

BZA 18-64 - Metropolitan Baptist
Church requests variance of parking
requirements - SW Corner Douglas
and McLean Boulevard

4-100B24

Bza Comm. Approved 4-28-64
no appeal filed

4-100824

BZA 18-64 - Metropolitan Baptist
Church requests variance of parking
requirements - SW Corner Douglas
and McCrean Boulevard

May 11, 1964

Metropolitan Baptist Church
525 West Douglas
Wichita, Kansas

Gentlemen:

Re: Case No. BEA 18-64

On April 30, 1964, we advised you that the Board of Zoning Appeals had approved your request for a variance of parking requirements in conjunction with the construction of the Metropolitan Baptist Church at the southwest corner of Douglas and McLean Boulevard. We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before May 8, 1964.

The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Preston D. Huston
700 Colorado Derby Building

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 1 8 - 6 4

WHEREAS, Metropolitan Baptist Church, 525 West Douglas, Wichita, Kansas, by Preston D. Huston, 700 Colorado Derby Building, Wichita, Kansas, requests variance (pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas), of 18 off-street parking spaces from the requirement under Section 28.04.140. A.2.4, Code of the City of Wichita, Kansas, which requires that 50% of the total off-street parking spaces must be on landowner's property, and also requests a variance of the requirement that parking facilities which are located within 660 feet of the place of public assembly (as measured along lines of public access) may be used to meet not more than 50% of the total off-street parking requirements, provided written consent of the owner or agent of such existing parking lot is obtained, and provided such approval is made binding on the owners of such land and such approval is filed with the Register of Deeds after having first been approved by the Department of Law, this request relating to property legally described as follows, and being generally located at the southwest corner of Douglas and McLean Boulevard:

A tract in the SW $\frac{1}{4}$ of Section 20, Township 27 S. Range 1 East of the 6th P.M., Sedgwick County, Kansas, including certain portions of West Wichita, Sedgwick County, Kansas, and Payne's Park Addition to Wichita, Kansas, described as follows: Beginning at a point on the south line of Douglas Avenue 724 feet East of the intersection of the southerly line of Douglas and the easterly line of Sycamore Avenue, before any of said Sycamore Avenue was vacated, measured along the southerly line of Douglas Avenue; thence SWly along the southerly line of Douglas Avenue 284.78 feet to a point 5 feet NEly of the NWly corner of Lot 142 on Douglas Avenue in said West Wichita; thence SEly parallel to the west line of said Lot 142 and at right angles to Douglas Avenue, 140 feet; thence SWly at right angles 24.92 feet; thence SEly at right angles 277.05 feet to the northern most corner of Lot 22, Block 1, in said Payne's Park; thence south along the west line of said Lot 22, 119.14 feet to the SW corner of said Lot 22; thence SW 35.3 feet to the intersection of the center line of vacated LaCleda Avenue and English Street as platted in said Payne's Park; thence south on the center of said vacated LaCleda Avenue, 225 feet to the south line of Lot 9 extended west in Block 6 in said Payne's Park; thence east on the south line of said Lot 9 extended, 254.3 feet to the west line of McLean Blvd, as established by Ordinance No. 4194; thence NWly along the westerly line of said McLean Blvd., 593.09 feet to the P.C. of a curve to the left having a central angle of 27°37'30" and a radius of 433.47 feet; thence along said curve 209 feet to the P.T. of said curve, said point being 125.5 feet from the point of beginning measured at right angles to the south line of Douglas Avenue; thence NW on tangent of said curve 125.5 feet to beginning; and

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, in regular meeting consider said application on the 28th day of April, 1964; and

WHEREAS, the Board of Zoning Appeals has found that the request for variance arises from a condition which is found to be unique and not ordinarily found in the same zoning district inasmuch as the church is willing to provide more space for maneuverability and circulation on the lot rather than trying to get maximum utilization out of all of the available space by providing less space for maneuverability; and further, the tract of land upon which the church site is situated is a very irregular and odd-shaped tract that is bounded on one side by the railroad and the other side by Lawrence Stadium; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect the rights of adjacent property owners inasmuch as the granting of the variance should actually enhance adjacent property values; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant inasmuch as a permit has already been issued for construction of the church; and further, a hardship would also exist if the variance is not granted inasmuch as the vacant area to the west of the church is the only location within 660 feet which could be used to satisfy 50% of the parking requirements; and

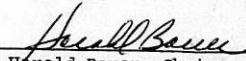
WHEREAS, the Board of Zoning Appeals has found that the variance, as approved, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

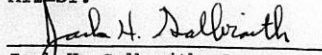
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the variance be approved subject to the following conditions:

1. A variance from 127 to 109 required off-street parking spaces on the church property.
2. A variance to allow the 127 off-street parking spaces which are to be made available on city property to be made available for parking other than church parking

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1964.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

Board of Zoning Appeals

May 7, 1964

Robert G. Finch, City Clerk
Jack H. Galbraith, Secretary

Case No. BZA 18-64

Attached is a copy of Resolution No. BZA 18-64,
covering action taken by the Board of Zoning
Appeals in connection with the above-numbered
case, which case was heard by the Board on April
28, 1964. An appeal may be filed in your office
on or before May 8, 1964. If an appeal is filed,
please advise.

Jack H. Galbraith
Secretary

JHG:ber

Attachment

April 30, 1964

Metropolitan Baptist Church
525 West Douglas
Wichita, Kansas

Gentlemen:

Re: Case No. BEA 18-64

This is to advise you that at its regular meeting of April 28, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance of the parking requirements which calls for 50% of the total off-street parking spaces to be on landowner's property, and a variance of the requirement that parking facilities located within 660 feet may be used to meet not more than 50% of the total off-street parking requirements, provided such approval is in the form of a written agreement and is filed with the Register of Deeds.

It was the action of the Board to approve this request subject to the following conditions:

1. A variance from 127 to 109 required off-street parking spaces on the church property.
2. A variance to allow the 127 off-street parking spaces which are to be made available on city property to be made available for parking other than church parking.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before May 8, 1964.

Page 2 - Metropolitan Baptist Church
April 30, 1964

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before May 8, 1964, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Preston D. Huston
700 Colorado Derby Building

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BEA 18-64

APPLICANT: Metropolitan Baptist Church, 525 West Douglas

AGENT: Preston D. Houston, 700 Colorado-Derby Building

GENERAL LOCATION: Generally located at the southwest corner of Douglas and McLean Boulevard

REQUEST: Variance of 18 off-street parking spaces from the requirement under Section 28.04.140.A.2.4, Code of the City of Wichita, which requires that 50% of the total off-street parking spaces must be on landowner's property, and a variance of the requirement that parking facilities which are located within 660 feet of the church (as measured along lines of public access) may be used to meet not more than 50% of the total off-street parking requirements, providing written consent of the owner or agent of such existing lot is obtained, and provided such approval is made binding on the owners of such land and such approval is filed with the Register of Deeds after having first been approved by the Department of Law.

ZONING: The property in question is zoned "C" Commercial. All surrounding property is zoned "E" Light Industrial.

LAND USE: The property in question is occupied by a church. The existing land use to the north is an area containing small retail shops; east is the Midland Valley Railroad; and south is Lawrence Stadium.

JURISDICTION

The Board has the jurisdiction and authority to grant the variances requested when all four of the following conditions are found to exist:

1. Variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The applicant has submitted a statement of justification which is included as Attachment #1 to this report. The plot plan is not included as an attachment to this report, but will be available for review at the hearing.

COMMENTS

The applicant points out in the statement of justification that the Metropolitan Baptist Church is in the process of constructing a 1,270 seat sanctuary at the southwest corner of Douglas and McLean Boulevard. The off-street parking ordinance requires that the church must provide 254 off-street parking spaces, of which 127 must be located on the church property. However, the parking plan recommended by the architect allows for only 109 spaces rather than 127 on the church property. (The parking plan has been given preliminary approval by the Traffic Engineer).

