



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2014

Bethany Lutheran Church
c/o, Mark P. Wenger
1000 W. 26th St. South
Wichita, KS, 67217

RE: CON2013-00038 – City Conditional Use request for a Day Care, General, on SF-5 Single-Family Residential zoned property generally located east of Seneca Street, on the north side of 26th Street North.

Dear Applicant

At its regular meeting on **January 9, 2014**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) APPROVED the above captioned request, subject to the conditions on the attached resolution.

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 'Bill Longnecker'.

Bill Longnecker
Senior Planner - Current Plans Division

BL/mc
Attachments

Copies to: Councilman Jeff Blubaugh, District IV
Case Bell, District IV NA
Ralph C. Lang, 3118 S. Waco, Wichita KS 67217
Larry D. Moore, 1407 W. 32nd St., S., Wichita, KS 67217

CONDITIONAL USE RESOLUTION NO. CON2013-00038

WHEREAS, Bethany Lutheran Church and School, c/o Rev. Mark P. Wenger (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 "Day Care, General", on approximately 7-acres zoned SF-5 Single-Family Residential ("SF-5"), described as:

Lot A EXCEPT the West 238.2 feet in Kuechenmeister Addition to Wichita, Sedgwick County, Kansas; generally located east of Seneca Street on the north side of 26th Street South.

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 January 9, 2014, 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 approximately 7-acres zoned SF-5 Single-Family Residential ("SF-5"), described as:

Lot A EXCEPT the West 238.2 feet in Kuechenmeister Addition to Wichita, Sedgwick County, Kansas; generally located east of Seneca Street on the north side of 26th Street South.

Approved subject to the following conditions:

- 1) In addition to the uses permitted by right in the SF-5 district, a Day Care, General, is permitted for 100 students and 10 employees. The maximum number of students can be increased by Administrative Adjustment or an Amendment to the Conditional Use.
- 2) All applicable requirements of Article III, Section III-D.6.i. of the UZC shall be met.
- 3) The site shall be developed in general conformance with the approved site plan.
- 4) The Day Care, General, shall be developed and operated in compliance with all federal, state, and local licensing, ordinances and regulations.
- 5) 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 9th day of January 2014.

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer
Don Klausmeyer, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

