

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 day care center and the associated private school shall comply with all applicable licensing requirements and building codes.
2. Parking and loading spaces shall be provided at no less than the following rates: one parking space for every teacher and employee in the largest working shift; plus one parking space for each vehicle used in the operation of the school and day care center; plus one off-street loading space for each ten children or major fraction thereof enrolled in the day care center.
3. Screening shall be provided along the east property line as required by the zoning ordinance for institutional uses within or adjacent to residential districts.
4. Signs shall be limited to those permitted in the "B" district for institutional uses; however, no portable signs shall be permitted.
5. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the play area is within 100 feet of any occupied residence.
6. The location of the new construction, playground and parking lot, including off-street loading spaces, shall be substantially in compliance with the site plan submitted with this application.
7. Within 4 months following BZA approval of this use exception and prior to release of the resolution, the required vacation and lot split applications shall be satisfactorily completed.

June 27, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 24-89

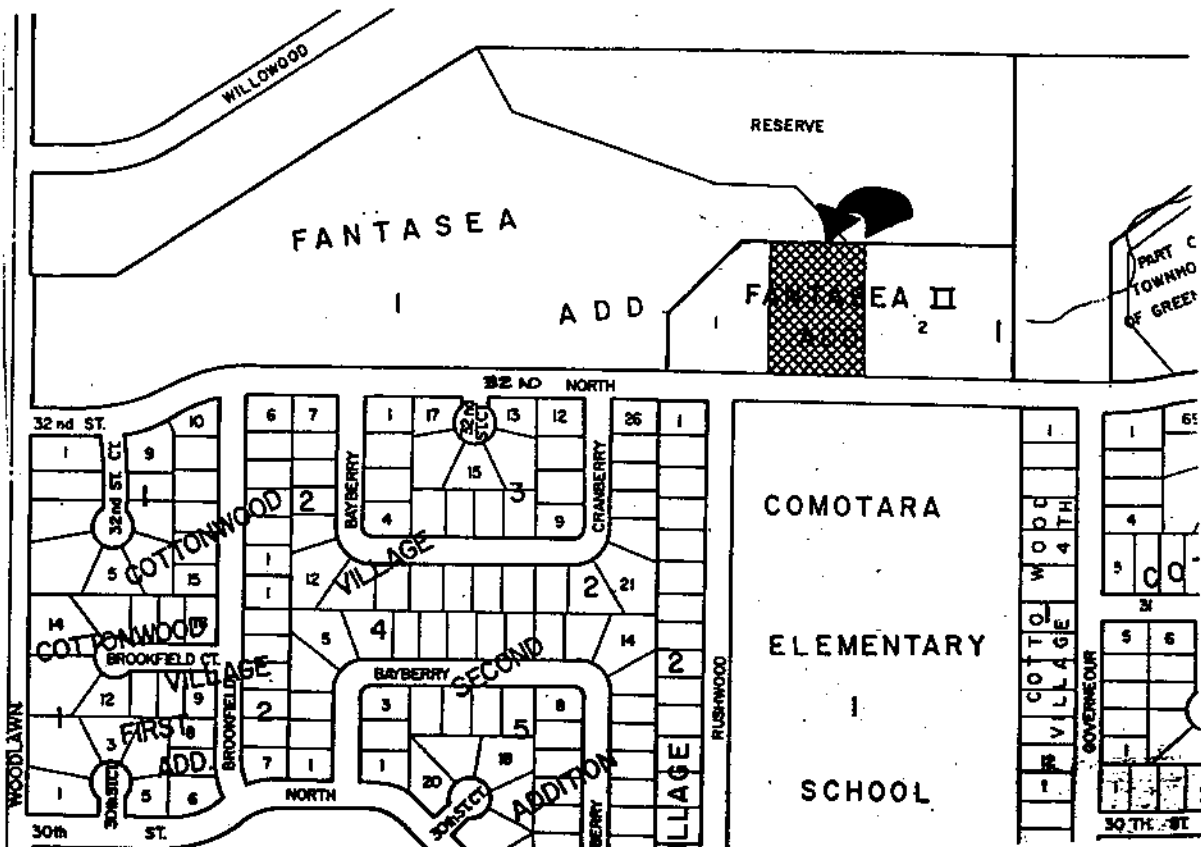
OWNER/APPLICANT/AGENT: Landmark Communities (applicant/former owner)  
Raymond E. Lowen (current owner)  
Elton Parsons (agent)

REQUEST: Exception to permit a child day care center

CURRENT ZONING: "R-5" General Residence District (subject to DP-95)

SITE SIZE: 240 ft. x 315 ft.

LOCATION: North side of 32nd St. N. approx. 1/2-mi. east of Woodlawn.



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.