It is also suggested that the necessary parking (127 spaces) could have been provided on the church site but that angle perimeter and island parking is provided rather than 90° parking so that there will be more room for interior traffic circulation and maneuverability on the site. Consequently, it has become necessary to request a variance from 127 spaces to 109 spaces on the church site in order to supply this additional area.

The other variance requested relates to the fact that the church intends to pave an area for off-street parking just north of Lawrence Stadium and west of the church. An agreement to this affect has been entered into and approved by both the church and Board of Park Commissioners. This would then meet the requirement with one exception, that any property located within 660 feet of the church can be used to meet not more than 50% of the required off-street parking. The problem here is that the City of Wichita owns the property (control is vested in the Park Board) and does not have the legal authority to give sole and exclusive use of the parking area (in the form of a written agreement) to the church. Consequently, it is this requirement on which the church is requesting a variance.

UNIQUENESS

The Secretary is of the opinion that the variance requested is unique inasmuch as the church is willing to provide more space for maneuverability and circulation on the lot rather than trying to get maximum utilization out of all of the available space by providing less space for maneuverability. Also, the tract of land upon which

the church site is situated is a very irregular and odd-shaped tract that is bounded on one side by the railroad and the other side by Lawrence Stadium.

Another unique factor is that the tract of land to the north of Lawrence Stadium which the church is hoping to use for off-street parking can, in the Secretary's opinion, be utilized by people going to Lawrence Stadium, by customers of the commercial establishments along Douglas and by the church without any one of these uses in any way jeopardizing the rights of the others as far as parking is concerned. The church will be using the parking area on Sunday; patrons of the retail establishments along Douglas will be using the parking during the day; and patrons of Lawrence Stadium will be utilizing the parking at night.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the rights of adjacent property owners. The granting of the variances should actually enhance adjacent property value.

HARDSHIP

It is the opinion of the Secretary that the church would be burdened with an unnecessary hardship if the variance is not granted inasmuch as a permit has already been issued for construction of the church. A further hardship would exist if the variance is not granted inasmuch as the vacant area to the west of the church is the only location within 660 feet which could be used to satisfy 50% of the parking requirements.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION

Based upon the foregoing comments, it is the opinion of the Secretary that all four points necessary to the granting of a variance have been found to exist and it is therefore recommended that the church be granted the following variances:

1. A variance from 127 to 109 required off-street parking spaces on the church property.
2. A variance to allow the 127 off-street parking spaces which are to be made available on city property to be made available for parking other than church parking.

BACKGROUND

Exhibit "A"

- I The Metropolitan Baptist Church is currently in the process of constructing a 1,270 seat sanctuary at the Southwest Corner of Douglas Avenue & McLean Blvd. and adjacent to the Lawrence Stadium Parking area. The parking requirements call for a total of 254 off-street parking spaces of which 127 spaces must be located on the church property.

Exhibit "C"

The parking plan recommended by the architect and approved by the City Traffic Engineer allows only 109 parking spaces on the church property instead of the 127 (18 spaces shy of requirements). The recommended plan calls for angle perimeter and island parking in preference to 90° perimeter or parallel parking because it will facilitate parking of cars and will not create as much congestion or possible accidents. The church asks for a variance from the code to permit the plan of 109 cars instead of the required 127.

- II On June 6, 1963, the Metropolitan Baptist Church entered into agreement with the Board of Park Commissioners of the City of Wichita to pave a triangular section of ground adjacent to the church property and present Lawrence Stadium parking facilities (See plan in Exhibit "C" and Agreement Exhibit "D") to be used as parking purposes in connection with the church and to comply with Zone Code requirements 28.04, 140.2.4. This agreement was duly executed and approved by the City Attorney's office.

The code does require that an agreement for additional parking (up to 50%) must be for the exclusive right of the church facilities. Naturally, the city nor any of its departments, can give exclusive right to any citizen or organization for such use of property. The Metropolitan Baptist Church requests a waiver of the requirement that parking cannot be "made available for other parking."

- III This request is being made at the suggestion of Central Inspection Division and of the Director of Public Works in order that the technicalities of the code can be complied with. The Director of Public Works has authorized the issuance of the building permit contingent upon the parking requirement being met satisfactorily prior to occupancy of the facilities.

Conditions Which Justify Granting This Variance

(As Required under Provision 2112.590.3)

- a. This condition is unique in that the Metropolitan Baptist Church property is adjacent to property owned by the Board of Park Commissioners who, although sympathetic in assistance to the church, cannot legally grant exclusive parking use to the church as required by the code. Although knowing this situation to exist, the church has entered into agreement with the Board of Park Commissioners with the approval of the city legal counsel to pave an undeveloped triangular piece of ground at an estimated cost of \$15,000. This agreement states that the parking shall be for the joint use of the parties hereto (church and city) together with patrons of Lawrence Stadium and the businesses in the area.

Further uniqueness of this situation is evidenced by the fact that the church is paving more than sufficient area to meet the requirement of 127 spaces on ground the church owns, but because of recommendations of the architect and approval of the Traffic Engineer only 109 spaces are laid out to help the flow of traffic in the parking area.

The condition is also unique in that this seems a practical approach since public parking (Lawrence Stadium) is close by and the peak hours for church parking (9:30 a. m. to 12:00 noon Sunday) will not conflict with normal use of this parking area by the public during business hours nor during special events at the Stadium. It should be pointed out that while the church does have Sunday evening worship services and activities during the week, the attendance at these functions is usually half or less than Sunday morning worship and it is not foreseeable that other than church-owned parking facilities would be required for these events.

- b. The granting of this variance will in no way adversely affect the rights of adjacent property owners or residences. Rather, it will prove to be of benefit of these parties. As pointed out previously, church hours are not in conflict with either business hours or with normal functions at Lawrence Stadium. The church is, at its cost expanding parking facilities for patrons of Lawrence Stadium and for the use of businesses in the area as stated by the agreements between the church and park board. The church is also eliminating an eye-sore for the City of Wichita by paving it.
- c. The strict application of the enforcement provisions will constitute unnecessary hardship upon the members of Metropolitan Baptist Church. Should the church be required to resort to 90° perimeter and island parking in order to get 127 spaces on its own property, it will cause those attending to do considerable maneuvering with their autos in order to fit in the smaller spaces. This will lead to traffic congestion and accidents. Further, many members of the church are up in years. The 90° parking layout will make it more difficult for them.

The church has already purchased all the available ground in the area, and even has granted an easement to the city at the south end of the property. All open adjacent ground is owned by the Board of Park Commissioners so it will be almost impossible to acquire additional property to comply with the code.

The church is under obligation to pave ground for the Park Board, but strict application of the code will prevent the church from counting spaces in this area toward the total requirement of the code. Hence, the church asks for the waiver of the "exclusive" requirement.

- d. This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Instead it will enhance the safety. Not only will it relieve congestion within the parking area, but it will eliminate traffic congestion on McLean Blvd. The faster and easier cars are able to park the sooner they get off the street. This means less cars waiting in line to get out and off the parking area. It will improve public convenience because the patrons to Lawrence Stadium and nearby business will be gaining additional parking facilities at no cost to the city.

SECRETARY'S REPORT

BASE NO. BZA 19-64

APPLICANT: Metropolitan Baptist Church, 525 West Douglas

AGENT: Preston D. Houston, 799 Colorado-Derby Building

GENERAL LOCATION: Generally located at the southwest corner of Douglas and McLean Boulevard

REQUEST: Variance of 18 off-street parking spaces from the requirement under Section 28.04.140.A.2.4, Code of the City of Wichita, which requires that 50% of the total off-street parking spaces must be on landowner's property, and a variance of the requirement that parking facilities which are located within 660 feet of the church (as measured along lines of public access) may be used to meet not more than 50% of the total off-street parking requirements, providing written consent of the owner or agent of such existing lot is obtained, and provided such approval is made binding on the owners of such land and such approval is filed with the Register of Deeds after having first been approved by the Department of Law.

