

CU-248 - Riverview Baptist Church
requests Special Permit to Estab-
lish a Pre-School for more than
10 Children, on property zoned
.1" Suburban Residential

closed

ACTION

COMMITTEE	DATE
M.A.P.C. <i>Approval subject to conditions</i>	<i>10-8-81</i>
B.C.C./B. CO. C. <i>Approved on record</i>	<i>11-4-81</i>

*Posted
9-3-81*

Closed

CU-248 - Riverview Baptist Church requests Special Permit to Establish a Pre-School for more than 10 Children, on property zoned 1st Suburban Residential

Map No. 5454C
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 248
Filed 8-28-81

ASSOCIATED CASE: _____

APPLICATION DATA: From _____ to _____

1. Applicant: Riverview Baptist Church
Address 844 W. 53rd St. North, 67204 Phone 838-4861
2. Agent: Byron D. Tracy, Pastor
Address 926 W. 53rd St. North, 67204 Phone 838-8274
3. General Location: On the northside of West 53rd St. North, in an area between Interurban Drive and Shelton.
4. Proposed Use: To establish a Pre-School for more than 10 Children
on Property zoned "R-1"

AREA DATA:

1. Acres: 2.5 / 1.5 (175 ft. by 378 ft.)
2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted.

PROCEDURE DATA:

1. Zoning Committee _____ by _____
2. MAPC Meeting:

Date	Action
<u>10-8-81</u>	<u>Approval subject to conditions</u>
_____	_____
_____	_____

3. Governing Body (~~Bd. City Commissioners~~ - Bd. County Commissioners)

Date	Action	Resolution
<u>11-4-81</u>	<u>Approved as recommended</u>	<u>11-23-81</u>
_____	_____	_____
_____	_____	_____

NOTES:

U.S. GOVERNMENT PRINTING OFFICE: 1975
WASHINGTON, D.C. 20540

No. 2153C

Smith

Map No. 5454C
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 248
Filed 8-28-81

ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
1. Applicant: Riverview Baptist Church
Address 844 W. 53rd St. North, 67204 Phone 838-4861
 2. Agent: Byron D. Tracy, Pastor
Address 926 W. 53rd St. North, 67204 Phone 838-8274
 3. General Location: On the north side of West 53rd Street North, in an area between Interurban Drive & Shelton.
 4. Proposed Use: To establish a Pre School for more than 10 children on Property zoned "R-1"

- AREA DATA:
1. Acres: 2.5 / 1.5 (175 ft. by 378 ft.)
 2. Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
 3. Land Use: East SINGLE FAM South SINGLE FAM
West ? North ?
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted. LAND USE NEEDS UP DATED

PHOTO DATA: Q Date 9-23-81 Time 1PM



Map No. 5434C
 Sec. _____
 Twp. _____
 Range _____

DATA SHEET
 (ZONING & CONDITIONAL USE)

Z- _____
 SCZ- _____
 CU- 248
 Filed 8-23-81

ASSOCIATED CASE: _____

- APPLICATION DATA: From _____ to _____
- Applicant: Riverview Baptist Church
 Address 844 W. 53rd St. North, 67204 Phone 838-4861
 - Agent: Byron D. Tracy, Pastor
 Address 926 W. 53rd St. North, 67204 Phone 838-8274
 - General Location: West corner of Incurban Place and W. 53rd Street North, all legal Address _____
 - Proposed Use: To establish a Pre-School for more than 10 Children on Property zoned "R-1"

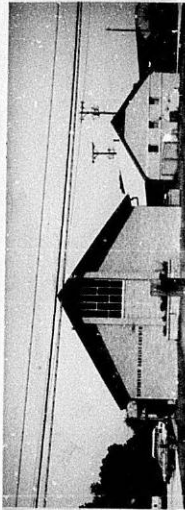
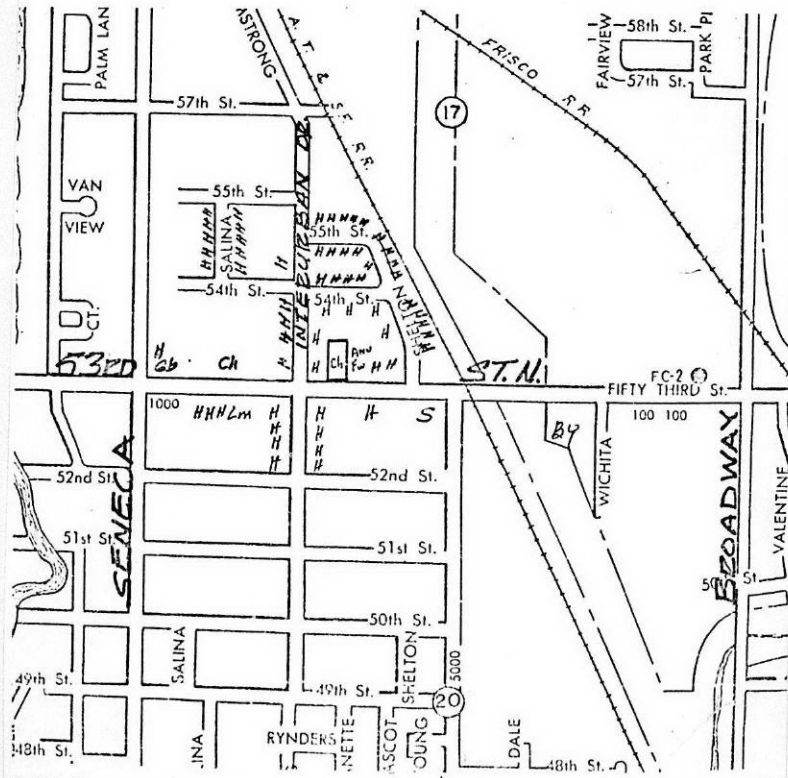
AREA DATA:

- Acres: 2.515 (175 ft. by 378 ft.)
- Adjoining Zoning: E "R-1" S "R-1" W "R-1" N "R-1"
- Land Use: East SINGLE FARM South SINGLE FARM
 West ? North _____
- Sketch Plan Land Use is for: _____
- Present Land Use is for: _____
- Area (is) (is not) platted. LAND USE NEEDS UPDATING

PHOTO DATA:

Taken by _____ Date _____ Time _____

CU- 248 PICTURE SHEET



Z- _____
 SCZ- _____
 CU- 248
 Filed 8-23-81

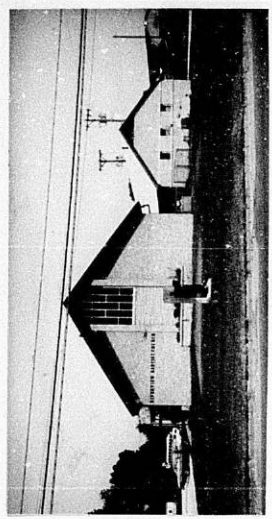
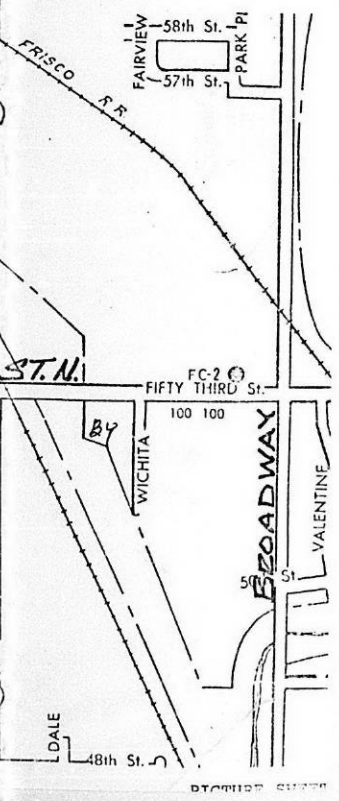
ASSOCIATED CASE: _____

04 Phone 838-4861
 4 Phone 838-8274
 Interurban Plate and W. 53rd
 Address _____
 for more than 10 Children

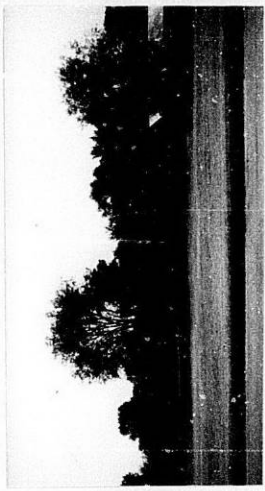
ft. by 378 ft.)
 1" W "R-1" N "R-1"
 South SINGLE FAM
 North ?

LAND USE NEEDS DISTRICT

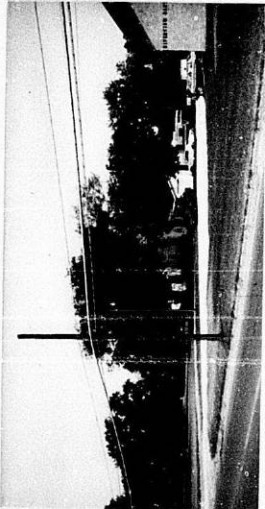
Time _____



3



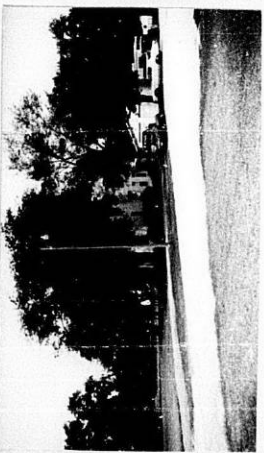
9



2



5



1



4

R# 228-1981

MAPD

(*not given*) Published in The Wichita Eagle-Beacon on Nov. 23, 1981

RESOLUTION

CASE NO. CU-248

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A NURSERY (PRE-SCHOOL) IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LAND LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 1.A.10.G AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 1.A.10.g and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow establishment of a nursery (pre-school) in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The east 175 feet of the South 258 feet of the West Half of Lot 23, Ave. A., Interurban Place, and the East 175 feet of the West 306 feet of the South 78 feet of Lot 22, and the East 175 feet of the West 306 feet of the North 42 feet of Lot 23, Ave. A., Interurban Place, Sedgwick County, Kansas. Generally located on the north side of West 53rd Street North, in an area between Interurban Drive and Shelton.

SUBJECT TO THE FOLLOWING:

- a. The Nursery (pre-school) shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire regulations of the State of Kansas and Sedgwick County.
- b. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the nursery (pre-school).
- c. 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.
- d. Off-street parking 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 Nursery (pre-school).

- e. When the capacity of the Nursery (pre-school) exceeds twelve, one off-street lading space shall be provided for each ten children or major fraction thereof.
- f. The applicant shall dedicate by separate instrument 20 feet of additional street right-of-way for 53rd Street North prior to the publication of the resolution establishing the Conditional Use; and within 90 days from the date of approval by the Board of County Commissioners; or the case be considered denied and closed.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official Zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 4th day of November, 1981.


