

BZA 11-88, MacArthur Park, 1200' x 100' lot
exception to establish child daycare cen-
ter on the east side of Hydraulic approx
1/2 mi. south of MacArthur Rd. (Zoned RA)
4244 South Hydraulic

10/20/88

ACTION

BZA. *Copy sent to condition* 3-22-88
DATE

100' Sec 4-7-88
Checked to
Just 5-12
Record

DATA SHEET

MAP NO.: 5642D

CASE NO. BZA 11-88

(CPO 4B, 3/15/88)

REQUEST: Exception to permit the establishment of a child daycare center

EXISTING ZONING: "A" Two-family Dwelling District

GENERAL LOCATION: On the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

APPLICANT: MacArthur Park, Inc.

ADDRESS: 435 North Broadway, Wichita, KS. 67202

PHONE: 263-0118

AGENT: Colby B. Sandlian

ADDRESS: 435 North Broadway, Wichita, KS. 67202

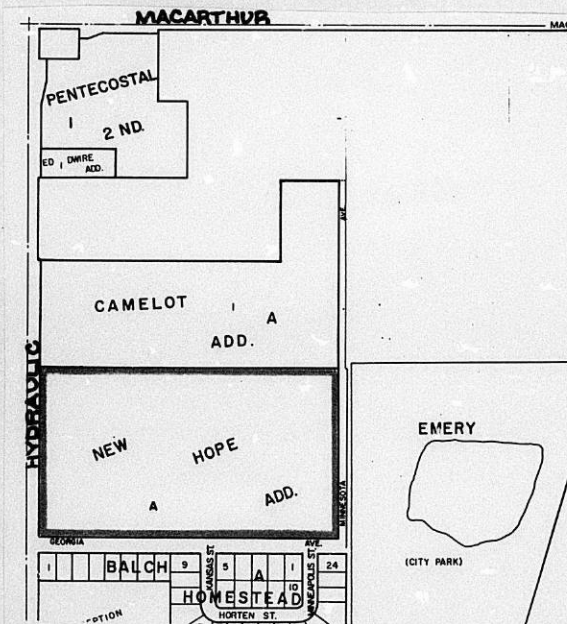
PHONE: 263-0118

AREA DATA

Acres: 20.53 or (1244.05 ft. by 718.48 ft.)

Adjacent Zoning and Land Use:

North	R-5	<i>approved for "G"</i>	<i>Undeveloped</i>
South	AA		
East	AA		<i>City park</i>
West	AA		



SHAWNEE, ILL.
 No. 2-153C
 HASTINGS, ILL.
 LOS ANGELES, CHICAGO, LOGAN, OH.
 MADISON, TX-LOCUST GROVE, IA.
 U.S.A.

Shawnee

BZA INSPECTION SHEET

MAP NO.: 5642D

CASE NO. BZA 11-88

REQUEST: Exception to permit the establishment of a child daycare center

EXISTING ZONING: "A" Two-family Dwelling District

GENERAL LOCATION: On the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

APPLICANT: MacArthur Park, Inc.

ADDRESS: 435 North Broadway, Wichita, KS. 67202

PHONE: 263-0118

AGENT: Colby B. Sandlian

ADDRESS: 435 North Broadway, Wichita, KS. 67202

PHONE: 263-0118

HEARING DATE: 3/22/88

BZA ACTION: Approve, subject to operating conditions specified in BZA resolution.

FOLLOW-UP DATE: None

RESPONSE BY CID:

PL/0374/1

WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

April 1, 1988

Mr. Colby B. Sandlian
MacArthur Park, Inc.
435 N. Broadway
Wichita, KS 67202

Re: BZA 11-88 - Exception for child daycare center

Dear Mr. Sandlian:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1988. This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Secretary

JHG/jcm
Enclosure

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

FILE COPY

RESOLUTION NO. BZA 11-88

WHEREAS, MacArthur Park, Inc., 435 N. Broadway, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child care center on property zoned the "A" Two-Family Dwelling District with a C.U.P. for apartments and legally described as follows:

Lot 1, Block A, New Hope Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

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 March 22, 1988, 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 the establishment of a child care center 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 the establishment of a child care center on property zoned the "A" Two-Family Dwelling District with a C.U.P. for apartments and legally described as follows:

Lot 1, Block A, New Hope Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

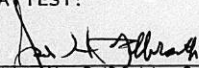
subject to the following conditions:

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.
3. Children enrolled in this child care facility shall be limited to those residing in this apartment complex.
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. 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.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1988.