ZONING: The property in question is zoned "C" Commercial. All surrounding property is zoned "E" Light Industrial.

LAND USE: The property in question is occupied by a church. The existing land use to the north is an area containing small retail shops; east is the Midland Valley Railroad; and south is Lawrence Stadium.

JURISDICTION

The Board has the jurisdiction and authority to grant the variances requested when all four of the following conditions are found to exist:

1. Variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

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Case No. BZA 18-64

4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The applicant has submitted a statement of justification which is included as Attachment #1 to this report. The plot plan is not included as an attachment to this report, but will be available for review at the hearing.

COMMENTS

The applicant points out in the statement of justification what the Metropolitan Baptist Church is in the process of constructing a 1,270 seat sanctuary at the southwest corner of Douglas and McLean Boulevard. The off-street parking ordinance requires that the church must provide 254 off-street parking spaces, of which 127 must be located on the church property. However, the parking plan recommended by the architect allows for only 109 spaces rather than 127 on the church property. (The parking plan has been given preliminary approval by the Traffic Engineer).

It is also suggested that the necessary parking (127 spaces) could have been provided on the church site but that angle perimeter and island parking is provided rather than 90° parking so that there will be more room for interior traffic circulation and maneuverability on the site. Consequently, it has become necessary to request a variance from 127 spaces to 109 spaces on the church site in order to supply this additional area.

The other variance requested relates to the fact that the church intends to pave an area for off-street parking just north of Lawrence Stadium and west of the church. An agreement to this effect has been entered into and approved by both the church and Board of Park Commissioners. This would then meet the requirement with one exception, that any property located within 660 feet of the church can be used to meet not more than 50% of the required off-street parking. The problem here is that the City of Wichita owns the property (control is vested in the Park Board) and does not have the legal authority to give sole and exclusive use of the parking area (in the form of a written agreement) to the church. Consequently, it is this requirement on which the church is requesting a variance.

UNIQUENESS

The Secretary is of the opinion that the variance requested is unique inasmuch as the church is willing to provide more space for maneuverability and circulation on the lot rather than trying to get maximum utilization out of all of the available space by providing less space for maneuverability. Also, the tract of land upon which

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Case No. BZA 18-64**

the church site is situated is a very irregular and odd-shaped tract that is bounded on one side by the railroad and the other side by Lawrence Stadium.

Another unique factor is that the tract of land to the north of Lawrence Stadium which the church is hoping to use for off-street parking can, in the Secretary's opinion, be utilized by people going to Lawrence Stadium, by customers of the commercial establishments along Douglas and by the church without any one of these uses in any way jeopardizing the rights of the others as far as parking is concerned. The church will be using the parking area on Sunday; patrons of the retail establishments along Douglas will be using the parking during the day; and patrons of Lawrence Stadium will be utilizing the parking at night.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the rights of adjacent property owners. The granting of the variances should actually enhance adjacent property value.

HARDSHIP

It is the opinion of the Secretary that the church would be burdened with an unnecessary hardship if the variance is not granted inasmuch as a permit has already been issued for construction of the church. A further hardship would exist if the variance is not granted inasmuch as the vacant area to the west of the church is the only location within 660 feet which could be used to satisfy 50% of the parking requirements.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION

Based upon the foregoing comments, it is the opinion of the Secretary that all four points necessary to the granting of a variance have been found to exist and it is therefore recommended that the church be granted the following variances:

1. A variance from 127 to 109 required off-street parking spaces on the church property.
2. A variance to allow the 127 off-street parking spaces which are to be made available on city property to be made available for parking other than church parking.

Attachment - #1 - Statement of justification

SECRETARY'S REPORT

CASE NO. BEA 18-64

APPLICANT: Metropolitan Baptist Church, 525 West Douglas

AGENT: Preston D. Houston, 700 Colorado-Derby Building

GENERAL LOCATION: Generally located at the southwest corner of Douglas and McLean Boulevard

REQUEST: Variance of 18 off-street parking spaces from the requirement under Section 28.04.140.A.2.4, Code of the City of Wichita, which requires that 50% of the total off-street parking spaces must be on landowner's property, and a variance of the requirement that parking facilities which are located within 660 feet of the church (as measured along lines of public access) may be used to meet not more than 50% of the total off-street parking requirements, providing written consent of the owner or agent of such existing lot is obtained, and provided such approval is made binding on the owners of such land and such approval is filed with the Register of Deeds after having first been approved by the Department of Law.

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1. Variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

4. Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

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It is also suggested that the necessary parking (127 spaces) could have been provided on the church site but that angle perimeter and island parking is provided rather than 90° parking so that there will be more room for interior traffic circulation and maneuverability on the site. Consequently, it has become necessary to request a variance from 127 spaces to 109 spaces on the church site in order to supply this additional area.

The other variance requested relates to the fact that the church intends to pave an area for off-street parking just north of Lawrence Stadium and west of the church. An agreement to this affect has been entered into and approved by both the church and Board of Park Commissioners. This would then meet the requirement with one exception, that any property located within 660 feet of the church can be used to meet not more than 50% of the required off-street parking. The problem here is that the City of Wichita owns the property (control is vested in the Park Board) and does not have the legal authority to give sole and exclusive use of the parking area (in the form of a written agreement) to the church. Consequently, it is this requirement on which the church is requesting a variance.

UNIQUENESS

The Secretary is of the opinion that the variance requested is unique inasmuch as the church is willing to provide more space for maneuverability and circulation on the lot rather than trying to get maximum utilization out of all of the available space by providing less space for maneuverability. Also, the tract of land upon which

the church site is situated is a very irregular and odd-shaped tract that is bounded on one side by the railroad and the other side by Lawrence Stadium.

Another unique factor is that the tract of land to the north of Lawrence Stadium which the church is hoping to use for off-street parking can, in the Secretary's opinion, be utilized by people going to Lawrence Stadium, by customers of the commercial establishments along Douglas and by the church without any one of these uses in any way jeopardizing the rights of the others as far as parking is concerned. The church will be using the parking area on Sunday; patrons of the retail establishments along Douglas will be using the parking during the day; and patrons of Lawrence Stadium will be utilizing the parking at night.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the rights of adjacent property owners. The granting of the variances should actually enhance adjacent property value.

HARDSHIP

It is the opinion of the Secretary that the church would be burdened with an unnecessary hardship if the variance is not granted inasmuch as a permit has already been issued for construction of the church. A further hardship would exist if the variance is not granted inasmuch as the vacant area to the west of the church is the only location within 660 feet which could be used to satisfy 50% of the parking requirements.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION

Based upon the foregoing comments, it is the opinion of the Secretary that all four points necessary to the granting of a variance have been found to exist and it is therefore recommended that the church be granted the following variances:

1. A variance from 127 to 109 required off-street parking spaces on the church property.
2. A variance to allow the 127 off-street parking spaces which are to be made available on city property to be made available for parking other than church parking.

March 16, 1964

Mr. Preston D. Huston
Colorado-Derby Building
Wichita, Kansas

Dear Mr. Huston:

Enclosed for your review is a copy of a memorandum which I have received from Mr. Lytle relative to the parking required in connection with the construction of the new Metropolitan Baptist Church.

I have discussed this matter with Mr. Cox, the Director of the Park Board, and they are willing to allow the use of the Lawrence Stadium parking lot, but they cannot contract to provide space as required by the ordinance.

In view of the above, I am instructing Mr. Lytle to issue the building permit immediately contingent, however, upon the parking requirements being met satisfactorily prior to occupancy of the facilities. The parking requirements are subject to adjustment upon proper appeal to the Board of Zoning Appeals. This would appear to be the proper course of action.

