BZA RESOLUTION NO. 13-92

WHEREAS, Midway Southern Baptist Church, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a child care center, pre-school and private kindergarten on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Midway Southern Baptist Church Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Broadway, approximately 1/2-mile south of 47th Street South (5135 S. Broadway).

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 June 23, 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, pre-school and private kindergarten 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, pre-school and private kindergarten on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Midway Southern Baptist Church Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Broadway, approximately 1/2-mile south of 47th Street South (5135 S. Broadway).

subject to the following conditions:

1. All child care facilities (including day care, pre-school, and kindergarten) shall comply with the building codes of the City of Wichita and with all regulatory requirements of the appropriate state or local licensing agency.

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. Parking for all child care facilities (including day care, pre-school and kindergarten) shall be provided as specified in Section 28.04.141(3) of the City Code.

4. Signs for the child care facilities (including day care, pre-school and kindergarten) shall be limited to those permitted in the "AA" District as specified in Section 24.04.190 of the City Code.

5. The proposed child care facilities (including day care, pre-school or kindergarten) shall be licensed and in operation by September 30, 1993, and continued operation shall be in compliance with all conditions as specified above, or this use exception shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1992.

Mitchell Faroh

Mitchell Faroh, President

ATTEST:

Louise Olivarez

Louise Olivarez, Secretary

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

June 30, 1992

Ray Emery, Pastor
Midway Southern Baptist Church
5135 S. Broadway
Wichita, KS 67216

Re: BZA 13-92 - Exception to permit a day care center, pre-school and kindergarten on property zoned the "AA" One-Family Dwelling District, located on the west side of Broadway, 1/2-mile south of 47th St. So (5135 S. Broadway).

Dear Pastor Emery:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 23, 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: Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

ADJACENT ZONING AND LAND USE:

NORTH	"E" & "AA"	Pepsi-Cola bottling plant & undeveloped
SOUTH	"C" & "AA"	Undeveloped
EAST	"AA"	Nursery and garden center & single-family residential
WEST	"E"	Undeveloped

RECOMMENDATION: Should the Board determine that a child care center, pre-school and private kindergarten are appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. All child care facilities (including day care, pre-school, and kindergarten) shall comply with the building codes of the City of Wichita and with all regulatory requirements of the appropriate state or local licensing agency.

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. Parking for all child care facilities (including day care, pre-school and kindergarten) shall be provided as specified in Section 28.04.141(3) of the City Code.

4. Signs for the child care facilities (including day care, pre-school and kindergarten) shall be limited to those permitted in the "AA" District as specified in Section 24.04.190 of the City Code.

5. The proposed child care facilities (including day care, pre-school and kindergarten) shall be licensed and in operation by September 30, 1993, and continued operation shall be in compliance with all conditions as specified above, or this use exception shall become null and void.

Note: If the proposed private grade school is not to have a curriculum substantially the same as a public grade school, all references to "child care facilities" in the recommended conditions above should include "private elementary school."

