



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

March 5, 2001

Ascension Lutheran Church  
Property Owners  
842 N. Tyler  
Wichita, KS 67212

**FILE COPY**

**RE: CON2001-00001 – Conditional Use to allow for a day care center and preschool on property zoned “SF-6” Single-Family Residential. Generally located on the south side of Maple between 119<sup>th</sup> Street West and 135<sup>th</sup> Street West.**

Dear Ladies and Gentlemen:

At its regular meeting on February 8, 2001, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated February 12, 2001.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Dale Miller  
Chief Planner

DM/rs

cc: Baughman Company, P.A., %Phil Meyer, 315 Ellis, Wichita, KS 67211  
Dana L. Brown, D.A.B. V, Mail Stop 1-135  
Bob Martz, City Council Member, District V, Mail Stop 1-13  
Dan Claassen, 14300 E. 61<sup>st</sup> Street N., Wichita, KS 67228  
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72  
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72  
Paul Hays, Office of Central Inspection, Mail Stop 1-72  
J. R. Cox, Office of Central Inspection, Mail Stop 1-72

**CONDITIONAL USE RESOLUTION NO. CON-2001-00001**

**WHEREAS**, Ascension Lutheran Church (Owner/Applicant), Baughman Company, P.A., c/o Phil Meyer (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow for a daycare, general on 9.56 acres zoned "SF-6" Single-Family Residential described as:

The East 400 feet of the North 1089 feet of the Northwest Quarter, Section 25, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, except the North 30 feet for road. Generally located on the south side of Maple between 119<sup>th</sup> Street West and 135<sup>th</sup> Street West.

**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 February 8, 2001, 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 permit a conditional use to allow for a daycare, general on 9.56 acres zoned "SF-6" single-Family Residential described as:

The East 400 feet of the North 1089 feet of the Northwest Quarter, Section 25, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, except the North 30 feet for road. Generally located on the south side of Maple between 119<sup>th</sup> Street West and 135<sup>th</sup> Street West.

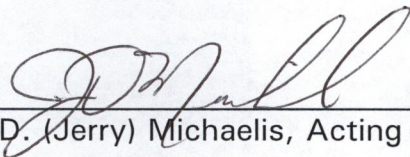
subject to the following conditions:

1. The daycare, general, facility shall be developed in general conformance with the site plan, attached hereto and made a part of this application.
2. The daycare shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
3. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.

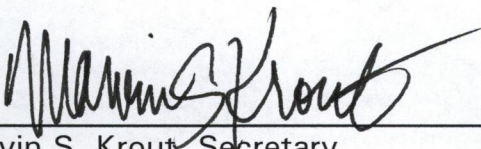
4. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play by children under the supervision of the daycare facility shall be limited to the hours between 7 a.m. and 6 p.m.
5. The applicant shall submit a Landscape Plan that meets the requirements of the City's Landscape Ordinance for review by the Director of Planning.
6. On-site parking shall be provided for the daycare as required by the UZC, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.
7. Signs for the daycare shall be limited to those permitted in the "SF-6" Single-Family Residential District.
8. A loading area for the daycare facility shall be provided on-site as required by code.
9. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Adopted this 8th day of February, 2001. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
J. D. (Jerry) Michaelis, Acting Chair MAPC

ATTEST:

  
\_\_\_\_\_  
Marvin S. Krout, Secretary

BLC

**AFFIDAVIT**

STATE OF KANSAS \  
- SS.  
County of Sedgwick /

**RECEIVED**

JAN 22 2001

**METROPOLITAN PLANNING  
ROUTE**

Milt Mounts, of lawful age, being first duly sworn, depose and saith: That she is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for

1 consecutive issues - weeks,  
that the first publication of said notice was

made as aforesaid on the 19 day, of

January A.D. 2001, with

subsequent publications being made on the following dates:

And affiant further says that \_\_\_\_\_ she has personal knowledge of the statements above set forth and that they are true.