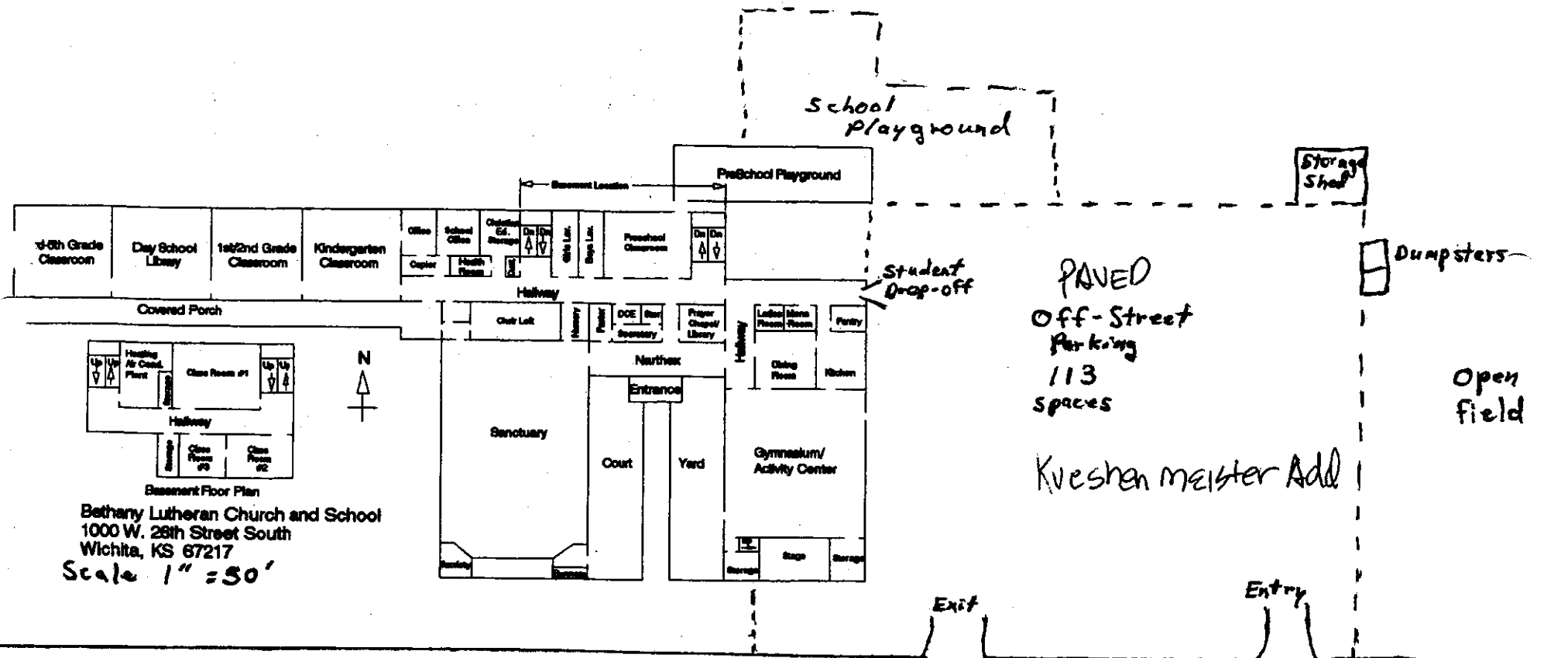
APPROVED

[Handwritten Signature]

