



**Wichita-Sedgwick County Metropolitan Area Planning Department**

May 14, 2018

Maize USD #266  
Attn: Richard Bell  
905 W Central  
Maize, KS 67101

MKEC  
Attn: Brian Lindebak  
411 N. Webb Road  
Wichita, KS 672

**RE: CON2018-00017 - City Conditional Use request to allow a Daycare, General in SF-5 Single-Family Residential zoned property; generally located on the south side of West 37<sup>th</sup> Street North and west of North Tyler Road (9405 W. 37<sup>th</sup> Street North)**

Dear Applicant:

At its regular meeting on **April 19, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with 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 'Kathy L. Morgan'.

Kathy L. Morgan, Senior Planner  
Current Plans Division

Copies to: MABCD  
Bryan Frye, Council Member District V  
Laura Rainwater, CSR District V

**CONDITIONAL USE RESOLUTION NO. CON2018-00017**

**WHEREAS**, MKEC, Brian Lindebak (Agent), on behalf of Richard Bell with Maize Unified School District #266, (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 Daycare, General, on property zoned SF-5 Single Family at 9405 West 37<sup>th</sup> Street North and legally described as:

A tract of land lying in Lot 1 Block A, Maize South School Campus Addition, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the northeast most corner of said Lot 1 being common with the northwest most corner of Reserve C said addition; thence along the north line of said Lot 1, on a Kansas coordinate system of 1983 south zone bearing of S88°14'19"W, 621.24 feet to the POINT OF BEGINNING, thence S01°45'41"E, 382.18 feet; thence S45°00'24"W, 172.02 feet; thence S88°14'19"W, 169.76 feet; thence N45°00'04"W, 372.10 feet; thence N01°45'41"W, 228.93 feet to said north line; thence along said north line, N88°14'19"E, 550.00 feet to the POINT OF BEGINNING.

**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 April 19, 2018, 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 Conditional Use for a Daycare, General, on property zoned SF-5 Single Family at 9405 West 37<sup>th</sup> Street North and legally described as:

A tract of land lying in Lot 1 Block A, Maize South School Campus Addition, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

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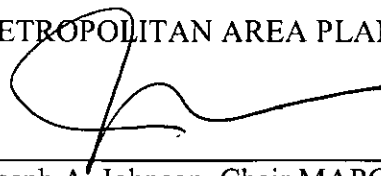
Subject to the following conditions:

1. The site is to be developed as shown on the Maize USD 266 Early Childhood Center approved drawing dated 3/12/2018.
2. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

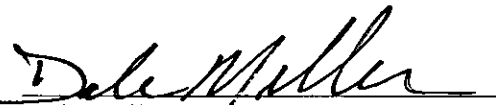
Adopted this 19 Day of April 2018

METROPOLITAN AREA PLANNING COMMISSION



\_\_\_\_\_  
Joseph A. Johnson, Chair MAPC

ATTEST:

