

6-23-78

*POSTED
7-6-78
CIV
MAY
8-16-78
CIV*

ACTION

BZA 29-78 COMMITTEE Approved DATE 7-25-78

M.A.P.C. _____

B.C.C./B. CO. C. _____

38 cars

Case No. BZA 29-78 - Rainbows United, Inc., request an exception to permit the addition to a day care center on property generally located on the west side of Wellesley in an area

Map No. 5750
 Sec. 2
 Twp. 27
 Range 1E

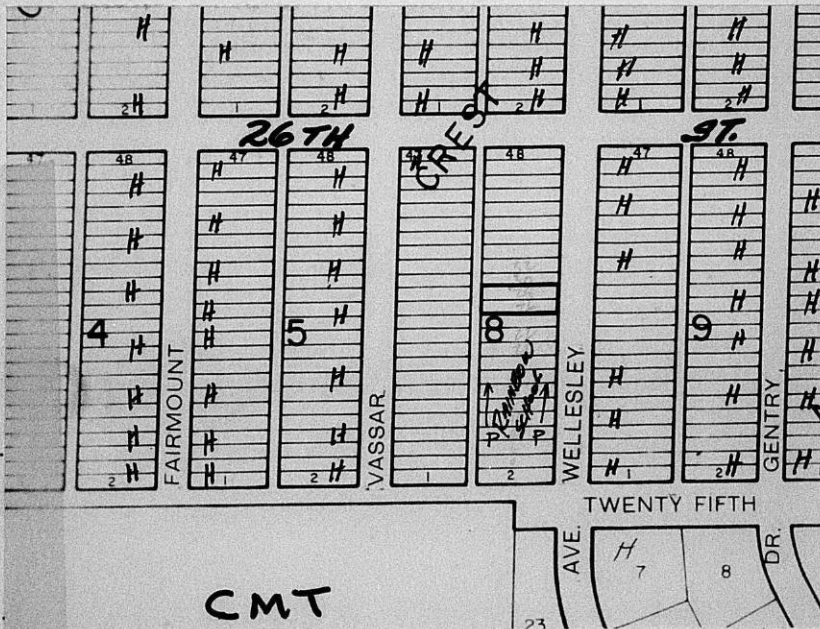
BZA- 29-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.16 (50 ft. by 140 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Single Family Residential South RAINBOW SCHOOL
 West UNDEVELOPED North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



SHAW-WALKER, INC. - LOS ANGELES
 No. 2152C
 LONDON, ON - AMBASSOR, TX, U.S.A.

1044

RESOLUTION NO. BZA 29-78

WHEREAS, Rainbows United, Inc., 2615 Wellesley, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 26 and 28, Block 3, Post and Christy's College Crest Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellesley in an area between 25th and 26th Streets.

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 July 25, 1978, 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 "AA" Single 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 "AA" Single Family Dwelling District and legally described as follows:

Lots 26 and 28, Block 3, Post and Christy's College Crest Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellesley in an area between 25th and 26th Streets.

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. 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. 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.
6. The required parking and loading spaces shall be paved with concrete, asphalt or other comparable material.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1978.

ATTEST:

Larry Dobsch
Larry Dobsch, Assistant Secretary

Mary L. Koplitz
Mary L. Koplitz, Chairman

August 9, 1978

Ms. Linda G. Weir
c/o R. Inbows United, Inc.
2615 Wellesley
Wichita, Kansas 67220

Re: Case No. BZA 29-78
Request for Exception

Dear Ms. Weir:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 25, 1978, in connection with your request for an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Wellesley in an area between 25th and 26th Streets.

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,

Larry Dobson
Assistant Secretary

LD:bbc
Enclosure

cc: Robert Feldner, Supt., Central Inspection
Joe Donnell, Housing and Zoning Administrator
Don Gisick, City Clerk
Leola Lindahl, Health Department

Dobson

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE July 20, 1978

TO Larry Dobson, Secretary, Board of Zoning Appeals

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 29-78

Due to a combination of members' illness, vacation plans, and business obligations, CPO Council "I" had no quorum for its July 18 meeting.

Therefore, no Council recommendation was made on case number BZA 29-78.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:rh

NOTED

David L. Furnas
David Furnas
Citizen Participation Coordinator



July 26, 1978

Ms. Linda G. Weir
c/o Rainbows United, Inc.
2615 Wellesley
Wichita, Kansas 67220

Re: Case No. BZA 29-78
Request for Exception

Dear Ms. Weir:

At the regular meeting of the Board of Zoning Appeals on Tuesday, July 25, 1978, your request for an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Wellesley in an area between 25th and 26th Streets was considered.

It was the action of the Board to grant this request 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. 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. 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. The required parking and loading spaces shall be paved with concrete, asphalt or other comparable material.

Ms. Linda Weir
Page 2
7-26-78

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

. . .
Very truly yours,

. . .
Larry Dobson
Assistant Secretary

LD:bh

cc: Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 29-78

APPLICANT: Rainbows United, Inc., 2615 Wellesley, Wichita, Kansas.

