

BZA 1-91 Secretary's Report
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2. The capacity of the child care center (preschool) shall not exceed 31 at any one time, unless a new application is filed with the Board of Zoning Appeals and approved after notification and public hearing.
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. The existing parking lot on Volutsia shall be maintained free of litter and in good repair, with a paved surface striped for no fewer than 12 spaces and with a 5- to 6-foot wooden fence along the south line of the lot. Parking and loading spaces shall be provided at no less than the following rates: 1 parking space for every teacher and employee in the largest working shift; plus 1 parking space for each vehicle used in the operation of the center; plus 1 loading space for each 10 children or major fraction thereof.
5. The applicant shall obtain an occupancy permit from the City's Office of Central Inspection prior to operation of this child care center (preschool).

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2

February 26, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 1-91

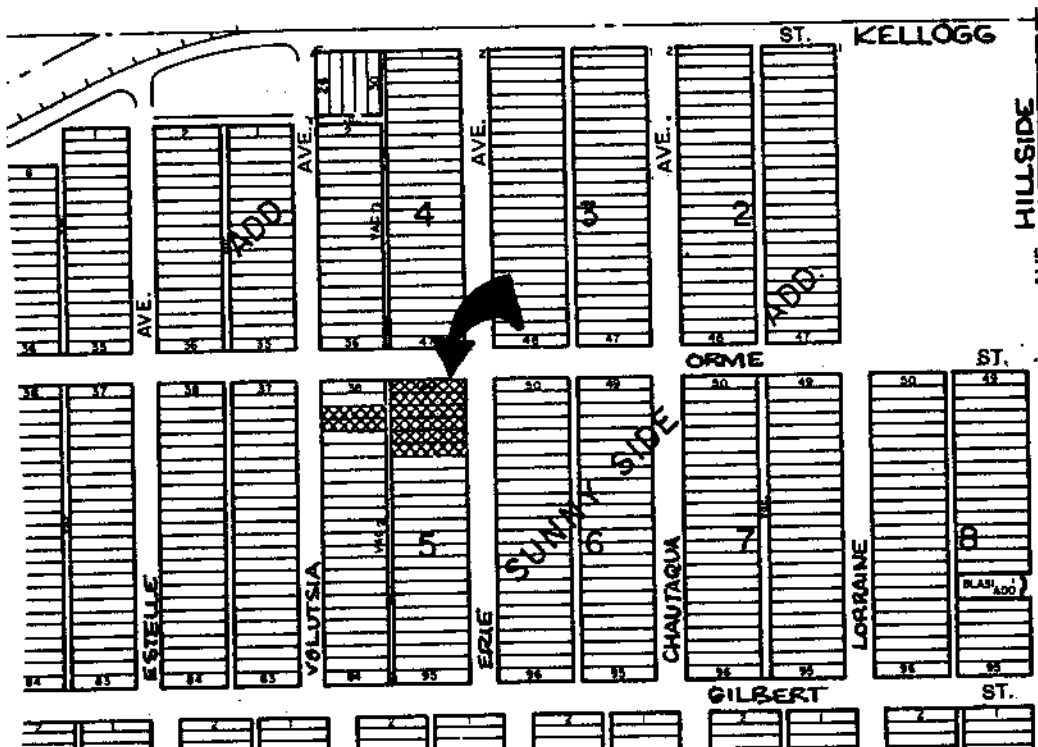
OWNER/APPLICANT/AGENT: Trinity Evangelical Lutheran Church (owner)
Wichita Council for the Preschool Blind
(applicant/tenant)
Angela Pratt (agent)

REQUEST: Exception to permit a child care center
(preschool) for visually impaired children.

