ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1992.

Mitchell Faroh, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 8-92

WHEREAS, New Zion Baptist Church, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a child care center for 64 children between the ages of six weeks and 12 years on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1, 2, 3, 10, 11 and 12, Block 1, Prairie Hills Addition, Wichita, Kansas. Generally located on the northeast corner of Oliver and Ethel (2512 N. Oliver).

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 April 28, 1992, 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 "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 care center for 64 children between the ages of six weeks and twelve years on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1, 2, 3, 10, 11 and 12, Block 1, Prairie Hills Addition, Wichita, Kansas. Generally located on the northeast corner of Oliver and Ethel (2512 N. Oliver).

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 be as regulated by the Health Department, but shall not exceed 64, unless a new application is submitted to the Board for review and approval.

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 of the center, plus one space for each ten children beyond the first twelve.

5. Signs for the child care center shall be limited to those permitted in the "AA" District, as specified in Section 24.04.190 of the City Code.

6. 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 shall become null and void.

WICHITA — SEDGWICK COUNTY

W-SC

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

May 11, 1992

Terry Lollis
3117 S. Pinecrest
Wichita, KS 67210

Re: BZA 8-92 - Exception to permit a child care center for 64 children between the ages of six weeks and 12 years on property zoned the "AA" One-Family Dwelling District, located on the northeast corner of Oliver and Ethel (2512 N. Oliver).

Dear Ms. Lollis:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on April 28, 1992. 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.

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: New Zion Baptist Church, 2512 N. Oliver, 67220
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Roger Smith, Environmental Health

RECOMMENDATION: Should the Board determine that a child 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 be as regulated by the Health Department, but shall not exceed 64, unless a new application is submitted to the Board for review and approval.

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 of the center, plus one space for each ten children beyond the first twelve.

5. Signs for the child care center shall be limited to those permitted in the "AA" District, as specified in Section 24.04.190 of the City Code.

6. 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 shall become null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4

April 28, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 8-92

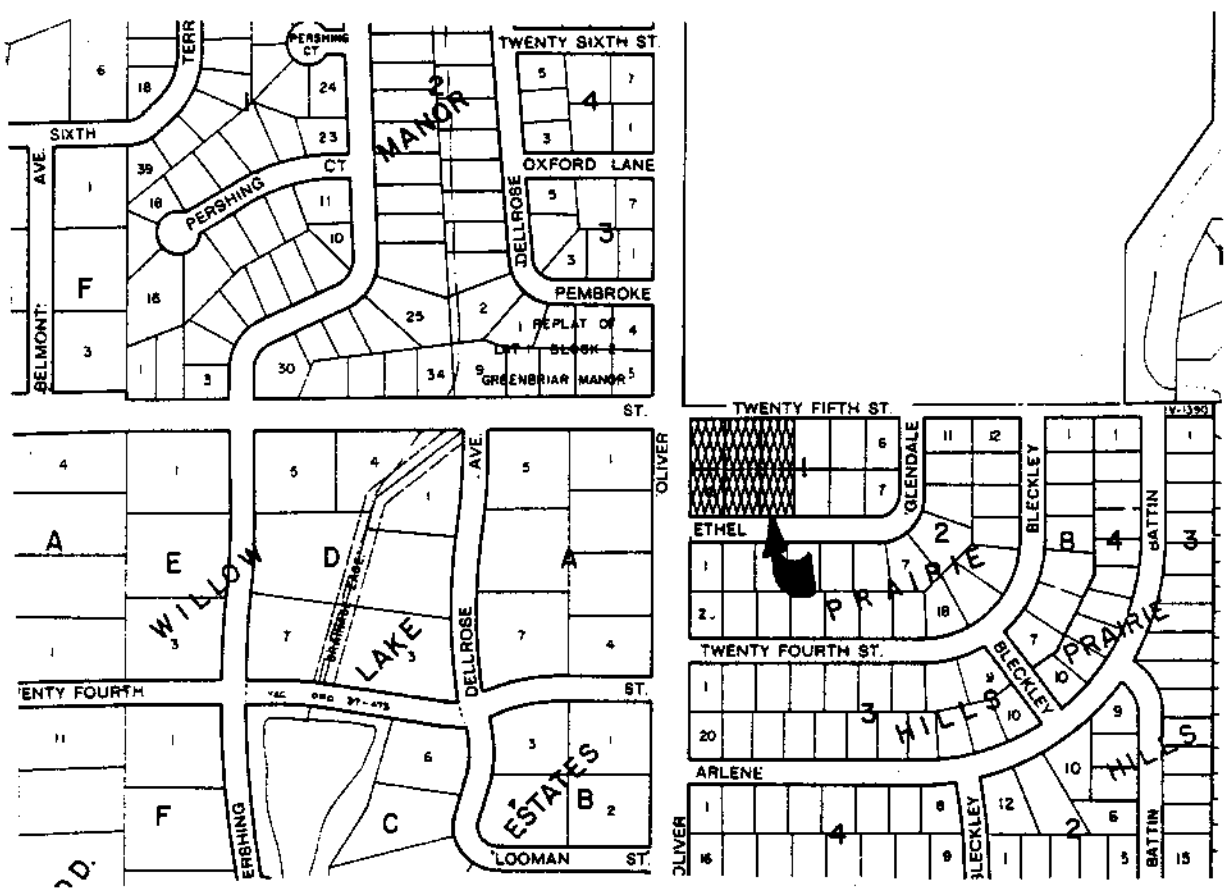
OWNER/APPLICANT/AGENT: New Zion Baptist Church (owner/applicant)
Terry Lollis (agent)

