



Wichita-Sedgwick County Metropolitan Area Planning Department

March 1, 2012

Timothy Chadd
2614 N. Lakeridge
Wichita, KS 67205

Savoy Company, PA
c/o Mark Savoy
433 S. Hydraulic
Wichita, KS 67211

RE: CON2012-00002 - City Conditional Use request for a Day Care, General on property zoned SF-5 Single-family Residential ("SF-5"); generally located south and west of Zoo Boulevard and North Illinois Street (1033 N. Illinois).

Dear Ladies and Gentlemen:

At its regular meeting on February 16, 2012, 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 on the attached resolution. There have been no protests on the case during the two-week protest period, thus the decision of the MAPC is considered final.

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 'Derrick K. Slocum'.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Attachment

Copies to: Beverly Kirkland, 3901 W. Zoo Blvd, Wichita, KS 67203

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 **F** 316.268.4390

www.wichita.gov

CONDITIONAL USE RESOLUTION NO. CON2012-00002

WHEREAS, Timothy Chadd, (Owner/Applicant) and Mark Savoy (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 for a Day Care, General on 0.43 acres zoned SF-5 Single-family Residential ("SF-5") described as:

Lots 3 and 4, Block 5, Golden Gardens Addition to Wichita, Sedgwick County, Kansas, generally located south and west of Zoo Boulevard and North Illinois Street (1033 N. Illinois).

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 16, 2012, 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 on 0.43 acres zoned SF-5 Single-family Residential ("SF-5") described as:

Lots 3 and 4, Block 5, Golden Gardens Addition to Wichita, Sedgwick County, Kansas, generally located south and west of Zoo Boulevard and North Illinois Street (1033 N. Illinois).

Approved subject to the following conditions:

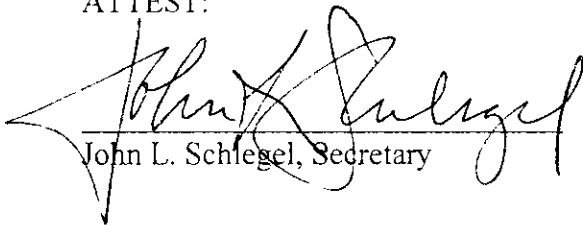
1. Outdoor play shall be limited to the hours of 7:30 a.m. to 6:30 p.m.
2. Six to eight foot tall wood screening fence along the north and south property lines.
3. The gate along the east property line shall be locked at all times and only be accessible by daycare staff.
3. If the Zoning Administrator 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 16th Day of February 2012

METROPOLITAN AREA PLANNING COMMISSION


Shawn Farney, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

BACKGROUND: The applicant is seeking Conditional Use approval to permit a playground for a “day care, general” on 0.43 acres located at 1033 North Illinois Avenue, on the southwest corner of Illinois Avenue and Zoo Boulevard. The subject site is a part of a two property area that also includes a property along West Street. The applicant proposes to develop the property along West Street, which is zoned LC Limited Commercial (“LC”), with a daycare, general, facility and to develop the subject property, which is zoned SF-5 Single-family Residential (“SF-5”), with a playground to serve the proposed daycare. The playground is required to have a Conditional Use permit since it is considered a part of the daycare, general use and is located on property zoned SF-5. The daycare facility on the property along West Street is a permitted use since the zoning of that property is LC.

The site plan shows the orientation of the two properties in relation to location and street frontage. The site along West Street show the location of the existing structure and the location of propose parking and loading spaces. The site plan shows the subject site containing the playground area, shade structures, playhouse, denotes the different ground coverings and depicts the screening fence along the perimeter of the site. There is a gate opening along the Illinois Street frontage, however; the playground is not open to public use and main access to the playground would be from the daycare site.

Per the *Wichita-Sedgwick County Unified Zoning Code* (“UZC”), a “day care, general” is permitted in the SF-5 district only by Conditional Use approval. The UZC defines a “day care, general” as 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 employees, or a day care center for ten or fewer individuals at any one time that is not operated as a home occupation. However, since this application is just for the playground, the only condition that pertains to this use would be Art III, Sec III-D 6.i(c) 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.

Property surrounding the subject site to the north and south is zoned SF-5 and are developed with single-family residences. Property east of the subject site, across Illinois Street, is zoned B Multi-family Residential (“B”) and is developed with a quadraplex. Property west of the subject site is zoned LC and is developed with an office and the proposed daycare facility.