  
\_\_\_\_\_  
Dale Miller, Secretary



# STAFF REPORT

MAPC: April 19, 2018  
DAB V: May 7, 2018

**CASE NUMBER:** CON2018-00017

**AGENT/APPLICANT:** MKEC, Brian Lindebak (Agent) / Richard Bell, USD 266 Maize (Applicant)

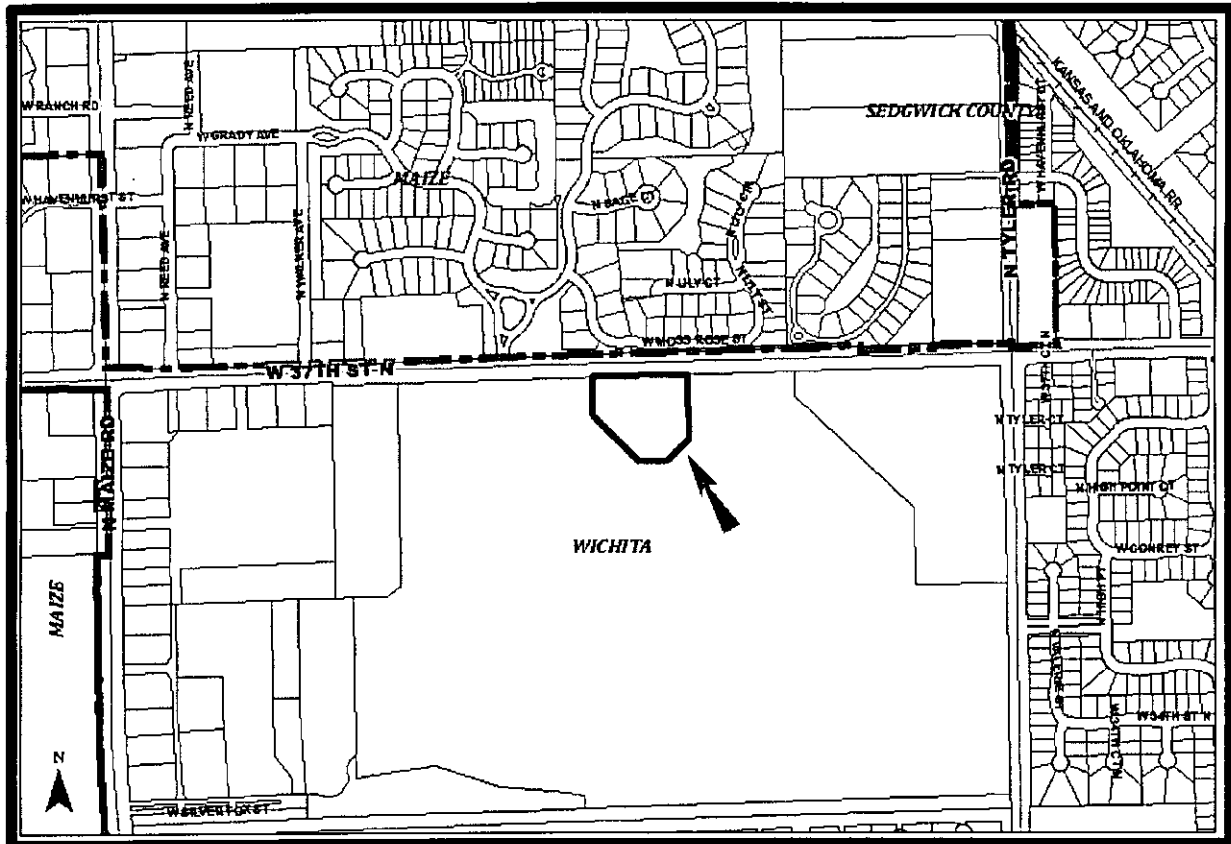
**REQUEST:** Conditional Use for Daycare, General

**CURRENT ZONING:** SF-5 Single Family Residential

**SITE SIZE:** 5.35 acres

**LOCATION:** On the south side of West 37<sup>th</sup> Street North, approximately 0.4 mile west of North Tyler Road (9405 West 37<sup>th</sup> Street North).

**PROPOSED USE:** Daycare



**BACKGROUND:** The applicant is requesting a Conditional Use to allow a daycare for children ranging in ages from birth to five (5) years old. The site is located at 9405 West 37<sup>th</sup> Street North, and is a part of Maize Unified School District (USD) 266 South Campus that includes a high school, middle school, elementary school and athletic fields and playgrounds . The applicant is proposing a Day Care, General use that would allow the maximum as prescribed by the Kansas Department of Health and Education. Currently there are 24 children enrolled for child care with an option to increase to 48. The daycare will be operated by Maize USD 266.

Initial operation of the daycare would be during the school year, but would potentially be a year-round operation as the daycare program grows. High school students enrolled in Child Development 2 class would participate under classroom supervision in the daycare operation. Operating hours would be from 6:45a.m. to 4:30 p.m., Monday through Friday. Hours may be extended as programming requires.

The Maize South Campus construction began in 2003 with the elementary and middle school. The high school and gymnasium were built in 2009 and the early childhood center was added in 2016. The site plan shows the footprint of the building, location of staff parking, parent parking and drives to accommodate the drop-off and pick-up for students. There are two playground areas on the southeast side of the building and a potential future building addition.

