



Wichita-Sedgwick County Metropolitan Area Planning Department

January 17, 2012

Robert J. Rotola
1938 N. Brunswick Circle
Wichita, KS, 67217

Renee Franklin
2440 North Perry
Wichita, KS, 67204

RE: CON2011-00037 - City Conditional Use for a "Day Care, General" on property zoned SF-5 Single-Family Residential, located at 13100 West 13th Street North.

Dear Ladies and Gentlemen:

At its regular meeting on **December 22, 2011**, 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 on the attached resolution.

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

Sincerely,

A handwritten signature in cursive script that reads 'Dale Miller'.

Dale Miller
Current Plans Manager
DM/mc

Attachment

Copies to: Autumn Ridge Homeowners Association, 12002 Ridgepoint, Wichita, KS 67235
Deer Trail Homeowners Association, 12231 Briarwood Circle, Wichita, KS 67235
Hickory Creek Estates, 12914 West Alderny Ct., Wichita, KS 67235
Cedar Park Chateaux, 12323 Nantucket Street, Wichita, KS 67235
Jeff Longwell, WCC V, Mail Stop 1-13
N.A. V, Megan Buckmaster, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
J.R. Cox, OCI, Mail Stop 1-72
Paul Hays, OCI, Mail Stop 1-72

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CONDITIONAL USE RESOLUTION NO. CON2011-00037

WHEREAS, Word of Life Church, Inc (Owner) and Renee Franklin (agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit a Day Care, General on property zoned SF-5 Single-family Residential (“SF-5”) described as:

East 355 feet, South 275 Feet of Lot 1, West Meadows Addition to Wichita, Sedgwick County, Kansas, located at 13100 West 13th Street North.

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 December 22, 2011, 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 approximately 2.12 acres zoned SF-5 described as:

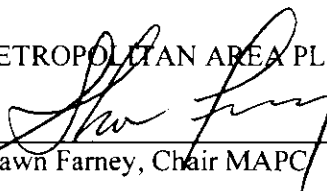
East 355 feet, South 275 Feet of Lot 1, West Meadows Addition to Wichita, Sedgwick County, Kansas, located at 13100 West 13th Street North.

Approved subject to the following conditions:

1. In addition to the uses permitted by right in the SF-5 district, a “day care, general” with up to fifty children, Monday through Friday, 6:00 a.m. to 6:00 p.m. is permitted.
2. All applicable requirements of Art III, Sec III-D.6.i of the Unified Zoning Code shall be met.
3. The “day care, general” shall be operated in general conformance with the approved site plan.
4. The “day care, general” shall be developed and operated in compliance with all federal, state, and local rules and regulations.
5. Dedication of ten feet of street right-of-way prior to opening the day care.
6. 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 22nd Day of December 2012.

METROPOLITAN AREA PLANNING COMMISSION


Shawn Farney, Chair MAPC



AGENDA ITEM NO. 9

STAFF REPORT
MAPC 12-22-2011
DAB V 12-5-2011

CASE NUMBER: CON2011-00037

APPLICANT/AGENT: Robert J. Rotola (representative of the property owner) / Rene Franklin (agent/day care operator)