Date: June 24, 2014

CON 2013-38

Open Field

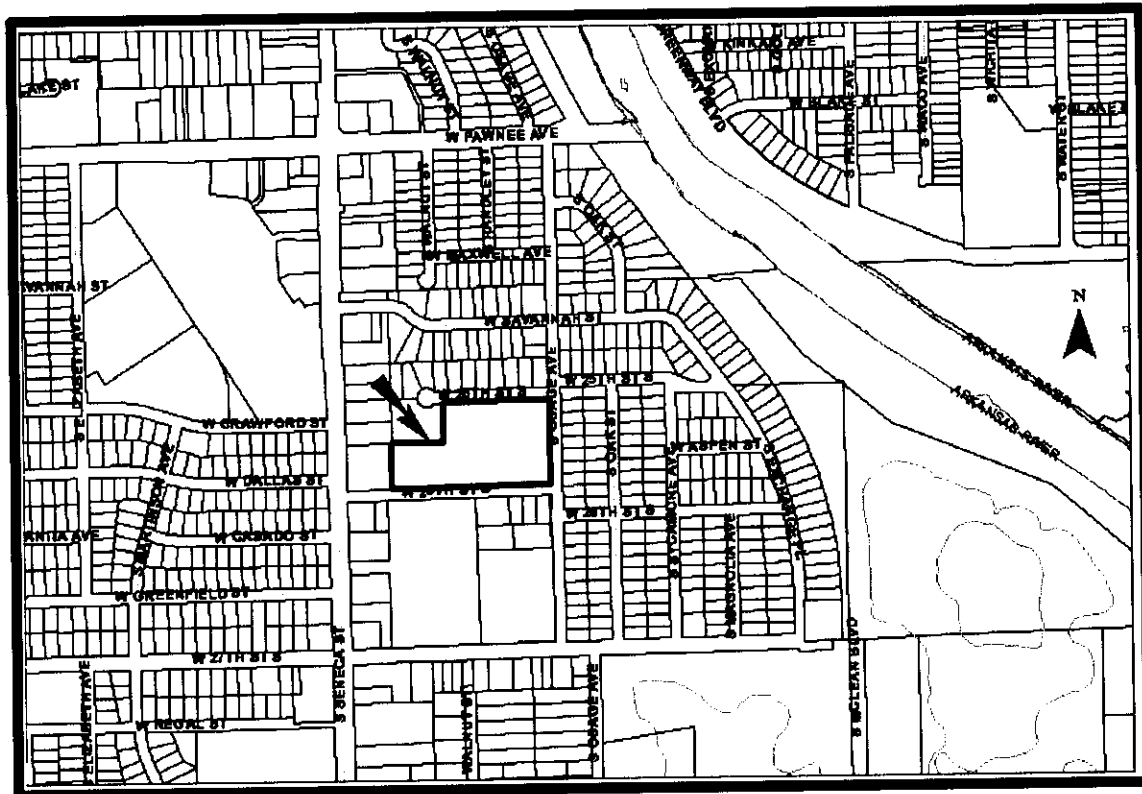


W 26th St. South

STAFF REPORT

MAPC January 9, 2014
DAB IV January 6, 2014

- CASE NUMBER:** CON2013-00038
- APPLICANT/OWNER:** Bethany Lutheran Church and School (owner/applicant), c/o Rev. Mark P. Wenger
- REQUEST:** Conditional Use to permit a “Day Care, General”
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** 7-acres
- LOCATION:** Generally located east of Seneca Street on the north side of 26th Street South (1000 W 26th Street South)
- PROPOSED USE:** Day care for a maximum of 99 children and 10 employees



BACKGROUND: The applicant is requesting a Conditional Use to permit a “day care, general,” on the SF-5 Single-Family Residential zoned, platted 7-acre subject site. The site is located a block east of Seneca Street, between 26th and 25th Streets South on its south and north sides and Osage Avenue on its west side. The site is currently developed with a church, school, activity center, paved parking, and two playgrounds. The church proposes to operate a day care in a portion of the church and school for a maximum of 99 children and 10 employees. The “Wichita-Sedgwick County Unified Zoning Code” (UZC, Article II, Section II-B.4.b.), defines a day care, general, as a day care center that provides care, protection and supervision for more than ten (10) individuals at any one time, including those under the supervision or custody of employees. Per the UZC, a day care, general, is permitted in the SF-5 zoning district only by Conditional Use approval, with conditions; Article III, Section III-D. The UZC, Article III, Section III-D 6.i. Supplementary Use regulations for a day care, general, are: day care centers shall comply with all applicable state regulations; 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; and that the provisions for parking in Article IV, Section IV-A.4. may be provided by shared parking when the day care is located within an existing church or place of worship, and the day care shall provide convenient off-street loading spaces equivalent to one space per ten students.

The site plan shows a paved parking lot with 113 parking spaces, the off-street drop off area for the day care and school, as well the church and its educational-activity complex. There is sufficient parking and queuing for the proposed day care.

Undeveloped MF-18 Multi-Family Residential zoned property abuts the northwest portion of the site. Adjacent northern and eastern properties (located across 25th Street North and Osage Avenue) are zoned SF-5 and are developed as single-family residences (built 1950s-1960s). Abutting the west side of the site are LC Limited Commercial zoned properties developed as a small retail strip, a small stand alone retail building and the Circle Theater, which is an adult motion picture theater. These LC zoned properties all have Seneca Street frontage, an arterial road with commercial development located along both its sides. Properties located south of the site, across 26th Street South, include a LC zoned small retail strip, undeveloped LC zoned property, a B Multi-Family Residential and GO General Office zoned large apartment (two-story apartments) complex and a SF-5 zoned electrical substation and a small church. A-half block south of the subject site is a SF-5 zoned 7th Day Adventist Church with an associated school and an activity center; the subject site’s location and church/school/activity complex is similar to the adjacent 7th Day Adventist site’s location and church/school/activity complex.

CASE HISTORY: The property is platted as the Kuechenmeister Addition, which was recorded with the Register of Deeds March 31, 1956.

