

11. Case No. BZA 58-84 - Linda G. Lanning, 2380 South Erie, Wichita, Kansas, pursuant to Section 2.12.590.C, of the Code of the City of Wichita, requesting an exception to permit the expansion of a child day care center on property zoned the "AA" One-family Dwelling District and legally described as follows:

Beginning 30 feet west and 313 feet south of the northeast corner of the southeast quarter of Section 34-27-1E, thence west 382.5 feet, thence south 160 feet, thence east 382.5 feet, thence north 160 feet to the point of beginning. Generally located on the west side of Hillside in an area between Mt. Vernon and Clark (2021 South Hillside).

GALBRAITH showed slides of the application area and reviewed the following comments from the Secretary's Report.

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JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under 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.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the expansion of a previously approved child day care facility into the existing dwelling on the property. The previous approval included only the 35 foot by 63 foot building located to the west of the residence that was originally constructed as a shop for a contractor in violation of the zoning ordinance. In order to utilize the building in some way it was originally converted to a small school and then to a child day care center in 1974.

At the present time the facility accommodates slightly less than 50 children. It is estimated that the existing facility plus the conversion of the one-family dwelling will accommodate a maximum of nearly 120 children. This number will be determined by the licensing limitations based on the state laws and the local building and health department regulations.

The site is a large unplatted tract in a block that is all zoned the "AA" One-family Dwelling District. Only two of the properties are platted, the remainder of the block is unplatted. The existing home is located on the property nearly 100 feet from the right-of-way line of Hillside which provides adequate area for the majority of the required off-street parking and loading in front of the building without violating the 25 foot front yard setback.

The site is located immediately south of a church and across the street from a church and a one-family dwelling. The increase in the number of children at this facility should not impact the area providing the required parking and loading spaces are installed with adequate ingress and egress driveways. The site plan submitted and approved by the traffic engineer's office will provide more off-street parking and loading than will be required for 120 children. The applicant states that the maximum number of children permitted by the size of the structures will be less than 120 students.

RECOMMENDATION:

Should the Board determine that the proposal to expand the child day care facility into the residence is appropriate, then it is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. The center shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita.
2. The Department of Community Health shall determine the maximum number of children to be permitted in the center, provided the number shall not exceed 120.
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 child care center.
5. One off-street loading space shall be provided for each 10 children or major fraction thereof.
6. The location of the spaces and the driveway widths shall be in conformance to the plan approved by the Traffic Engineer and shall be surfaced and improved as required by Section 28.04.143 of the zoning ordinance.
7. One identification sign not exceeding eight square feet shall be permitted, provided such sign shall be unlighted and located not closer than six feet to the property line.

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GALBRAITH wanted to add one condition stating that "upon the release of the resolution, BZA 20-70 shall become null and void". CPO Council recommended unanimously to approve the request.

Gary and Linda Lanning, Applicants, were present but had nothing further to add.

No one appeared in opposition.

MOTION: KOPIETZ moved, JACOB seconded, that the exception to permit the expansion of a child care center be granted subject to the conditions set forth in the Secretary's Report. Motion passed 4-0 (SLAYMAKER absent).

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The official action of the Board is reflected in the adoption of Resolution No. BZA 58-84 which includes the following conditions of approval:

1. The center shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita.
2. The Department of Community Health shall determine the maximum number of children to be permitted in the center, provided the number shall not exceed 120.
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.
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5. One off-street loading space shall be provided for each 10 children or major fraction thereof.
6. The location of the spaces and the driveway widths shall be in conformance to the plan approved by the Traffic Engineer and shall be surfaced and improved as required by Section 28.04.143 of the zoning ordinance.
7. One identification sign not exceeding eight square feet shall be permitted, provided such sign shall be unlighted and located not closer than six feet to the property line.
8. Upon the release of the resolution, Resolution BZA <sup>29-74</sup> 20-70 shall become null and void. *should have been*

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12. Other Matters. There being no other business, the meeting was adjourned at 3:15 p.m.
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Jack H. Galbraith  
Secretary