REQUEST: Exception to permit a child care center for 64 children between the ages of six weeks and 12 years.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 237 ft. x 253 ft.

LOCATION: Northeast corner of Oliver and Ethel (2512 N. Oliver)



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, New Zion Baptist Church, is requesting a use exception to permit a child care center for 64 children between the ages of six weeks and 12 years. The center will be operated within the existing church building between the hours of 6:30 a.m. and 6:00 p.m. Mondays through Fridays. The Health Department, Fire Department, and Central Inspection have all inspected the facility and informed the applicant of several minor changes required before final approval can be given.

Seventy-five square feet of playground area must be provided for each child using the play area and at least half of the center's total licensed capacity must be accommodated in the playground at one time. Therefore 2,400 square feet of playground area must be provided if the center is licensed for 64 children. The area north of the parking lot is proposed for playground use and appears to be large enough to provide the required space, but it is long and narrow. The church could utilize 30 feet of additional ground which is now dedicated for 25th Street if the street is first vacated. Twenty-fifth Street has never been fully opened in this area east of Oliver, but is opened as a narrow, unpaved street serving three houses west of Glendale. A plat approved one year ago for the land to the north of 25th Street was conditioned upon the vacation of portions of 25th Street, including that portion adjacent to the west three-fourths (plus or minus) of this church site. A portion of the street right-of-way in the northeast corner must be retained to provide for a permanent turnaround at the west end of that part of 25th Street which is opened, as previously mentioned. As illustrated on the applicant's site survey, an eight-foot-wide gravel road has been installed by someone at some time in the past to connect the opened segment of 25th Street with the church parking lot. It is believed this was done unofficially, as no documents have been found to indicate the church ever granted public access across their property like this. East of the identified chain-link fence is a concrete driveway to 4813 E. 25th, which is the residence on Lot 4, Block 1, Prairie Hills Addition. This house was formerly the parsonage for this church and was owned by the church. It is the Secretary's understanding that 4813 E. 25th is no longer the parsonage. The church may be able to close that access point also, depending on what agreements exist between the church and that private property owner.

Although not delineated on the site survey, 62 parking spaces exist in the paved parking lot east of the church building. This will be more than adequate for the child care center needs which are listed in item four of the recommended conditions of approval.

A child care center and preschool for the New Life Fellowship (Faith Metro Church) at 5015 E. 29th Street North was approved by the Board last October.

ADJACENT ZONING AND LAND USE:

NORTH	"AA" w/DP-147	Undeveloped
SOUTH	"AA"	One-family dwellings
EAST	"AA"	One-family dwellings
WEST	"AA"	One-family dwellings