Danny E. Jenkins, President

ATTEST:


Jack H. Galbraith, Secretary

BZA Resolutions - 3/22/88

WICHITA

FILE COPY



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

March 23, 1988

Mr. Colby B. Sandlian
MacArthur Park, Inc.
435 N. Broadway
Wichita, KS 67202

Re: BZA 11-88 - Exception for child daycare center

Dear Mr. Sandlian:

At the regular meeting of the Board of Zoning Appeals on March 22, 1988, your request for an exception was considered. It was the action of the Board to approve the application, 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.
3. Children enrolled in this day care facility shall be limited to those residing in this apartment complex.
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. 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.

The Resolution setting forth the official action of the Board will be mailed to you after we obtain signatures of the President and Secretary.

If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez
Louise Olivarez
Assistant Secretary

LO/jcm

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

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE March 18, 1988

TO Louise Olivarez, Principal Planner

FROM Shirley Mast, Administrative Aide III

Shirley Mast

SUBJECT BZA 11-88: East side of
Hydraulic approximately 1/3
mile south of MacArthur Road
- 4244 South Hydraulic
(exception)

On Tuesday, March 15, 1988, South CPO Council 4B considered the captioned case, a request for an exception to permit the establishment of a child day care center on property zoned the "A" Two Family Dwelling District with a residential community unit plan permitting apartments. Council members were provided the Notice of Public Hearing and MAPD staff comments. Following discussion, the Council voted 8-0 to recommend approval of the request subject to MAPD staff comments.

Leon Moeder appeared as a representative for the applicant, MacArthur Park, Inc. Mr. Moeder explained that MacArthur Park, Inc., is requesting an exception to permit the establishment of a child day care center within the apartment complex at 4244 South Hydraulic. The day care center will be limited to children who reside at the apartment complex.

No area residents or property owners were present to address the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 11-88 is considered at the March 22nd meeting.

SM:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 11-88

OWNER/APPLICANT/AGENT: MacArthur Park, Inc. (owner)
Colby Sandlian (agent)

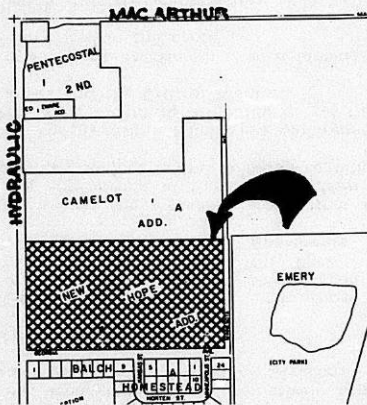
REQUEST: Exception to permit the establishment of a child day care center.

CURRENT ZONING: "A" Two-Family Dwelling District with a C.U.P.

SITE SIZE: 2.1 acres

LOCATION: On the east side of Hydraulic, approximately 1/3-mile south of MacArthur Road (4244 S. Hydraulic).

PROPOSED USE: Child Day Care Center



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.

BZA 11-88 SR

BACKGROUND: The applicant is requesting an exception to permit the establishment of a child day care center within an apartment complex at 4244 S. Hydraulic. The center would be limited to children who reside at this apartment complex. Four existing units in the easternmost building would be remodeled for use by the day care center. The applicant has stated that 41 is the maximum number of children who could be accommodated in this facility. Required parking is to be provided in the existing lot located west of the proposed center. A playground will be provided to the south. Preliminary plans for this day care center have been reviewed and tentatively approved by the Fire and Health Departments and the Central Inspection Division.

