



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

January 14, 2019

Catholic Charities, Inc.  
Attn: Jeff Leonard  
2959 North Rock Road, Suite 300  
Wichita, KS 67226

Unified School District 259  
Attn: Tom Powell  
903 South Edgemoor  
Wichita, KS 67216

**RE: CON2018-00042 - City request to approve a Conditional Use Permit to permit a Day Care, General (Adult Day Care) on property south of 37<sup>th</sup> Street North and east of Wormer Street (2235 West 37<sup>th</sup> Street North).**

Dear Applicant:

At its regular meeting on **December 6, 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,

David L. Yearout, AICP  
Principal Planner

Copies to: WCC VI, Cindy Claycomb, Mail Stop 1-13  
Brandon Findley, CSR VI, Mail Stop 1-135  
Paul Hays, OCI, Mailstop 1-72  
Jeff Van Zandt, City Law, Mailstop 1-134  
Julianne Kallman, Engineering, Mail Stop 1-71

**CONDITIONAL USE RESOLUTION NO. CON2018-00042**

**WHEREAS**, Unified School District 259 (Owner) and Catholic Charities, Inc./Jeff Leonard (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 allow an adult day care facilities on property zoned SF-5 and located on the south side of 37<sup>th</sup> Street North and east of Womer Street (2235 West 37<sup>th</sup> Street North), and legally described as:

All that part of Government Lot 1 in the Northwest Quarter of Section 31, Township 26 South, Range 1 East of the 6th P. M., Sedgwick County, Kansas, lying East of the Easterly right-of-way of K-96 Highway, except beginning at a point at the intersection of the North line of said Lot 1 and the East right-of-way of said highway, said point being 384.16 feet East of the Northwest corner of Government Lot 1; thence East 174.08 feet; thence South at right angles 216.9 feet to the right-of-way of said highway; thence Northwesterly along said right-of-way to the place of beginning; also except beginning at the intersection of the Easterly right-of-way of K-96 Highway with the East line of said Lot 1; thence North 150 feet; thence West at right angles 118.82 feet to the right-of-way of said Highway; thence Southeasterly to the place of beginning, and except the North 50 feet thereof; also except that part taken for highway in District Court Case 77-C-323; more commonly known as 2235 West 37th 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 6, 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 an adult day care facilities on property zoned SF-5 and located on the south side of 37<sup>th</sup> Street North and east of Womer Street (2235 West 37<sup>th</sup> Street North), and legally described as:

All that part of Government Lot 1 in the Northwest Quarter of Section 31, Township 26 South, Range 1 East of the 6th P. M., Sedgwick County, Kansas, lying East of the Easterly right-of-way of K-96 Highway, except beginning at a point at the intersection of the North line of said Lot 1 and the East right-of-way of said highway, said point being 384.16 feet East of the Northwest corner of Government Lot 1; thence East 174.08 feet; thence South at right angles 216.9 feet to the right-of-way of said highway; thence Northwesterly along said right-of-way to the place of beginning; also except beginning at the intersection of the Easterly right-of-way of K-96 Highway with the East line of said Lot 1; thence North 150 feet; thence West at right angles 118.82 feet to the right-of-way of said Highway; thence Southeasterly to the place of beginning, and except the North 50 feet thereof; also except that part taken for highway in District Court Case 77-C-323; more commonly known as 2235 West 37th Street North.

Subject to the following conditions:

1. Prior to the issuance of a building permit, the subject property shall be platted.
2. Prior to the issuance of a building permit, a site plan shall be submitted to the Director of Planning demonstrating site compliance with the Site Development Standards of Article IV of the Wichita-Sedgwick County Unified Zoning Code and the City of Wichita Landscape Ordinance.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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 6<sup>th</sup> Day of December, 2018

**METROPOLITAN AREA PLANNING COMMISSION**

  
Cindy Miles, Chair, MAPC

ATTEST:

  
Dale Miller, Secretary



**BACKGROUND:** The subject property is 5.54 unplatted acres located at the southeast corner of West 37<sup>th</sup> Street North and North Womer Street and is zoned SF-5 Single-Family Residential. USD 259 is selling the subject property (a former school building that was used for decades as the Law Enforcement Training Center) to Catholic Charities, Inc. for use as an Adult Day Services Center. The Adult Day Services Center will provide a day program for seniors and adults with development disabilities to help individuals acquire, maintain and enhance daily living skills to maintain independence and remain involved in their local communities. Services at the Adult Day Services Center include care coordination, transportation, nursing services, meals and a wide array of activities and outings. The proposed Adult Day Services Center is classified by the Wichita-Sedgwick County Unified Zoning Code as Day Care, General, which requires a Conditional Use in the SF-5 district.

The character of the surrounding area is a mixture of commercial, institutional, and residential uses near the I-235 and North Meridian Avenue interchange. North of the subject property are single-family residences on properties zoned SF-5. South of the subject property is vacant land zoned LC Limited Commercial. East of the subject property are single-family residences and duplexes on properties zoned SF-5 and TF-3 Two-Family Residential. West of the subject property is a convenience store and church on properties zoned LC and MF-18 Multi-Family Residential.

**CASE HISTORY:** The subject property is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-family residences
SOUTH:	LC	Vacant
EAST:	SF-5 & TF-3	Single-family residences, duplexes
WEST:	LC & MF-18	Convenience store, church

**PUBLIC SERVICES:** The subject property has access to West 37<sup>th</sup> Street North, a two-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The "Community Investments Plan 2015-2035" depicts this location as being generally "Residential." The "Residential" land use category encompasses areas that reflect the full diversity of residential development including special accommodations for the elderly.

