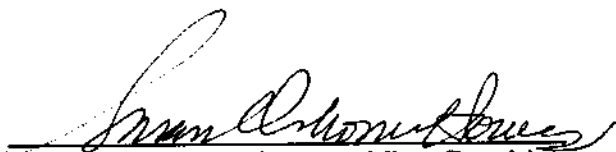


compliance with all conditions as specified above, or this use exception shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of April, 1994.



Susan Osborne-Howes, Vice President

ATTEST:



Louise Olivarez, Secretary

## **BZA RESOLUTION NO. 7-94**

**WHEREAS**, Tyler Road 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 on property zoned "AA" One-Family Dwelling District and legally described as follows:

Lots 1, 2, 3, 4, 9, 10, 11 and 12, and the N/2 of Lots 5 and 8, Block T,  
Callahan Addition, Wichita, Sedgwick County, Kansas.

**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 26, 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 "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 on property zoned "AA" One-Family Dwelling District and legally described as follows:

Lots 1, 2, 3, 4, 9, 10, 11 and 12, and the N/2 of Lots 5 and 8, Block T,  
Callahan Addition, Wichita, Sedgwick County, Kansas.

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 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

# SEDGWICK COUNTY



## METROPOLITAN AREA PLANNING DEPARTMENT

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

May 3, 1994

Pastor N. N. Antonson  
571 S. Tyler  
Wichita, KS 67209

Re: BZA 7-94

Dear Pastor Antonson:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on April 26, 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 Mitchell, Senior Planner  
Board of Zoning Appeals

LM/hm

Enclosure

cc: Tyler Road Southern Baptist Church; 571 S. Tyler Road; Wichita, KS 67209  
Randy Sparkman, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
CAMA Files

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. 3  
APRIL 26, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 7-94

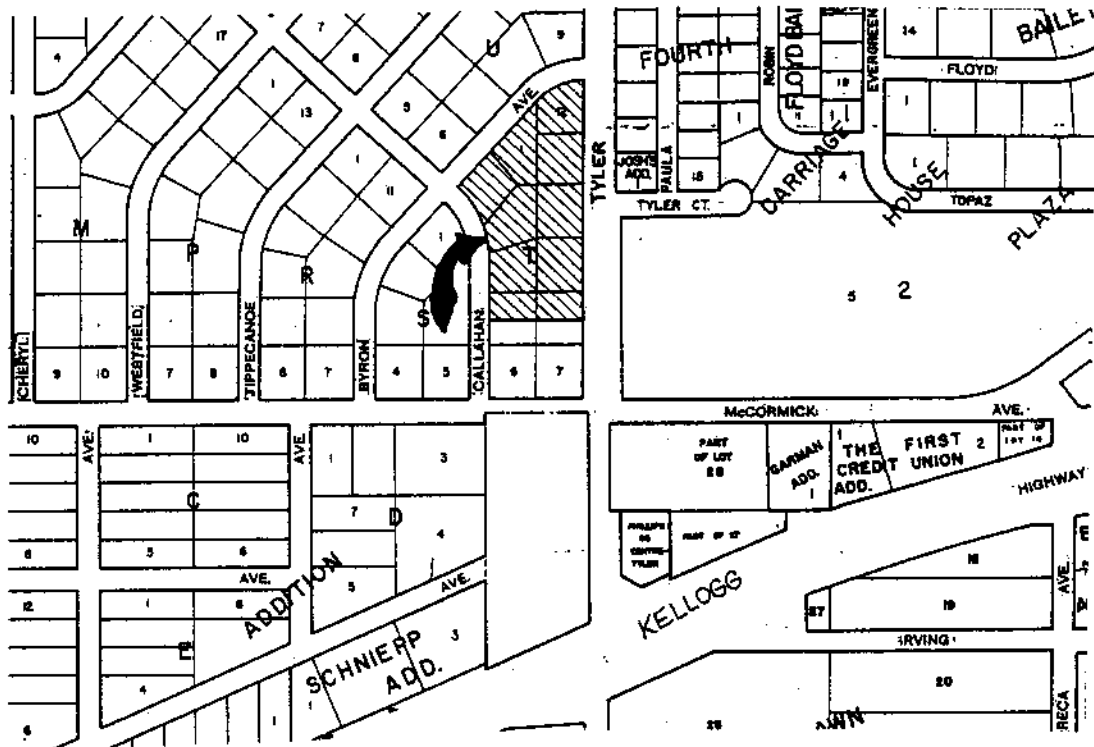
OWNER/APPLICANT: Tyler Road Southern Baptist Church  
AGENT: Rainbows United

REQUEST: Exception to permit a child care center.

CURRENT ZONING: "AA" One-Family Dwelling District.

SITE SIZE: 3 Acres

LOCATION: West side of Tyler in an area south of Byron  
(571 S. Tyler Road).



**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 Tyler Road Southern Baptist Church currently has a church and education facility located on the west side of Tyler Road in an area south of Byron. They are requesting permission to include a day care center within the south portion of the existing main building. The day care center would be operated by Rainbows United and would 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 35 with ages ranging from infants 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 have been provided to the applicant's agent. A fenced playground exists on the west 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 a barrier to protect children as they cross the facilities parking lot to the play area. Required parking can be accommodated in the paved lot west of the building.

#### **ADJACENT ZONING AND LAND USE:**

|        |                  |                                      |
|--------|------------------|--------------------------------------|
| NORTH: | "AA"             | Single Family Dwellings              |
| SOUTH: | "AA"             | Single Family Dwellings              |
| EAST:  | "LC", "OC", "RB" | Post office substation, Army Reserve |
| WEST:  | "AA"             | Single Family Dwellings              |

**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.
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