3. A six-foot solid wood fence shall be constructed and maintained around the south and east sides of the playground. Fencing along the north and west sides may be of some other material and height.

4. The capacity of the child day care center shall not exceed 60 children, unless an amended application is filed with the Board of Zoning Appeals and approved after notification and public hearing.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 6

May 23, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 17-89

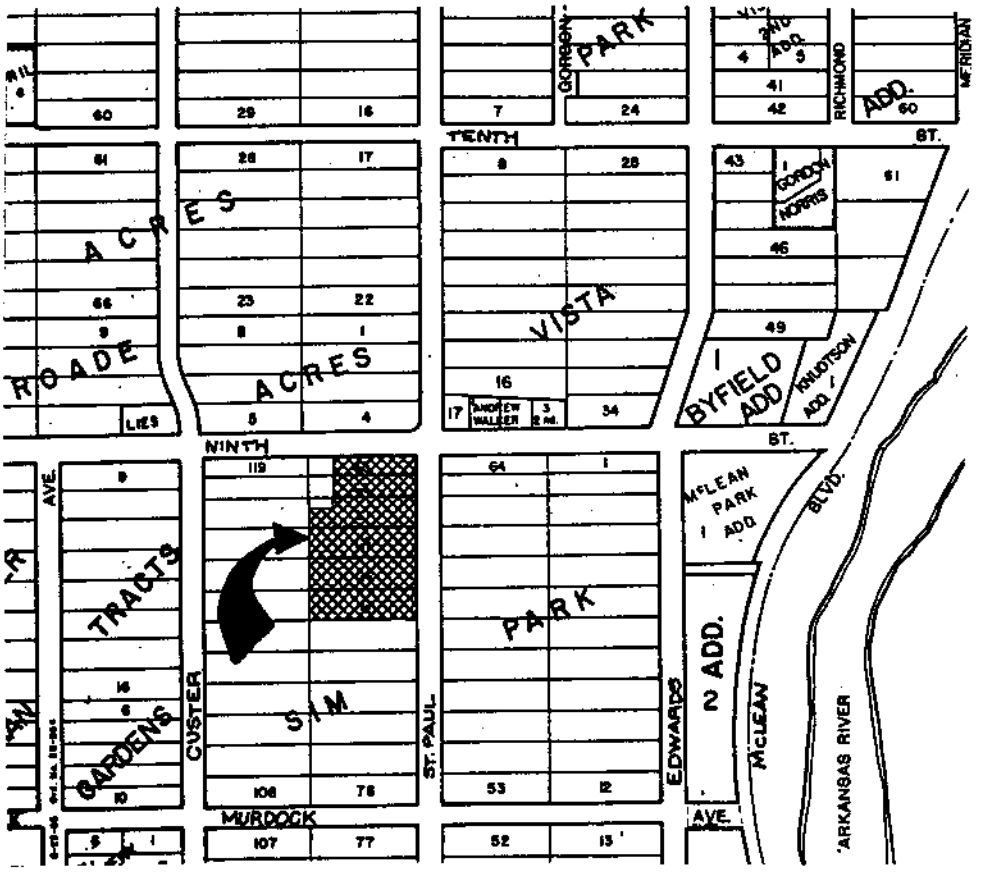
OWNER/APPLICANT/AGENT: Calvary Apostolic Church (owner/applicant)
Greg Chinn (agent)

REQUEST: Exception to permit a child day care center.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 400± ft. x 260± ft.

LOCATION: Southwest corner of 9th and St. Paul



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in 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.

BACKGROUND: The applicant is requesting a use exception to permit the establishment of a child day care center at the Calvary Apostolic Church located on the southwest corner of 9th and St. Paul. The church is seeking a license to provide full day care for up to 60 children aged 1 to 12 years. The center would be operated from 6 a.m. to 6 p.m., Monday through Friday, year-round. The church owns the two residential structures on Lot 70 just south of the St. Paul access drive. The south structure is boarded up following a recent fire and will probably be removed in the near future. The north structure is occupied by the church's caretaker. A six-foot wood fence exists along the perimeter of the parking lot.

The proposed 75 ft. x 33 ft. fenced playground is shown at the south end of the property with half of it being on asphalt, which is now part of the parking lot. Five parking spaces will have to be eliminated in order to accommodate the playground at this location. This should create no problem as far as total number of parking spaces is concerned, since five extra spaces (over and above the minimum number of spaces required by Code) were added at the north end of the lot several years ago when the new sanctuary was built. One item which may present a problem is the close proximity of the playground to the residence at 821 N. St. Paul. The church particularly wants this location because a portion of it is already hard surfaced, a storage shed exists which they plan to convert to a playhouse, and nearby trees will provide a shady, cooler play area in the summer. Slightly modifying the location or orientation of the playground would not significantly change the situation any, and the only other areas on the site of sufficient size for the playground are in the front yards on either St. Paul or 9th. Neither of these areas has any shade trees or hard surface.

There are sufficient parking and loading spaces available in the existing lot to satisfy the parking requirements for this center.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	One-family dwelling
EAST	"AA"	One-family dwelling
WEST	"AA"	One-family dwelling

RECOMMENDATION: Should the Board determine that a child day care center is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The center shall comply with the licensing requirements of the Kansas State Department of Health and with all building and fire safety regulations of the State and the City.

2. Because of the site's close proximity to single-family dwellings, outdoor play shall be limited to the hours between 9 a.m. and 4 p.m.

WICHITA — SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

May 23, 1989

Calvary Apostolic Church
909 N. St. Paul
Wichita, KS 67203

Re: BZA 17-89 - Exception to permit a child day care center, located at the southwest corner of 9th and St. Paul.

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on May 23, 1989. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Greg Chinn, 2117 E. 48th St. S., 67216
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 17-89

WHEREAS, Calvary Apostolic Church, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a child day care center on property zoned the "AA" One-Family Dwelling District and legally described as follows:

> The east 200 feet of Lots 65 and 66, Lot 67 except the west 60 feet of the north 25 feet thereof, and all of Lots 68, 69 and 70, Sim Park Gardens, Sedgwick County, Kansas. Generally located at the southwest corner of 9th and St. Paul (909 N. St. Paul).

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 May 23, 1989, 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 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 a child day care center on property zoned the "AA" One-Family Dwelling District and legally described as follows:

> The east 200 feet of Lots 65 and 66, Lot 67 except the west 60 feet of the north 25 feet thereof, and all of Lots 68, 69 and 70, Sim Park Gardens, Sedgwick County, Kansas. Generally located at the southwest corner of 9th and St. Paul (909 N. St. Paul).

subject to the following conditions:

1. The center shall comply with the licensing requirements of the Kansas State Department of Health and with all building and fire safety regulations of the State and the City.

2. Because of the site's close proximity to single-family dwellings, outdoor play shall be limited to the hours between 9 a.m. and 6 p.m.

3. A six-foot solid wood fence shall be constructed and maintained around the south and east sides of the playground. Fencing along the north and west sides may be of some other material and height.

4. The capacity of the child day care center shall not exceed 60 children, unless an amended application is filed with the Board of Zoning Appeals and approved after notification and public hearing.

ADOPTED AT WICHITA, KANSAS, this 23rd day of May, 1989.

President

ATTEST:

Jack H. Galbraith, Secretary