

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)

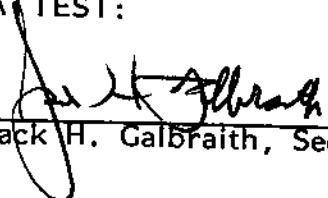
subject to the following conditions:

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

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 *JH*

JHG/jcm  
Enclosure

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

**FILE COPY**

**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.

SECRETARY'S REPORT

CASE NUMBER: BZA 11-88

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

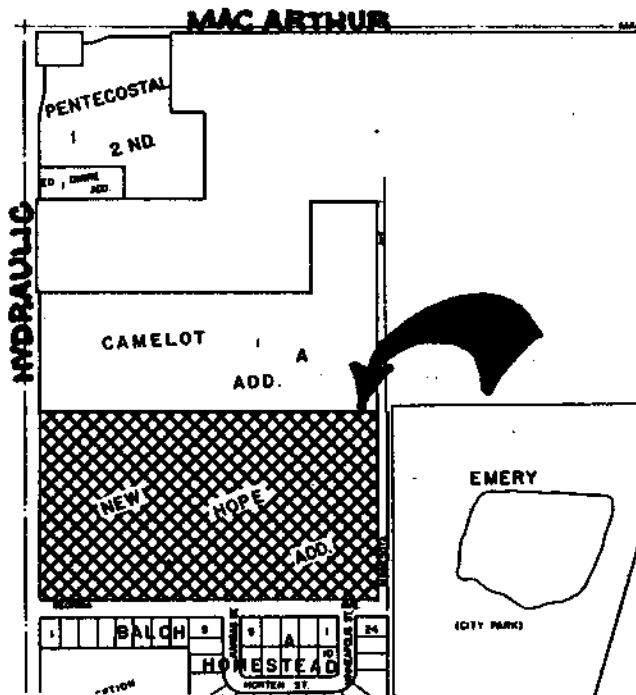
REQUEST: Exception to permit the establishment of a child day care center.

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.