

Case No. EZA 52-86 - Glen White requests an exception to permit the establishment of a child day care center for 60 children on property zoned the "AA" One-family Dwelling District and generally located on the SW corner of Kinkaid and Hillside (2201 S. Hillside)

POSTED
11-25-86 GEL

ACTION

B.Z.A. 52-86 APPROVED

12-23-86
DATE

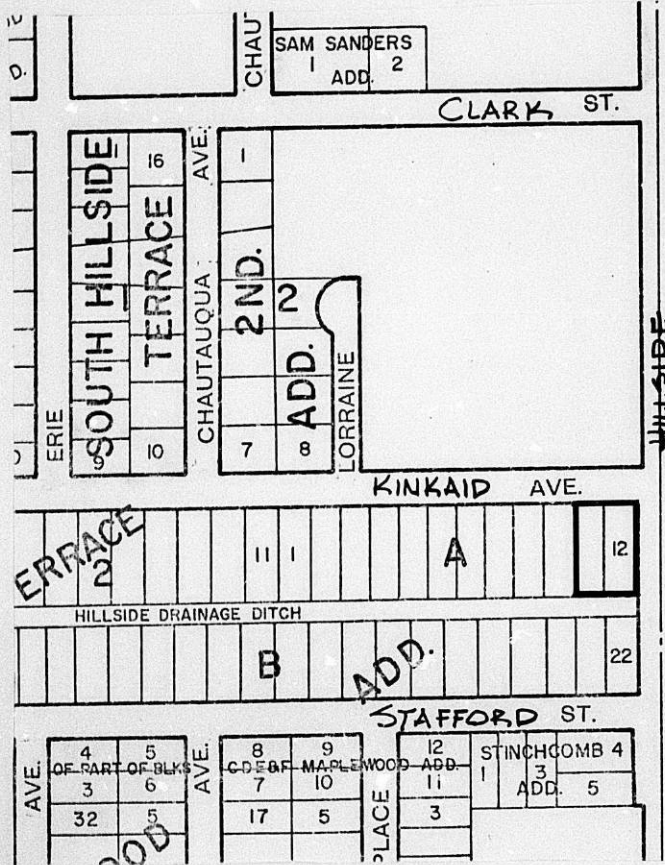
200'4" Sec 1-27-87
Shot 1-30
Record ✓

Map No. 5645 B

BZA 52-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East NURSERY South I-F
West I-F North SCHOOL
4. Area (is) (~~not~~) platted.



LOS ANGELES REGISTERED
 MAPPING, INC. 10000
 No. 2-153C
 HARBINGERS, INC. 10000
 MORGENTHAU, TULLOCH & GROVE, INC.
 U.S.A.

December 26, 1986

Glen White
2353 Alameda
Wichita, Kansas 67211

Re: BZA 52-86 - Request for Exception

Dear Mr. White:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 23, 1986.

This Resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 52-86

WHEREAS, Glen White, 2353 Alameda, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child day care center for 60 children on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 11 and 12, Block A, Maplewood Addition to Wichita Sedgwick County, Kansas. Generally located on the southwest corner of Kinkaid and Hillside (2201 S. Hillside).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of December 23, 1986 consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of a child day care center on property zoned the "AA" One-family Dwelling District; subject to the conditions outlined in Section 28.04.185.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a child day care center for 60 children on property zoned the "AA" One-family Dwelling District and legally described as follows:

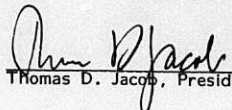
Lots 11 and 12, Block A, Maplewood Addition to Wichita Sedgwick County, Kansas. Generally located on the southwest corner of Kinkaid and Hillside (2201 S. Hillside).

subject to the following conditions:

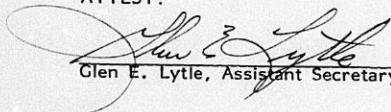
1. The center shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita.
2. The Department of Community Health and Central Inspection shall determine the maximum number of children to be permitted in the center at any time, based on all applicable regulations, and in no case more than 60 children.
3. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any occupied residence.
4. One off-street parking space shall be provided on the premises for each teacher and employee plus one off-street parking space for each vehicle used in the operation of the child care center.
5. One off-street loading space shall be provided for each ten (10) children or major fraction thereof.
6. The location of the spaces and the driveway widths shall be in conformance to the plan approved by the Traffic Engineer and shall be surfaced and improved as required by Section 28.04.143 of the zoning ordinance and shall not be located in the required front yard or side yard setbacks adjacent to the street.
7. Identification signs shall be limited in number and area to the same limitations as permitted for the same use to be located in the "B" zoning district and shall be limited to facing the direction of travel along Hillside.