Sincerely yours,

Ralph Wuls
Director of Public Works

RW:dm
Enclosure

cc: Russell E. McClure, City Manager
Glen E. Lytle, Supt. of Central Inspection
Glean E. Benedick, Architect

*Call from
Preston Huston
3-17-64
will file for variance*

CENTRAL INSPECTION DIVISION

March 11, 1964

Ralph Wulz, Director of Public Works

Glen E. Lytle, Superintendent of Central Inspection

METROPOLITAN BAPTIST
CHURCH PARKING

In review of the agreement between the Board of Park Commissioners and the Metropolitan Baptist Church relative to the parking to be provided by the church on park property, we find it not in compliance with the zoning ordinance. The zoning ordinance further stipulates that 50% of the required off street parking be provided on the church property.

Review of the plans indicates a need for 254 off street parking spaces to provide for the 1,270 seat auditorium. This would require 127 spaces in lieu of the 109 spaces shown on the plot plan approved by the Traffic Engineer. This is a deficit of 18 required on the church property.

In order to comply with the zoning ordinance it is necessary for the church and the Board of Park Commissioners to have an agreement to allow for the exclusive use by the church to its members and patrons between the hours of 8:00 a.m. and 10:00 p.m. on Sunday, 145 parking spaces within 660 feet of the church property. This agreement is to be made binding on the owners of the land and is to be filed with the Register of Deeds after having first been approved by the Department of Law.

It is still my feeling that the proper approach to the off street parking requirements in this instance would be a variance through the Board of Zoning Appeals.

We have been contacted today by the contractors, Vollmer Construction Company, requesting the issuance of a permit for the construction of the church. Please advise as to what action we should take, either by issuing a permit subject to the providing of the suggested agreement between the Board of Park Commissioners and the church or subject to the Board of Zoning Appeals approval.

GEL:ml

AGREEMENT

THIS AGREEMENT made and entered into by and between:

THE BOARD OF PARK COMMISSIONERS OF
THE CITY OF WICHITA, as Parties of
the First Part, hereinafter referred
to as:

"PARK COMMISSION"

And:

THE METROPOLITAN BAPTIST CHURCH,
a corporation, as Party of the
Second Part, hereinafter referred
to as:

"CHURCH"

WHEREAS, Park Commission is the owner of the following described
property, to-wit:

All that part of Reserve 3, West Wichita
Addition to the City of Wichita, lying north
of Papoe's Park Addition except railroad,
boulevard and alley, also described as
follows: Beginning at a point 163.4 feet
northeasterly from a street, said street being
at the intersection of the north side of the
alley, with the east line of Spencer Street;
said alley is on the south end abutting lots
fronting on Chicago Avenue, near Douglas Avenue,
thence northeasterly along the north side of
said alley 283.2 feet; thence with angle of 90°
to the right for a distance of 296.2 feet;
thence west 465.1 feet to the place of beginning,
all in Sedgewick County, Kansas;

and,

WHEREAS, the Church has acquired the property immediately
adjacent to and to the east of the property owned by said Park
Commission; and,

WHEREAS, the said Church is desirous of being able to use
the above described property for parking purposes in connection
with the use of its property for church purposes; and,

WHEREAS, the Park Commission is willing to permit the use
of the above described property for parking purposes by said Church
so long as the said area is being used for off-street parking
purposes.

NOW, THEREFORE, it is agreed by and between the parties as
follows:

STATE OF KANSAS }
 } SS:
COUNTY OF SEDGWICK }

BE IT REMEMBERED, that on this 10th day of May, 1963, before me, the undersigned, a Notary Public, duly commissioned, in and for the county and state aforesaid, came Harold C. Brewer, Vice President of The Board of Park Commissioners of the City of Wichita, personally known to me to be such officer, and to be the same person who executed as such officer the foregoing instrument of writing in behalf of said Board of Park Commissioners, and he duly acknowledged the execution of the same for himself and for said Board for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.

Harold C. Brewer
Notary Public

My commission expires:
July 23, 1965
S B 41

STATE OF KANSAS }
 } SS:
SEDGWICK COUNTY }

BE IT REMEMBERED that on this 10th day of May, 1963, before me, the undersigned, a Notary Public, duly commissioned, in and for the county and state aforesaid, came Robert J. Lovell, Trustees of the Metropolitan Baptist Church, a corporation of the state of Kansas, personally known to me to be such Trustees, and to be the same persons who executed as such Trustees the foregoing instrument of writing in behalf of said corporation, and they duly acknowledged the execution of the same for themselves and for said corporation for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.

Harold C. Brewer
Notary Public

My commission expires:
July 23, 1965
S B 41

In consideration of the Park Commission agreeing to and granting to the Church and its members the right to use the above described premises owned by said Park Commission for parking purposes as long as the said area is so used for off-street parking purposes and in consideration thereof, the said Church does hereby agree that it will without cost to the Park Commission hard surface said area with black top surfacing according to the specifications as set up by the Park Commission.

It is further understood and agreed by and between said parties that the use of said area by the Church and its members shall not be exclusive, but shall be for the joint use of the parties hereto together with patrons of Lawrence Stadium and the businesses in the area.

It is further understood and agreed by and between the parties that this contract may be recorded in the office of the Register of Deeds of Sedgwick County, Kansas.

EXECUTED in duplicate this ____ day of May, 1963.

ATTEST:

/s/ Wilma Burkle
Clerk

SEAL

THE BOARD OF PARK COMMISSIONERS OF
THE CITY OF WICHITA

BY /s/ Schryler Crawford
C. J. Watson, President
Schryler Crawford, Vice President
Party of the First Part

THE METROPOLITAN BAPTIST CHURCH,
a corporation,

BY Robert A. Purcell
Trustee

Trustee

Trustee

Trustee

Trustee

CASE NO. BZA 18-64

13 NOTICES MAILED APRIL 9, 1964 FOR HEARING APRIL 28, 1964

Metropolitan Baptist Church
525 West Douglas

Preston D. Huston
700 Colorado Derby Building

Mathilda Holleicke
528½ West Douglas

T. W. and Cleo Mae Shidler
5609 East 13th

E.H. Rowley
413 North Pinecrest

Midland Valley Railroad Company
519 West Douglas

N. W. Longenecker
1846 South Water

Board of Park Commissioners
City Building

Metropolitan Baptist Church
220 East Waterman

Margaret E. Roberts
C/O A. V. Roberts
603 Schweiter Building

Wichita Perpetual Building & Loan Assn.
120 South Main

N. F. Farha
1377 Iroquois

City of Wichita
Wichita, Kansas

BOARD OF ZONING APPEALS
Room 402 City Building Annex
106 South Main
Wichita, Kansas

20

April 9, 1946

APPEAL TO ABANDON PROPERTY ZONING

Case No. 224 18-46

An application has been filed by Metropolitan Baptist Church,
525 West Douglas, Wichita, Kansas, by Ernest D. Barton, 700 Colorado
Bundy Building, Wichita, Kansas, requesting a Variance pursuant to
Section 2.12.308.2, Code of the City of Wichita, Kansas, as follows:

Variance of 18 off-street parking spaces from the require-
ment under Section 20.04.140.A.2.A, Code of the City of
Wichita, Kansas, which requires that 5% of the total off-
street parking spaces must be on landowner's property, and
a variance of the requirement that parking facilities
which are located within 600 feet of the place of public
assembly (as measured along lines of public access) may be
used to meet not more than 5% of the total off-street park-
ing requirements, providing written consent of the owner or
agent of such existing parking lot is obtained, and provided
such approval is made binding on the owners of such land
and such approval is filed with the Register of Deeds after
having first been approved by the Department of Law.

all related to property legally described as follows:

A tract in the SW¹/₄ of Section 20, Township 27 S., Range 1 East
of the 6th P.M., Sedgwick County, Kansas, including certain
portions of West Wichita, Sedgwick County, Kansas, and Payne's
Park Addition to Wichita, Kansas, described as follows:
Beginning at a point on the south line of Douglas Avenue 724
feet east of the intersection of the southerly line of Douglas
and the easterly line of Sycamore Avenue, before any of said
Sycamore Avenue was vacated, measured along the southerly line
of Douglas Avenue; thence S¹/₂Ely along the southerly line of
Douglas Avenue 204.78 feet to a point 5 feet S¹/₂Ely of the S¹/₂Wly
corner of Lot 142 on Douglas Avenue in said West Wichita;
thence S¹/₂Ely parallel to the west line of said Lot 142 and at
right angles to Douglas Avenue, 140 feet; thence SWly at right
angles 24.92 feet; thence SEly at right angles 277.05 feet to
the northern most corner of Lot 22, Block 1, in said Payne's

Park; thence south along the west line of said Lot 22, 119.14 feet to the SW corner of said Lot 22; thence SW 35.3 feet to the intersection of the center line of vacated LaClede Avenue and English Street as platted in said Payne's Park; thence south on the center of said vacated LaClede Avenue, 225 feet to the south line of Lot 9 extended west in Block 6 in said Payne's Park; thence east on the south line of said Lot 9 extended, 334.3 feet to the west line of McLean Blvd. as established by Ordinance No. 4194; thence NW along the westerly line of said McLean Blvd., 593.09 feet to the P.C. of a curve to the left having a central angle of $17^{\circ}27'30''$ and a radius of 433.47 feet; thence along said curve 200 feet to the P.T. of said curve, said point being 125.5 feet from the point of beginning measured at right angles to the south line of Douglas Avenue; thence NW on tangent of said curve 125.5 feet to beginning, generally located at the southeast corner of Douglas and McLean Avenues.

This application has been assigned Case No. BZA 18-64, and will be considered by the Board of zoning Appeals at its meeting on **Tuesday, April 21, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.**

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main
Wichita, Kansas

April 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 18-64

An application has been filed by Metropolitan Baptist Church, 525 West Douglas, Wichita, Kansas, by Preston D. Huston, 700 Colorado Derby Building, Wichita, Kansas, requesting a Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, as follows:

Variance of 18 off-street parking spaces from the requirement under Section 28.04.140.A.2.4, Code of the City of Wichita, Kansas, which requires that 50% of the total off-street parking spaces must be on landowner's property, and a variance of the requirement that parking facilities which are located within 660 feet of the place of public assembly (as measured along lines of public access) may be used to meet not more than 50% of the total off-street parking requirements, providing written consent of the owner or agent of such existing parking lot is obtained, and provided such approval is made binding on the owners of such land and such approval is filed with the Register of Deeds after having first been approved by the Department of Law,

all related to property legally described as follows:

A tract in the SW $\frac{1}{4}$ of Section 20, Township 27 S. Range 1 East of the 6th P.M., Sedgwick County, Kansas, including certain portions of West Wichita, Sedgwick County, Kansas, and Payne's Park Addition to Wichita, Kansas, described as follows: Beginning at a point on the south line of Douglas Avenue 724 feet east of the intersection of the southerly line of Douglas and the easterly line of Sycamore Avenue, before any of said Sycamore Avenue was vacated, measured along the southerly line of Douglas Avenue; thence SWly along the southerly line of Douglas Avenue 284.78 feet to a point 5 feet NEly of the NWly corner of Lot 142 on Douglas Avenue in said West Wichita; thence SEly parallel to the west line of said Lot 142 and at right angles to Douglas Avenue, 140 feet; thence SWly at right angles 24.92 feet; thence SEly at right angles 277.05 feet to the northern most corner of Lot 22, Block 1, in said Payne's

Park; thence south along the west line of said Lot 22, 119.14 feet to the SW corner of said Lot 22; thence SW 35.3 feet to the intersection of the center line of vacated LaCledé Avenue and English Street as platted in said Payne's Park; thence south on the center of said vacated LaCledé Avenue, 225 feet to the south line of Lot 9 extended west in Block 6 in said Payne's Park; thence east on the south line of said Lot 9 extended, 254.3 feet to the west line of McLean Blvd. as established by Ordinance No. 4194; thence NWly along the westerly line of said McLean Blvd., 593.09 feet to the P.C. of a curve to the left having a central angle of $27^{\circ}37'30''$ and a radius of 433.47 feet; thence along said curve 209 feet to the P.T. of said curve, said point being 125.5 feet from the point of beginning measured at right angles to the south line of Douglas Avenue; thence NW on tangent of said curve 125.5 feet to beginning. Generally located at the southwest corner of Douglas and McLean Boulevard.

This application has been assigned Case No. BZA 18-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 28, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 18-64
FILED 3-30-64

APPLICATION FOR VARIANCE

I. Name of Applicant Metropolitan Baptist Church
Mailing Address 525 W. Douglas Phone AM 4-2354
Name of Authorized Agent Preston D. Huston
Mailing Address 700 Colorado Derby Bldg. Phone AM 7-1201
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is Under provision of Section 2.12.590.2 of the Code of the City of Wichita variance is requested on (1) the parking requirements under the Zoning Code 28.04.140.2.4 which required 50% of the total parking spaces must be on land owner's property and a waiver (2) of the requirement that the agreement for additional 50% parking not be made available for other parking. (See Exhibit "A" "Background" and "Conditions which justify granting a variance."

for property located The Southwest Corner of McLean Blvd. and Douglas Avenue.

and legally described as: a tract in the SW 1/4 of Section 20, Township 27S, Range 1 East of the 6th P.M., and specifically as listed in attached Statement of Record ownership. (Exhibit "B")

in the City of Wichita; and which is presently zoned "C".

(Give metes and bounds description below if appropriate):

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 he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Metropolitan Baptist Church

Applicant

Preston D. Huston

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:50 (a.m. ~~(p.m.)~~), 3-30, 1964, together with appropriate fee of \$50.00.

T21-402

D. Holtgren
Signed by an

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

1. Name of Applicant Metropolitan Baptist Church

Mailing Address 525 W. Douglas Phone AM 4-2354

Name of Authorized Agent Preston D. Huston

Mailing Address 700 Colorado Derby Bldg. Phone AM 7-1201

Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

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Metropolitan Baptist Church

Applicant

Preston D. Huston

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19____, together with appropriate fee of \$50.00.

BACKGROUND

Exhibit "A"

- I The Metropolitan Baptist Church is currently in the process of constructing a 1,270 seat sanctuary at the Southwest Corner of Douglas Avenue & McLean Blvd. and adjacent to the Lawrence Stadium Parking area. The parking requirements call for a total of 254 off-street parking spaces of which 127 spaces must be located on the church property.

Exhibit "C"

The parking plan recommended by the architect and approved by the City Traffic Engineer allows only 109 parking spaces on the church property instead of the 127 (18 spaces shy of requirements). The recommended plan calls for angle perimeter and island parking in preference to 90° perimeter or parallel parking because it will facilitate parking of cars and will not create as much congestion or possible accidents. The church asks for a variance from the code to permit the plan of 109 cars instead of the required 127.

- II On June 6, 1963, the Metropolitan Baptist Church entered into agreement with the Board of Park Commissioners of the City of Wichita to pave a triangular section of ground adjacent to the church property and present Lawrence Stadium parking facilities (See plan in Exhibit "C" and Agreement Exhibit "D") to be used as parking purposes in connection with the church and to comply with Zone Code requirements 28.04, 140.2.4. This agreement was duly executed and approved by the City Attorney's office.

The code does require that an agreement for additional parking (up to 50%) must be for the exclusive right of the church facilities. Naturally, the city nor any of its departments, can give exclusive right to any citizen or organization for such use of property. The Metropolitan Baptist Church requests a waiver of the requirement that parking cannot be "made available for other parking."