Donald E. Gragg, Chairman

Absent, Commissioner
Jack Spratt

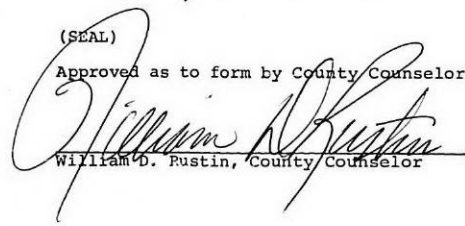

Tom Scott, Commissioner

ATTEST:


Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor


William D. Rustin, County Counselor

5454c

DEDICATION

D-1059

file ✓ cover 20-248

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Byron D. Tracy, Pastor
Riverview Baptist Church

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

South 20 feet of the East 175 feet of the South 258 feet of the West half of Lot 23, Avenue A., Interurban Place, Sedgwick County, Kansas.

do hereby dedicate the above described real estate to the public for _____ street _____ purposes.

Executed this 14th day of October 1981.

RIVERVIEW BAPTIST CHURCH
Byron D. Tracy, Pastor



STATE OF KANSAS)
SEDGWICK COUNTY) ss

BE IT REMEMBERED, that on this 14th day of October, 1981,

came Byron D. Tracy, Pastor, Riverview Baptist Church

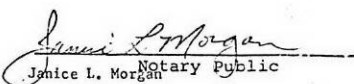
to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____,

City Clerk


Janice L. Morgan
Notary Public

My Commission Expires: 1-5-82

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-248

CONSIDERED BY MAPC: 10-8-81

REQUEST FOR: Conditional Use Permit to establish a Nursery (Pre-school)

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To permit more than 10 children."

GENERAL LOCATION: North side of 53rd Street North in an area
between Interurban Drive and Shelton.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of
October 8, 1981).

APPLICANT: Riverview Baptist Church, 844 W. 53rd Street North.

AGENT FOR APPLICANT: Jamie Morgan, Secretary to Riverview Baptist
Church.

PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North, East, South and West, "R-1".

LAND USE: Existing, Church facilities; North and South, Single-family;
East, Greenhouse, garden & flower shop; West, Parsonage and Single-family.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the conditions as shown
in excerpt from Planning Commission minutes of October 8, 1981.
Martens moved, Bayouth seconded and it carried unanimously. Chisholm,
Goebel, Jones and Wilson were absent.

ACTION: 1. Accept the dedication, concur with the findings of fact of
the Metropolitan Area Planning Commission, approve the application
subject to the recommended conditions, adopt a resolution establishing
the Conditional Use; or
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 8, 1981

5. Case No. CU-248 - Riverside Baptist Church requests Special Permit for the East 175 feet of the South 258 feet of the West Half of Lot 23, Ave. A., Interurban Place, and the East 175 feet of the West 306 feet of the South 78 feet of Lot 22, and the East 175 feet of the West 306 feet of the North 42 feet of Lot 23, Ave. A., Interurban Place, Sedgwick County, Kansas. Generally located on the north side of West 53rd Street North, in an area between Interurban Drive and Shelton.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to establish a Nursery (pre-school) for more than 10 children on property located in the "R-1" Suburban Residential District.

Subject property is occupied by the Riverview Baptist Church, located on a major street (53rd Street North) and provides for only 30 feet of half-street right-of-way whereas 50 feet is required.

2. Should the Planning Commission determine this use is proper for this area and recommend its approval, it should be approved subject to the following conditions:

- a. The Nursery (pre-school) shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire regulations of the State of Kansas and Sedgwick County.
- b. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the Nursery (pre-school).
- c. 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.
- d. Off-street parking 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 Nursery (pre-school).
- e. When the capacity of the Nursery (pre-school) exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.
- f. The applicant shall dedicate by separate instrument 20 feet of additional street right-of-way for 53rd Street North prior to the publication of the resolution establishing the Conditional Use; and within 90 days from the date of approval by the Board of County Commissioners; or the case be considered denied and closed.

GALBRAITH said that the Church wanted to use the church facilities to a greater extent by having a pre-school conducted there. The Conditional Use is necessary since they intend to have more than ten children. The staff recommended approval of the application subject to conditions.

There was no one present in opposition to the application.

JAMIE MORGAN, Secretary to Riverview Baptist Church, stated that they felt that this was a very beneficial service for their community to let their building be used during the week instead of just on the weekends.

MOTION: Having considered the factors as contained in Policy Statement No. 10, taking into consideration the residential character of the neighborhood; the single family uses and zoning to the north, south and west; the suitability of the subject property for use as a day care center; the lack of opposition by neighborhood residents; and the recommendation of approval by staff; I move that we recommend to the County Commission that this application be approved subject to the following conditions:

- a. The Nursery (pre-school) shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire regulations of the State of Kansas and Sedgwick County.
- b. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the nursery (pre-school).
- c. 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.
- d. Off-street parking 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 Nursery (pre-school).
- e. When the capacity of the Nursery (pre-school) exceeds twelve, one off-street lading space shall be provided for each ten children or major fraction thereof.
- f. The applicant shall dedicate by separate instrument 20 feet of additional street right-of-way for 53rd Street North prior to the publication of the resolution establishing the Conditional Use; and within 90 days from the date of approval by the Board of County Commissioners; or the case be considered denied and closed.

Martens moved, Bayouth seconded and it carried unanimously. Chisholm, Goebel, Jones and Wilson were absent.