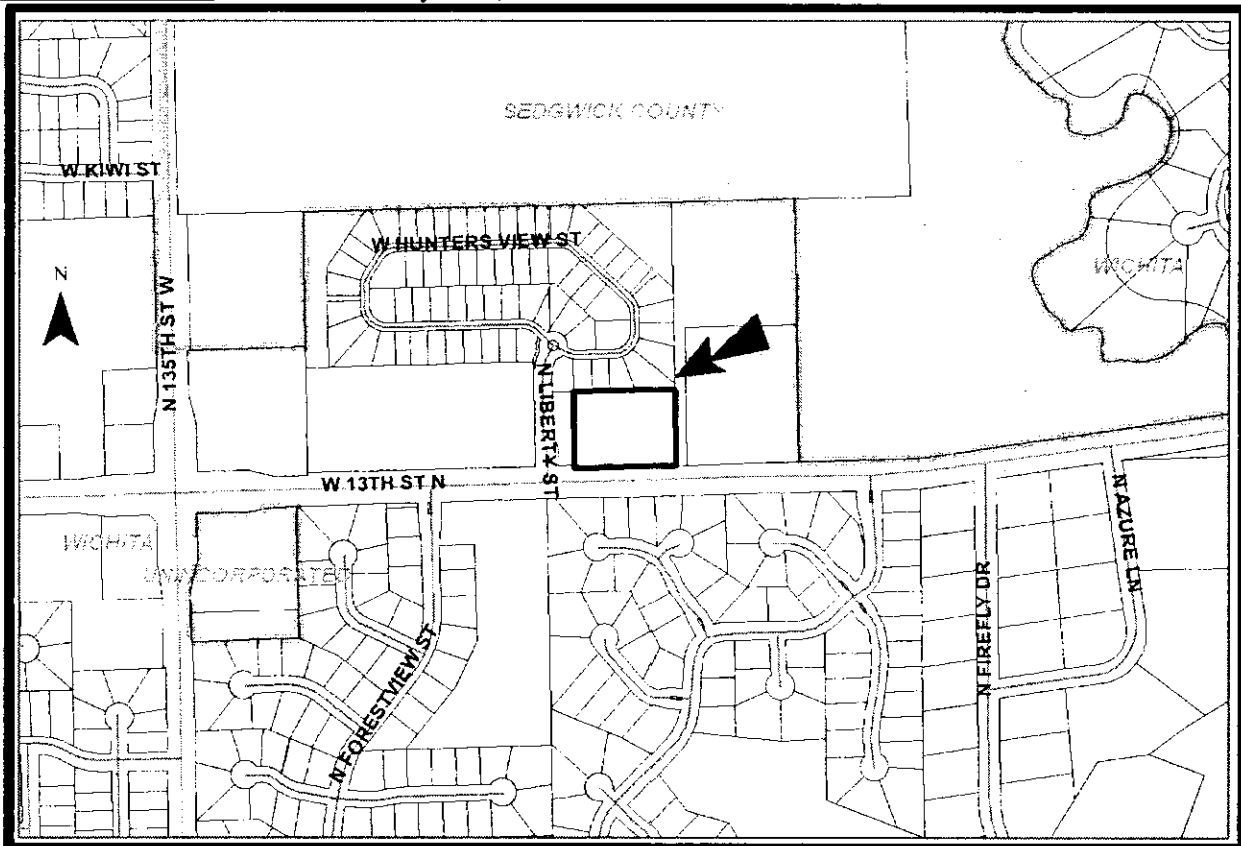
REQUEST: Conditional Use to permit a Day Care, General

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

SITE SIZE: 2.24 acres

LOCATION: 1,600 feet east of North 135th Street West, north of West 13th Street North

PROPOSED USE: Day Care, General



BACKGROUND: The applicant is seeking Conditional Use approval to permit a “day care, general” on 2.24 acres located at 13100 West 13th Street North (1,600 feet east of North 135th Street West, north of West 13th Street North). Currently, the subject site is developed with an active church, an associated 60-space parking lot and three accessory buildings. The property is zoned SF-5 Single-family Residential (“SF-5”). It is the applicant’s intention to operate a day care with up to fifty children, Monday through Friday, 6:00 a.m. to 6:00 p.m. The applicant intends to use the site as it is currently developed. The site has direct access to 13th Street.

Per the *Wichita-Sedgwick County Unified Zoning Code* (“UZC”), a “day care, general” is permitted in the SF-5 district only by Conditional Use approval. The UZC defines a “day care, general” 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 employees, or a day care center for ten or fewer individuals at any one time that is not operated as a home occupation. The conditions for a day care, general in the in the SF-5 zoning district, per Art III, Sec III-D 6.i of the UZC are: (a) Day care centers shall comply with all applicable state regulations; (b) When located in the residence of the care provider in a residential zoning district, day care centers shall comply with the general home occupation standards of Sec IV-E-3; (c) Outdoor play shall 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, and; (d) Provisions of parking spaces in Art IV, Sec IV-A, 4 may be provided by shared parking when the day care is located within an existing church or place of worship, however the day care shall provide convenient off-street loading facilities as required.