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2

June 23, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 13-92

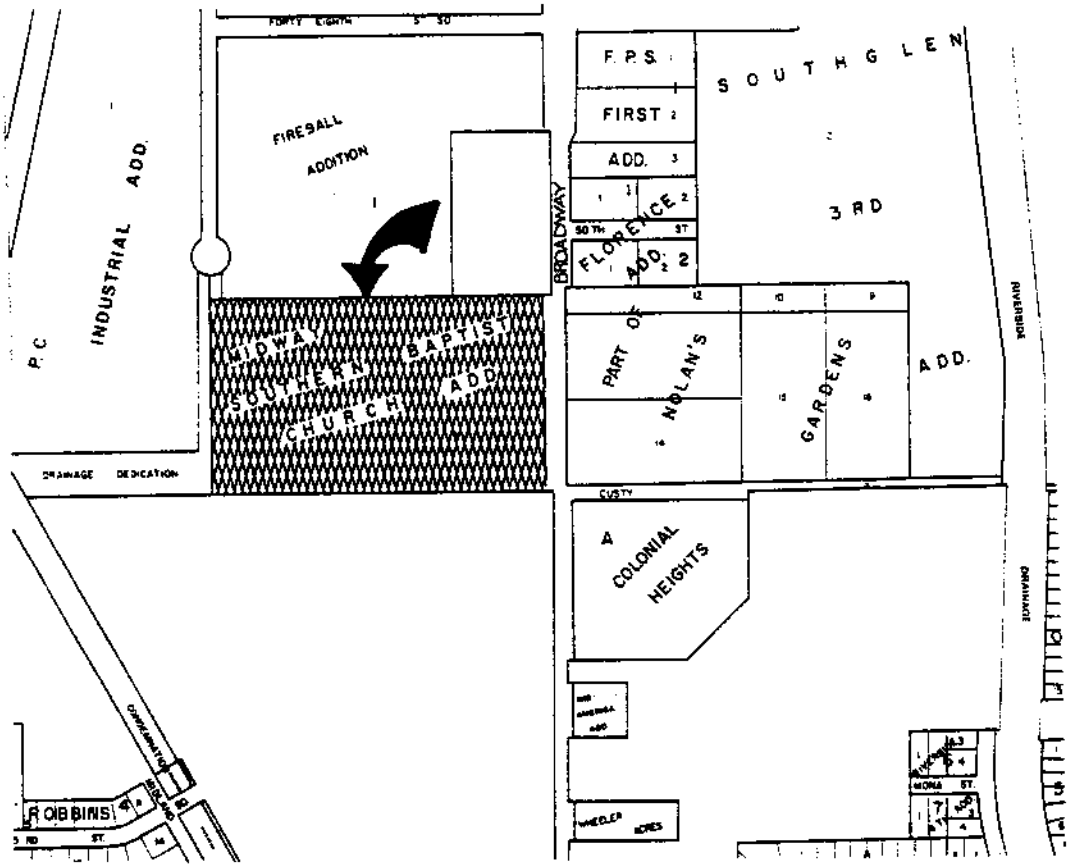
OWNER/APPLICANT/AGENT: Midway Southern Baptist Church (owner/appl.)
Ray Emery, pastor (agent)

REQUEST: Exception to permit a child care center and private school.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 23 acres

LOCATION: West side of Broadway, approximately ½-mile south of 47th St. South (5135 S. Broadway).



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, Midway Southern Baptist Church, is requesting a use exception to permit a child care center and private school on its 23-acre church site at 5135 S. Broadway. The existing church building is a two-story structure located approximately in the center of the property. A 151-space parking lot exists to the south and west with ample room for future expansion. The building has been inspected for use as a child care facility by the Health Department, Fire Department and Central Inspection and a list of required minor alterations has been given to the applicant.

The letter submitted with this application states that approximately 100 children between birth and twelve years of age will be cared for between the hours of 6 a.m. and 6 p.m., Monday through Friday. The Health Department will provide licensing for the day care and any pre-school programs, whereas a state educational agency will provide licensing for any kindergarten and grade school programs. If the grade school is to have a curriculum equivalent to and substantially the same as that of a public elementary school, it would be a use permitted by right in the "AA" zoning district (See 28.04.040[A.4] of the Zoning Ordinance). The agent has verbally stated that the grade school curriculum will be similar to that of public grade schools, but he should be prepared to give the Board more specific information on the proposed elementary school program, as well as operating information on any pre-school or kindergarten which is proposed (e.g., hours of operation, number of enrollees per session.). The Board will need to authorize any day care, pre-school and kindergarten uses of the property, as well as any private grade school which does not have a curriculum substantially the same as a public grade school.

Although this site is bounded on two sides by industrial zoning, the property size is large enough and the building is centered on the property sufficiently to provide an adequate buffer between normally incompatible uses. There are a number of residential developments within a one-mile radius of this property. A 200+-lot single-family subdivision has just recently been platted to the south. These residential areas provide a ready market for child care facilities.

The proposed playground is illustrated on the site plan as being north of the building and must be large enough to accommodate half the children at any one time, with 75 square feet of space for each child. There is ample area on the property for additional playground space, should it be required in the future.

Because of the large size of the application area and the potential for expansion of the facilities located thereon, it is recommended that no limit on the number of children be placed as a condition of this use exception. The appropriate licensing agencies will establish the maximum numbers permitted for the various age groups and programs, based on facility space (both indoor and outdoor) and number of care providers/teachers.