The property north of the subject property is located within the City of Maize and is currently residential development. Property to the east, west and south of the subject site is zoned SF-5 Single-Family Residential and is part of the 180 acres owned by USD 266. South of the USD 266 property is Fox Ridge Addition, which is developed with single-family houses. Property west of USD 266 is zoned GC General Commercial developed with big box retail, and LC Limited Commercial developed with an apartment complex, strip center and free standing fast food restaurants. North Tyler Road is the boundary on the east side of the USD 266 property.

**Day Care, General** means 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 the day care provider and 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.

**CASE HISTORY:** The site was platted as Maize School South Campus Addition in 2008.

**ADJACENT ZONING AND LAND USE:**

NORTH:		City of Maize
SOUTH:	SF-5	USD 266
EAST:	SF-5	USD 266
WEST:	SF-5	USD 266

**PUBLIC SERVICES:** The subject property has direct access to West 37<sup>th</sup> Street North, a paved four lane arterial street with a center turn lane. Municipal water and sewer services and all other utilities are currently provided to the subject property.

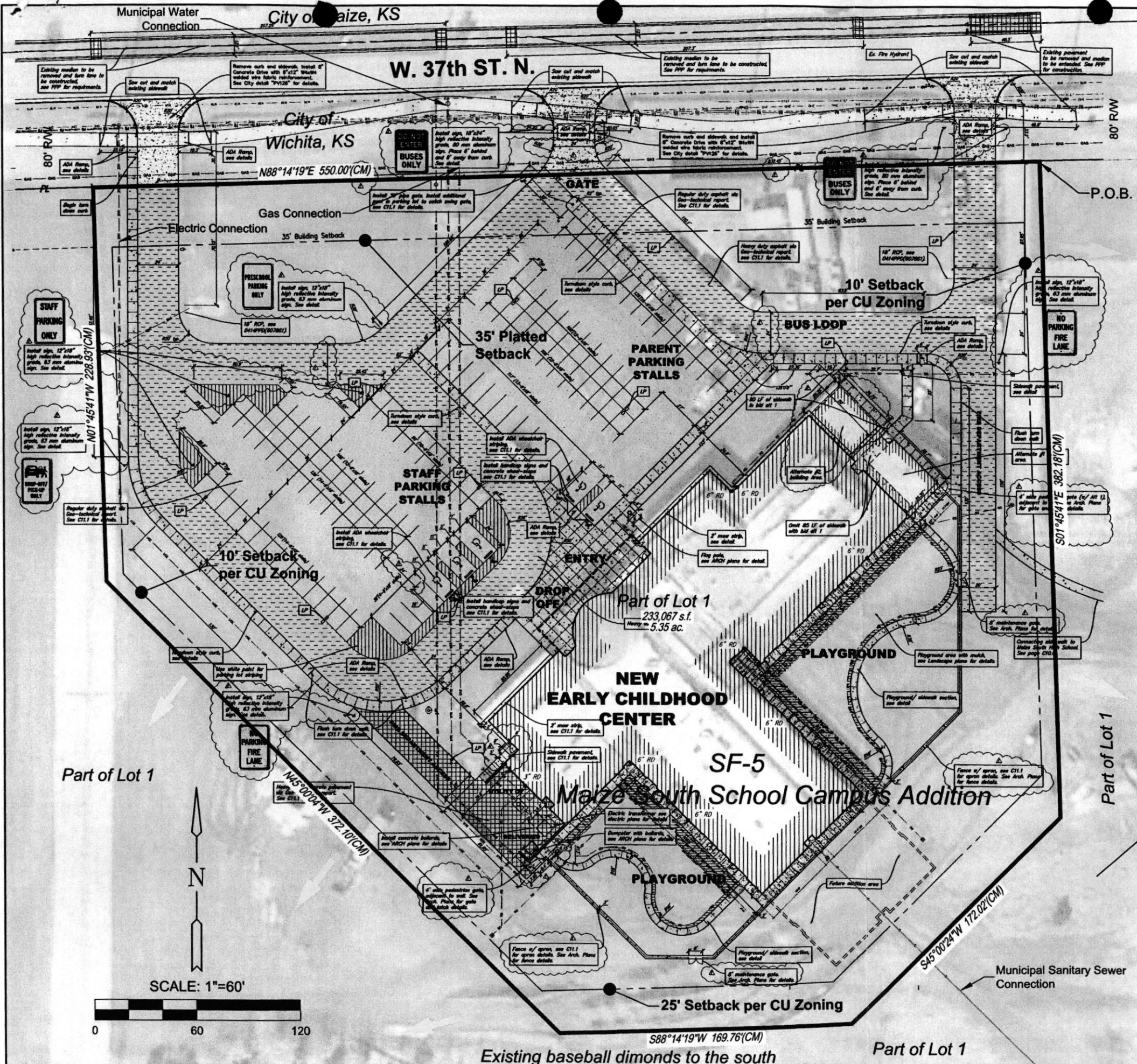
**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan* Future Growth Concept Map identifies the area “Major Institutional.” This proposed project is in conformance with the Community Investment Plan.