July 21, 1981
10:30 AM

CITY OF WICHITA
DEPARTMENTS OF INSPECTION-FIRE-HEALTH
WICHITA, KANSAS

RECEIVED

Inter-Departmental Referral Notice for Evaluation
of
Structures Proposed for Adult and Child Care

JUL 31 1981
METROPOLITAN PLANNING
ROUTE _____

Agency Initiating Referral HEALTH Case No. 29 Date 7-17-81

Prospective Applicant

Name	Address	Phone
Melba Rishell	2754 N. Richmond	838-7209

Prospective Site

Address	Present Use	Church
844 W. 53rd North		
	Proposed Use	R Pre-school
Owner	Address	Phone
RIVERVIEW BAPTIST CHURCH	844 W. 53rd North	838-4861-office 838-8274-parsonage

Preliminary Report of Improvements for Initial Approval Status
(add additional sheets as necessary)

Inside area is adequate for the 20 children requested
There are sufficient lavatories and toilets for this number.

The wall will have to be brought up to current
state standards (a "pit" wall is now in use); and safe
water samples must be obtained prior to opening.

The septic system will need to be expanded. An additional
500' of lateral will be required. A permit for this work
must be obtained from our office, along with approval of
the system design.

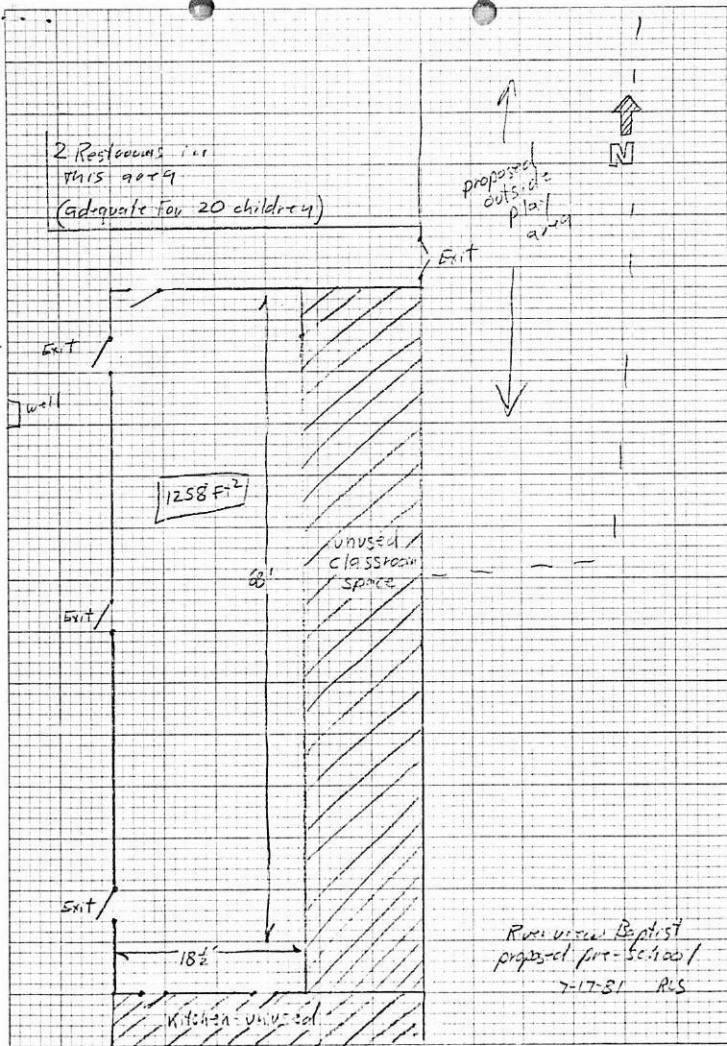
Outside fenced play area (2000 Ft² for 20 children)
must be provided.

Sharon P. ... R.S.
Agency Representative

- Routing of Referral: Original (white copy) to Health; 1st copy (green) to Inspection;
2nd copy (red) to Fire.
Intra Agency Routing: Central Inspection-Zoning, Building, Plumbing, Electrical
Health-Environmental, Personal
Routing of Preliminary Reports: Photocopies from Health to Inspection and Fire;
Inspection to Health and Fire;
Fire to Health and Inspection

46 0860

KOE SYSTEMS INCORPORATED
SCOTTSDALE, ARIZONA



() Published in The Wichita Eagle-Beacon on _____, 1981

RESOLUTION

CASE NO. CU-248

A RESOLUTION PERMITTING THE ESTABLISHMENT OF A NURSERY (PRE-SCHOOL) IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LAND LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 1.A.10.G AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 1.A.10.g and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow establishment of a nursery (pre-school) in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

The east 175 feet of the South 258 feet of the West Half of Lot 23, Ave. A., Interurban Place, and the East 175 feet of the West 306 feet of the South 78 feet of Lot 22, and the East 175 feet of the West 306 feet of the North 42 feet of Lot 23, Ave. A., Interurban Place, Sedgwick County, Kansas. Generally located on the north side of West 53rd Street North, in an area between Interurban Drive and Shelton.

SUBJECT TO THE FOLLOWING:

- a. The Nursery (pre-school) shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire regulations of the State of Kansas and Sedgwick County.
- b. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the nursery (pre-school).
- c. 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.
- d. Off-street parking 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 Nursery (pre-school).

- e. When the capacity of the Nursery (pre-school) exceeds twelve, one off-street lading space shall be provided for each ten children or major fraction thereof.
- f. The applicant shall dedicate by separate instrument 20 feet of additional street right-of-way for 53rd Street North prior to the publication of the resolution establishing the Conditional Use; and within 90 days from the date of approval by the Board of County Commissioners; or the case be considered denied and closed.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official Zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this ____ day of _____, 19____.

