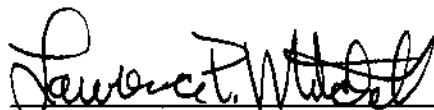


ADOPTED AT WICHITA, KANSAS, this 26th day of September , 1995.



Keith A. Alter, President

ATTEST:



Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 14-95

WHEREAS, Covenant Presbyterian Church, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a child care center on property zoned the "AA" One-Family Dwelling and legally described as follows:

Lot 1, Block 1, Northwest Village 3rd Addition, Wichita, KS. Generally located at the northeast corner of Tyler and 16th Street (1750 North Tyler).

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 September 26, 1995, 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 on property zoned the "AA" One-Family Dwelling, 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 on property zoned the "AA" One-Family Dwelling and legally described as follows:

Lot 1, Block 1, Northwest Village 3rd Addition, Wichita, KS. Generally located at the northeast corner of Tyler and 16th Street (1750 North Tyler).

subject to the following conditions:

1. The child care center shall comply with all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
2. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.
3. A fenced playground shall be provided as required by the Health Department licensing regulations. 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. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.
5. Signs for the child care center shall be limited to those permitted in the "AA" District, as specified in Section 24.04.190 of the City Code.
6. This proposed child care center shall be licensed and in operation within one year following approval by the Board, and continued operation shall be in compliance with all conditions as specified above, or this use exception may be declared null and void.

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD

SEDGWICK COUNTY

epolandra



**METROPOLITAN AREA PLANNING
DEPARTMENT**

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

September 28, 1995

Mr. Warren Muller
Covenant Presbyterian Church
1750 N. Tyler Road
Wichita, KS 67212

**RE: BZA 14-95 - Exception to permit a child care center on property zoned "AA"
One-Family Dwelling and generally located at the northeast corner of Tyler and
16th Street (1750 North Tyler).**

Dear Mr. Muller:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on September 26, 1995. 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 call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: Mike Greene, 1635 Chambers, Wichita KS 67212
Brita Hammit, YMCA, P. O. Box 3636, Wichita, KS 67201
J. R. Cox, OCI
Paul Hays, OCI

5. Impact of the proposed development on community facilities: The proposed use will be located adjacent to an arterial street which serves the area and adequate municipal services exist on the site to serve the proposed use.

ADJACENT ZONING AND LAND USE:

NORTH:	"AA"	One-Family Dwellings
SOUTH:	"AA & BB"	One-Family Dwellings and Undeveloped Land
EAST:	"AA"	One-Family Dwellings
WEST:	"AA"	One-Family Dwellings

RECOMMENDATION: Should the Board determine that a child care center 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 all applicable building codes of the City of Wichita and with all licensing requirements of the Wichita-Sedgwick County Health Department.
2. The maximum number of children to be accommodated at any one time shall not exceed the licensed capacity, as determined by the appropriate licensing agencies.
3. A fenced playground shall be provided as required by the Health Department licensing regulations. 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. On-site parking shall be provided for the child care center as required by City Code, which currently is one space for each teacher and employee, plus one space for each vehicle used in the operation of the center, plus one space for each ten children beyond the first twelve.
5. Signs for the child care center shall be limited to those permitted in the "AA" District, as specified in Section 24.04.190 of the City Code.
6. This proposed child care center shall be licensed and in operation within one year following approval by the Board, and continued operation shall be in compliance with all conditions as specified above, or this use exception may be declared null and void.

SECRETARY'S REPORT

CASE NUMBER: BZA 14-95

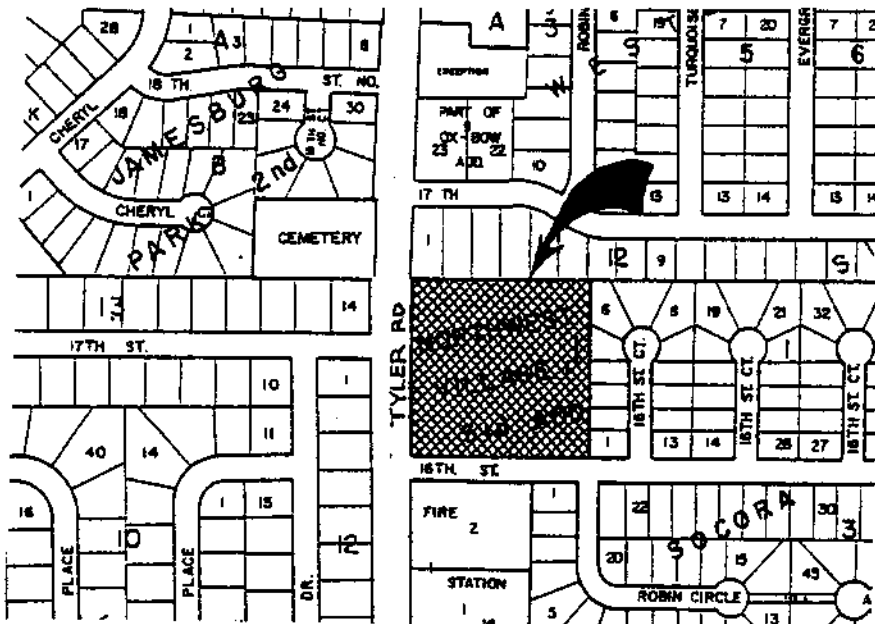
OWNER/APPLICANT: Covenant Presbyterian Church
AGENT: Brita Hammit and Mike Greene

REQUEST: Exception to permit a child care center.

CURRENT ZONING: "AA" One-Family Dwelling.

SITE SIZE: 4.65 Acres.

LOCATION: Northeast corner of Tyler and 16th Street North (1750 North Tyler Road).



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 Covenant Presbyterian Church currently has a church facility located on the northeast corner of Tyler Road and 16th Street North. They are requesting permission to operate a child care center within the existing church building. The type of service that will be provided is a latchkey program that will be operated by the YMCA. The hours of operation will be from 7:00 to 8:00 a.m. and 3:00 to 6:00 p.m. Monday thru Friday during the school year. Maximum number of children, ages 5 thru 12 years old, to be served at this site would be 28.

The proposed classrooms to be used for the latchkey activities have been inspected by the Health Department, Fire Department, and OCI. A list of necessary modifications has been provided to the applicant. A fenced area exists on the south side of the church structure that will be developed as a playground. Required parking can be accommodated in the paved lot located south of the building.

Staff Recommendation: Planning staff recommends that the exception be approved. This recommendation is based on the following findings:

1. The character of the neighborhood: The general area is characterized by a mixture of residential uses from one-family to two-family. This child care center would be similar to an elementary school which is traditionally located in a residential area.
2. The zoning and uses of the properties nearby: Properties to the north, west, and east of the site are zoned "AA" One-Family Dwelling. Properties to the south are zoned "BB" Office and "AA" One-Family Dwelling. The latchkey activities proposed to be conducted on the application area will be a service to residents living in the surrounding neighborhood, therefore, the proposed use is compatible with the zoning and the uses of nearby properties.
3. The suitability of the subject property for the use requested, and the appropriateness of the proposed use for the general area: The property is developed with a church and the building and associated parking blends in with the community. The site is of sufficient size to provide for adequate off street parking and the building can easily provide space for the proposed use. Therefore, the site is suitable for the proposed use.
4. The extent to which the granting of the exception will detrimentally affect nearby property: Activities associated with this exception will be conducted within the structure or enclosed play area on the site and sufficient off-street parking already exists. Therefore, nearby property should not be impacted by the proposed use.