AGENT: Linda G. Weir, 2615 Wellesley, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a child care center.

GENERAL LOCATION: West side of Wellesley, in an area between 25th and 26th Streets.

LAND USE: Subject property is vacant as are properties to the north and west. South is Rainbows United School. East is single family residential development.

ZONING: Subject property and all surrounding properties are zoned the "AA" Single Family Dwelling District.

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 applicants, Rainbows United, are requesting an exception to permit the expansion of a child care center. They are presently operating their school on adjacent property to the south and are desirous of adding a 60 by 80 foot addition to the north end of the existing building. The existing center is being operated by authority of an exception granted by the Board of Zoning Appeals in August of 1976 (BZA 32-76).

Rainbows United, although falling under the jurisdiction of child care center regulations, is more of a training center where pre-school and elementary school age children, who are severely mentally or physically handicapped, are taught basic self-help skills. Programs are designed to teach these basic skills both individually and in small groups.

Children are in attendance at the center between 9:00 a.m. and 3:00 p.m. Three 16-passenger vans deliver and pick up children at the southwest door of the building, while other children are brought to the center by their parents. Approximately 25 staff members presently work at the center. The existing center is licensed for 56 children; the proposed addition would increase the capacity by approximately 30 children.

The site plan submitted with the application shows that 34 off-street parking spaces are provided on the property south of

SECRETARY'S REPORT
Case No. BZA 29-78
Page 2

the existing building. The total capacity of the center and the number of staff members will have to be established before it can be determined whether this will be sufficient off-street parking to meet the parking and loading space requirements.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception to permit the operation of a child care center 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. 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. 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.
 6. The required parking and loading spaces shall be paved with concrete, asphalt or other comparable material.
-

12 notices sent to agent and/or applicant and adjacent property owners
10 notices sent to MAPC
1 notice to CPO
23 total notices sent on BZA 29-78

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

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 29-78

An application has been filed by Rainbows United, Inc., 2615 Wellesely, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 26 and 28, Block 3, Post and Christy's College Crest Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellesley in an area between 25th and 26th Streets.

This application has been assigned Case No. BZA 29-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, First Floor City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. BZA 29-78

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Rainbows United, Inc.

Mailing Address 2615 Wellesley Phone 683-7551
Wichita, Kansas 67220

Name of Authorized Agent Linda G. Weir

Mailing Address 2615 Wellesley, Wichita, Ks. Phone 683-7551
67220

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of Addition to Day Care Center

_____ on property zoned AA, located directly north of existing building at 2615 Wellesley and legally described as: Lots 26 and 28, Block Eight, Post & Christy's College Crest Addition

_____, in the City of Wichita.

- 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. 24-606); and that the appropriate fee is herewith tendered;
 - c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
 - d. 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.

Applicant Rainbows United, Inc.

Authorized Agent Linda G. Weir

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 5:00 (a.m. p.m.), 5-26, 1978, together with appropriate fee of \$50.00

5750
T9-403 B

*W. side of Wellesley
in area between
25th & 26th streets*

Signed Larry Dobson

Rainbows United, Inc.
2615 Wellesley · Wichita, Kansas 67220
(316) 683-7551

Director
Linda G. Weir

**Chairman of
the Board**
Hal McCoy

**Board of
Directors**
Jim Berberick
Marilyn Boettger
Zenda Carney
Richard Eusen
Richard Gilmartin, M.D.
John Jorgensen
Roy Knappenberger, M.D.
Nancy Lafferty
Sue Lockett
Martin Perline
Walter Ranney
Vivian Ritchie
Tom Salter
Velerie Spikes
Rod Taylor
Bill Warburton
Gladys Wiedemann

Rainbows United, Inc.

Statement of Purpose

6-22-78

Rainbows United, Inc. is a day care setting which provides special training to pre-school age and elementary school age children who are severely mentally or physically handicapped. Children enrolled are placed in a classroom specific to their needs where they are worked with both in small groups and individually. Additionally, they receive individual speech, physical and occupational therapy daily.

Rainbows' goal is to prepare a child for other programs by teaching him the self-help skills, thus preparing him for other opportunities for an education within this community.

Workshops provide each parent the opportunity to learn to teach his own child more effectively at home. A home trainer is available to go into the home to help the parents directly with problems in the child's training. This enables a closed coordination of home and school effort.

Daytime Activities: Three 16 passenger vans pick children up and delivers them under a covered walkway to the southwest door of the building. Children are in attendance between 9:00 a.m. and 3:00 p.m. Others are brought to the center by their parents.

Approximately twenty-five staff members who work between the hours of 8:00 and 4:30 would park their cars regularly in the lot adjacent to the building. A limited number of volunteers or visitors might come or go during this time.

Evening Activities: Once each year, an evening enrollment session is scheduled. About half of the parents come at this time, others enroll during the afternoon.

