

DR 75-5 - Amendment to Zoning Ordinance - Off-street parking requirements for childrens day care centers.

# ACTION

DATE

COMMITTEE

M.A.P.C. *App. as advertised* 4.12.75

B.C.C. ~~AB-COFC~~ *Approved as* 4.22.75  
*revised*

*published 5-2-75*

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

April 16, 1975

**TO** Ralph Wulz, City Manager  
**FROM** Jack H. Galbraith, Chief Planner  
**SUBJECT** DR 75-5 Amendment to Zoning Ordinance re: Off-Street Parking -  
Child Care Centers

Attached hereto is a proposed amendment to the zoning ordinance that is related to the off-street parking and loading requirements for child care centers.

BACKGROUND

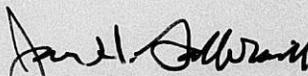
This amendment to the zoning ordinance was prepared at the direction of the City Commission after their consideration of a request for a waiver of said requirements on March 11, 1975.

This amendment would place the off-street parking and loading requirements for child care centers under the general provisions of the ordinance and remove the requirements from the conditions of approval as an exception. This change would not affect the requirements for a child care center, but would, however, allow the Board of Zoning Appeals the authority to vary from these requirements on an individual basis.

This amendment was advertised and a public hearing before the Metropolitan Area Planning Commission was held on April 10, 1975. It was recommended unanimously by the Planning Commission that this amendment be made to the zoning ordinance.

RECOMMENDATION

It is recommended that this amendment to the zoning ordinance be adopted.



Jack H. Galbraith  
Chief Planner

JHG:GEL:js

DELINEATED COPY

Additions underlined

Deletions ~~marked-thru~~

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO THE REQUIREMENTS FOR OFF-STREET PARKING AND OFF-STREET LOADING FOR CHILD CARE CENTERS: AMENDING SECTIONS 28.04.141, 28.04.142 and 28.04.185.2 OF THE CODE OF THE CITY OF WICHITA, KANSAS; AND REPEALING THE ORIGINAL SECTION 28.04.185.2 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 28.04.141 of the Code of the City of Wichita, Kansas, is hereby amended by adding the following:

"3.15 Child Care Centers shall provide one off-street parking space 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."

Section 28.04.142 of the Code of the City of Wichita, Kansas, is hereby amended by adding the following:

"1.5 Child Care Centers: When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof."

Section 28.04.185.2 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

- "2. Child Care Centers. The Board of Zoning Appeals may, by special permit grant exceptions and authorize child care centers to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements.
- 2.1 All centers shall comply with the 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, Kansas.
- 2.2 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.

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2-5 2.3 Before applying for an exception, evidence of being able to comply with all the standards must be submitted for review.

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2-7 2.5 The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development."

The original of Section 28.04.185.2 of the Code of the City of Wichita, Kansas is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 1975.

\_\_\_\_\_  
Connie A. Peters, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

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April 16, 1975

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ATTEST:

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WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

March 27, 1975

**TO** Wichita-Sedgwick County Metropolitan  
Area Planning Commission

**FROM** Jack H. Galbraith, Chief Planner

**SUBJECT** DR 75-5 - Amendment to Zoning Ordinance  
Re: Off-street Parking - Child Care  
Centers

Attached hereto is a copy of a proposed amendment to the zoning ordinance, along with a copy of the official notice that was advertised in The Daily Record, setting a public hearing for the Planning Commission meeting of April 10, 1975.

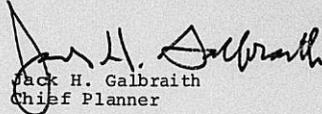
As you will note, the proposed amendment deletes the provisions for off-street parking and loading from Section 28.04.185, and places the same requirements for child care centers in the general provisions of the Code.

This proposed change was prepared at the direction of the Board of City Commissioners after discussion of a problem presented to them by a church wishing to establish a child care center within their facility. The church is nonconforming with respect to off-street parking, and would, therefore, be unable to comply with the off-street parking and loading conditions as an exception.