- III This request is being made at the suggestion of Central Inspection Division and of the Director of Public Works in order that the technicalities of the code can be complied with. The Director of Public Works has authorized the issuance of the building permit contingent upon the parking requirement being met satisfactorily prior to occupancy of the facilities.

Conditions Which Justify Granting This Variance

(As Required under Provision 2.12.590.2)

- a. This condition is unique in that the Metropolitan Baptist Church property is adjacent to property owned by the Board of Park Commissioners who, although sympathetic in assistance to the church, cannot legally grant exclusive parking use to the church as required by the code. Although knowing this situation to exist, the church has entered into agreement with the Board of Park Commissioners with the approval of the city legal counsel to pave an undeveloped triangular piece of ground at an estimated cost of \$15,000. This agreement states that the parking shall be for the joint use of the parties hereto (church and city) together with patrons of Lawrence Stadium and the businesses in the area.

Further uniqueness of this situation is evidenced by the fact that the church is paving more than sufficient area to meet the requirement of 127 spaces on ground the church owns, but because of recommendations of the architect and approval of the Traffic Engineer only 109 spaces are layed out to help the flow of traffic in the parking area.

The condition is also unique in that this seems a practical approach since public parking (Lawrence Stadium) is close by and the peak hours for church parking (9:30 a. m. to 12:00 noon Sunday) will not conflict with normal use of this parking area by the public during business hours nor during special events at the Stadium. It should be pointed out that while the church does have Sunday evening worship services and activities during the week, the attendance at these functions is usually half or less than Sunday morning worship and it is not foreseeable that other than church-owned parking facilities would be required for these events.

- b. The granting of this variance will in no way adversely affect the rights of adjacent property owners or residences. Rather, it will prove to be of benefit of these parties. As pointed out previously, church hours are not in conflict with either business hours or with normal functions at Lawrence Stadium. The church is, at its cost expanding parking facilities for patrons of Lawrence Stadium and for the use of businesses in the area as stated by the agreements between the church and park board. The church is also eliminating an eye-sore for the City of Wichita by paving it.
- c. The strict application of the enforcement provisions will constitute unnecessary hardship upon the members of Metropolitan Baptist Church. Should the church be required to resort to 90° perimeter and island parking in order to get 127 spaces on its own property, it will cause those attending to do considerable maneuvering with their autos in order to fit in the smaller spaces. This will lead to traffic congestion and accidents. Further, many members of the church are up in years. The 90° parking layout will make it more difficult for them.

The church has already purchased all the available ground in the area, and even has granted an easement to the city at the south end of the property. All open adjacent ground is owned by the Board of Park Commissioners so it will be almost impossible to acquire additional property to comply with the code.

The church is under obligation to pave ground for the Park Board, but strict application of the code will prevent the church from counting spaces in this area toward the total requirement of the code. Hence, the church asks for the waiver of the "exclusive" requirement.

- d. This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Instead it will enhance the safety. Not only will it relieve congestion within the parking area, but it will eliminate traffic congestion on McLean Blvd. The faster and easier cars are able to park the sooner they get off the street. This means less cars waiting in line to get out and off the parking area. It will improve public convenience because the patrons to Lawrence Stadium and nearby business will be gaining additional parking facilities at no cost to the city.

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- III This request is being made at the suggestion of Central Inspection Division and of the Director of Public Works in order that the technicalities of the code can be complied with. The Director of Public Works has authorized the issuance of the building permit contingent upon the parking requirement being met satisfactorily prior to occupancy of the facilities.

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Exhibit "B"

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor in and for said County and State does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, to wit:

A tract in the SW $\frac{1}{4}$ of Section 20, Township 27, S, Range 1 East of the 6th P.M., Sedgwick County, Kansas, including certain portions of West Wichita, Sedgwick County, Kansas, and Payne's Park Addition to Wichita, Kansas, described as follows: Beginning at a point on the South line of Douglas Avenue 724 feet East of the intersection of the Southerly line of Douglas and the Easterly line of Sycamore Avenue, before any of said Sycamore Avenue was vacated, measured along the Southerly line of Douglas Avenue; thence SWly along the Southerly line of Douglas Avenue 284.78 feet to a point 5 feet NEly of the NWly corner of Lot 142 on Douglas Avenue in said West Wichita; thence SEly parallel to the West line of said Lot 142 and at right angles to Douglas Avenue, 140 feet; thence SWly at right angles 24.92 feet; thence SEly at right angles 277.05 feet to the Northern most corner of Lot 22, Block 1, in said Payne's Park; thence South along the West line of said Lot 22, 119.14 feet to the SW corner of said Lot 22; thence SW 35.3 feet to the intersection of the center line of vacated LaCiede Avenue and English Street as platted in said Payne's Park; thence South on the center of said vacated LaCiede Avenue, 225 feet to the South line of Lot 9 extended West in Block 6 in said Payne's Park; thence East on the South line of said Lot 9 extended, 254.3 feet to the West line of McLean Blvd. as established by Ordinance No. 4194; thence NWly along the Westerly line of said McLean Blvd., 593.09 feet to the P.C. of a curve to the left having a central angle of 27 $^{\circ}$ 37'30" and a radius of 433.47 feet; thence along said curve 209 feet to the P.T. of said curve, said point being 125.5 feet from the point of beginning measured at


Fidelity
Title
Company,
inc.



Page 2 cont'd

right angles to the South line of Douglas Avenue;
thence NW on tangent of said curve 125.5 feet to
beginning

And from such examination find that the record owners
thereof are as set opposite the description of the property below, viz:

LOT	STREET	ADDITION	OWNER
121	Douglas	West Wichita	Patricia Hellar Stahr Peggy Hellar Ihrig Phyllis Hellar Brown Fredrita Hellar (No address found)
123	"	"	same
125	"	"	Mathilda Holleicke 528 $\frac{1}{2}$ W Douglas
127	"	"	same
129	"	"	same
131	"	"	T. W. Shidler and Cleo Mae Shidler 5609 E 13th
133	"	"	same
135	"	"	same
137	"	"	same
139	"	"	same
141	"	"	same
143	"	"	same
145	"	"	E. H. Rowley. 413 N. Pinecrest Midland Valley Railroad Co. 519 W. Douglas
147 (W 10')	"	"	same
147 (E 15' & - surplus on E	"	"	N. W. Longenecker 1846 S. Water


**Fidelity
Title
Company
inc.**



Page 3 cont'd

DESCRIPTION

OWNER

All of Res A, lying N of Payne's Park exc. lands of Midlane Valley Railroad & exc. Blvd.

Board of Park Commissioners

An angular plot of ground lying approx. 40' W of W bank of Arkansas River & S of S line of 1st alley S of Douglas Ave., beg. at point on S. line said alley 228.8 ft. W of Center line of the RR as now located; the SEly at right angles to said alley line 258.8 ft.; thence Easterly making an angle to left of $56^{\circ}30'$ a dist. of 209 ft.; th Northerly along a straight line making an angle to the left of $95^{\circ}54'$ a dist. of 64.7 ft.; th along a 10° curve to the left 276 ft.; th along a straight line tangent to the curve, a dist. of 52.8 ft. to the South line of said alley; th SW along said S line, 268.8 ft. to the point of beg. Except any portion on the East side of the above desc. tract taken by the City of Wichita in establishing the West line of McLean Blvd. as established by City Ordinance #4194

The Metropolitan Baptist Church of Wichita, Kansas, a corp.

