

**CONDITIONAL USE RESOLUTION NO. CON2012-00027**

**WHEREAS**, WESTLINK CHRISTIAN CHURCH (owner); 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" in the City on approximately 33.35-acres zoned SF-5 Single-Family Residential ("SF-5"), described as:

Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas; generally located south of 21<sup>st</sup> Street North on the west side of Maize Road (2001 North Maize Road).

**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 21, 2012, 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" on approximately 33.5-acres zoned SF-5 Single-Family Residential ("SF-5"), described as:

Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas; generally located south of 21<sup>st</sup> Street North on the west side of Maize Road (2001 North Maize Road).

Approved subject to the following conditions:

1. The day care, general shall be associated with the church and shall comply with Article III, Section III-D.6.i of the UZC.
2. No bus traffic/access through the west side of the site onto Stoney Point Street.
3. The property shall be developed and maintained in accordance with the approved site plan.
4. The applicant shall obtain all applicable local and state permits and operate in conformance to state regulations.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 11th day of July 2012.

METROPOLITAN AREA PLANNING COMMISSION

  
Shawn Farney, Chair MAPC

ATTEST:

  
John L. Schlegel, Secretary



**BACKGROUND:** The applicant, Pathway Church, is requesting a Conditional Use for a “Day Care, General” on the SF-5 Single-Family Residential (SF-5”) zoned 33.35-acre property located southwest of the Mize Road and 21<sup>st</sup> Street North intersection. The *Wichita-Sedgwick County Unified Zoning Code* (“UZC”) defines a day care, general as a facility 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 10 or fewer individuals at any one time that is not operated as a Home Occupation.”; UZC Sec.II-B.4.b. A day care, general may be considered as a Conditional Use in the SF-5 district; UZC Sec.III.D.

The applicant proposes to use a portion of the church for a summer day care for up to 120 children, ages 6-12, May 29 – August 3. Proposed hours are 7:00 a.m. to 6:00 p.m. The site plan that was submitted shows the aerial of the subject site. The submitted site plan does not show the location of the pick-up and drop-off areas, the number of parking spaces available and any outdoor playground areas. First Student buses are proposed to provide transportation for field trips.

The north side of the large subject site abuts or is adjacent to LC Limited Commercial (“LC”) and GC General Commercial (“GC”) zoned development that includes; a furniture store, a nursery, retail, banks, a fast food restaurant a fitness center, self storage and a wireless communication facility. All of this commercial development is covered by the overlay Community Unit Plan (“CUP”) DP-184. A SF-5 zoned single-family residential neighborhood abuts the west side of the site. SF-5 zoned single-family residences, an excavation company (CU-156) and NO Neighborhood Office (“NO”) zoned medical/dental offices abut the south side of the site. SF-5 zoned single-family residences and two small churches are located east of the site, across Maize Road. There is also a small NO zoned insurance office in this area on the east side of Maize Road.

**CASE HISTORY:** The property is platted as Lot 1, Westlink Christian Church Addition, which was recorded with the Sedgwick County Register of Deeds June 15, 1998.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC, GC	Furniture store, a nursery, retail, banks, a fast food restaurant a self storage and a wireless communication facility, fitness center
WEST:	SF-5	Single-family residences
SOUTH:	SF-5, NO	Single-family residences, excavation company, medical/dental offices
EAST:	SF-5, NO	Single-family residences, churches, insurance office

**PUBLIC SERVICES:** The site’s east side has access and frontage on Maize Road, a major arterial that is currently under construction at its close by 21<sup>st</sup> Street North intersection. Access to the site is also available from the west through the residential street Stoney Point, which goes through a single-family residential neighborhood. All utilities are available to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide of the Comprehensive Plan” identifies this site as appropriate for “Major Institutional.” This

category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The 33.35-acre SF-5 zoned church site fits this category. A church is permitted by right in the SF-5 zoning district and a day care, general, may be considered as a Conditional Use in the SF-5 district.

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

1. The day care, general shall be associated with the church and shall comply with Article III, Section III-D.6.i of the UZC.
2. No bus traffic/access through the west side of the site onto Stoney Point Street.
3. The property shall be developed and maintained in accordance with the approved site plan.
4. The applicant shall obtain all applicable local and state permits and operate in conformance to state regulations.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The north side of the large subject site abuts or is adjacent to LC Limited Commercial ("LC") and GC General Commercial ("GC") zoned development that includes; a furniture store, a nursery, retail, banks, a fast food restaurant a fitness center, self storage and a wireless communication facility. All of this commercial development is covered by Community Unit Plan ("CUP") DP-184. A SF-5 zoned single-family residential neighborhood abuts the west side of the site. SF-5 zoned single-family residences, an excavation company (CU-156) and NO Neighborhood Office ("NO") zoned medical/dental offices abut the south side of the site. SF-5 zoned single-family residences and two small churches are located east of the site, across Maize Road. There is also a small NO zoned insurance office in this area on the east side of Maize Road.
2. **The suitability of the subject property for the uses to which it has been restricted:** The 33.35-acre site is zoned SF-5. The SF-5 zoning district is primarily limited to low density residential uses and a few compatible nonresidential uses such as churches, parks or schools. The site is currently developed with a church. The proposed use will utilize existing facilities on the subject site.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** This large church has ample parking and interior space for a day care for a proposed maximum of 120 children. The church's large site (33.35-acres) provides significant open space for buffering of any outdoor playgrounds/activities associated with the day care, general. The UZC provides four (4) supplemental use regulations for a day care, general, including limiting outdoor play 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 providing parking and loading areas.

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 of the application would result in a lost opportunity for participation in the church's summer program for pre-teen children.
5. **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 "Major Institutional." This category includes institutional facilities of a significant size and scale of operation and could include a range of such uses as government facilities, military bases, libraries, schools, cemeteries, churches, hospital and medical treatment facilities. The 33.35-acre SF-5 zoned church site fits this category. A church is permitted by right in the SF-5 zoning district and a day care, general, may be considered as a Conditional Use in the SF-5 district.
6. **Impact of the proposed development on community facilities:** All public facilities are available and existing road facilities are adequate. The goal of the current construction at the close by Maize Road - 21<sup>st</sup> Street North intersection is intended to improve traffic flow in the area, which the proposed day care, general will impact.



21st Street

# SITE PLAN

APPROVED July 11 2012 BY Bill Longnecker

Scale: 1" = 312.5'



**Sedgwick County, Kansas**  
Geographic Information Services  
Division of Information and Operations

## 2001 N MAIZE RD

Sedgwick County, Kansas

It is understood that the Sedgwick County GIS Division of Information and Operations have no indication and reason to believe that there are inaccuracies in information incorporated in the base map.

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Note: Public property represented on this map is not intended to be inclusive.