CURRENT ZONING: "A" Two-Family Dwelling District

SITE SIZE: 0.7 acre

LOCATION: Between Erie and Volutsia, south of Orme
(603 S. 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 a child care center (preschool) for visually impaired children in the former Trinity Lutheran Church building at 603 S. Erie. The facility would be operated by The Wichita Council for the Preschool Blind, which has been headquartered at this location for four years. They have been providing services for visually impaired children of pre-school age, but due to increasing needs and changing state regulations they now need to offer a licensed preschool operation which requires a use exception when located in the "A" Two-Family Dwelling District.

The Health Department, which would license this facility, has written that the occupancy limit for the daycare is 31 (at any one time), based on a square footage of 1,094, which includes only the upper level of the building. The agent has stated the individual class size is expected to range from 12 to 15. It is possible that an afternoon as well as a morning session would be offered.

A 14-space parking lot has existed on the Volutsia frontage portion of this site for more than 20 years and provided parking for the church when it was located at 603 S. Erie. This lot was established prior to the screening requirements, although there is currently a 5-foot wooden fence between the parking lot and the residence to the south. A new Trinity Lutheran Church building is now located at 611 S. Erie, with a large parking lot adjacent to the south, but this 14-space parking lot is still owned and used by this church. It is available for use by The Wichita Council for the Preschool Blind. It is connected by a walkway to the rear of the building at 603 S. Erie, and the site plan shows a proposed walk which would continue east to the front of that building.

Although the use of the platted north-south alley in this block was vacated by the City in 1924, title to the alley was apparently never vacated by the County, as private ownership of the vacated alley does not appear on the real estate records of the abutting property owners. However, due to the length of time the alley has been used for private purposes, the abutting owners have some prescriptive rights. It is recommended that the vacated alley be included in the legal description of this use exception.

ADJACENT ZONING AND LAND USE:

NORTH	"A"	One-family dwellings
SOUTH	"A"	Church
EAST	"A"	One-family dwellings
WEST	"A"	One-family dwellings

RECOMMENDATION: Should the Board determine that a child care center (preschool) 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.

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4581

February 27, 1991

Angela Pratt
Wichita Council for
the Preschool Blind
603 S. Erie
Wichita, KS 67211

Re: BZA 1-91 - Exception to permit a child care center (pre-school) for visually impaired children, located between Erie & Volutsia Streets south of Orme Street.

Dear Ms. Pratt:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on February 26, 1991. 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 contact our office.

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

FILE COPY

BZA Resolution No. 1-91

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ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1991.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 1-91

WHEREAS, the Wichita Council for the Preschool Blind, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a child care center (preschool) for visually impaired children on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 49, 51, 53, 55, 57 & 59, Block 5, Sunny-Side Addition, and Lots 42 & 44 on Volutsia Avenue in Dixon's Addition, all in Wichita, Sedgwick County, Kansas. Generally located between Erie and Volutsia Streets south of Orme Street.

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 February 26, 1991, 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 (preschool) on property zoned the "A" Two-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 (preschool) on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 49, 51, 53, 55, 57 & 59 and portion of vacated alley adjacent thereto on the west, Block 5, Sunny-Side Addition, and Lots 42 & 44 on Volutsia Avenue and portion of vacated alley adjacent thereto on the east, Dixon's Addition, all in Wichita, Sedgwick County, Kansas. Generally located between Erie and Volutsia Streets south of Orme Street.

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 capacity of the child care center (preschool) shall not exceed 31 at any one time, unless a new application is filed with the Board of Zoning Appeals and approved after notification and public hearing.
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. The existing parking lot on Volutsia shall be maintained free of litter and in good repair, with a paved surface striped for no fewer than 12 spaces and with a 5- to 6-foot wooden fence along the south line of the lot. Parking and loading spaces shall be provided at no less than the following rates: 1 parking space for every teacher and employee in the largest working shift; plus 1 parking space for each vehicle used in the operation of the center; plus 1 loading space for each 10 children or major fraction thereof.
5. The applicant shall obtain an occupancy permit from the City's Office of Central Inspection prior to operation of this child care center (preschool).