8. Prior to the release of the resolution authorizing the issuance of a building permit, three copies of a final development plan showing compliance with the above conditions shall be submitted to the Secretary for approval.

ADOPTED AT WICHITA, KANSAS, this 23rd day of December, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE December 17, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 52-86: Southwest corner of
Kinkaid and Hillside - 2201
South Hillside

CPO Council "E" considered the captioned case at its December 10 meeting.

The applicant, Glen White, was present to describe the request and respond to questions. Accompanying Mr. White were several area child day care center operators who spoke in support of the exception as well as the need for establishments of this type. Mr. White also presented a petition to the Council which he indicated beared the signatures of all property owners within the 200 feet notification area with exception of one person.

Glenn Renollet, 3131 East Kinkaid was present and spoke in opposition to the case. Mr. Renollet stated he opposed the exception for the following reasons: traffic problems that will be generated from parents leaving and picking up their children; the child day care center will depreciate the value of adjacent residential dwellings; further commercial encroachment into the residential neighborhood; the privacy fence that would be installed on the east side of the property; and neighborhood opposition to the exception. It should be noted that Mr. Renollet initially signed Mr. White's petition supporting the exception but after obtaining additional information about the requested exception, he changed his position and circulated petitions against the exception. (Mr. Renollet also presented a copy of a petition to the Council which contained some of the same signatures Mr. White's petition contained. Apparently Mr. Renollet also covered a larger notification area than the required 200 feet.)

After lengthy discussion of the case, a motion was made to recommend that the exception to permit the establishment of the child day care center for sixty (60) children be approved subject to the conditions recommended in the MAPD secretary's report. The motion failed on a 2-6 vote. The President ruled that the Council was opposed to the exception and that the majority of the members concurred with the sentiments of Mr. Renollet.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the December 23rd meeting.


Shirley Mast
Administrative Aide III

SM:dm
Noted:


Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 52-86

APPLICANT: Glen White, 2353 Alameda, Wichita, Kansas

AGENT: None.

REQUEST: Exception pursuant to Section 28.04.185.2 Code of the City of Wichita to permit the establishment of a child day care center.

GENERAL LOCATION: On the southwest corner of Hillside and Kinkaid. (2201 S. Hillside)

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are the properties in all directions.

LAND USE: Subject property is a one-family dwelling as are the properties to the south and west. To the north is an elementary school and to the east is a nonconforming nursery business.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.185.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to convert the existing one-family dwelling into a child day care center for a maximum of 58 children. This number of children could be handled only after the garage is converted to useable space and an addition is added to the south.

The applicant proposes to utilize only the existing residence at the start in order to reduce his initial capital outlay. As the demand increases, he will be able to increase the number of parking and loading spaces along the east side of the structure in order to convert the garage into floor area for the facility.

It should be noted that the property is located on the corner of an arterial street, Hillside, and a residential street Kinkaid. Across the street to the north is the playground of an elementary school and across Hillside to the east is the Hillside Nursery. Immediately to the south is a 36-foot wide drainage dedication that contains a large underground storm drainage pipe. This separates the application area and the property to the south by an area that exceeds the normal distance between residential properties.

The applicant indicates that he has received the signatures of the adjacent property owners stating that they are not opposed to establishment of the child day care center under the provisions of the ordinance. He also states that he has contacted the other child day care facilities in the area and there is still a demand for the use.

It is the Secretary's opinion that the use of the property, as proposed, would be in conformance with the intent and purpose of the regulations.

RECOMMENDATION:

Should the Board determine that the proposal to convert the existing structures to a child day care facility at this location is appropriate, then it is the recommendation of the Secretary that the exception be approved subject to the following conditions:

1. The center shall comply will all licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita.
2. The Department of Community Health and Central Inspection shall determine the maximum number of children to be permitted in the center at any time, based on all applicable regulations, and in no case more than 60 children.
3. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any occupied residence.
4. One off-street parking space shall be provided on the premises for each teacher and employee plus one off-street parking space for each vehicle used in the operation of the child care center.
5. One off-street loading space shall be provided for each ten (10) children or major fraction thereof.
6. The location of the spaces and the driveway widths shall be in conformance to the plan approved by the Traffic Engineer and shall be surfaced and improved as required by Section 28.04.143 of the zoning ordinance and shall not be located in the required front yard or side yard setbacks adjacent to the street.
7. Identification signs shall be limited in number and area to the same limitations as permitted for the same use to be located in the "B" zoning district and shall be limited to facing the direction of travel along Hillside.
8. Prior to the release of the resolution authorizing the issuance of a building permit, three copies of a final development plan showing compliance with the above conditions shall be submitted to the Secretary for approval.