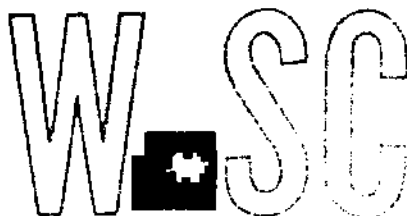
**BACKGROUND:** The applicant is requesting a use exception to permit a child day care center in the "R-5" zoning district on property which is part of Parcel C of the Fantasea C.U.P. This parcel now permits only duplexes and townhouses and will have to be administratively adjusted if this use exception is granted. In 1986, a similar request was granted for the property adjacent to the west which is now developed with the New Song Academy, a day care center licensed for 165 children from ages 18 months through 5 years. A private academic kindergarten is included in that facility for the 5-year-olds. The proposed facility on this application area will also include a private school, as well as the day care center. The school grades will be kindergarten through second. The day care center will be a "latch key" program, meaning that the students enrolled at this school who have need of additional hours of adult supervision will be the ones enrolled in the day care program. The school hours are to be 8:30 a.m. to 3:30 p.m.; the day care center hours are to be 7 a.m. to 6 p.m. Beginning enrollment in the school is expected to be 100, with fewer than this number expected in the day care program. Future expansion of these numbers is anticipated. Year-round use of the day care center is proposed.

The plat of Fantasea II dedicated access control to 32nd Street from the entire Lot 2 except for two openings, yet the site plan submitted with this application shows both openings being utilized by this proposed facility on the west 240 feet, with no access points remaining for the east 380 feet of the lot. The applicant has filed a request to vacate this platted access control and final approval of this site plan will be dependent upon satisfactory completion of the vacation request. Thirty-second Street North between Woodlawn and Longfellow is a collector street with only 25 feet of paving width which is designed for two moving lanes and no parking lanes. There is already some traffic congestion in the area during certain hours of the day; nevertheless, this use seems appropriate at this location across from an elementary school and very near a recreation park, as long as adequate on-site parking and loading spaces are provided. Since the application site has already been sold, creating two separate ownerships on one platted lot, a lot split application must be filed and completed before building permits can be issued on either portion of Lot 2. The lot split application cannot be filed until the vacation case is completed. Approval of the use exception should be subject to lot split approval.

**ADJACENT ZONING AND LAND USE:**

|       |                 |                                       |
|-------|-----------------|---------------------------------------|
| NORTH | "C" (w/DP-95)   | Fantasea recreation park & open space |
| SOUTH | "AA"            | Gammon Elementary School              |
| EAST  | "R-5" (w/DP-95) | Undeveloped                           |
| WEST  | "R-5" (w/DP-95) | New Song child day care center        |

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
456 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

July 25, 1990

Elton Parsons  
Parklane Office Park  
1097 S. Glendale  
Wichita, KS 67218

Re: BZA 24-89 - Exception to permit a child day care center on  
the north side of 32nd St. N., approximately 1/2-mile east  
of Woodlawn.

Dear Elton:

Enclosed is a signed copy of the above-referenced BZA resolution  
adopted by the Board of Zoning Appeals on June 27, 1989. This  
resolution reflects the official action of the Board to grant  
your request and sets out the conditions of approval. It is for-  
warded to you for your information and files now that the vaca-  
tion case and lot split have been completed.

If you have questions concerning this matter, please call our  
office.

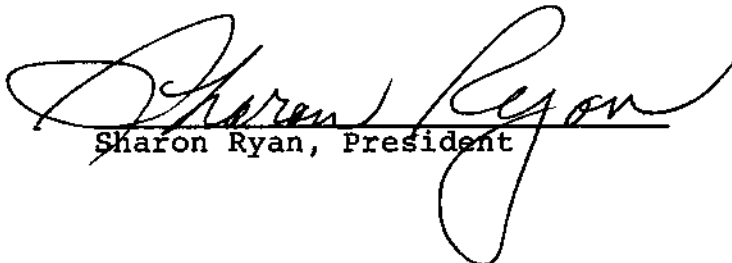
Sincerely,

  
Louise Olivarez, Secretary  
Board of Zoning Appeals

LO:jcm  
Enclosure

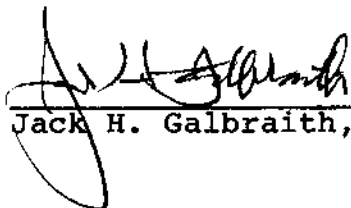
cc: Raymond E. Lowen, 1255 Sagebrush Ct., 67230  
Paul Hays, CID  
Lance Flowers, CID  
Pat Burnett, Deputy City Clerk

ADOPTED AT WICHITA, KANSAS, this 27th day of June, 1989.



Sharon Ryan, President

ATTEST:



Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 24-89

WHEREAS, Landmark Communities, 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 "R-5" General Residence District and legally described as follows:

The west 240 feet of Lot 2, Block 1, Fantasea II,  
an Addition to Wichita, Sedgwick County, Kansas.  
Generally located on the north side of 32nd St.  
N. approximately 1/2-mi. east of Woodlawn.

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 27, 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 "R-5" General Residence 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 "R-5" General Residence District and legally described as follows:

The west 240 feet of Lot 2, Block 1, Fantasea II,  
an Addition to Wichita, Sedgwick County, Kansas.  
Generally located on the north side of 32nd St.  
N. approximately 1/2-mi. east of Woodlawn.

subject to the following conditions:

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