_____, Chairman
Donald E. Gragg

_____, Commissioner
Jack Spratt

_____, Commissioner
Tom Scott

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

October 9, 1981

Jamie Morgan
Riverview Baptist Church
844 West 53rd Street North
Wichita, Kansas 67204

Re: Case No. CU-248 - Permit to establish
Nursery (Pre-school) for more than
10 children - on the north side of
53rd St. No. in an area between
Interurban Drive & Shelton

Dear Ms. Morgan:

At its regular meeting of October 8, 1981, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to establish a nursery (pre-school) for more than 10 children. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. The Nursery (pre-school) shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire regulations of the State of Kansas and Sedgwick County.
- b. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the Nursery (pre-school).
- c. 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.
- d. Off-street parking 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 Nursery (pre-school).

- e. When the capacity of the Nursery (pre-school) exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.
- f. The applicant shall dedicate by separate instrument 20 feet of additional street right-of-way for 53rd Street North prior to the publication of the resolution establishing the Conditional Use; and within 90 days from the date of approval by the Board of County Commissioners; or the case be considered denied and closed.

Regarding condition "f" above, enclosed is the necessary dedication form which needs to be signed and returned to our office by October 23, 1981 so that subject case can be scheduled for consideration by the Board of County Commissioners at their regular meeting of November 4, 1981. This meeting to be held in Room 320, Sedgwick County Courthouse.

If you have any questions, please call.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad
Encl.

cc: Byron D. Tracy, Pastor, 926 West 53rd Street North, Wichita 67204
Riverview Baptist Church, 844 West 53rd Street North, Wichita 67204
Ron Worley, County Zoning Officer

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, _____

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

South 20 feet of the East 175 feet of the South 256 feet of the West half of Lot 23, Avenue A., Interurban Place, Sedgwick County, Kansas.

do hereby dedicate the above described real estate to the public for _____ street _____ purposes.

Executed this _____ day of _____ 19 ____.

STATE OF KANSAS)
SEDGWICK COUNTY)^{ss}

BE IT REMEMBERED, that on this _____ day of _____, came _____

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas,

this _____, _____

City Clerk

Notary Public

My Commission Expires: _____

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 10-08-81

Case No. CU-246 Request: Special Permit to establish a
Nursery (Pre-school)

Location: North side of 53rd Street North in an area between Inter-
urban Drive and Shelton

Reason: To permit more than 10 children

Acres: 1.5 Size: 175' x 378'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Church facilities	"R-1"
North	Single-family	"R-1"
East	Greenhouse, garden & flower shop	"R-1"
South	Single-family	"R-1"
West	Parsonage and Single-family	"R-1"

Existing R/W - 53rd Street North - half - 30 feet Platted: Portion
of lots
Proposed R/W - 53rd Street North - half - 50 feet History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The applicant is requesting a Conditional Use Permit to establish a Nursery (pre-school) for more than 10 children on property located in the "R-1" Suburban Residential District.

Subject property is occupied by the Riverview Baptist Church, located on a major street (53rd Street North) and provides for only 30 feet of half-street right-of-way whereas 50 feet is required.

2. Should the Planning Commission determine this use is proper for this area and recommend its approval, it should be approved subject to the following conditions:
 - a. The Nursery (pre-school) shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire regulations of the State of Kansas and Sedgwick County.
 - b. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the Nursery (pre-school).
 - c. 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.
 - d. Off-street parking 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 Nursery (pre-school).
 - e. When the capacity of the Nursery (pre-school) exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

Page 2
CU-248
MAFC AGENDA
10-08-61

- f. The applicant shall dedicate by separate instrument 20 feet of additional street right-of-way for 53rd Street North prior to the publication of the resolution establishing the Conditional Use; and within 90 days from the date of approval by the Board of County Commissioners; or the case be considered denied and closed.

CU-248 - 25 "Notice to Adjoining Property Owners" mailed 9-24-81 for
the MAPC meeting for 10-8-81

1 to Claud S. Shelor, Director - County Dept. of Pub. Works

—
26 TOTAL

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

September 24, 1971

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on October 5, 1971, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-248

Conditional Use Permit to Establish a Nursery (Pre-School)
for more than Ten Children on Property Zoned
the "R-1" Suburban Residential District

The East 175 feet of the South 250 feet of the West Half of
Lot 23, Ave. A., Interurban Place, and the East 175 feet of
the West 306 feet of the South 79 feet of Lot 22, and the
East 175 feet of the West 306 feet of the North 42 feet of
Lot 23, Ave. A., Interurban Place, Sedgwick County, Kansas.
Generally located on the north side of West 53rd Street North,
in an area between Interurban Drive and Shelton.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

T9-216

Summary Description of County Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 6,500 square feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

5454C
CU-248
Conditional
Use

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT Riverview Baptist Church

ADDRESS 844 W 53rd No 67204 PHONE 898-4861

AGENT Byron D Tracy - Pastor

ADDRESS 726 W. 53rd No 67204 PHONE 898 8274

B. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

C. APPLICANT _____

ADDRESS _____ PHONE _____

AGENT _____

ADDRESS _____ PHONE _____

(Use separate sheet if necessary for names of additional applicants).

2. a. The applicant proposes to establish a Pre-School for more
than 100 children (use)

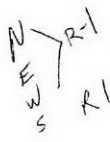
on property legally described as Lot(s) 23

Block(s) A

of the INTERURBAN PLACE Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

existing zoning
R-1



See attached legal descriptions and plats

use legal from ownership list

2. b. There are 4.5 acres (round to nearest tenth) in the above described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 844 W. 53 RD NO.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE ~~SE~~ Northeast CORNER OF Interurban Place AND W. 53 rd NO, OR

B. ON THE North SIDE OF W 53rd NO (AVE.) STREET BETWEEN Interurban Pl (AVE.) STREET AND Shelton (AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED R-1 (ZONING DISTRICT CLASSIFICATION).

