



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2007

Progressive Missionary Baptist Church
ATTN: Lee Smith
2727 E. 25th St., North
Wichita, KS 67219

RE: CON2006-00058 - Conditional Use to allow a Day Care, General, generally located South of East 25th Street North and East of N. Estelle Avenue (2727 E. 25th Street North)

Dear Ladies and Gentlemen:

At its regular meeting on January 18, 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: Carl Brewer, WCC I, Mail Stop 1-13
Virgena Gilkey, NA WCC I, Mail Stop #1-135
Vicky Huang, Engineering, Mail Stop #1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72

CONDITIONAL USE RESOLUTION NO. CON2006-00058

WHEREAS, Progressive Missionary Baptist Church (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 2.31 acres zoned “SF-5” Single Family Residential described as:

Lot 1-13, Block 1, Audrey Matlock Heights 1st Addition to Wichita, Sedgwick County, Kansas. Generally located South of East 25th Street North and East of N. Estelle Avenue (2727 E. 25th Street North)

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 18, 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 2.31 acres zoned “SF-5” Single Family Residential described as:

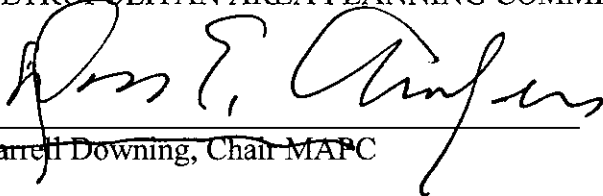
Lot 1-13, Block 1, Audrey Matlock Heights 1st Addition to Wichita, Sedgwick County, Kansas. Generally located South of East 25th Street North and East of N. Estelle Avenue (2727 E. 25th Street North)

Approved subject to the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

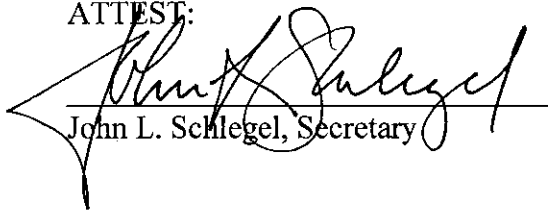
Adopted this 18th DAY of January 2007.

METROPOLITAN AREA PLANNING COMMISSION

A handwritten signature in black ink, appearing to read "Darrell Downing", written over a horizontal line.

Darrell Downing, Chair MAPC

ATTEST:

A handwritten signature in black ink, appearing to read "John L. Schlegel", written over a horizontal line.

