



Wichita-Sedgwick County Metropolitan Area Planning Department

October 26, 2009

Faith Christian Church, Inc.
2110 W 45Th St S
Wichita, KS 67217

RE: CON2009-00023 - City Conditional Use for Day Care, General, at Faith Christian Church, on property zoned SF-5 Single-Family Residential, generally located on the northwest corner of 45th Street South and Bennett Circle, approximately 1/4 mile east of Meridian Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on **September 24, 2009**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script, reading 'Donna Goltry'.

Donna Goltry, A.I.C.P.
Principal Planner
Current Plans Division

DJG:mc

Attachment

Copies to: Janice Robertson, Early Childhood Ctr Mgr, 2108 W 45th Street South, Wichita, KS 67217
Riverside Township, Dale V Kuhn, 6051 Southeast Blvd, Derby, KS 67037
WCC IV, Paul Gray, Mail Stop 1-13
N.A. IV, Kelli Glassman, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
J. R. Cox, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2009-00023

WHEREAS, Faith Christian Church, Inc. (owner); and Janice Robertson (agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow a Day Care, General, on property zoned SF-5 Single-Family Residential ("SF-5") described as:

Lot 1, except the east 30 feet for street, Enterprise Christian Church Addition to Wichita, Kansas, Sedgwick County, Kansas, generally located on the northwest corner of 45th Street South and Bennett Circle, approximately ¼ mile east of Meridian Avenue.

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 September 24, 2009, 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 to allow a Day Care, General, on property zoned SF-5 Single-Family Residential ("SF-5") described as:

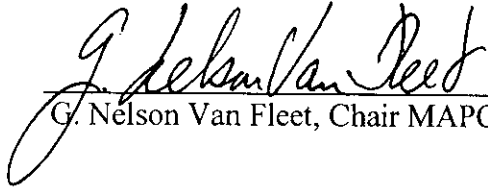
Lot 1, except the east 30 feet for street, Enterprise Christian Church Addition to Wichita, Kansas, Sedgwick County, Kansas, generally located on the northwest corner of 45th Street South and Bennett Circle, approximately ¼ mile east of Meridian Avenue.

Approved subject to the following conditions:

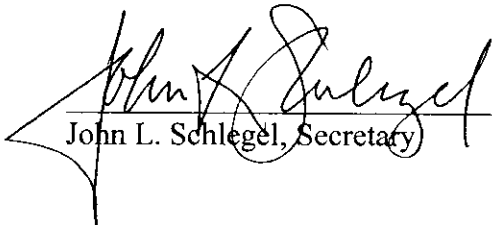
1. The Conditional Use shall comply with Article III, Section III-D.6.i of the UZC.
2. The property shall be developed and maintained in accordance with the site plan.
3. The applicant shall obtain all applicable local and state permits and operate in conformance to state regulations.
4. If the Zoning 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 24TH Day of September 2009.

METROPOLITAN AREA PLANNING COMMISSION


G. Nelson Van Fleet, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

MAPC September 24, 2009

CASE NUMBER: CON2009-00023

APPLICANT/OWNER: Faith Christian Church, Inc. c/o Greg Hamlin, Pastor; Janice Robertson (agent)

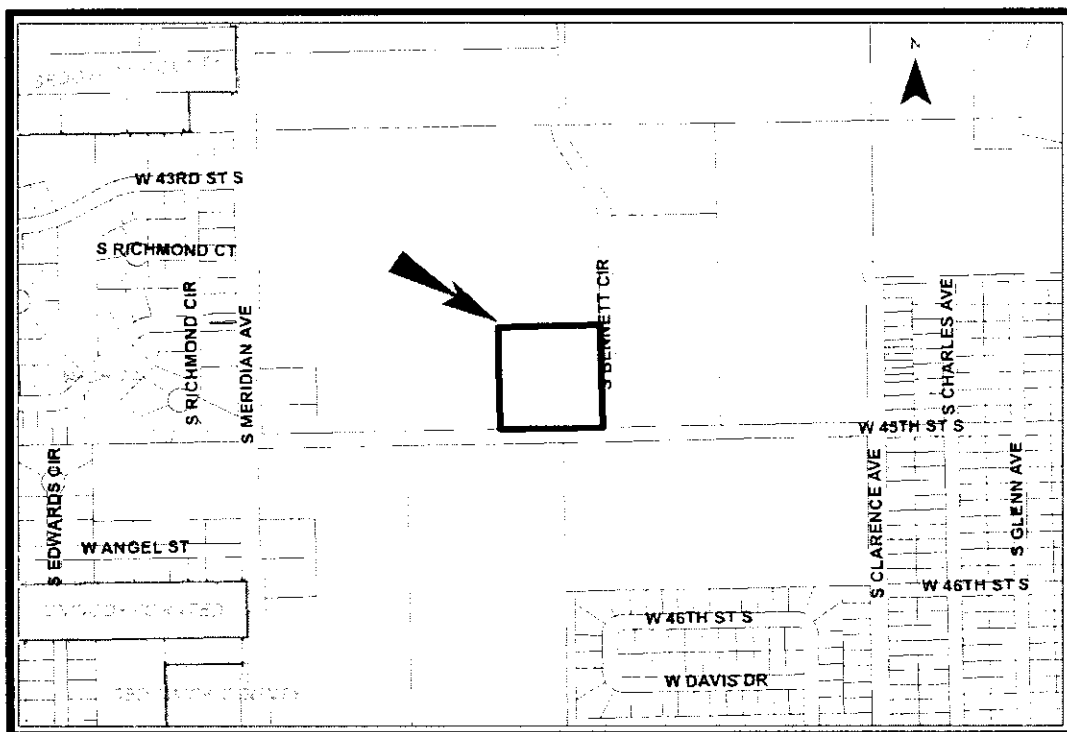
REQUEST: City Conditional Use to permit Day Care, General

