



Wichita-Sedgwick County Metropolitan Area Planning Department

December 9, 2013

Wade Moore Jr.
2026 Cooper Court
Wichita, KS, 67207

Christian Faith Center, Inc.
1130 S Broadway Avenue
Wichita, KS, 67211

RE: CON2013-00033 – City Conditional Use to permit “Day Care, General” and a pre-school on “SF-5” Single-Family Residential zoned property generally located on the southeast corner of Estelle Avenue and 24th Street North (2821 E. 24th Street North).

Dear Applicant

At its regular meeting on December 5, 2013, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE (10-0) the request, subject to the following conditions:

- 1) In addition to the uses permitted by right in the SF-5 district, a Day Care, General and pre-school is permitted for 100 students. The maximum number of students can be increased by Administrative Adjustment or an amendment to the Conditional Use, whichever is appropriate by the UZC.
- 2) All applicable requirements of Article III, Section III-D.6.i. of the UZC shall be met.
- 3) The site shall be developed 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 licensing, ordinances 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.

Property owners may file written protest petitions on zoning related items heard by the MAPC. In order to be considered a “valid” petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing, by December 19, 2013, at 5 PM. Protests filed before the MAPC’s recommendation on a Conditional Use request will not be considered valid protests. If there are no valid protests, the recommendation of the MAPC on a Conditional Use request is final.

Valid protest petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the City Council overrides such a protest and approves the application by a vote of 6 of its members. If there are valid protests, this

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case will be scheduled for final action by the City Council at their January 7, 2014 meeting as a non-consent item.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Longnecker", with a large, stylized loop at the end.

Bill Longnecker
Senior Planner - Current Plans Division

BL/mc

Copies to: LaVonta Williams, WCC I (e-mail)

Janet Johnson, NA (e-mail)

Matlock Heights, NHA, c/o Ronna Henery, 2807, E. 22nd Street N., Wichita, KS, 67219

Northeast Hieghts NHA, c/o James Roseboro, 4518 Greenbriar, Wichita, KS, 67220

CONDITIONAL USE RESOLUTION NO. CON2013-00033

WHEREAS, Christian Faith Center, Inc., c/o Wade Moore Jr. (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” and pre-school, on approximately 4.18-acres zoned SF-5 Single-Family Residential (“SF-5”), described as:

Reserve E, Audrey Matlock Heights 1st Addition, Wichita, Sedgwick County, Kansas; generally located east of Grove Avenue on the southeast corner of Estelle Avenue and 24th 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 5, 2013, 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” and pre-school, on approximately 4.18-acres zoned SF-5 Single-Family Residential (“SF-5”), described as:

Reserve E, Audrey Matlock Heights 1st Addition, Wichita, Sedgwick County, Kansas; generally located east of Grove Avenue on the southeast corner of Estelle Avenue and 24th Street North.

Approved subject to the following conditions:

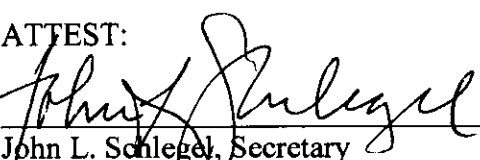
- 1) In addition to the uses permitted by right in the SF-5 district, a Day Care, General and pre-school is permitted for 100 students. The maximum number of students can be increased by Administrative Adjustment or an amendment to the Conditional Use, whichever is appropriate by the UZC.
- 2) All applicable requirements of Article III, Section III-D.6.i. of the UZC shall be met.
- 3) The site shall be developed 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 licensing, ordinances 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 5th day of December 2013

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer
Don Klausmeyer, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

STAFF REPORT

MAPC December 5, 2013

DAB I December 2, 2013

CASE NUMBER: CON2013-00033

APPLICANT/OWNER: Christian Faith Center (owner/applicant), c/o Wade Moore Jr.