ADJACENT ZONING AND LAND USE:

NORTH	R-5 (recommended for G)	Undeveloped
SOUTH	AA	Undeveloped
EAST	AA	City Park
WEST	AA w/CUP	Apartments

RECOMMENDATION: Should the Board determine that the proposed child day care facility would be appropriate at this location, then it is recommended that the exception 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.
3. Children enrolled in this day care facility shall be limited to those residing in this apartment complex.
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. When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

THE CITY OF WICHITA



DEPARTMENT OF HOUSING AND
ECONOMIC DEVELOPMENT
CENTRAL INSPECTION DIVISION
CITY HALL - SEVENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202

February 25, 1988

Leon Moeder
435 No. Broadway Suite 201
Wichita, KS 67202

Dear Mr. Moeder:

Re: The Children's Place, Inc.
4244 So. Hydraulic

The preliminary plans for the above listed project have been reviewed. Subject to the following items, a building permit could be issued.

1. One hour occupancy separation required at north wall, floor and ceiling.
2. Community Unit Plan DP-31 has provisions for day care center for occupants of development only.
3. Child care facilities are not allowed in the "A" Two-Family Dwelling District.
4. New stairs must meet the requirements of UBC Section 3306.
5. Provide handicapped access by ramp.
6. Provide handicapped restroom facilities.
7. Provide fire extinguishers.
8. Post Unit numbers.
9. Provide Type I kitchen hood.
10. Provide fire extinguishing system in kitchen hood.
11. Provide 40-B ratio fire extinguisher in kitchen.
12. Provide fire alarm system.
13. Provide smoke detectors.
14. Provide exit illumination.
15. Provide illuminated exit signs.
16. Provide emergency lighting.
17. Walls & ceilings Class $\frac{1}{2}$ finish.
18. Full review of final plans would be required prior to issuing a building permit.

SUPERINTENDENT OF CENTRAL INSPECTION . . . 268-4460
BUILDING CODE ENGINEER 268-4496
PLAN EXAMINATION 268-4477

HOUSING . . . 268-4451
ZONING 268-4479
SIGNS 268-4475

BUILDING & CONSTRUCTION . . . 268-4461
PLUMBING & MECHANICAL 268-4471
ELECTRICAL & ELEVATOR 268-4465

*41 children
residents only*

(35 # per child)

*is per
Leon Moeder
2-29*

THE CITY OF WICHITA

The Children's Place, Inc.
4244 So. Hydraulic
Page 2

If we can be of any further assistance please feel free to call.

Sincerely,

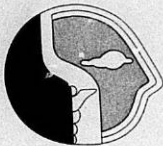
Loren Deines

Loren Deines
Building Plans Examiner

LD:bg

James A. Kater

James A. Kater
Plans Examiner, Fire Prevention



February 25, 1988

Leon Moeder
Suite 201
435 N. Broadway
Wichita, Kansas 67202

Dear Mr. Moeder:

This letter is to inform you that I have reviewed your blueprints for the proposed child care center at 4244 S. Hydraulic. They appear to be in compliance with Kansas Administrative Regulation 28-4-92 through 28-4-441. Final approval will be given upon inspection at the completed center.

Sincerely,

Jerry F. Kinzy, Chief
Environmental Services

JFK/jk

Wichita-Sedgwick County Department of Community Health
1900 East Ninth Street—Wichita, Kansas 67214-3198 (316)268-8401

BZA CASE NO. 11-88

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

1 NOTICES SENT TO APPLICANT/AGENT

13 NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 2-26-88

1 NOTICES SENT TO CPO

~~1~~ NOTICES SENT TO ~~CITY MANAGER~~ & CITY COUNCIL REPRESENTATIVE TO DISTRICT

4 NOTICES TO MAPD STAFF

Jack Galbraith
Louise Olivarez
~~Barbara Harris~~
Karen Crook

Bob Young

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 26, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 11-88

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by MacArthur Park, Inc. requesting an exception.