CURRENT ZONING: SF-5 Single-Family Residential ("SF-5")

SITE SIZE: 4.36 acres

LOCATION: Northwest corner of 45th Street South and Bennett Circle, approximately 1/4 mile east of Meridian Avenue.

PROPOSED USE: Day Care, General, operated at Faith Christian Church



BACKGROUND: The applicant is requesting a City Conditional Use for Day Care, General, at Faith Christian Church, on property zoned SF-5 Single-Family Residential (“SF-5”), generally located on the northwest corner of 45th Street South and Bennett Circle, approximately 1/4 mile east of Meridian Avenue. The program currently is operated as the Shirley Mayes Head Start, a Child Start site.

Day, Care, General requires a Conditional Use in the SF-5 District. The Conditional Use approval reviews of the appropriateness of the particular site and evaluates conditions fitting for its specific use. Per the Unified Zoning Code (“UZC”) Article III, Section III-D.6.8, standard requirements for a day care within a church facility are:

1. Compliance with state regulations.
2. Outdoor play in residential areas, 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.
3. Convenient off-street loading facilities shall be provided as required in Sec. IV-A.14 of the UZC. Parking spaces must meet UZC parking requirements but may be shared with parking already provided by the church.

This property is well suited for a day care operation within the church. The proposed site plan and supporting information indicates the day care can accommodate a total of 75 children in the morning and 75 in the afternoon, or a total of 150 children during the day. The Head Start facility is located in a separate building on the north part of the church’s property. The fenced outdoor play area is situated to the northwest of the day care building near the manufactured home park, but the hours of operation of the Head Start program fits within the UZC requirements. Ample parking facilities are provided for those transporting children to the site by car. A separate sidewalk connected to a driveway is used to load and unload children who are transported to the site by bus.

The surrounding land uses are complimentary to the location of a day care facility. Two parks and recreation facilities and an elementary school are located to the east, south and southwest. The Southwest Boys Club ball field to the east is on property zoned B Multi-Family Residential (“B”), and a cell tower is located on this property also. Southview Park is located to the south/southwest on property zoned MF-29 Multi-Family Residential (“MF-29”) and Cessna Elementary School is located to the south/southeast on property zoned SF-5. A manufactured home park is located to the north and west on property zoned MH Manufactured Home (“MH”). A masonry screening wall separates the manufactured home park from this property.

CASE HISTORY: The property is platted as Enterprise Christian Church Addition, recorded June 4, 1963.

ADJACENT ZONING AND LAND USE:

NORTH:	MH	Manufactured home park
SOUTH:	SF-5, MF-29	Elementary school, park
EAST:	B	Baseball field, cell tower
WEST	MH	Manufactured home park

PUBLIC SERVICES: The property has access to 45th Street South, a four-lane urban collector serving mostly the institutional uses of the church, school and park and recreation facilities and the manufactured home park abutting the street. 45th Street South connects with Meridian Avenue, an arterial street, ¼ mile west. In 2007, the traffic volume (Annual Average Daily Traffic “AADT”) was 7,211 on Meridian at the intersection with 45th Street South.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide,” 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as “institutional.” The proposed Conditional Use is in conformance with this designation.

RECOMMENDATION: Based on these additional conditions plus the information available prior to the public hearing, staff recommends the application be APPROVED subject to the following conditions:

1. The Conditional Use shall comply with Article III, Section III-D.6.i of the UZC.
2. The property shall be developed and maintained in accordance with the site plan.
3. The applicant shall obtain all applicable local and state permits and operate in conformance to state regulations.
4. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding land uses are complimentary to the location of a day care facility. Two parks and recreation facilities and an elementary school are located to the east, south and southwest. The Southwest Boys Club ball field to the east is on property zoned B Multi-Family Residential (“B”), and a cell tower is located on this property also. Southview Park is located to the south/southwest on property zoned MF-29 Multi-Family Residential (“MF-29”) and Cessna Elementary School is located to the south/southeast on property zoned SF-5. A manufactured home park is located to the north and west on property zoned MH Manufactured Home (“MH”). A masonry screening wall separates the manufactured home park from this property.
2. The suitability of the subject property for the uses to which it has been restricted: The site is suited for institutional uses like the church, which is allowed by right in SF-5, or the day care use that requires a Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The day care operation should be complimentary to the church use on the site. The potential noise from children at play should be less intrusive to the manufactured home park since the playground is separated by a masonry wall from the residences and because it only occurs during daytime hours where children playing are customary and when supervised

by day care staff.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide,” 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as “institutional.” The proposed Conditional Use is in conformance with this designation.
5. Impact of the proposed development on community facilities: The Conditional Use will allow up to 75 trips per day when the school begins and dismisses, although some of actual volume may be less due to bus transportation of part of the children.