5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

6. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

Riverview Baptist Church
BY Raymond A. Clegg, Boston BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

BY _____ BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

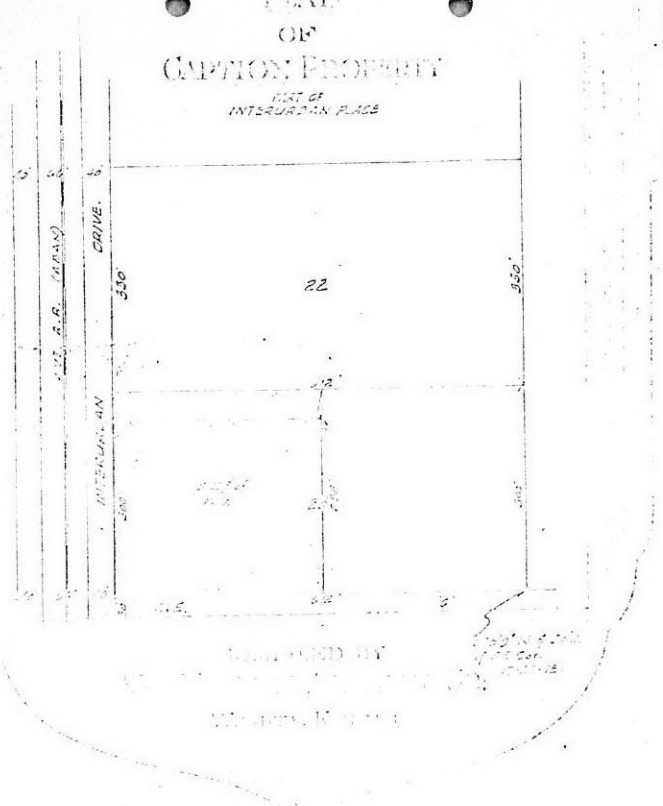
BY _____ BY _____
AUTHORIZED AGENT (IF ANY) AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

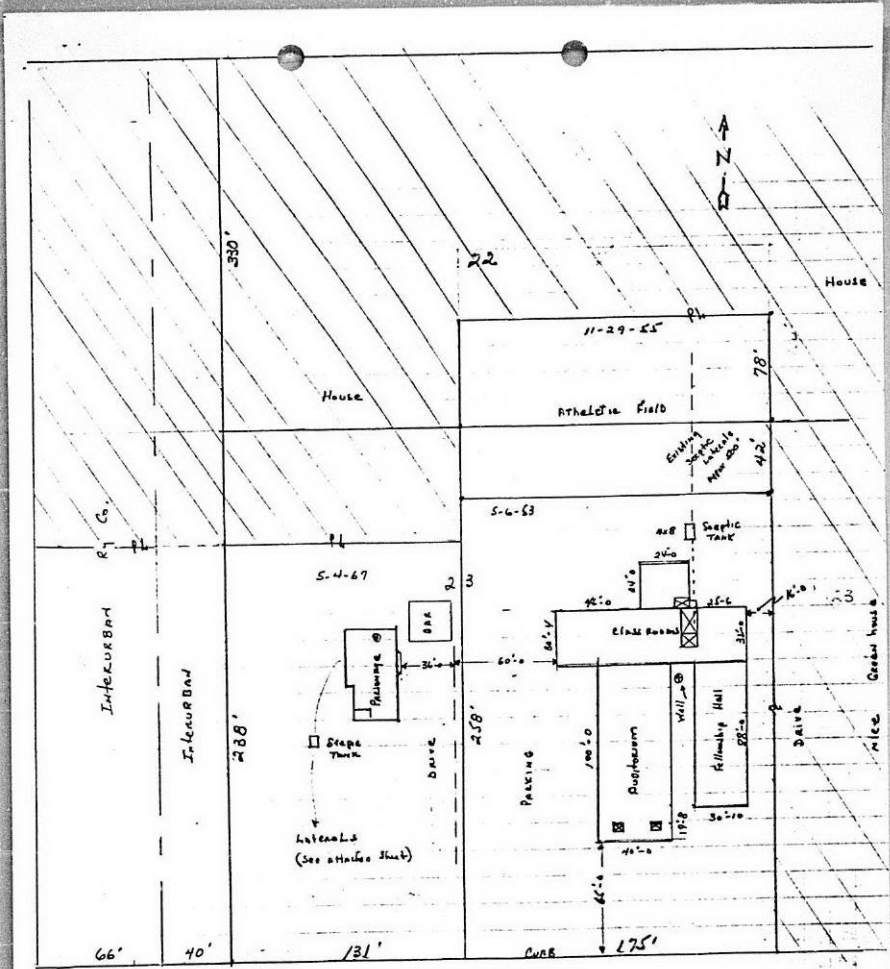
This application was received at the Planning Department at 245
(AM, PM) on Aug 28, 1981 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 200⁰⁰.