Subscribed and sworn to before me this

19 Day of January, 2001

Norma J. Hoch  
Notary Public Sedgwick County, Kansas

**NORMA J. HOCH**  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 8-12-02

My Appointment Expires August 12th, 2002

Printer's Fee \$ 23.12

**LEGAL PUBLICATION**

CW  
Published in The Wichita Eagle  
January 19, 2001 (#1297542)  
**OFFICIAL NOTICE**

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:  
NOTICE IS HEREBY GIVEN that on February 8, 2001, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the Planning Department Conference Room, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:00 p.m. The following application will be considered no earlier than 1:15 p.m.

CON2001-00001 - Conditional Use to allow Daycare/Preschool in the "SF-6" Single Family Residential zoning district. A complete legal description is available for public inspection at the Metropolitan Area Planning Department, 10th Floor, City Hall, 455 North Main Street, Wichita, Kansas. Generally located on the South side of Maple, between 119th Street West and 135th Street West.

As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

WITNESS MY HAND this 16th DAY OF JANUARY, 2001.  
Marvin S. Krout, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning Commission

**STAFF REPORT**  
MAPC – February 8, 2000

**FILE COPY**

**CASE NUMBER:** CON2001-00001 *BVC*

**APPLICANT/AGENT:** Ascension Lutheran Church (Owner/Applicant)  
Baughman Company, PA, Phil Meyer (Agent)

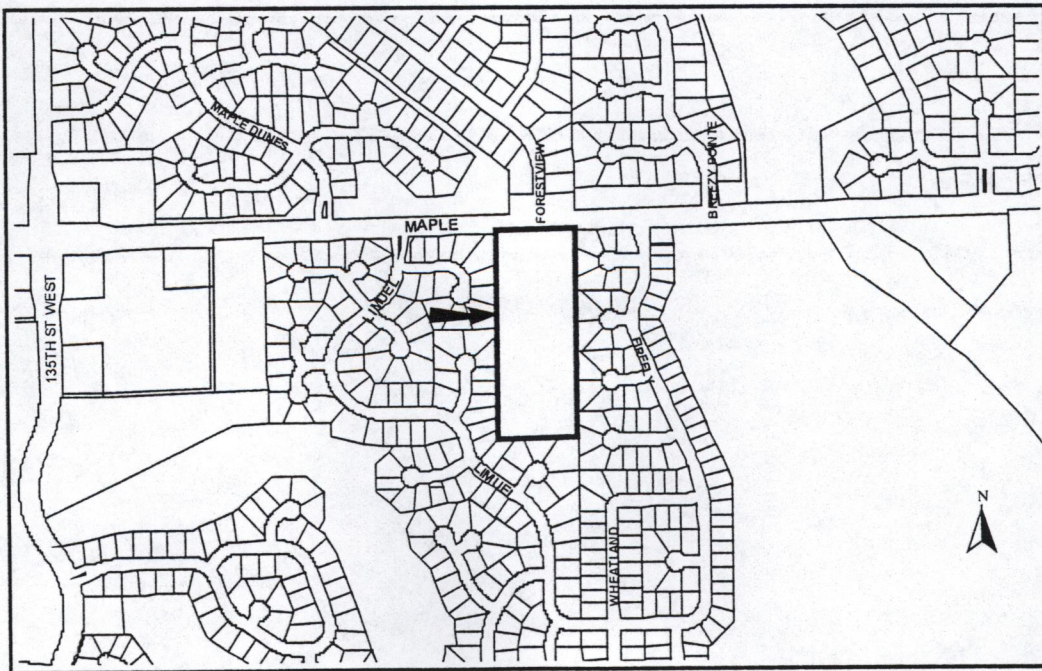
**REQUEST:** *Conditional Use* to allow for a *daycare, general*