ADJACENT ZONING AND LAND USE:

NORTH: MF-18, SF-5	Undeveloped land, single-family residences
SOUTH: LC, B, GO, SF-5	Small retail strip, undeveloped land, apartment complex electrical substation, small church, church/school/activity center
EAST: SF-5	Single-family residences
WEST: LC	Small retail strip and stand alone retail, adult motion picture theater

CON2013-00038

PUBLIC SERVICES: The site has two drives onto 26th Street South, a paved two-lane local residential street with a 60-foot of right-of-way. All utilities are available at the subject property.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide of the Comprehensive Plan” (Guide) identifies the subject site as appropriate for “major institutional” uses, reflecting the site’s land use as a church and its educational-activity complex. Uses of a significant scale of operation such as school, churches, government facilities, military bases, libraries, cemeteries, hospitals and medical facilities are found in this category. The UZC lists day care, general as a “public and civic” use type, which most closely matches the major institutional use category of the Guide. The SF-5 zoning district permits schools and churches by right and considers day care, general, with a Conditional Use application.

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

1. In addition to the uses permitted by right in the SF-5 district, a Day Care, General, is permitted for 100 students and 10 employees. The maximum number of students can be increased by Administrative Adjustment or an Amendment to the Conditional Use.
2. All applicable requirements of Article III, Section III-D.6.i. of the UZC shall be met.
3. The site shall be developed in general conformance with the approved site plan.
4. The Day Care, General, shall be developed and operated in compliance with all federal, state, and local licensing, ordinances and regulations.
5. 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:** Undeveloped MF-18 Multi-Family Residential zoned property abuts the northwest portion of the site. Adjacent northern and eastern properties (located across 25th Street South and Osage Avenue) are zoned SF-5 and are developed as single-family residences (built 1950s-1960s). Abutting the west side of the site are LC Limited Commercial zoned properties developed as a small retail strip, a small stand alone retail building and the Circle Theater, which is an adult motion picture theater. These LC zoned properties all have Seneca Street frontage, an arterial road with commercial development located along both its sides. Properties located south of the site, across 26th Street South, include a LC zoned small retail strip, undeveloped LC zoned property, a B Multi-Family Residential and GO General Office zoned large apartment (two-story apartments) complex and a SF-5 zoned electrical substation and a small church. Half a block south of the subject site is a SF-5 zoned 7th Day Adventist Church with an associated school and an activity center; the subject site’s location and church/school/activity complex is similar to the adjacent 7th Day Adventist site’s location and church/school/activity complex.

2. **The suitability of the subject property for the uses to which it has been restricted:**
The site's SF-5 zoning permits low density residential uses and a few compatible non-residential uses such as religious institutions, parks or schools. The site's church/school/activity complex is permitted in the SF-5 zoning district by right. The Conditional Use process allows consideration of a day care, general, as appropriate use for the SF-5 zoning district on a site by site basis.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The partially developed seven-acre subject site currently has a church/school/activity complex. The subject site's development is similar to another church/school/activity complex located a half a block south. Neither of the church/school/activity complexes seems to have had a negative impact on the neighborhood.
4. **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" (Guide) identifies the subject site as appropriate for "major institutional" uses, reflecting the site's land use as a church and its educational-activity complex. Uses of a significant scale of operation such as school, churches, government facilities, military bases, libraries, cemeteries, hospitals and medical facilities are found in this category. The UZC lists day care, general, as a "public and civic" use type, which most closely matches the major institutional use category of the Guide. The SF-5 zoning district permits schools and churches by right and considers day care, general, with a Conditional Use application.
5. **Impact of the proposed development on community facilities:** Traffic for the drop-off and pick-up of children would resemble the site's current traffic pattern generated by its small K-5 elementary school. The site has adequate parking and drop-off queuing space to prevent impacting traffic flow onto the abutting residential street 26th Street South. All other community facilities are in place to serve the proposed use.