220 E. Waterman

A strip of ground lying approx. 40 ft. W of the W bank of the Arkansas River, and North of Maple Street, desc. as: beg. at a point on the N line of Maple St., 80 ft. W of the center line of said RR as now located; th in a Northerly direction parallel to and 80 ft. West of said Center line, a dist. of 793.7 ft.; th along a 10° curve to the left 276 ft.; thence along a straight line tangent to the curve at that point 91.5 ft.; th in an Easterly direction making an angle to the right of $123^{\circ}30'$ with said line at that point, a dist. of 209 ft.; thence S along a line making an angle


**Fidelity
Title
Company
Inc.**




DESCRIPTION

OWNER

to the right of 84⁰⁶' and lying 20 ft. East of an parallel to the center line of said RR as now located, a distance of 1117.5 ft. to the North line of Maple St., th W. along said N line 100 ft. to point of beginning, Except that part of above described tr. lying S of So. line of Lot 9, Block 6, Payne's Park Addition to Wichita, Kansas, extended East. Also except the portion of above tract of land taken by City of Wichita in establishing the West line of McLean Blvd. as established by City Ordinance #4194

B The Metropolitan Baptist Church of Wichita, Kansas, a corp.


Fidelity
Title
Company,
inc.

LOT	STREET	ADDITION	OWNER
124	Douglas	West Wichita	Margaret E. Roberts c/o A.V. Roberts, 603 Schweiter Bldg.
126	"	"	<i>no address</i> C. S. Shank and Maud Shank no address found
128	"	"	same
130	"	"	same
132	"	"	same
134	"	"	Wichita Perpetual Bldg. and Loan Assn, 120 S. Main
136	"	"	same
138	"	"	same
140	"	"	same
142 (W5 ¹)	"	"	same
142 (E 20 ¹)	"	"	<i>S</i> The Metropolitan Baptist Church of Wichita, Kansas, a corp.



Page 5 cont'd

LOT	STREET	ADDITION	OWNER
144 (W 15' 9½")	Douglas	West Wichita	The Metropolitan Baptist Church of Wichita Kansas, a corp.
146	"	"	same
148	"	"	same
144 (E 9' 2½")	"	"	same
150	"	"	same
152	"	"	same
154	"	"	same
156	"	"	same
158	"	"	same
160 (W 15')	"	"	same
160 (exc. W 15' & surplus on East	"	"	same'
111	"	"	N. F. Farha 1377 Iroquois
113	"	"	same
115	"	"	same
117	"	"	same
119	"	"	same
LOT	BLK.	ADDITION	OWNER
14	1	Payne's Park	City of Wichita
15	1	"	same
16	1	"	same
17	1	"	same
18	1	"	same


**Fidelity
Title
Company,
inc.**



Page #6 cont'd

LOT	BLK.	ADDITION	OWNER
19	1	Payne's Park	City of Wichita
20	1	"	same
21	1	"	same
22	1	"	The Metropolitan Baptist Church of Wichita, Kansas, a corp.
1 & $\frac{1}{2}$ vac. St. adj.	3	"	City of Wichita
3	3	"	same
5	3	"	same
7	3	"	same
9	3	"	same
11	3	"	same
13	3	"	same
15	3	"	same
17	3	"	same
19	3	"	same
21	3	"	same
23	3	"	same
25	3	"	same
27	3	"	same
29	3	"	same
2	3	"	same
4	3	"	same
6	3	"	same


**Fidelity
Title
Company,
inc.**



Page 7 cont'd

LOT	BLK.	ADDITION	OWNER
8	3	Payne's Park	City of Wichita
10	3	"	same
12	3	"	same
14	3	"	same
16	3	"	same
18	3	"	same
20	3	"	same
22	3	"	same
24	3	"	same
26	3	"	same
28	3	"	same
30	3	"	same
1 & $\frac{1}{2}$ vac st. adj.	6	"	The Metropolitan Baptist Church of Wichita, Kansas, a corp.
2	"	6	" same
3	"	6	" same
4	"	6	" same
5	"	6	" same
6	"	6	" same
7	"	6	" same
8	"	6	" same
9	"	6	" same


**Fidelity
Title
Company,
inc.**



Page 8 cont'd

LOT	BLK	ADDITION	OWNER
10	& $\frac{1}{2}$ vac. st adj.	6	Payne's Park City of Wichita
11	"	6	" same
12	"	6	" same
13	"	6	" same
14	"	6	" same
15	"	6	" same
16	"	6	" same
17	"	6	" same


**Fidelity
Title
Company,
inc.**

Dated at Wichita, Kansas, this 27th day of March., 1964.

No. 59687

FIDELITY TITLE COMPANY, INC.
By *Elvie M Farrell*
Sec.

Exhibit "D"

A G R E E M E N T

THIS AGREEMENT made and entered into by and between:

THE BOARD OF PARK COMMISSIONERS OF THE CITY OF WICHITA, as Parties of the First Part, hereinafter referred to as:

"PARK COMMISSION"

*Bank
Hoped
6/10/65*

And:

THE METROPOLITAN BAPTIST CHURCH, a corporation, as Party of the Second Part, hereinafter referred to as:

"CHURCH"

WHEREAS, Park Commission is the owner of the following described property, to-wit:

All that part of Reserve A, West Wichita Addition to the City of Wichita, lying north of Payne's Park Addition except railroad, boulevard and alley, also described as follows: Beginning at a point 163.4 feet northeasterly from a stone, said stone being at the intersection of the south side of the alley, with the east line of Sycamore Street; said alley is on the south end abutting lots fronting on Chicago Avenue, now Douglas Avenue, thence northeasterly along the south side of said alley 385.3 feet; thence with angle of 90° to the right for a distance of 258.8 feet; thence west 465.1 feet to the place of beginning, all in Sedgwick County, Kansas;

and,

WHEREAS, the Church has acquired the property immediately adjacent to and to the east of the property owned by said Park Commission; and,

WHEREAS, the said Church is desirous of being able to use the above described property for parking purposes in connection with the use of its property for church purposes; and,

WHEREAS, the Park Commission is willing to permit the use of the above described property for parking purposes by said Church so long as the said area is being used for off-street parking purposes.

NOW, THEREFORE, it is agreed by and between the parties as follows:

signed copies returned to Robt. H. Nelson, Atty for Metropolitan Baptist Church.

In consideration of the Park Commission agreeing to and granting to the Church and its members the right to use the above described premises owned by said Park Commission for parking purposes so long as the said area is so used for off-street parking purposes and in consideration thereof, the said Church does hereby agree that it will without cost to the Park Commission hard surface said area with black top surfacing according to the specifications as set up by the Park Commission.

It is further understood and agreed by and between said parties that the use of said area by the Church and its members shall not be exclusive, but shall be for the joint use of the parties hereto together with patrons of Lawrence Stadium and the businesses in the area.

It is further understood and agreed by and between the parties that this contract may be recorded in the office of the Register of Deeds of Sedgwick County, Kansas.

EXECUTED in duplicate this 6th day of ~~May~~^{June}, 1963.

ATTEST:

Wilma Beechle
Clerk

THE BOARD OF PARK COMMISSIONERS OF
THE CITY OF WICHITA

BY Schuyler Crawford
~~O. J. Watson, President~~
Schuyler Crawford, Vice President
Party of the First Part

THE METROPOLITAN BAPTIST CHURCH,
a corporation,

BY Robert A. Powell
Trustee

J. Jenkins
Trustee

L. Doyle Buchanan
Trustee

Trustee

Trustee

Approved as to form 6/7/63
John A. ...
Asst. City Atty.

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 10th day of ^{June} ~~May~~, 1963, before me, the undersigned, a Notary Public, duly commissioned, in and for the county and state aforesaid, came Schuyler Crawford, Vice President of The Board of Park Commissioners of the City of Wichita, personally known to me to be such officer, and to be the same person who executed as such officer the foregoing instrument of writing in behalf of said Board of Park Commissioners, and he duly acknowledged the execution of the same for himself and for said Board for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.