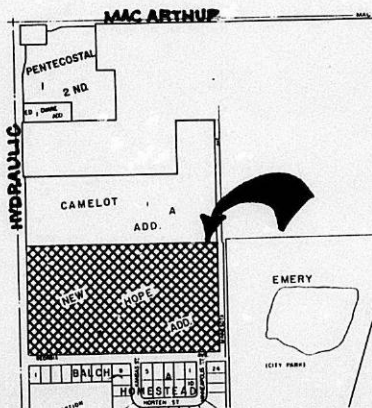
Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a child daycare center on property zoned the "A" Two-Family Dwelling District with a residential community unit plan permitting apartments. A legal description of the applicant's property is as follows:

Lot 1, Block A, New Hope Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

This application has been assigned Case No. BZA 11-88. It will be considered by the Board of Zoning Appeals on Tuesday, March 22, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest in or objections to the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 4B, South, will consider this case at their meeting to be held on Tuesday, March 15, 1988, at 7 p.m., at the National Guard Armory, 3617 South Seneca. Enter through Command Entrance, northwest corner of building. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



() Published in The Daily Reporter, February 26, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 22nd day of March, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 5-88 - St. Francis Regional Medical Center, Inc., 929 N. St. Francis, Wichita, Kansas 67214, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a group home for pregnant girls on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 221 and 223 on Emporia Avenue, Stafford and Wrights addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Emporia in an area north of 10th Street (1127 N. Emporia).

2. Case No. BZA 6-88 - Eddy's Toyota of Wichita, Inc., 6631 E. Kellogg, Wichita, Kansas 67207, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

North 138 feet of Lot 2, J. J. Burns Addition and Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 and 4925 E. Kellogg).

3. Case No. BZA 7-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single-family Dwelling District and legally described as follows:

Lot 3 except the North half, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 27th Street South in an area west of Seneca (1118 W. 27th Street South).

4. Case No. BZA 8-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

5. Case No. BZA 9-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted sign size from 32 square feet to 64 square feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

6. Case No. BZA 10-88 - Grace Presbyterian Church, 5002 E. Douglas, Wichita, Kansas 67208, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a pre-school on property zoned the "AA" One-family Dwelling District and legally described as follows:

A portion of Strieff Place, an Addition to Sedgwick County, Kansas, described as the south 22 feet of Lot 6 and all of Lots 7, 8, 9, and 11, Block 1, including half of vacated Coronado Place on the west but excluding the east 30 feet of Lots 6 thru 9 for street; Lot 10, Block 1, except the east 30 feet for street; the south 18 feet of Lot 4 and all of Lots 5, 6, 7, 8, 9, and 10, Block 2, including half of vacated Coronado Place on the east but excluding the west 40 feet of Lots 4 thru 9 for street; Lot 11, Block 2, except the west 40 feet for street. Generally located north of Douglas between Bleckley and Battin (5002 E. Douglas).

7. Case No. BZA 11-88 - MacArthur Park, Inc., 435 North Broadway, Wichita, Kansas 67202, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child day care center on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lot 1, Block A, New Hope Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 26th day of February, 1988.

Jack H. Galbraith, Secretary

Mtg. of 3-22-88

APPLICATION FOR EXCEPTION

I. Applicant MacArthur Park, Inc.
 Address 435 N. Broadway Zip Code 67202 Phone 263-0118
 Agent Colby B. Sandlian
 Address 435 N. Broadway Zip Code 67202 Phone 263-0118
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception to permit the establishment of
A Child Daycare Center

on property zoned "A Zoning With CUP with DP-31" which is
1244.05ft by 718.4ft (or 20.53 acres) in size, legally described as:
Lot 1, Block A, New Hope Addition

and located at (4244 South Hydraulic) East side of Hydraulic approximately
-47th Street between MacArthur Road and 1/2 mile
South of
 in the City of Wichita. MacArthur Rd.

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant MacArthur Park, Inc.

Authorized Agent Colby B. Sandlian, President

OFFICE USE ONLY:

Map No. 5642D Zoning: (N) R-5 (S) AA (E) AA (W) AA CPO 4B
 Received in Office of Secretary, Board of Zoning Appeals, 4 (a.m./p.m.),
2-19, 1988, together with appropriate fee of 300.00.