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

1. Prior to the issuance of a building permit, the subject property shall be platted.
2. Prior to the issuance of a building permit, a site plan shall be submitted to the Director of Planning demonstrating site compliance with the Site Development Standards of Article IV of the Wichita-Sedgwick County Unified Zoning Code and the City of Wichita Landscape Ordinance.
3. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
4. 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:

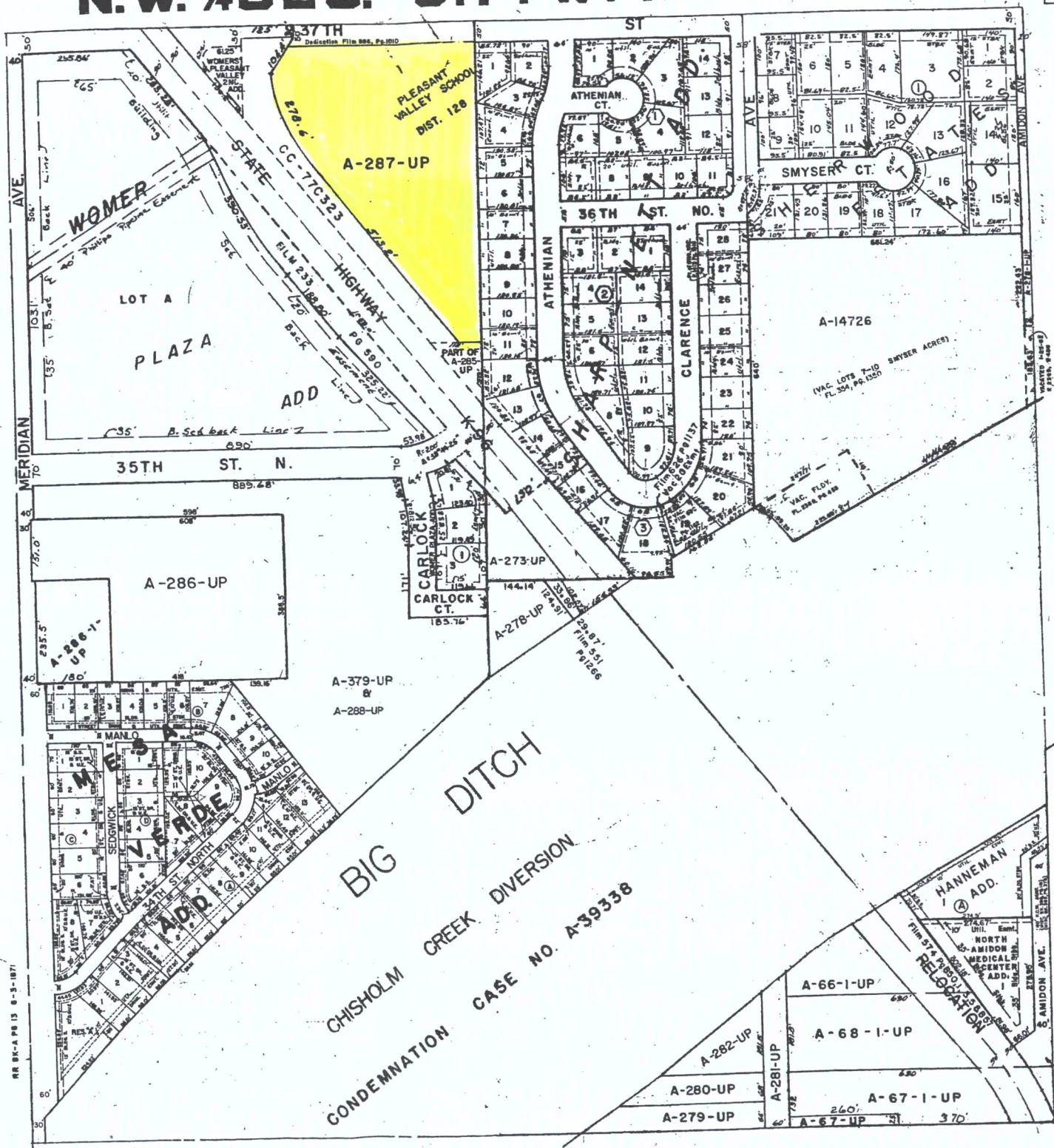
1. The zoning, uses and character of the neighborhood: The character of the surrounding area is a mixture of commercial, institutional, and residential uses near the I-235 and North Meridian Avenue interchange. Zoning in the area is a mixture of SF-5, TF-3, MF-18, and LC. An Adult Day Services Center is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-5 and has been used in the past as an elementary school and the Law Enforcement Training Center. The proposed Adult Day Services Center is similar to previous uses of the subject property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed Adult Day Services Center should have similar impacts on nearby properties as previous uses of the subject property. There are no indications that past uses of the subject property have had detrimental impacts on nearby properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The “Community Investments Plan 2015-2035” depicts this location as being generally “Residential.” The “Residential” land use category encompasses areas that reflect the full diversity of residential development including special accommodations for the elderly.
5. Impact of the proposed development on community facilities: The subject property has access to West 37<sup>th</sup> Street North, a two-lane arterial at this location. Municipal water and sewer services and all other utilities are currently provided to the subject property.

# N.W. 1/4 SEC. 31. TWP. 26. R. 1 E.

KE  
122

N.W. Corner  
Govt Lot. 1

North  
↑



BIG DITCH  
CHISHOLM CREEK DIVERSION  
CONDEMNATION CASE NO. A-39338

SEDGWICK COUNTY CLERK

Applicant - USD 259  
Conditional Use - Day Care, General