Board of Zoning Appeals
City of Wichita
455 N. Main
Wichita, Kansas 67202

Re: BZA Case # _____
Hillside and Kinkaid (Day Care Center)

Gentlemen:

This letter is to state that we do not oppose the use of 2201 S. Hillside as a day care center, subject to the normal restrictions on that usage under city ordinance.

Name	Address
<i>Earl Hilted</i>	<i>2156 S. Hillside</i>
<i>118 77th Avenue</i>	<i>2150 S. 77th side</i>
<i>Mr. & Mrs. Alex Whitely</i>	<i>3126 E. Stafford</i>
<i>Charles Stenberg</i>	<i>3117 E. Winwood</i>
<i>Shirley Langmuir</i>	<i>3132 Stafford</i>
<i>Mrs. J. P. Bayle</i>	<i>2144 Stafford</i>
<i>E. S. Conk</i>	<i>2374 S. Chautauqua</i>
<i>Dorinda J. Jansen</i>	<i>3125 E. Kinkaid</i>
<i>Mr. & Mrs. Richard J. Miller</i>	<i>3114 Stafford</i>
<i>Mr. & Mrs. Doyle</i>	<i>3144 Stafford</i>
<i>W. Thompson</i>	<i>3138 Stafford</i>
<i>Glenn E. Ronallit</i>	<i>3131 East Kinkaid</i>

12-4-86

Dear Sirs:

We are applying for a variance of the zoning code. We believe that code # 28.04.185 allows the Board to authorize "day care centers" in single family AA Residential zoning district.

We believe that a day care center located at 2201 S. Hillside would be beneficial to the area. We submit the following reasons as the basis of our belief.

1. We have established to our satisfaction that demand for this service exists in the area. After interviewing the directors of the following day care centers Mt Vernon Day Care Center, Corinthian Nursery School, and Gideon Child Care Center we established that each of these centers have a waiting list of parents that wish to be served.
2. Our facility, while it is a house, is a large house located on 2 lots. We would be able to comfortably serve approximately 58 children. Although we are petitioning for our maximum capacity we have designed our center so that we can develop it in stages. These stages allow us to fill demand in our area as it is demonstrated.
3. After inspection by a representative from the Health Department, and Central Inspection it was determined that the structure would be suitable with minor alterations. This minor initial investment would also give us the economic flexibility to expand as demand would dictate.
4. Just to the North of our building sets South Hillside Elementary School. The Board of Education is entertaining the thought of closing some of the other elementary schools in the area and making South Hillside a larger school. This of course would only increase the already existing demand in our area. If this change were to occur our center would more than ever be an asset to this elementary school.

While not only filling a need of the area we believe the development of this center would have minimal impact on the surrounding neighborhood. We believe this for the following reasons.

1. There are no other "day care centers" in our block. Neither are there any in the blocks directly to the North or South of us.
2. To the North of our location is the large playground of South Hillside School. Thus, our center would not impact any residential property

directly to the North as there is none.

3. To the East of us is Hillside Nursery. Once again, we are not directly impacting residential property.
4. To the South of us is a 36 foot drainage exception easement. This area does not carry surface drainage. It is an area where a drainage pipe is buried. Thus, while it presents no danger to the children it does give quite a lot of separation between our facility and the houses behind us.
5. All off street parking is on the East side of the center. This side of the center faces Hillside Street. Hillside of course is a major thoroughfare. This means that the parking orientation is not toward a residential district.
6. None of the changes we propose would have a negative impact on drainage in the surrounding area.

For all of the above reasons we certainly appreciate your consideration in this matter.

Sincerely,

Glen White

Glen White

BZA CASE NO. 52-86

1 NOTICES SENT TO APPLICANT/AGENT
14 LEGAL ADVERTISEMENT SENT TO MAPC & BZA
1 NOTICES SENT TO CPO
12 NOTICES SENT TO ADJOINING PROPERTY OWNERS
14 TOTAL NOTICES SENT 12/3/86

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

December 2, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 52-86

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Glen White requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a child day care center for 60 children on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 11 and 12, Block A, Maplewood Addition to Wichita Sedgwick County, Kansas. Generally located on the southwest corner of Kinkaid and Hillside (2201 S. Hillside).