Signed Louise Olvera

OWNERSHIP LIST

*Application
over*

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Block A	New Hope Addition	MacArthur Park Inc. 435 N. Broadway Suite 201 Wichita, KS 67202
Lot 1	Block A	Camelot Addition	✓ Albert P. Guerra 2616 Bob White Wichita, KS 67204
Lots 1-10, inclusive	Block A	Balch Homestead Addition	✓ Donald D. Windmiller Max C. Windmiller c/o Donald D. Windmiller 1602 Via Ronda San Marcos, CA 92069
Lots 1-11, inclusive and Lots 23 and 24	Block B	"	Same As Above
Lot 10		Louis Third Addition	✓ Larry H. Schwein 1652 Alta Wichita, KS 67216
Lot 1	Block 1	Louis Fourth Addition	✓ Frank Ruggiero Barbara A. Ruggiero 4209 S. Hydraulic Wichita, KS 67216
Lot 2	Block 1	"	✓ Eldon C. Ennis Mable L. Ennis 1645 Alta Wichita, KS 67216
Lots 25 and 26	Block 1	"	✓ South Riverside Baptist Church, Wichita 4235 S. Hydraulic Wichita, KS 67216
Lots 1 and 2	Block 1	Louis Fifth Addition	✓ Herbert Gossen Wilma Gossen 4331 S. Hydraulic Wichita, KS 67216
Lot 1		Horten's Addition	✓ George Lee Merritt 4341 S. Hydraulic Wichita, KS 67216

Tract DescriptionProperty Owner

That part of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 15, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that portion conveyed to the Kansas Turnpike Authority by Deed filed in Book 1003, Page 521, and except the South 1219 feet thereof; and except a strip of land 100 feet in width described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Section 15; thence South on the East line of said Northwest Quarter to the Westerly right-of-way line of the Kansas Turnpike Authority to a point 1219 feet North of the South line of said Northwest Quarter; thence West parallel to the South line of said Northwest Quarter to a point 100 feet Northwesterly from said Westerly right-of-way line of said Kansas Turnpike Authority, said point being measured at right angles to said right-of-way line; thence Northeasterly parallel to and 100 feet from said right-of-way line to a point 100 feet West of the East line of said Northwest Quarter; thence North parallel to and 100 feet West of said East line of said Northwest Quarter to the North line of said Northwest Quarter; thence East 100 feet to the point of beginning.

- Najib T. Shabshab
340 S. Keith
Wichita, KS 67209

All that part of the South 1219 feet of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 15, Township 28 South, Range 1 East lying West of the right-of-way of the Kansas Turnpike.

Board of Park
Commissioners
455 N. Main
Wichita, KS 67202

Beginning 447.51 feet East of the Southwest Corner of the NW $\frac{1}{4}$ of Section 15, Township 28 South, Range 1 East; th. North parallel to the West line of the NW $\frac{1}{4}$, 292 feet; th. East 149.17 feet; th. South 292 feet; th. West 149.17 feet to beginning.

- Quanah England
Deborah England
4338 S. Hydraulic
Wichita, KS 67216

Beginning 298.34 feet East of the Southwest Corner of the NW $\frac{1}{4}$ of Section 15, Township 28 South, Range 1 East; th. North 292 feet; th. East 149.17 feet; th. South 292 feet; th. West 149.17 feet to the point of beginning.

Sequayah Sequayah England
4340 S. Hydraulic
Wichita, KS 67216

Beginning 149.17 feet East of the Southwest Corner of the NW $\frac{1}{4}$ of Section 15, Township 28 South, Range 1 East; th. North parallel to the West line of the NW $\frac{1}{4}$, 292 feet; th. East 149.17 feet; th. South 292 feet; th. West 149.17 feet to the point of beginning, except the West 50 feet thereof.

✓ Sequoyah England
Dorothy F. England
4340 S. Hydraulic
Wichita, KS 67216

Beginning 40 feet West and 534.02 feet North of the Southeast Corner of the Northeast Quarter of Section 16, Township 28 South, Range 1 East; th. North 125 feet; th. West parallel with the North line of Lot 1, Louis 5th Addition, 278 feet; th. South 125 feet to the Northwest Corner of Lot 1; th. East on the North line of Lot 1, 278 feet to the point of beginning.