All property surrounding the subject site is zoned SF-5, and is developed with single-family residences or is a platted reserve with landscaping.

CASE HISTORY: The property is the east 355 feet of the south 275 feet of Lot 1, West Meadows Addition. The West Meadows Addition was recorded on October 25, 1985.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5 Single-family Residential subject to CUP DP-264; single-family residences (Crystal Gardens Addition)
SOUTH: SF-5 Single-family Residential; single-family residences (Hickory Creek Estates Addition)
EAST: SF-5 Single-family Residential; single-family residences on four plus-acre tracts
WEST: SF-5 Single-family Residential subject to CUP DP-264; Reserve A, Crystal Gardens Addition

PUBLIC SERVICES: At this location 13th Street has fifty feet of half-street right-of-way and is developed as a paved two-lane street. 13th Street is designated on the 2030 Transportation Plan map as a two-lane arterial.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “major institutional” use. The UZC classifies day cares as a “public and civic” use. 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-D.6.i and on a site-by-site consideration. The “Public/Institutional Location Guidelines of the Comprehensive Plan” states that these uses that serve residential areas should be grouped together along with the neighborhood commercial centers and located near parks or along intersections of greenways/recreational corridors. It also states that they should have convenient access to arterial streets and public transportation. The proposed Conditional Use is located immediately next to residential uses that it can potentially serve. The proposed day care/learning center will be located in an existing church thus adding a complimentary use to an already existing facility. The site has direct access to an arterial street, which keeps traffic out of the surrounding residential neighborhoods.

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

1. In addition to the uses permitted by right in the SF-5 district, a “day care, general” with up to fifty children, Monday through Friday, 6:00 a.m. to 6:00 p.m. is permitted.
2. All applicable requirements of Art III, Sec III-D.6.i of the Unified Zoning Code shall be met.
3. The “day care, general” shall be operated in general conformance with the approved site plan.
4. The “day care, general” 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: All property surrounding the subject site is zoned SF-5, and is platted for single-family residential use or is developed with single-family residences or is a platted reserve with landscaping.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5, which is a district primarily limited to low density residential uses and a few compatible nonresidential uses such as churches, parks or schools. The site is developed with a church, which is permitted in the SF-5 district as a use by right. The site could continue to be used as currently zoned and developed; however, the addition of a day care can be considered an appropriate use to extend the daily use of an existing church beyond typical Sunday and Wednesday night activity, and potentially to provide child care for nearby residents.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site has 2.24 acres. The number of children proposed for the site and the hours and days of operation minimize potential 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: Approval of the request would provide additional day care choice for nearby residents. Denial of the application would presumably result in a loss of revenue for the church.
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 appropriate for “major institutional” use. The UZC classifies day cares as a “public and civic” use. 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-D.6.i and on a site-by-site consideration. The “Public/Institutional Location Guidelines of the Comprehensive Plan” states that these uses that serve residential areas should be grouped together along with the neighborhood commercial centers and located near parks or along intersections of greenways/recreational corridors. It also states that they should have convenient access to arterial streets and public transportation. The proposed Conditional Use is located immediately next to residential uses that it can potentially serve. The proposed day care/learning center will be located in an existing church thus adding a complimentary use to an already existing facility. The site has direct access to an arterial street, which keeps traffic out of the

surrounding residential neighborhoods.

6. Impact of the proposed development on community facilities: Traffic will increase; however, the amount should not negatively impact 13th Street. All other community facilities are in place to serve the proposed use.

1-6-12 DM

APPROVED

Date: _____

N

W 13TH ST N

CON 2611-37 MAPC 12-22