It has been the interpretation of the Legal Department that when the Board of Zoning Appeals grants exceptions permitted by the zoning ordinance, it must be subject to compliance with all conditions set forth in the ordinance for the exception. With the off-street parking and loading requirements placed under the general provisions of the ordinance, it would then be possible, with proper justification, for the Board of Zoning Appeals to vary said requirements.

Recommendation

It is recommended that the proposed amendment to the zoning ordinance, along with any changes deemed appropriate, be forwarded to the City Commission with a recommendation for adoption.

  
Jack H. Galbraith  
Chief Planner

JHG:GEL:ber

Attachment

March 20, 1975

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WICHITA, REVISING SECTION 28.04.185 RELATING TO CHILD CARE CENTERS AS AN EXCEPTION, BY REMOVING THE OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS FROM SAID SECTION AND PLACING SAID REQUIREMENTS FOR PARKING AND LOADING FOR CHILD CARE CENTERS UNDER THE GENERAL PROVISIONS OF THE CODE.

SECTION 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended by deleting paragraphs 2.3 and 2.4.

2. Child Care Centers. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize child care centers to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements.
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(Published in The Daily Record, March 20, 1975)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, April 10, 1975, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

Revising Section 28.04.185 of the Code, relating to the provisions for allowing Child Care Centers as an exception, by removing the off-street parking and off-street loading requirements, and placing such requirements for all Child Care Centers under the general provisions of the Code related to parking and loading.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes of the Zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 19th day of March, 1975.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

March 27, 1975

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

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THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE March 20, 1975

*Jo  
Dule*

TO The Honorable Board of City Commissioners  
FROM Ralph Wulz, City Manager

SUBJECT City Commission Activities --  
March 25, 1975

After lunch at Lancer's Downtown the following items will be available for discussion in the City Manager's Office:

1. Alternate projects for Community Development Act application (Attachment No. 1).
2. Amendment to zoning ordinance -- Child Day Care Center parking requirements (Attachment No. 2).

*See 4/1 agenda,  
for hearing  
as indicated*

EXECUTIVE SESSION:

The Wichita Election Commission has submitted a Finding of Fact for the City Commission's consideration. This should be done in Executive Session (Attachment No. 3).

INFORMATION ITEMS:

1. Budget Advisory Message No. 2 (Attachment No. 4).
2. Political activities by City employees (Attachment No. 5).
3. It appears that the hearing on SB 564 will be scheduled for Tuesday, March 25, 1975. It may be desirable for the Mayor to participate in this hearing when details become available (Attachment No. 6).
4. The City Attorney has scheduled a meet and confer session with representatives of the unions representing City employees for 1:30 p.m., Friday, March 28, 1975, in the Library auditorium. A presentation as to the City's budget and finance picture for 1976 will be made at this time. The City Commissioners are invited to attend as it is felt this information will be most helpful during the 1976 budget activities of the Commission (Attachment No. 7).

*Ralph Wulz*  
Ralph Wulz  
City Manager

RW/fsh  
cc: Robert G. Finch, Assistant City Manager  
John Dekker, Director of Law  
Robert A. Lakin, Planning Director



(Published in The Daily Record, March 20, 1975)

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(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

March 17, 1975

**TO** The File  
**FROM** Jack H. Galbraith, Chief Planner  
**SUBJECT** DR 75-5 - Amendment to Zoning Ordinance - Off-street  
Parking Requirements for child day care center

The following is a schedule for amending off-street parking provisions for child day care centers:

MAPC Hearing	4-10-75
BCC	4-29-75
BCC 2nd reading	5-6-75
Ordinance published	5-9-75

Assuming that we can advertise an off-street parking variance prior to this amendment becoming effective, the following are suggested schedule dates:

BZA closing date	4-29-75
BZA hearing date	5-27-75

Jack H. Galbraith  
Chief Planner

JHG:js

March 17, 1975

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

Child Care Center Parking Requirements -  
Amendment to the Zoning Ordinance

At last Tuesday's City Commission meeting, the issue of off-street parking was not allowed to be discussed, and the Commission's action was to direct a change to the off-street parking standards in the ordinance, based on the size of the center involved.

