

FILE COPY



Wichita-Sedgwick County Metropolitan Area Planning Department

March 16, 2007

Bethel Assembly of God
3777 S. Meridian
Wichita KS 67217

RE: CON2007-3 - Conditional use permit for a Day Care, General in "SF-5" Single-family Residential zoning, generally located south of I-235 and west of Meridian (3777 South Meridian).

Dear Ladies and Gentlemen:

At its regular meeting on **March 1, 2007**, the 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 case 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
Enclosure

Cc: Jess Myers, Attorney at Law, 1660 N. Tyler Rd., Wichita, KS 67212
Ken Woods, 3777 S. Meridian, Wichita, KS 67217
Paul Gray, WCC IV, Mail Stop #1-13
Kelli Glassman, NA WCC IV, Mail Stop #1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop #1-72
Vicky Huang, Engineering, Mail Stop #1-71

CONDITIONAL USE RESOLUTION NO. CON2007-00003

WHEREAS, Bethel Assembly of God (applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a Day Care, General on 14.23 acres zoned "SF-5" Single Family Residential described as:

Beginning at the Southeast (SE) corner of Lot1, Block 1, Bethel Assembly Addition to Sedgwick County, Kansas, thence West 1530.0 feet on said property, thence North 775.0 feet, thence East 710.0 feet, thence South 690.0 feet, thence East 820.0 feet, thence South 85.0 feet to the point of beginning, said parcel of land containing 14.23 acres more or less. Generally located South of I-235 and west of Meridian Avenue (3777 Meridian)

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 March 1, 2007, 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 14.23 acres zoned "SF-5" Single Family Residential described as:

Beginning at the Southeast (SE) corner of Lot1, Block 1, Bethel Assembly Addition to Sedgwick County, Kansas, thence West 1530.0 feet on said property, thence North 775.0 feet, thence East 710.0 feet, thence South 690.0 feet, thence East 820.0 feet, thence South 85.0 feet to the point of beginning, said parcel of land containing 14.23 acres more or less. Generally located South of I-235 and west of Meridian Avenue (3777 Meridian)

Approved subject to the following conditions:

1. The Day Care Center shall comply with all applicable regulations.
2. Outdoor play shall be limited to the hours of 7:30 AM to 6:30 PM if located within 100 feet of a lot containing a dwelling unit.
3. Shared parking may be provided for a provision for parking spaces as outlined in Section IV-A.4 when the day care is located within an existing church or place of worship, however, the day care shall provide convenient off-street loading facilities as required in Section IV-A.14.
4. All outdoor lighting shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not to exceed $\frac{1}{2}$ the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Planning Director that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot.
5. Any violation of the conditions of approval shall declare the Conditional Use null and void.

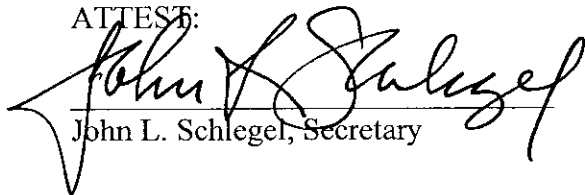
Adopted this 1st DAY of March 2007.

METROPOLITAN AREA PLANNING COMMISSION



Don E. Anderson , Chair MAPC
Vice-

ATTEST:

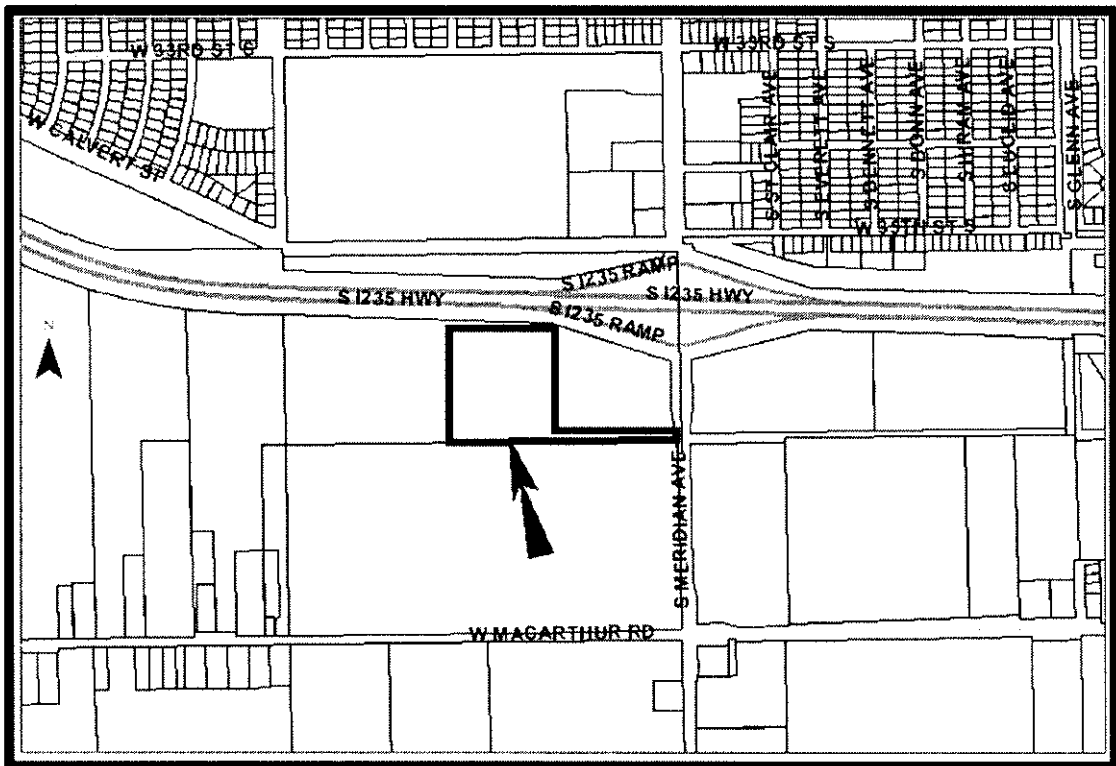


John L. Schlegel, Secretary

STAFF REPORT
MAPC March 1, 2007

FILE COPY

- CASE NUMBER:** CON2007-00003
- APPLICANT/AGENT:** Bethel Life Center Assembly of God Church
Jess Myers, Attorney at Law
- REQUEST:** Conditional Use to allow a Day Care, General
- CURRENT ZONING:** “SF-5” Single Family Residential
- SITE SIZE:** 14.23 acres
- LOCATION:** Generally located South of I-235 and West of S. Meridian Avenue
(3777 S. Meridian Avenue)
- PROPOSED USES:** Provide child-care during the week on church grounds



BACKGROUND: The applicant, Bethel Life Center Assembly of God Church, is requesting consideration and recommendation for a Conditional Use to allow a Day Care, General, on property zoned “SF-5” Single Family Residential. The property (14.23 acres) is described as Lot 1, Block 1, Bethel Assembly Addition located south of the I-235 – S. Meridian Avenue intersection. South Meridian Avenue fronts the east side of the property, West Side Free Baptist Church property fronts the west side, I-235 fronts the north side and a “SF-20” (County) Single Family Residential zone district fronts the south side. The Unified Zoning Code requires a Conditional Use when a Day Care, General, is located in “SF-5” Single Family Residential zoning.

The applicant proposes to provide day care for over 10 children in an existing structure during the week. The applicant currently has an existing playground area southwest of the building. This applicant is proposing to develop a 1,750 square foot playground area to provide an outside play area for the children just north of the existing church structure for building access to the proposed playground. The applicant has provided Staff with a Site Plan that conforms to the development standards of the City. In addition to the day care, the site also contains the church’s sanctuary and other associated church facilities, including parking. Access to the site is provided off of S. Meridian Avenue.

CASE HISTORY: The property was platted as Bethel Assembly Addition in 1981.

ADJACENT ZONING AND LAND USE:

NORTH:	I-235	Interstate Highway
EAST:	“SF-5” Single Family Residential	Church
SOUTH:	“SF-20” Single Family Residential	Residential
WEST:	“GO” General Office	Union Hall

PUBLIC SERVICES: S. Meridian Avenue is a paved four-lane arterial road. There are 10,906 average trips per day recorded near this along this section of S. Meridian Avenue. Municipal water and sewer services currently exist available at this site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this property as major institutional. The current zoning of the site is “SF-5” Single Family Residential, a low residential density. Day Care, General is a conditional use for this residential designation, per the regulations detailed in the WSC Unified Zoning Code.