Arthur D. Clarke Name
Sr. Planner Title

PLANE
 OF
 CAPTION PROPERTY
PART OF
 INTERURBAN PLACE



<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
The East 175 feet of the South 258 feet of the West half of Lot 23, Ave. A.	Interurban Place	Riverview Baptist Church 844 West 53rd St. North 67204
The East 175 feet of the West 306 feet of the North 42 feet of Lot 23, Ave. A.	"	Same as above.
The East 175 feet of the West 306 feet of the South 78 feet of Lot 22, Ave. A.	"	Same as Above
The South 238 feet of the West 131 feet of Lot 23, Ave. A.	"	Same as above
The abandoned right of way of Arkansas Valley Rail Road, adjacent to the South 238 feet of the West 131 feet of Lot 23, Ave. A. (being 66 feet wide)	"	Same as above



31178 □'
 45150 □'
 21000 □'
 75704 □'
 9520 □'
 72555.6 □'
 1225.56 □'

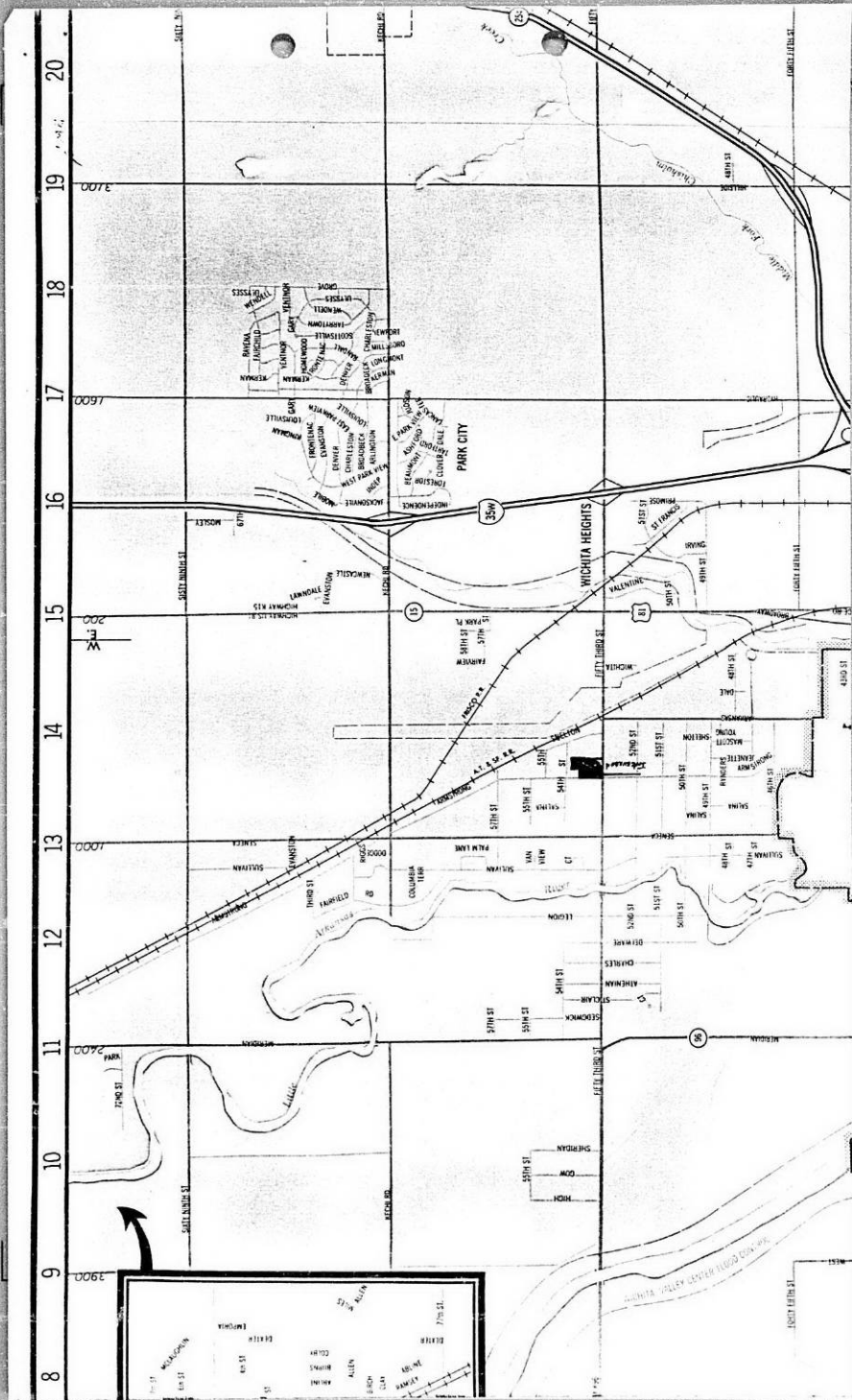
53RD NORTH

44 = 15 FT

☒ Rest Rooms
 ○ Well

Riverside Baptist Church

7-14-81



O W N E R S H I P L I S T

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
The East 175 feet of the South 258 feet of the West half of Lot 23, Ave. A.	Interurban Place	Riverview Baptist Church 844 West 53rd St. North 67204
The East 175 feet of the West 306 feet of the North 42 feet of Lot 23, Ave. A.	"	Same as above.
The East 175 feet of the West 306 feet of the South 78 feet of Lot 22, Ave. A.	"	Same as Above
The South 238 feet of the West 131 feet of Lot 23, Ave. A.	"	Same as above
The abandoned right of way of Arkansas Valley Rail Road, adjacent to the South 238 feet of the West 131 feet of Lot 23, Ave. A. (being 66 feet wide)	"	Same as above
The North 252 feet of the West 306 feet of Lot 22, and the North 252 feet of the South 660 feet of the Arkansas Interurban Railway Co right of way Ave. A.	"	Ward Worlein Mabel Worlein 5450 Armstrong 67204
The West 33 feet of the North 252 feet of the South 660 feet of the AVI RR right of way abutting Lot 15, Ave. A.	"	Same as above
The South 78 feet of the West 306 feet of Lot 22, except the East 175 feet of Lot 22, Ave. A.	"	Fred Lorei (dec) Ruth Marie Lorei 5436 Armstrong 67204
The North 48 feet of the West 306 feet, except the East 175 feet, of Lot 23, Ave. A.	"	Same as above