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**.

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

1. **The zoning, uses and character of the neighborhood:** The property north of the subject property is located within the City of Maize and is currently residential development. Property to the east, west and south of the subject site is zoned SF-5 Single-Family Residential and is part of the 180 acres owned by USD 266. South of the USD 266 property is Fox Ridge Addition, which is developed with single-family houses. Property west of USD 266 is zoned GC General Commercial developed with big box retail, and LC Limited Commercial developed with an apartment complex, strip center and free standing fast food restaurants. North Tyler Road is the boundary on the east side of the USD 266 property.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is zoned SF-5. The Unified Zoning Code (UZC) allows a conditional use for Daycare, General within residential zoning districts. Further, the location of this type of use within the footprint of an established school area would make this a more suitable location than most.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** A daycare at this location will not negatively impact existing uses in the area. Given that the location of the daycare would be located on a school campus, the impact of this additional use would likely be very low.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan* Future Growth Concept Map identifies the area "Major Institutional." This proposed project is in conformance with the Community Investment Plan.
5. **Impact on Community Facilities:** The subject property has direct access to West 37<sup>th</sup> Street North, which is two lanes in both directions with a median or center left turn lanes. Municipal water and sewer services and all other utilities are currently provided to the subject property.

Attached: Site Plan



**CONDITIONAL USE PERMIT**

This property is home to the Maize USD 266 Early Childhood Center, where the vision is to provide high quality learning experience to children ages birth to five years old. At this center the staff provides age appropriate activities and instruction to meet each child's individual needs to develop skills for learning. They now desire to provide onsite Day Care, General services as defined by the Wichita-Sedgwick County Unified Zoning Code on property zoned as SF-5 Single Family Residential District (SF-5.)

**LEGAL DESCRIPTION**

A tract of land lying in Lot 1 Block A, Maize South School Campus Addition, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the northeast most corner of said Lot 1 being common with the northwest most corner of Reserve C said addition; thence along the north line of said Lot 1, on a Kansas coordinate system of 1983 south zone bearing of S88°14'19"W, 621.24 feet to the POINT OF BEGINNING, thence S01°45'41"E, 382.18 feet; thence S45°00'24"W, 172.02 feet; thence S88°14'19"W, 169.76 feet; thence N45°00'04"W, 372.10 feet; thence N01°45'41"W, 228.93 feet to said north line; thence along said north line, N88°14'19"E, 550.00 feet to the POINT OF BEGINNING.



CONDITIONAL USE - SITE PLAN  
**Maize USD No. 266**  
 EARLY CHILDHOOD CENTER

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**Conditional Use Site Plan**

PROJECT NO.	1801010209
DATE	3/12/18
SCALE	1" = 100'
DESIGNED DRAWN CHECKED	MKEC BDL BDL

ISSUED FOR REVIEW	3/12/18
NO.	REVISION DATE