The reason for the parking requirements (4 spaces) is based on a change of use to a child care center and the fact that the church was built outside the City without any parking spaces. If they had even a minimal amount of space, this issue would not have arisen as the church parking space would have sufficed.

There seems to be two issues with this child care center. Although it was not mentioned, the church must first go before the Board of Zoning Appeals for an "exception" to permit the use of a day care center in the "AA" district; and secondly, there is an apparent need for a variance of the off-street parking requirements. Two of the conditions of approval as outlined in Section 28.04.185.2 are as follows:

- 2.3 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.
- 2.4 When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

Since these same parking and loading standards would be used elsewhere, especially for large home conversions, I am reluctant to eliminate standards that would lead to impacting a neighborhood. This could be even more of a problem if, as an example, parking were not required for three to four teachers and loading space provided for cars picking up 20 to 30 students.

Page 2 - Ralph Lutz  
March 17, 1975

Since we have previously had opinions from the Law Department that the Board may grant exceptions, but may not vary those conditions listed as "conditions of approval", it is my position that these two conditions should be removed and placed in the off-street parking section of the ordinance (28.04.141), and then if the five conditions for granting a variance can be found to exist, the Board of Zoning Appeals could grant a variance to the off-street parking requirements. If we can accomplish such an amendment, we would urge the church to seek to resolve the issue of parking with a concurrent application for the use, and a variance of the parking requirements.

We had discussed the filing of an exception or zoning change request with the church over a year ago, and at that time they were unwilling to proceed because of the required filing fee (\$50) and the cost of the ownership list. Apparently now this is no longer the issue.

We will prepare the amendment to the parking requirements and advertise it for the Planning Commission meeting of April 10. If you have any comments on this procedure, please advise.

Robert A. Lakin  
Director of Planning

RAL:JHG:ber

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Bob Feldner, Supt. of Central Inspection

THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE March 11, 1975

*Jo*

TO: Robert A. Lakin, Director of Planning

FROM: Ralph Wulz, City Manager

SUBJECT: Child Day Care Center Parking  
Requirements -- Amendment to  
Zoning Ordinance

On March 11, 1975, the City Commission considered a request from the Lorraine Avenue Mennonite Church Day Care Center, 3406 Taft, for waiver of off-street parking requirements.

As a result of this discussion it was concluded that the zoning ordinance should be reviewed as to the desirability of lessening off-street parking requirements on child day care centers of limited size.

Please present this matter to the Metropolitan Area Planning Commission for its review and recommendation at an early date.

*R. Wulz*  
Ralph Wulz  
City Manager

RW/fsh

cc: R. W. Bruggeman, Director of Public Works  
Paul B. Graves, Traffic Engineer  
Robert Feldner, Central Inspection Supervisor



THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE March 11, 1975

*JG*

TO Robert Feldner, Central Inspection Supervisor  
FROM Ralph Wulz, City Manager

SUBJECT Day Care Center -- Lorraine  
Avenue Mennonite Church

On March 11, 1975, the City Commission referred the question of fire-wall requirements for the subject facility to the Board of Examiners and Appeals, Building Code, with the recommendation that it look favorably upon the granting of an exception.

The Board of Examiners was also asked to consider possible recommendations for amendment to the regulating ordinance in order to provide more flexibility in the granting of exceptions by the Board.

Mr. Leland Johnson represented the Central Inspection Division during this discussion and is familiar with the Commissioner's request.

Please see that this matter is properly brought before the Board of Examiners at an early date and that its report and recommendation is returned for consideration by the City Commission.

*Ralph Wulz*  
Ralph Wulz  
City Manager

RW/fsh

cc: Robert A. Lakin, Director of Planning  
Paul B. Graves, Traffic Engineer  
R. W. Bruggeman, Director of Public Works