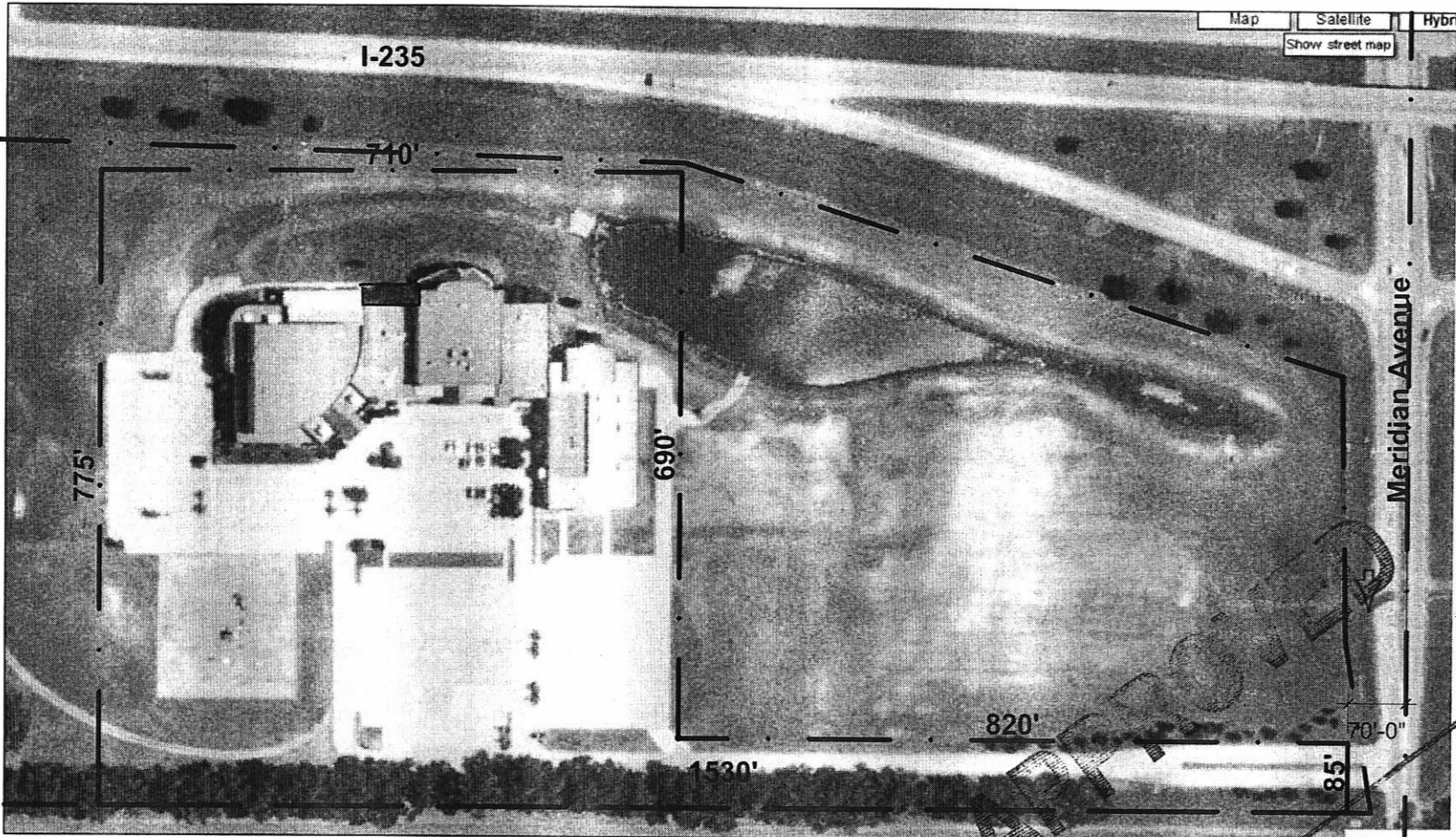
RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The Day Care Center shall comply with all applicable regulations.
2. Outdoor play shall be limited to the hours of 7:30 AM to 6:30 PM if located within 100 feet of a lot containing a dwelling unit.
3. Shared parking may be provided for a provision for parking spaces as outlined in Section IV-A.4 when the day care is located within an existing church or place of worship, however, the

- day care shall provide convenient off-street loading facilities as required in Section IV-A.14.
4. All outdoor lighting shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not to exceed $\frac{1}{2}$ the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Planning Director that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot.
 5. Any violation of the conditions of approval shall 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 area surrounding the site is mostly zoned residential, with residential zones to the south, west and north, across the highway and a General Office zone on the east side of the property. The Day Care is a Conditional Use in this zoning, and the proposed playground which will be connected to the existing church is a permitted use in "SF-5" Single Family Residential zoning.
2. The suitability of the subject property for the uses to which it has been restricted: The applicant's proposal for a Day Care is appropriate, if the applicant can meet Staff recommendations.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed conditional use is for a daycare center. If the applicant can meet Staff recommendations, the affects on nearby property will be minimal.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The plan indicates this site is appropriate for low-density residential and institutional uses. Given the land uses, zoning and roadways adjoining this site, the request is in conformance with adopted location guidelines for residential institutional uses.
5. Impact of the proposed development on community facilities: The use currently exists, so the impact will not be beyond the capacity of the existing community facilities.



A Site Layout 
 1"=200'-0"
 0' 50' 100' 200'

APPROVED

LO#07-03
Date: 3-8-07



CATHCART
 ARCHITECTS

843 CYPRESS COURT
 DERBY KANSAS 67037
 316 708 0991

1.19.7

Conditional Use
 Permit Site Layout

SA2

710'

Proposed Playground
Approximately 1,750 sf
(45 max. student capacity divided
by 2 = 23 children. 23 children x
75 sf/child = 1,725 sf required.)

Building access to and from
the playground.

Exist. Retention
Pond

Existing Building

775'

**Existing Parking
(235 stalls)**

690'

Exist. Playground

**Existing Parking
(229 stalls)**

APPROVED

LOV03-03

820' 3-8-07

Site Layout

1"=100'-0"



See sheet SA2 for continuation
of property line.



**CATHCART
ARCHITECTS**

843 CYPRESS COURT
DERBY KANSAS 67037
316 708 0991

1.19.7

Conditional Use
Permit Site Layout

SA1

File: 00100 Date: 00/00/00 Drawing: Bethel Life