BZA RESOLUTION NO. 34-89

WHEREAS, Gary Lanning, 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 "RB" Four-Family Dwelling District and legally described as follows:

> Lots 19 and 20, Block D, Maplewood Addition, an addition to Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee and Erie (2386-88-90-92 S. Erie).

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 September 26, 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 "RB" Four-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 "RB" Four-Family Dwelling District and legally described as follows:

> Lots 19 and 20, Block D, Maplewood Addition, an addition to Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee and Erie (2386-88-90-92 S. Erie).

subject to the following conditions:

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

2. The Department of Health shall determine the maximum number of children to be permitted in the center.

3. 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. One off-street parking space shall be provided on the premises for each teacher and employee, plus one off-street parking space for each vehicle used in the operation of the center.

5. When the capacity of the child care center exceeds 12, one off-street loading space shall be provided for each 10 children or major fraction thereof.

6. Within 30 days following approval by the Board, and prior to release of the resolution authorizing this child care center, the property owners shall dedicate outright 5 feet of right-of-way for Pawnee and shall contingently dedicate another 5 feet based on future removal of the building.

ADOPTED AT WICHITA, KANSAS, this 26th day of September, 1989.

Keith A. Alter

Keith Alter, Vice President

ATTEST:

Jack H. Galbraith

Jack H. Galbraith, Secretary

WICHITA — SEDGWICK COUNTY

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

October 10, 1989

Gary Lanning
2380 S. Erie
Wichita, KS 67211

Re: BZA 34-89 - Exception to permit a child day care center at the NE corner of Pawnee & Erie (2386-88-90-92 S. Erie).

Dear Mr. Lanning:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on September 26, 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 now that required street dedications have been submitted.

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

Sincerely,

Louise Olivarez

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

5. When the capacity of the child care center exceeds 12, one off-street loading space shall be provided for each 10 children or major fraction thereof.

6. Within 30 days following approval by the Board, and prior to release of the resolution authorizing this child care center, the property owners shall dedicate outright 5 feet of right-of-way for Pawnee and shall contingently dedicate another 5 feet based on future removal of the building.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4

September 26, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 34-89

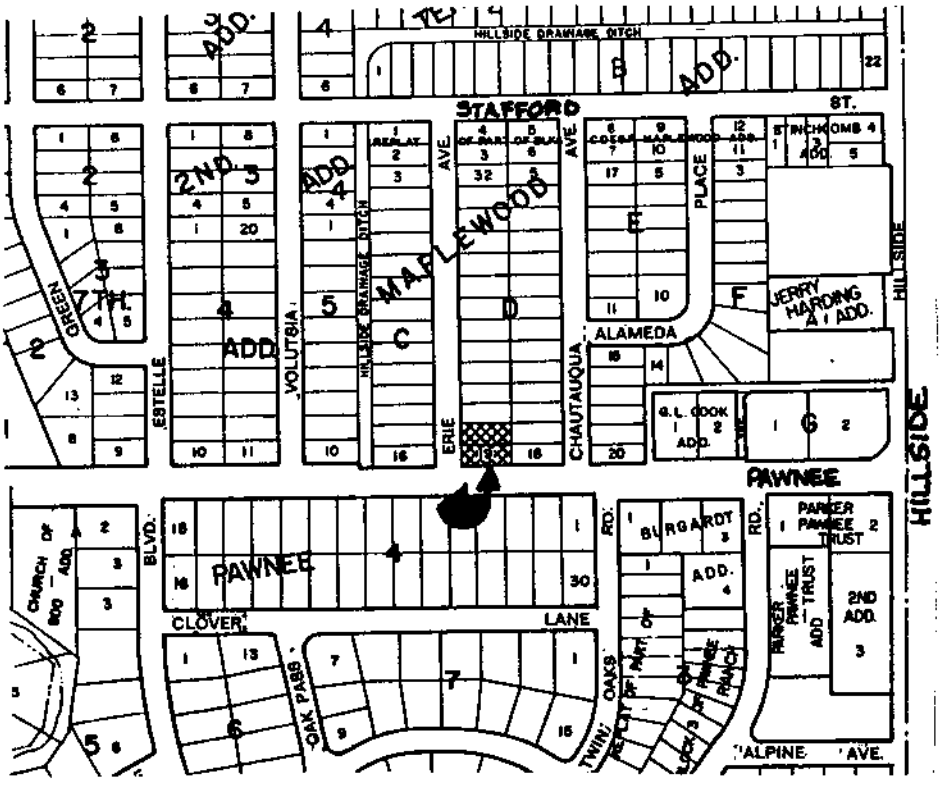
OWNER/APPLICANT/AGENT: Gary Lanning (owner/applicant)

REQUEST: Exception to permit a child day care center

CURRENT ZONING: "RB" Four-Family Dwelling District

SITE SIZE: 125 ft. x 107 ft.

LOCATION: Northeast corner of Pawnee and Erie.



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 care center in the "RB" District at the northeast corner of Pawnee and Erie. An existing fourplex will be remodeled for the center. The applicant lives adjacent to the north. He and his wife operate Lanning's Learning Tree Child Day Care Center at 2021 S. Hillside, a center for 120 children 2-1/2 to 10 years old. The center on Erie will be for up to 40 children 1 to 3 years old. The applicant has stated that the center will operate from 6:30 a.m. to 6:30 p.m. Mondays through Fridays. Several other child care centers have been approved as use exceptions by the Board in this general vicinity in previous years (BZA 12-79: south side Pawnee between Poplar and Cheyenne; BZA 52-86: southwest corner of Hillside and Kinkaid). Pawnee has only 40 feet of half-street right-of-way adjacent to Maplewood Addition whereas 50 feet is the standard for arterials. More recent plats or zone change cases have been required to dedicate additional right-of-way. Because a full 10-foot street dedication would interfere with the building, it is recommended that a 5-foot dedication be required outright at this time with an additional 5-foot contingent dedication based on removal of the building.

The site plan shows a new 7-foot wood fence around the north and east sides of the playground and parking area. The applicant should consider locating the fence along the east property line, rather than at the 8-foot easement line to avoid having to maintain an 8-foot-wide strip of ground outside the fence.

ADJACENT ZONING AND LAND USE:

NORTH	"RB"	One-family dwelling
SOUTH	"AA"	One-family dwelling
EAST	"RB"	One-family dwelling
WEST	"RB"	Fourplexes and duplex

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 the licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State and City.

2. The Department of Health shall determine the maximum number of children to be permitted in the center.

3. 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. One off-street parking space shall be provided on the premises for each teacher and employee, plus one off-street parking space for each vehicle used in the operation of the center.