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
That part of the abandoned right of way of the Ark Valley R.R. being some 66 feet wide, lying immediately West of the South 78 feet of Lot 22, and the North 48 feet of Lot 23, Ave. A.	Interurban Place	Ezed Lorei (dec.) Ruth Marie Lorei 5436 Armstrong 67204
The North 14 feet of the South 252 feet of the West 131 feet and that part of the abandoned right of way of the Arkansas Valley Railway Inc., adjacent to said premises on the West, Lot 23, Ave. A.	"	Same as above
The East half of Lot 22 except the The East 211.1 feet, Ave. A.	"	✓ Jack D. Nice Mary V. Nice 818 West 53rd St. North 67204
The East half of Lot 23, except the the East 211.1 feet, Ave. A.	"	Same as above
The West 77 feet of the East 211.1 feet of Lots 22 and 23 Ave. A.	"	Same as above
The East 134.1 feet of Lots 22 and 23, Ave. A.	"	✓ Glenn A. Lewis Marjorie D. Lewis 808 West 53rd St. North 67204
A tract beginning at the Southeast corner of Lot 16 thence West 242.5 feet, North 101.936 feet, East 243.5 feet to the East line of Lot 16, thence South to the point of beginning	"	✓ Herbert A. Wilson Bertha M. Wilson 1955 Hood 67203
The North 75 feet of the South 206.936 feet of Lot 16, except the West 366 feet, Ave. A.	"	✓ Antonio Buenfil Gil Juanita Gil 5411 Armstrong 67204

<u>Lot</u>		<u>Addition</u>	<u>Property Owner</u>
Part of Lots 15 and 16, on Avenue A, Beginning at a point in the East line of Lot 15, and 10.66 feet North of the Southeast corner of said Lot 15, 244.86 feet; thence South 133.73 feet; thence East parallel with the South line of said Lot 15, a distance of 243.81 feet to a point in the East line of Lot 16, and 123.064 feet South of the Northeast corner of said Lot 16, thence North 133.73 feet to the point of beginning		Interurban Place	✓ Melvin J. Simon and Mary Ellen Simon 5437 Armstrong 67204
The North 319.4 feet of Lot 15, Ave A.	"	"	✓ Elwood Edward Dicks Eula Irene Dicks 5443 Armstrong 67204
Lot 2	Block C	Replat of Part of Interurban Place	✓ Harley D. Dotson Mae Ernestine Dotson 5462 Armstrong 67204
Lot 3, except the East 95 feet "	"	"	✓ Tomoko McDonald 839 West 54th St. North 67204
East 95 feet of Lot 3	"	"	✓ William Edward Booth Adeline J. Booth 7223 Interurban 67204
Lot 4	"	"	✓ Fredrick D. Underwood Patricia Joan Underwood 823 54th St. North 67204
Lot 5	"	"	✓ John D. Simms Mecia W. Wimms 844 West 54th St. North 67204

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 9	Replat of Lot 24 Interurban Place	✓ Charles Henry Littell Sandra J. Littell 750 W. 53rd Street North 67204
Lot 10	"	Same as above
Lot 11	"	✓ Michael L. Matson Carolyn J. Matson 5439 Shelton Street 67204
Lot 12	"	✓ C. L. Hollaman Isabell F. Hollaman 5457 Shelton Street
Lot 13	"	Same as above ⁶⁷²⁰⁴
Lot 1	East Urbandale	✓ Robert C. Avery Glenda Mae Avery 5358 Armstrong 67204
Lot 2	"	✓ Joe D. Powers Margaret L. Powers 5356 Armstrong 67204
Lot 3	"	✓ Thomas M. Edwards Helen A. Edwards 5320 Armstrong 67204
East half of Lot 48	"	✓ Charles W. Mullikin Margaret K. Mullikin 908 West 52nd St. North 67204
West half of Lot 48	"	✓ Cecil G. Berry Anise Gynell Berry 823 West 53rd St. North 67204
Lot 49 and 50	"	Same as above
The East 180 feet of Lot 1 Ave. A	Urbandale First Addition	✓ Jack M. Phelps Eleanor F. Phelps 5149 Armstrong 67204

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
The North 22.6 feet of the East 180 feet of Lot 2, Ave. A.	Urbandale First Addition	Jack M. Phelps Eleanor F. Phelps 5149 Armstrong 67204
That part of the vacated right of way lying East of Lot 1 and East of the North 22 feet of Lot 2 Ave. A.	"	Same as above
That part of the vacated right of way of the A rkansas Valley Railway Co, lying immediately East of and adjacent to Lot 2, except the North 22 feet Ave. A.	"	Albert A. O'Connor Lois A. O'Connor 640 1/2 Fairfield 67204

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 350 foot radius of:

the for legal

The East 175 feet of the South 258 feet of the West half of Lot 23, Ave. A., Interurban Place, and the East 175 feet of the West 306 feet of the South 78 feet of Lot 22, and the East 175 feet of the West 306 feet of the North 42 feet of Lot 23, Ave. A., Interurban Place, 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 7th day of August, 1981 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Hable
Vice President

Order No. 301502
AP

FORM 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 Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	