**CURRENT ZONING:** "SF-6" Single-Family Residential

**SITE SIZE:** 9.56 acres

**LOCATION:** South side of Maple between 119<sup>th</sup> Street West  
and 135<sup>th</sup> Street West

**PROPOSED USES:** To allow for a day care center and preschool



**BACKGROUND:** The applicant, Ascension Lutheran Church, is requesting a Conditional Use to operate a "daycare, general" program on a platted [Ascension Lutheran Church 2<sup>nd</sup> Addition] 9.56-acre tract of land. The tract is currently undeveloped although there has been some grading on the site. The applicant plans to construct a new building (see attachment). This property is zoned "SF-6" Single-Family Residential and is located on the south side of Maple between 119<sup>th</sup> Street West and 135<sup>th</sup> Street West. There is one access point along the south side of West Maple to the application area. According to the applicant, 125 parking slots are required by the Unified Zoning Code (UZC). There are, however, 142 parking slots depicted on the site plan (see site plan).

The Unified Zoning Code (UZC) defines "daycare, general" as "an establishment that provides care, protection, and supervision for more than 10 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."

The Ascension Lutheran Church is seeking to operate a daycare program that would serve approximately 60 infants and children up to age six. Additionally, a half-day preschool program (a.m. & p.m.) would operate with four classrooms with a maximum of 80 children. The hours of operation will be from 7 a.m. until 6 p.m.

The daycare program will be housed in the eastern portion of the building. The office and gymnasium will be in the center of the building. The preschool, with the four classrooms, will be in the western portion of the building. The playground will unlighted and located to the rear and southwest of the building. The site plan depicts two baseball diamonds at the southern end of the application area.

In the surrounding area, there are residential houses to the east, south, west and north, across West Maple. The applicant will need to screen and provide landscape buffers in order to comply with licensing regulations for daycare and the screening requirements in the Uniform Zoning Code. The Church's Reverend and Pastor have met with the following Home Owners Associations: a) Rainbow Lakes; b) Auburn Hills; and c) Maple Valley. The informational meetings were held in order to describe the project and respond to questions or concerns.

**CASE HISTORY:** The property was platted as the Ascension Lutheran Church 2<sup>nd</sup> Addition on August 9, 1977.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-6" Single-Family Residential	Single-Family Residences
EAST:	"SF-6" Single-Family Residential	Single-Family Residences
SOUTH:	"SF-6" Single-Family Residential	Single-Family Residences
WEST:	"SF-6" Single-Family Residential	Single-Family Residences

**PUBLIC SERVICES:** West Maple, a two-lane arterial street, between 119<sup>th</sup> & 135<sup>th</sup> Streets West, had estimated traffic volumes in 2000 of 4,806 average trips per day (ADT's). The 2030 projections estimate 12,450 ADTs. Water and sewer services will be made available to the site. According to the City's 2000-2009 Adopted Capital Improvement Plan (CIP), West Maple, between 119<sup>th</sup> and 135<sup>th</sup> Streets West, will be reconstructed in 2001 to provide a four/five lane roadway. This area is experiencing rapid growth and development which is expected to continue at an even faster pace with the development of the new municipal golf course in this area.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" in the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for low-density residential use and parkland/open space. The application area is within the 10-Year Urban Service Area and also within the 30-Year Urban Service Area. The Plan considers schools, churches, and other similar uses as appropriate in low-density areas.