CASE HISTORY: The property is platted as Lots 3 and 4, Block 5, Golden Gardens Addition, recorded December 18, 1929.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Residential
SOUTH:	SF-5	Residential
EAST:	B	Quadraplex
WEST:	LC	Daycare & Office

PUBLIC SERVICES: The subject site has frontage along north Illinois Avenue (east side of property), a two-lane, unpaved local street without traffic counts. Public water and sewer service are currently available to the subject property.

CON2012-00002

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Urban Residential” use. Urban Residential is a category that encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.

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

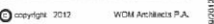
1. Outdoor play shall be limited to the hours of 7:30 a.m. to 6:30 p.m.
2. Six to eight foot tall wood screening fence along the north and south property lines.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in 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:** Property surrounding the subject site to the north and south is zoned SF-5 and are developed with single-family residences. Property east of the subject site, across Illinois Street, is zoned B Multi-family Residential (“B”) and is developed with a quadraplex. Property west of the subject site is zoned LC and is developed with an office and the proposed daycare facility.
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 district primarily limited to low density residential uses and a few compatible nonresidential uses such as churches, parks or schools. The site is currently undeveloped. The site could continue to be vacant or have a single-family residence developed; however, the addition of a playground would put the property to use and fill in a currently undeveloped site.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The site has 0.43 acres. The screening proposed for the site and the hours and days of operation minimize potential impacts.
4. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would provide additional play area for the proposed daycare facility. Denial of the application

could presumably result in a loss of revenue for the daycare operation.

5. **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 identifies the site as appropriate for “Urban Residential” use. Urban Residential is a category that encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes: single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category.
6. **Impact of the proposed development on community facilities:** All public facilities are available and existing road facilities are adequate.



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State of Kansas)
Sedgwick County) SS

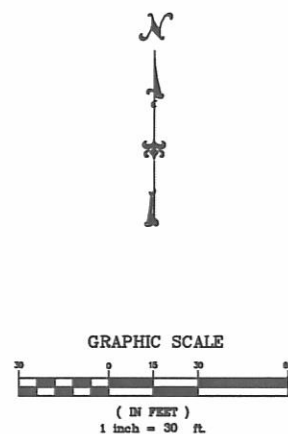
We, Savoy Company, P.A., Surveyors in aforesaid County and State do hereby certify that, under the supervision of the undersigned, we did on this 4th day of January, 2012, survey the following described property:

Lot 1, McIntosh Addition, Wichita, Sedgwick County, Kansas.
AND
Lots 3 and 4, Block 5, Gloden Gardens Addition, Sedgwick County, Kansas.
AND
Lots 8 and 9, Block 5, Gloden Gardens Addition, Sedgwick County, Kansas.

On said parcels is Building #1024 which is clear of all property lines. There are no encroachments onto said parcel by buildings on the adjacent parcels.

The accompanying sketch is a true and correct exhibit of said survey.

Surveyor
Mark A. Savoy RLS #788



SURVEY MARKER LEGEND

- 1/2" = 1/2" IRON PIPE (FOUND)
- 3/4" = 3/4" IRON PIPE (FOUND)
- 3/8" = 3/8" IRON PIPE (FOUND)
- 5/8" = 5/8" REBAR (FOUND)
- 1/2" = 1/2" REBAR W/BAUGHMAN CAP (FOUND)
- 1/2" = 1/2" REBAR W/SAVOY CAP (SET)
- " = CHISELED "V" NOTCH IN CONCRETE (SET)

LEGEND

- G = GAS MAIN
- W = WATER MAIN
- SS = SANITARY SEWER
- SWS = STORM WATER SEWER
- UGE = UNDER GROUND ELECTRIC
- UGT = UNDER GROUND TELEPHONE
- TELE. PED. TELEPHONE PEDESTAL
- C.O. CLEAN OUT
- F.H. FIRE HYDRANT
- GUY GUY ANCHOR
- G.M. GAS METER
- ICV IRRIGATION CONTROL VALVE
- L.P. POWER POLE W/LIGHT
- " POWER POLE
- " SIGN
- W.V. WATER VALVE
- SS M.H. SANITARY SEWER MANHOLE

NOTE:

Location of all utilities shown on this drawing, reflect the best information available, consisting of both field observation and information from the records of the various utility companies. Before completing any final design or beginning any excavation on this site, contact the appropriate utility companies for verification of the utility locations.

Kansas One-Call
Kansas One-Call

687-2470
Ticket No.: 11472334

SITE PLAN

APPROVED 2/16/12 BY