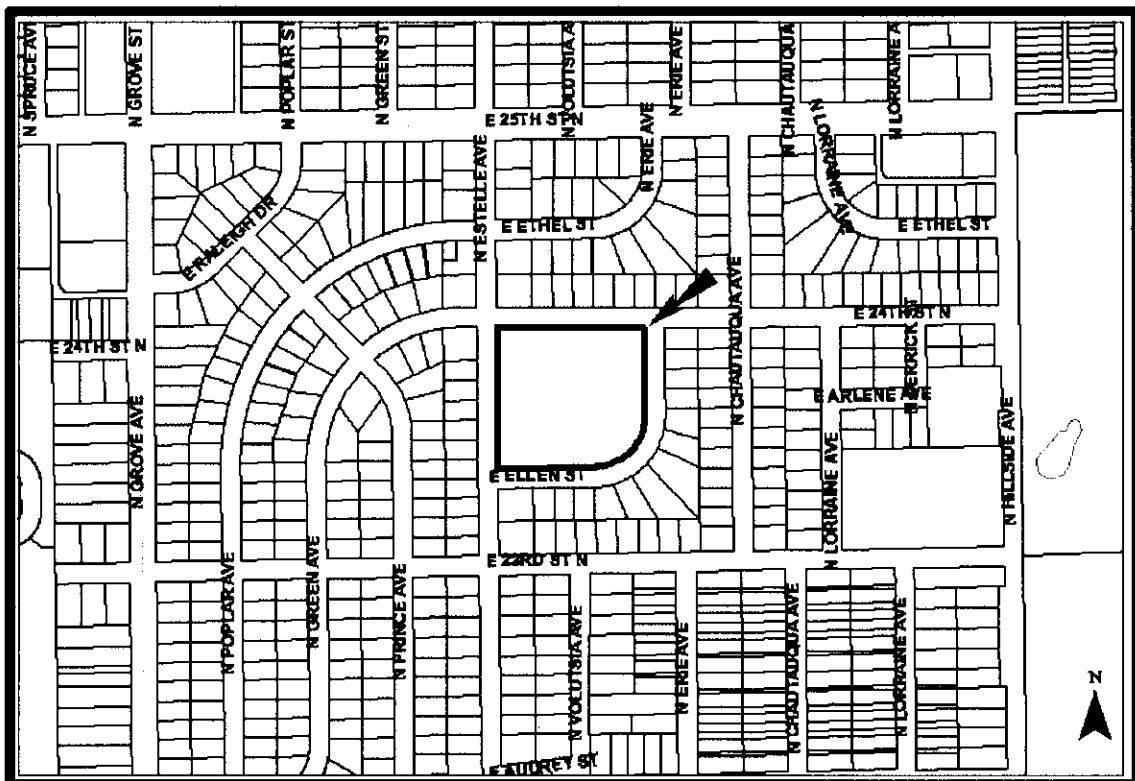
REQUEST: Conditional Use to permit a “Day Care, General” and a pre-school

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 4.18-acres

LOCATION: Generally located east of Grove Street, on the southeast corner of Estelle Avenue and 24th Street North (2821 E. 24th Street North).

PROPOSED USE: Convert a portion of a vacant school into a day care for 100 children



BACKGROUND: The applicant is requesting a Conditional Use to permit a “day care, general” on the SF-5 Single-Family Residential zoned, platted 4.18-acre subject site. The subject site is located between 24th Street North (north side), Estelle Avenue (west side) and Ellen Street (south and east sides). The subject site is a vacant USD 259 public school, Mueller Elementary. The school is now owned by the Christian Faith Center, which proposes to open a portion of it as a day care, general for 100 children. The “Wichita-Sedgwick County Unified Zoning Code” (UZC, Article II, Section II-B.4.b.), defines a day care, general, as a day care center that provides care, protection and supervision for more than ten (10) individuals at any one time, including those under the supervision or custody of employees. Per the UZC, a day care, general, is permitted in the SF-5 zoning district only by Conditional Use approval, with conditions; Article III, Section III-D. The UZC, Article III, Section III-D 6.i. supplementary use regulations for a day care, general, are: day care centers shall comply with all applicable state regulations; 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 the provisions for parking in Article IV, Section IV-A.4. may be provided by shared parking when the day care is located within an existing church or place of worship, and the day care shall provide convenient off-street loading spaces equivalent to one space per ten students.

All surrounding, adjacent properties are zoned SF-5 and are developed as single-family residences (built in the early 1950s), with the exception of a SF-5 zoned church located a block north of the site. The site is located in the middle of a single-family residential neighborhood.