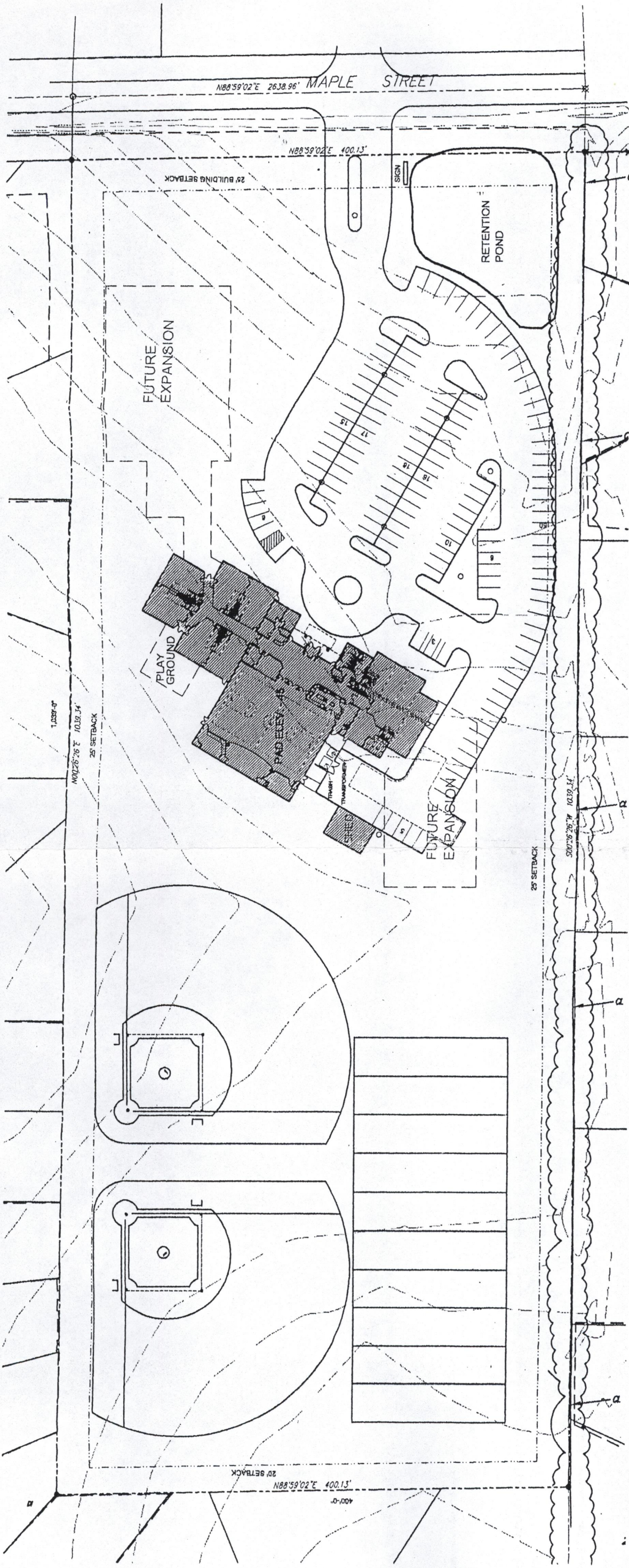
**RECOMMENDATION:** The property will be developed in general conformance with the site plan approved by the MAPC or City Council. Based on the information available prior to the public hearing, and a site plan showing the location of the proposal daycare, general, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The daycare, general, facility shall be developed in general conformance with the site plan, attached hereto and made a part of this application.
2. The daycare shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
3. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.
4. A fenced playground shall be provided as required by the Health Department licensing regulations. Outdoor play by children under the supervision of the daycare facility shall be limited to the hours between 7 a.m. and 6 p.m.
5. The applicant shall submit a Landscape Plan that meets the requirements of the City's Landscape Ordinance for review by the Director of Planning.

6. On-site parking shall be provided for the daycare as required by the UZC, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.
7. Signs for the daycare shall be limited to those permitted in the "SF-6" Single-Family Residential District.
8. A loading area for the daycare facility shall be provided on-site as required by code.
9. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are single-family houses located to the east, south, west and north, across West Maple, that are zoned "SF-6" Single-Family Residential.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is undeveloped and zoned "SF-6." According to the UZC, single-family residential housing can be built on-site by right. A "Conditional Use" would allow operation of a daycare/preschool facility during the weekdays plus offer needed services to the neighborhood.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. The only potential detrimental effect might be the outdoor play close to the residences to the east, south and west. The effect should be mitigated by screening and buffering, and by the depth of the residential lots.
4. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: The "Wichita Land Use Guide" in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for low-density residential use and parkland/open space. The application area is within the 10-Year Urban Service Area and also within the 30-Year Urban Service Area. The Plan considers schools, churches, and other similar uses as appropriate in low-density areas.
5. Impact of the proposed development on community facilities: The projected impact on traffic is minimal due to the low volume of potential traffic. According to the City's 2000-2009 Adopted Capital Improvement Plan (CIP), West Maple, between 119<sup>th</sup> and 135<sup>th</sup> Streets West, will be reconstructed in 2001 to provide a four/five lane roadway. This area is experiencing rapid growth and development which is expected to continue at an even faster pace with the development of the new municipal golf course in this area. Water and sewer service is adequate to handle the small demand generated by the "Conditional Use."



