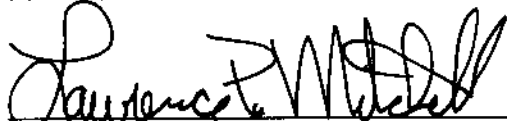


compliance with all conditions as specified above, or this use exception may be declared null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1994.


Susan Osborne-Howes, President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 29-94

WHEREAS, St. Paul's Lutheran Church, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a child care center on property zoned the "A" Two-Family Dwelling and "B" Multiple-Family Dwelling and legally described as follows:

Beginning 250 feet south of the north line of the southeast quarter and the west line of Waco Avenue, south 100 feet, west 273.08 feet, north 100 feet, east to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east of the P.M., Sedgwick County, Kansas.

and

Beginning 764 feet east and 190 feet south of northwest corner of the southeast quarter, south 60 feet, west 125 feet, north 60 feet, east 125 feet to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east.

and

Beginning 269.5 feet north of the northeast corner of Lot 111, Waco Avenue, Munger's original town, north 96 feet, west 273 1/2 feet, south 96 feet east to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east.

and

Beginning 212 feet north, northeast corner of Lot 111, Waco Avenue, Munger original town, north 57 feet, west 200 feet, south 57 feet, east to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east.

and

Beginning 212 feet north, northeast corner of Lot 111, Waco Avenue, Munger original town, west 200 feet, south 54 feet, east 200 feet, north 54 feet to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east.

and

Beginning 75 feet north and 140 feet west of northeast corner of Lot 111, Waco Avenue Munger's original town, north 83 feet, west 53 feet, south 83 feet, east to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east. Generally located in an area on the west side of Waco and south of 9th Street (925 N. Waco).

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 October 25, 1994, 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 care center on property zoned the "A" Two-Family Dwelling and "B" Multiple-Family Dwelling, 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 care center on property zoned the "A" Two-Family Dwelling and "B" Multiple-Family Dwelling and legally described as follows:

Beginning 250 feet south of the north line of the southeast quarter and the west line of Waco Avenue, south 100 feet, west 273.08 feet, north 100 feet, east to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east of the P.M., Sedgwick County, Kansas.

and

Beginning 764 feet east and 190 feet south of northwest corner of the southeast quarter, south 60 feet, west 125 feet, north 60 feet, east 125 feet to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east.

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Beginning 269.5 feet north of the northeast corner of Lot 111, Waco Avenue, Munger's original town, north 96 feet, west 273 1/2 feet, south 96 feet east to beginning (Woodman's Reserve) southeast quarter of Section 17, Township 27, Range 1 east.

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subject to the following conditions:

1. The child care center shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
2. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.
3. A fenced playground shall be provided as required by the Health Department licensing regulations. 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. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation the center, plus one space for each ten children beyond the first twelve.
5. This proposed child care center shall be licensed and in operation within one year following approval by the Board, and continued operation shall be in

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

October 26, 1994

Pastor Joe Wold
St. Pauls Lutheran Church
925 North Waco
Wichita, KS 67203

Re: BZA 29-94 - Exception to permit a child care center on property zoned "A" Two-Family Dwelling District and "B" Multiple-Family Dwelling District.

Dear Pastor Wold:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on October 25, 1994. 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 call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
J. R. Cox, OCI
Pat Burnett, Deputy City Clerk
Yoland Anderson, MAPD

3. A fenced playground shall be provided as required by the Health Department licensing regulations. 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. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation the center, plus one space for each ten children beyond the first twelve.
5. This proposed child care center shall be licensed and in operation within one year following approval by the Board, and continued operation shall be in compliance with all conditions as specified above, or this use exception may be declared null and void.

SECRETARY'S REPORT

CASE NUMBER: BZA 29-94

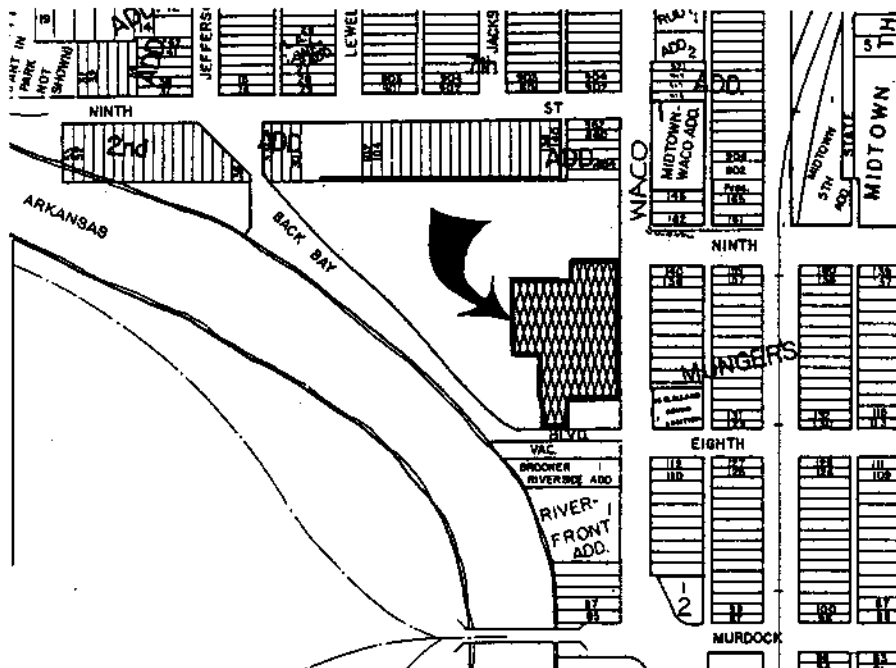
OWNER/APPLICANT: Pastor Joe Wold, St Paul's Lutheran Church

REQUEST: Exception to permit a child care center

CURRENT ZONING: "A" Two-Family Dwelling and "B" Multiple-Family Dwelling

SITE SIZE: 2 Acres

LOCATION: In an area on the west side of Waco and south of 9th Street (925 N. Waco)



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 St. Paul's Lutheran Church currently has a church and education facility located at 925 N. Waco. They are requesting permission to include a day care center within the southwest portion of the existing building. The day care center will be operated by the church and will be open 6:00 a.m. to 6:00 p.m., Monday through Friday, year around. The number of children cared for would be no more than 48 with ages ranging from 3 through 8 years old.

The proposed classrooms to be used for the day care activities have been inspected by the Health Department and Fire Department and a list of necessary modifications has been provided to the applicant. A fenced playground exists on the south side of the overall site used by the church. The Health Department has determined that there is sufficient playground space available, but that access to the playground will require the submission of a plan of action covering traffic control in the parking lot as it effects the route to the playground to protect children as they cross the facility's parking lot to the play area. Required parking can be accommodated in the paved lot south of the building.

There is split zoning on this site with the east 140 feet (m/l) being zoned "B" while the balance is zoned "A". The portions of the site to be used for child day care are within the "A" zoning, thus necessitating this use exception.

ADJACENT ZONING AND LAND USE:

NORTH	"A" & "B"	Duplex
SOUTH	"A" & "B"	Apartment
EAST	"B" & "C"	Apartments and Sedgwick Co. Treatment Services
WEST	"A"	Single 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 child care center shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
2. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.