Quarterly board meetings might occur at the school although they are often scheduled for members' homes. About 12 persons would be in attendance for these. Other evening meetings, such as parent training workshop might occur on an irregular basis.

RAINBOWS UNITED, INC.

Need for Variance in Zoning

Rainbows United, Inc. is a school which provides training in self-help skills to severely retarded children. These children are not presently served by public schools although, were they served, the curriculum would be basically the same. Because accreditation standards for schools serving severely retarded children are not yet set by the state Rainbows United is not able to be accredited as such and must be licensed as a day care center.

It differs from "day care" in the number of hours children attend the center (regular school hours, 9:00 a.m. to 3:00 p.m.) in the activity level of children involved. About one half the children enrolled are non-ambulatory and, therefore, not involved in active or rowdy play. This plus the high ratio of staff to children causes Rainbows to seem preferable to a public school from a community environmental standpoint.

It is because accreditation standards for schools serving the children trained by Rainbows are not yet defined by the state that it seeks zoning B to enable it to be classified as a day care center.

OWNERSHIP LIST

Lot	Addition	Property Owner
Lots 26 & 28, Block 8	Post & Christy's College Crest	Rainbows United Inc. of Wichita 2615 Wellesley 67220
Lots 30,32,34,36,38,40, 42,44, 16,18,20,22 & 24, Block 8	" " " " "	United Presbyterian Church in United States of America Inc. 2615 Wellesley 67220 <i>mail recd 7-3-78</i>
Lots 10, 12, 14, Block 8	" " " " "	Presbytery of Southern Kansas 2615 Wellesley 67220 <i>mail recd 7-3-78</i>
Lots 11, 13, 15, 17 & 19, Block 8	" " " " "	" " " " " "
Lots 21 & 23, Block 8	" " " " "	Leroy T. McCray 1410 N. Broadview 67208
Lots 25, 27, 29, 31 Block 8	" " " " "	Presbytery of Southern Kansas 2615 Wellesley 67220
Lots 33, 35, 37 Block 8	" " " " "	Louis J. Banks & Maude S. 2640 N. Vassar 67220
Lots 39, 41 & 43, Block 8	" " " " "	" " " " " "
Lot 9, Block 9	" " " " "	Administrator of VA 5500 E. Kellogg 67218
Lots 11, 13 & 15, Block 9	" " " " "	Lester R. Hoy & Frances M. 2616 Wellesley 67220
Lots 17, 19 & 21, Block 9	" " " " "	Ossie B. Prim & Joyce J. 2624 Wellesley 67220
Lots 23, 25, 27, 29, 31 Block 9	" " " " "	Ernest Ross Jr. & Gloria Dean 1643 Fairmount 67208
Lot 33, Block 9	" " " " "	R.A. Farha 640 N. Main 67203
Lot 35, Block 9	" " " " "	H.D. Mills & Joyce I. Rt 1 Clearwater, Ka. 67226
Lot 37, Block 9	" " " " "	N.B. Farha 1409 Wassall 67216
Lots 39, 41 & S 11' 43, Block 9	" " " " "	Administrator of VA 5500 E. Kellogg 67218 <i>rd in file</i>
N 14' Lot 43, Block 9	" " " " "	Myrel A. Howard & Donald J. address unknown <i>not in CD</i> <i>not in SD</i>

We hereby certify the foregoing to be a true and correct list of the property owners of:

200' radius of Lots 26 & 28, Block 8,
Post and Christy's College Crest Addition
to Wichita, Kansas, Sedgwick County, Kansas

as shown by the last deeds of record on file in the office of the Register of Deeds of Sedgwick County, Kansas, on this 23rd day of June, 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Order No. 265891
rmk

By *Mary Kable*
Vice President

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

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 29-78

An Application has been filed by Rainbows United, Inc., 2615 Wellesley, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 26 and 28, Block 3, Post and Christy's College Crest Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellesley in an area between 25th and 26th Streets.

This application has been assigned Case No. BZA 29-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, First Floor City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Betty

Important!
Notice of Hearing
Enclosed

RETURNED
TO
SENDER
NOT DELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
MUNGER



United Presbyterian Church in
United States of America, Inc.
2615 Wellesley
Wichita, Kansas 67220

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

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 29-78

An application has been filed by Rainbows United, Inc., 2615 Wellesley, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 26 and 28, Block 3, Post and Christy's College Crest Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellesley in an area between 25th and 26th Streets.

This application has been assigned Case No. BZA 29-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, First Floor City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Betty
Handwritten mark
NOT DELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
MUNGER

Important!
Notice of Hearing
Enclosed



Presbytery of Southern Kansas
2615 Wellesley
Wichita, Kansas 67220

FORM 223-021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Fee	Cement	M.S.P.

DESCRIPTION	AMOUNT
<i>City of Wichita</i>	<i>5.00</i>

NAME *Chandler United Inc.*

ADDRESS *2615 W. 10th St.*

FUND *114-4071003* DUE DATE *01-01-000*

COMMENTS

DATE *4/27/02* BY *[Signature]*

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1