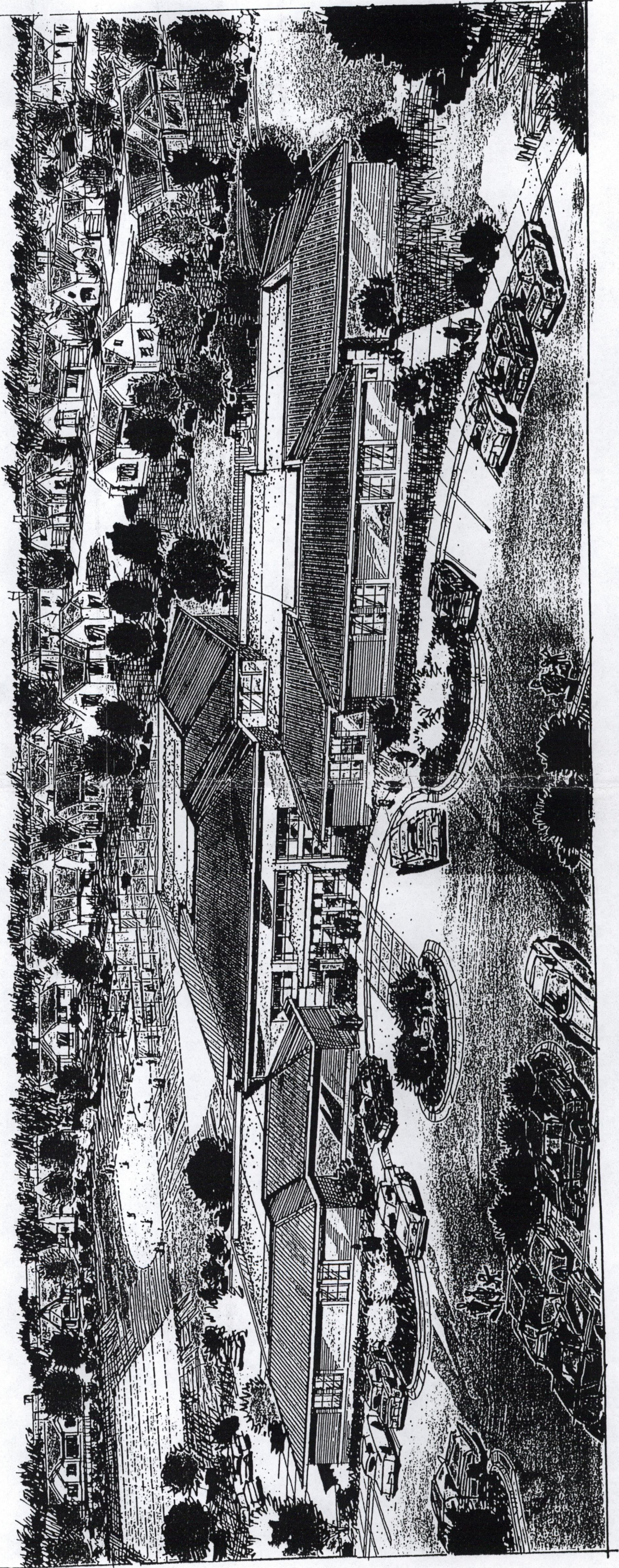
TOTAL PARKING REQUIRED - 125 CARS  
 TOTAL PARKING SHOWN - 142 CARS

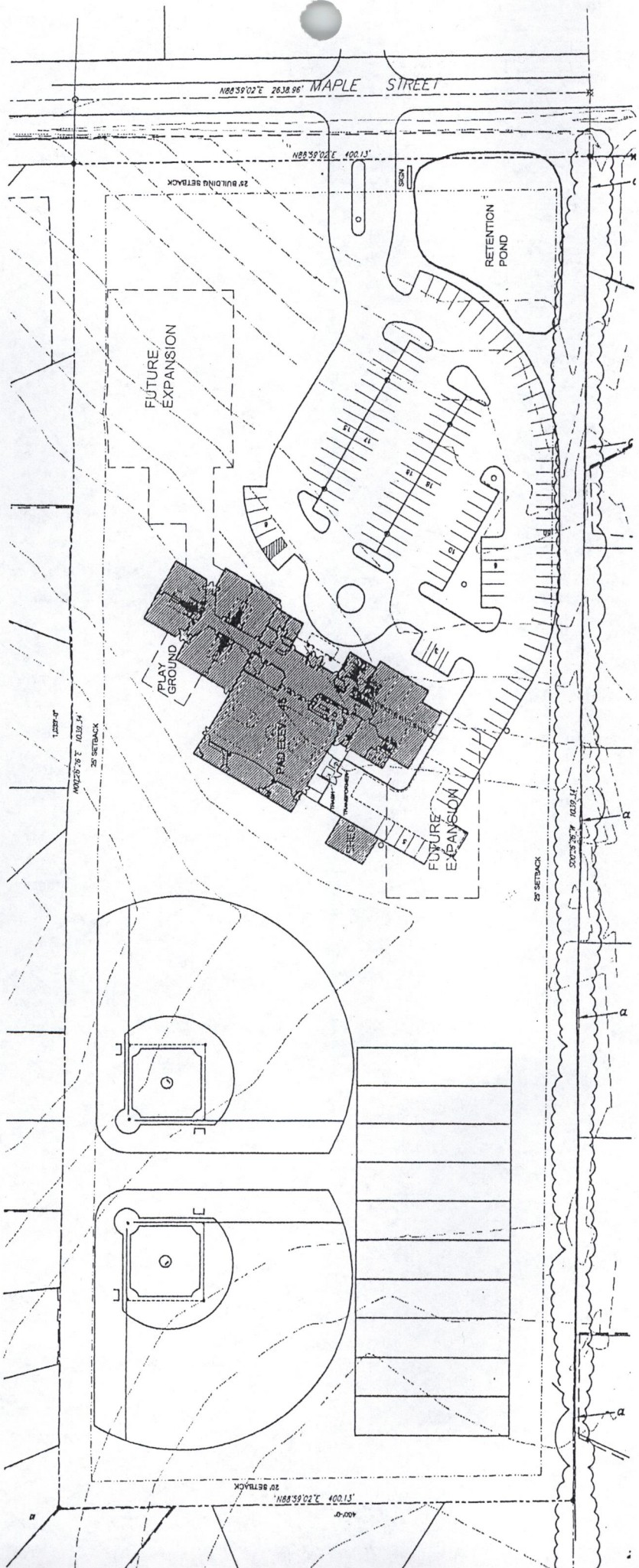


**SITE PLAN**  
 SCALE: 1" = 40'-0"

CON2001-0001: South side of  
 Maple between 119th and  
 135th Streets West

CON2001-0001: South side of  
Maple between 119th and  
135th Streets West





# SITE PLAN

APPROVED 3/13/01 BY *DM*



TOTAL PARKING REQUIRED - 125 CARS  
 TOTAL PARKING SHOWN - 142 CARS  
**SITE PLAN**  
 SCALE: 1" = 40'-0"

CON2001-0001: South side of  
 Maple between 119th and  
 135th Streets West

24 AUGUST 2000

ASCENSION LUTHERAN - MAPLE CAMPUS

ANGENBERG • PHILLIPS  
 R C H I T E C T U R E  
 Douglas, Rm. Four WICHITA, KS 67202 T 316.267.4022 F 316.267.2029