uses as appropriate in these areas.
4. Impact of the proposed development on community facilities: This Conditional Use should have no negative impact on community facilities.