This application has been assigned Case No. BZA 52-86. It will be considered by the Board of Zoning Appeals on December 23, 1986 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 52-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Glen White
Mailing Address 2353 Alameda Phone 685-7483
Name of Authorized Agent N/A
Mailing Address _____ Phone _____
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of Child Day Care Center

_____ on property zoned "AA" Residential,
located 2201 S. Hillside and legally
described as: lots 11 and 12 Block A
Maplewood Addition, in
the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.

Applicant Glen White

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:00 (a.m.), Nov. 21, 1986, together with appropriate fee of 300.00.

Signed [Signature]

Dear Sirs:

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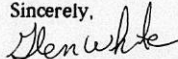
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6. None of the changes we propose would have a negative impact on drainage in the surrounding area.

For all of the above reasons we certainly appreciate your consideration in this matter.

Sincerely,



Glen White

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

Record Owners within 200 feet of:
Lots 11 and 12, Block A, MAPLEWOOD
ADDITION, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

Lots 11 and 12, Block A,
MAPLEWOOD ADDITION,

✓ Glen H. White
1518 Ellis
Wichita, Kansas 67211

Lot 7, Block A, MAPLEWOOD
ADDITION,

✓ Clarice E. Stanberry
3117 Kinkaid
Wichita, Kansas 67211

Lot 8 and the West 9 feet of
Lot 9, Block A, MAPLEWOOD
ADDITION,

Linda Marie Thomas
ADDRESS UNKNOWN

Lot 9. EXCEPT the West 9 feet,
and all of Lot 10, Block A,
MAPLEWOOD ADDITION,

✓ Glenn L. & Ida Ruth Renollet
3131 E. Kinkaid
Wichita, Kansas 67211

Lot 17, Block B, MAPLEWOOD
ADDITION,

✓ Richard E. & Valla F. Willis
3114 E. Stafford
Wichita, Kansas 67211



DESCRIPTIONS

RECORD OWNERS

Lot 18, Block B, MAPLEWOOD ADDITION,	James Peng-heu Wang and Anna Sheau-wei Wang ADDRESS UNKNOWN
Lot 19, Block B, MAPLEWOOD ADDITION,	Alex & Pearl Whittit 3126 Stafford Wichita, Kansas 67211
Lot 20, Block B, MAPLEWOOD ADDITION,	Sheryl D. Longworth 3132 Stafford Wichita, Kansas 67211
Lot 21, Block B, MAPLEWOOD ADDITION,	Paul L. & Velma E. Thompson 3138 Stafford Wichita, Kansas 67211
Lot 22, Block B, MAPLEWOOD ADDITION,	Wesley D. & Germaine Boyle 3144 Stafford Wichita, Kansas 67211
Lot 1, Block A, ELMWOOD PARK,	Earl E. & Mary W. Bethel 2156 S. Hillside Wichita, Kansas 67211
Lot 2, Block A, ELMWOOD PARK,	R. E. McHenry 2150 S. Hillside Wichita, Kansas 67211
Beginning 957 feet South of the Northeast corner of the Southeast Quarter of Section 34, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence West parallel to the North line of the said Southeast Quarter, 522 feet; thence South parallel to the East line of said Southeast Quarter 369.3 feet more or less to the South line of the Northeast Quarter of said Southeast Quarter; thence East 522 feet to the Southeast corner of the Northeast Quarter of said Southeast Quarter; thence North 369.2 feet more or less to the place of beginning,	Board of Education of the City of Wichita, (Scholl District No. 1 of Sedgwick County), Kansas 2161 S. Hillside Wichita, Kansas 67211
A tract commencing at the Northwest corner of the South Half of the Southwest Quarter of Section 35, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence East 650 feet; thence South 495 feet; thence West 650 feet to the West line of said Southwest Quarter; thence North on the said West line to the point of beginning,	Robert E. & Nelle F. McHenry 220 S. Hillside Wichita, Kansas 67211



-3-

Dated at Wichita, Kansas, this 19th day of November,
1986 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Medina K. Sutter
By
Administrative Secretary

Tracer #73657



Fidelity  **Title**
COMPANY, INC.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Eks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cut:	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
General Fund	\$50.00

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 3