- Byron B. Marlett (Dec'd)
Shirley E. Marlett
c/o George L. Marlett
4341 Hydraulic
Wichita, KS 67216

<u>Tract Description</u>	<u>Property Owner</u>
Beginning 149.17 feet East of the Southwest Corner of the Northwest Quarter of Section 15, Township 28 South, Range 1 East; th. North 292 feet; th. East 50 feet; th. South 292 feet; th. West 50 feet to beginning.	✓ James O. Youngers Joan E. Youngers 4344 S. Hydraulic Wichita, KS 67216
A tract in the NW $\frac{1}{4}$ of Section 15, Township 28 South, Range 1 East described as beginning 146 feet North of the Southwest Corner of the Northwest Quarter; th. North 146 feet; th. East parallel with the South line of said NW $\frac{1}{4}$, 149.17 feet; th. South 146 feet; th. West 149.17 feet to the point of beginning.	Same As Above

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lot 1, Block A, New Hope Addition to Wichita,
Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 17th day of February, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Szable

By

Sr. Vice-President

Order No. 390980
nj

SECRETARY'S REPORT

CASE NUMBER: BZA 11-88

OWNER/APPLICANT/AGENT: MacArthur Park, Inc. (owner)
Colby Sandlian (agent)

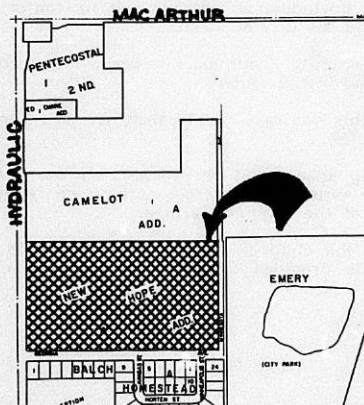
REQUEST: Exception to permit the establishment of a child day care center.

CURRENT ZONING: "A" Two-Family Dwelling District with a C.U.P.

SITE SIZE: 2.1 acres

LOCATION: On the east side of Hydraulic, approximately 1/3-mile south of MacArthur Road (4244 S. Hydraulic).

PROPOSED USE: Child Day Care Center



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.

BZA 11-88 SR

BACKGROUND: The applicant is requesting an exception to permit the establishment of a child day care center within an apartment complex at 4244 S. Hydraulic. The center would be limited to children who reside at this apartment complex. Four existing units in the easternmost building would be remodeled for use by the day care center. The applicant has stated that 41 is the maximum number of children who could be accommodated in this facility. Required parking is to be provided in the existing lot located west of the proposed center. A playground will be provided to the south. Preliminary plans for this day care center have been reviewed and tentatively approved by the Fire and Health Departments and the Central Inspection Division.

ADJACENT ZONING AND LAND USE:

NORTH	R-5 (recommerded for G)	Undeveloped
SOUTH	AA	Undeveloped
EAST	AA	City Park
WEST	AA w/CUP	Apartments

RECOMMENDATION: Should the Board determine that the proposed child day care facility would be appropriate at this location, then it is recommended that the exception 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.
3. Children enrolled in this day care facility shall be limited to those residing in this apartment complex.
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. When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

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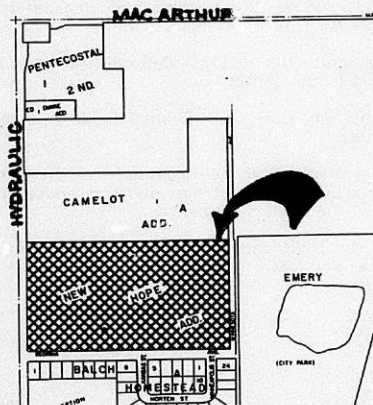
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BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. _____
MARCH 22, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 11-88

OWNER/APPLICANT/AGENT: MacArthur Park, Inc. (owner)
Colby Sandlian (agent)

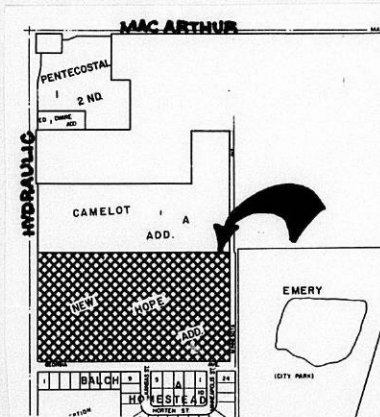
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Nº 00014

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA Waiver and 2 signs

Name Colby Lardian

Address 435 N. Broadway

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)

Amount 4300.00

Date 2-19-88 Due Date 2-19-88 By SO

Form 00-000

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 3