John L. Schlegel, Secretary

STAFF REPORT

MAPC January 18, 2007

CASE NUMBER: CON2006-00058

APPLICANT/AGENT: Progressive Missionary Baptist Church/Lee Smith

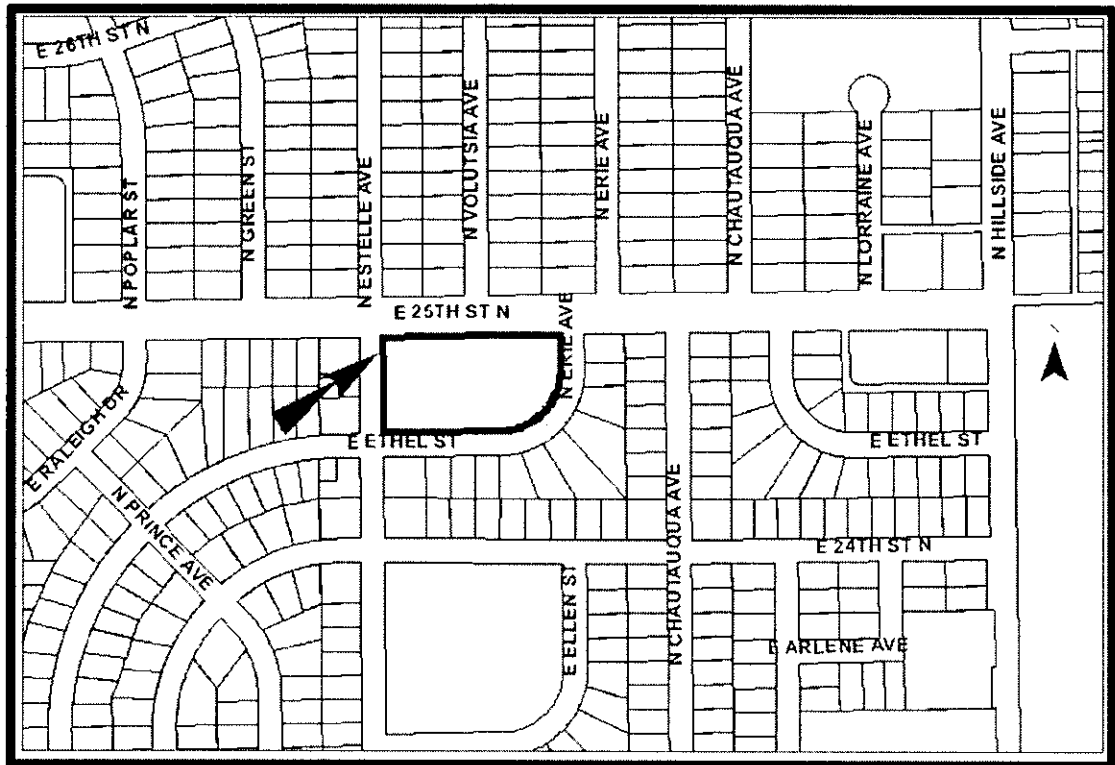
REQUEST: Conditional Use to allow a Day Care, General

CURRENT ZONING: "SF-5" Single Family Residential

SITE SIZE: 2.31 acres

LOCATION: Generally located South of East 25th Street North and East of N. Estelle Avenue (2727 E. 25th Street North)

PROPOSED USES: Provide child-care during the week on church grounds



BACKGROUND: The applicant, Progressive Missionary Baptist 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 (2.31 acres) is described as Lots 1-13, Block 1, Audrey Matlock Heights 1st Addition, located southeast of the E. 25th Street North Street – N. Estelle Avenue intersection. East 25th Street North fronts the north side of the property, N. Estelle Avenue fronts the west side, N. Erie Avenue fronts the east side and E. Ethel Street fronts the south side, separating the property from residential zoning located on all four sides of the property. The Unified Zoning Code requires a Conditional Use when a Day Care, General, is located in SF-5 zoning.

The applicant proposes to provide day care for over 10 children in an, approximately, 4,000 sq. ft. existing building during the week. The applicant currently has an existing fenced area abutting the building of approximately 4,200 sq. ft. This area provides an outside play area for the children. The applicant has provided Staff with a Site Plan that conforms to the development standards of the City. In addition to the building proposed to house the day care, the site also contains another building of approximately 10,000 square feet that houses the church's sanctuary and other associated church facilities, including parking. Access to the site is provided on E. 25th Street North and off of E. Ethel Street.

CASE HISTORY: The property was platted as part of the Audrey Matlock Heights 1st Addition in 1951.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single Family Residential	Residential Housing
EAST:	"SF-5" Single Family Residential	Residential Housing
SOUTH:	"SF-5" Single Family Residential	Residential Housing
WEST:	"SF-5" Single Family Residential	Residential Housing

PUBLIC SERVICES: East 25th Street North and Estelle Avenue are paved two-lane local roads. There are 2,731 average trips per day recorded near this intersection. Municipal water and sewer services are 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 urban residential. 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 around the site is zoned residential and developed single family residential. The Day Care, a Conditional Use in this zoning, is connected to an existing church, which 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 an existing 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 uses. Given the land uses, zoning and roadways adjoining this site, the request is in conformance with adopted location guidelines for residential 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.