CASE HISTORY: The property is platted as Reserve E, Audrey Matlock Heights 1st Addition, which was recorded with the Register of Deeds March 19, 1951.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences, church
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Single-family residences
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: The site has two drives onto Ellen Street, a paved two-lane local residential street with a 60-foot of right-of-way. Public water and sewer service are available at the subject property.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide of the Comprehensive Plan” (Guide) identifies the subject site as appropriate for “major institutional” uses, reflecting the subject site’s past land use as an elementary school. Uses of a significant scale and scale of operation such as school, churches, government facilities, military bases, libraries, cemeteries, hospitals and medical facilities are found in this category. The UZC lists day care, general as a “public and civic” use type, which most closely matches the major institutional use category of the Guide.

The site is located within the “Central Northeast Area Plan” (Area Plan). The Area Plan does not address the challenge of reoccupying and using a vacant public school property with its large building, parking and playground. USD 259 has sold several school properties in the past (+) 10-

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years, some similar to the subject site's elementary school in that they were located in a single family residential neighborhood, served by residential streets and residential collector streets. Some of the sold schools have been redeveloped as apartments, while others are partially occupied or still vacant. The proposed day care could provide a neighborhood service and would partially occupy the school building, helping keep the building maintained and alive to future uses that could occupy more of the school.

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 and pre-school is permitted for 100 students. The maximum number of students can be increased by Administrative Adjustment or an amendment to the Conditional Use, whichever is appropriate by the UZC.
2. All applicable requirements of Article III, Section III-D.6.i. of the UZC shall be met.
3. The site shall be developed 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 licensing, ordinances 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.

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

1. **The zoning, uses and character of the neighborhood:** All surrounding, adjacent properties are zoned SF-5 and are developed as single-family residences (built in the early 1950s), with the exception of a SF-5 zoned church located a block north of the site. The site is located in the middle of a single-family residential neighborhood.
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 zoning district primarily limited to low density residential uses and a few compatible non-residential uses such as religious institutions, parks or schools. The site was an elementary school, which is permitted in the SF-5 zoning district by right. The challenge of the now vacant school site is to attract compatible new uses into the SF-5 zoned single-family residential neighborhood. The proposed day care and pre-school can be considered an appropriate use for the single-family residential neighborhood.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The site currently a vacant school. The vacant school is the largest building and development in the area. Approving a Conditional Use for a day care is less detrimental to the neighborhood than allowing the structural decline of a large vacant building and the large school yard. Even with the school building partially occupied by a day care and pre-school, it will be a challenge to maintain the large building and the site.

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” (Guide) identifies the subject site as appropriate for “major institutional” uses, reflecting the subject site’s past land use as an elementary school. Uses of a significant scale and scale of operation such as school, churches, government facilities, military bases, libraries, cemeteries, hospitals and medical facilities are found in this category. The UZC lists day care, general as a “public and civic” use type, which most closely matches the major institutional use category of the Guide.
- The site is located within the “Central Northeast Area Plan” (Area Plan). The Area Plan does not address the challenge of reoccupying and using a vacant public school property with its large building, parking area and playground. USD 259 has sold several school properties in the past (+) 10-years, some similar to the subject site’s elementary school in that they were located in a single family residential neighborhood, accessed by residential streets and residential collector streets. Some of the sold schools have been redeveloped as apartments, while others are partially occupied or still vacant. The proposed day care and pre-school could provide a neighborhood service and would partially occupy the school building, helping keep the building maintained and alive to future uses that could occupy more of the school building and site.
5. **Impact of the proposed development on community facilities:** Traffic for the drop-off and pick-up of children would resemble the traffic pattern for a small elementary school. The site has adequate drop-off queuing space to prevent impacting traffic flow onto the abutting residential streets 24th Street North, Estelle Avenue and Ellen Street. All other community facilities are in place to serve the proposed use.

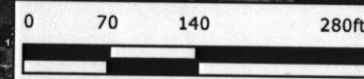


Conditional Use Day Care General

00N203-33



- Selected Features
- McConnell AOI
- Sewer Manholes
- Sewer Observation Manholes
- Hydrant Schematic
- Water Valve Schematic
- Water Node Schematic
- City Limit Boundaries
- Historic Districts
- Old Town Delano Overlay District
- NO
- YES
- Property Parcels
- Lot Block
- Subdivisions
- Sewer Flow
- Sewer Lines
- Water Lines Schematic
- Roads
- State Highway
- US Federal Highway
- Interstate
- KTA
- Arterial
- Collector
- Minor
- Ramp
- Railroads
- Quarter Section



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