Faye Brewer
Notary Public

My commission expires:

July 23 1963

STATE OF KANSAS
SS:
SEDGWICK COUNTY

BE IT REMEMBERED that on this 6th day of ^{June} ~~May~~, 1963, before me, the undersigned, a Notary Public, duly commissioned, in and for the county and state aforesaid, came Robert G. Powell, J. C. Jenkins, L. H. Taylor, Harshardt, Trustees of The Metropolitan Baptist Church, a corporation of the State of Kansas, personally known to me to be such Trustees, and to be the same persons who executed as such Trustees the foregoing instrument of writing in behalf of said corporation, and they duly acknowledged the execution of the same for themselves and for said corporation for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year last above written.

Loy L. Davis
Notary Public

My commission expires:

3-5-66

Clyde M. BAUGHMAN
FRANCIS J. D'ANE
JOHN T. (JACK) REEVES

OFFICE OF
Clyde M. BAUGHMAN CO.
Civil Engineer & Surveyors
Registered Professional Engineer

2522 EAST KELLOGG
WICHITA II, KANSAS
DIAL MURRAY 3-7431

EX-21.2

State of Kansas)
County of Sedgewick) SS October 8, 1962

I, Clyde M. Baughman, Surveyor in aforesaid county and state do hereby certify that I did on this 8th day of October, 1962, survey a tract in the SW $\frac{1}{4}$ of Sec. 20, Twp. 27-S, R-1-E, including certain portions of West Wichita, Sedgewick County, Kansas, and Payne's Park Addition to Wichita, Kansas, described as follows: Beginning at a point on the south line of Douglas Avenue 72 $\frac{1}{2}$ feet east of the intersection of the southerly line of Douglas and the easterly line of Sycamore Avenue, before any of said Sycamore Avenue was vacated, measured along the southerly line of Douglas Avenue; thence southwesterly along the southerly line of Douglas Avenue 284.78 feet to a point 5 feet northeasterly of the northwesterly corner of Lot 142 on Douglas Avenue in said West Wichita; thence southeasterly parallel to the west line of said lot 142 and at right angles to Douglas Avenue, 140 feet; thence southwesterly at right angles 24.92 feet; thence southeasterly at right angles 277.05 feet to the northern most corner of Lot 22, Block 1, in said Payne's Park; thence south along the west line of said lot 22, 119.14 feet to the southwest corner of said Lot 22; thence southwest 35.3 feet to the intersection of the center line of vacated LaCleda Avenue and English Street as platted in said Payne's Park; thence south on the center of said vacated LaCleda Avenue, 225 feet to the south line of Lot 9 extended west in Block 6 in said Payne's Park; thence east on the south line of said Lot 9 extended, 254.3 feet to the west line of McLean Blvd. as established by ordinance No. 4194; thence northwesterly along the westerly line of said McLean Blvd., 593.09 feet to the P. C. of a curve to the left having a central angle of 27° 37' 30" and a radius of 433.47 feet; thence along said curve 209 feet to the P. T. of said curve, said point being 125.5 feet from the point of beginning measured at right angles to the south line of Douglas Avenue; thence northwest on tangent of said curve 125.5 feet to beginning.

The accompanying plat is a true and correct exhibit of said survey.


Surveyor

LOT	STREET	ADDITION	OWNER
121	Douglas	West Wichita	Patricia Heller Stahr <i>70 address found</i> Peggy Heller Ihrig <i>71 address found</i> Phyllis Heller Brown <i>70 address found</i> Fredrita Heller <i>71 address found</i> <i>(Research provided) 6-ways</i>
123	"	"	Same
125	"	"	Mathilda Holleicke
127	"	"	528 1/2 W. Douglas Same
129	"	"	Same
131	"	"	T. W. Shidler and Cleo Mae Shidler 5609 E. 13th
133	"	"	Same
135	"	"	Same <i>1274-340</i>
137	"	"	Same
139	"	"	Same
141	"	"	Same
143	"	"	X Midland Valley Railroad Co. 1326-140
o 145	"	"	Same <i>520-63</i>
c 147 (W. 10')	"	"	Same <i>Midvale E.H. Rowley</i>
(147 (E 15') & surplus on E.	"	"	N. W. Longnecker 1846 S. Water 432-556
All of Res A, lying N. of Payne's Park exc. lands of Midland Valley Railroad & exc. Blvd.	"	"	board of Park Commissioners

An angular plot of ground lying approx. 40' W. of W bank of Arkansas river & S. of S. line of 1st alley S. of Douglas Ave., Beg. at point on S. line said alley 228.3 ft. W. of center line of the railroad as now located; th SE-ly at right angles to said alley line, 258.3 ft.; th E-ly making an angle to left of 56 deg. 30 min. a dist. of 209 ft; th N-ly along a straight line making an angle to the left of 95 deg. 54 min. a dist. of 64.7 ft; th along a 10 deg. curve

(2)

LIST OF PROPERTY OWNERS

LOT	STREET	ADDITION	OWNER
124	Douglas	West Wichita	Margaret E. Roberts c/o A. V. Roberts 605 Schweiter Bldg.
126	"	"	- C. S. Shank and Maud Shank
128	"	"	Same <i>No address found</i>
130	"	"	Same
132	"	"	Same
134	"	"	Wichita Perpetual Building & Loan Assn 120 S. Main
136	"	"	Same
138	"	"	Same
140	"	"	Same
142 (W 5')	"	"	Same
142 (E 20')	"	"	* Midland Valley Railroad 519 W. Douglas
144	"	"	Same
146	"	"	Same 1315-592
148	"	"	Same
150	"	"	Same 1316-596
152	"	"	Same
154	"	"	Same <i>ch</i>
156	"	"	Same
158	"	"	Same
160 (W 15')	"	"	Same - 1316-598
160 (exc. W15') & surplus on East	"	"	Frank A. C. Emery and 1311-350 Nellie Mae Emery 232 N. Seneca. <i>Pat ch.</i>
111	"	"	N. F. Farha
113	"	"	Same 1377 Iroquois
115	"	"	Same
117	"	"	Same
119	"	"	Same

1316-594
1316-595
1316-596
1316-597
1316-598



DESCRIPTION

OWNER

to the left 276 ft; th. along a straight line tangent to the curve, a dist. of 52.8 ft. to the South line of said alley; th SW along said S. line, 268.8 ft. to the point of beg.

see McLean X Midland Valley Railroad - 1316-596

A strip of ground lying approx. 40 ft. W. of the W. bank of the Arkansas River, and North of Maple Street, desc. as: Beg. at a point on the N. line of Maple St., 80 ft. W. of the center line of said railroad as now located; th. in a N-ly direction parallel to and 80 ft. west of said center line, a dist of ~~783.7~~ 793.7 ft.; thence along a 10 deg. curve to the left 276 feet; thence along a straight line tangent to the curve at that point 91.5 ft.; th. in an E-ly direction making an angle to the right of 123 deg. 30 min. with said line at that point, a dist. of 209 ft; thence S. along a line making an angle to the right of 84 deg. and 6 min. and lying 20 ft East of and parallel to the center line of said railroad as now located, a distance of 1117.5 ft to the N. line of Maple St., th. W. along said N. line 100 ft. to point of beg.

X Midland Valley Railroad *Metrop Rapt Ch*

<u>LOT</u>	<u>BLK</u>	<u>ADDITION</u>	
14	1	Payne's Park	City of Wichita
15	1	"	Same
16	1	"	Same
17	1	"	Same
18	1	"	Same
19	1	"	Same
20	1	"	Same
21	1	"	Same
22	1	"	X Midland Valley Railroad 1316-592

Page 4

<u>LOT</u>		<u>BLK</u>	<u>ADDITION</u>	<u>OWNER</u>
1	& 1/2 vac. St. adj.	3	Payne's Park	City of Wichita
3	"	3	"	Same
5	"	3	"	Same
7	"	3	"	Same <i>OK</i>
9	"	3	"	Same
11	"	3	"	Same
13	"	3	"	Same
15	"	3	"	Same
17	"	3	"	Same
19	"	3	"	Same
21	"	3	"	Same
23	"	3	"	Same
25	"	3	"	Same
27	"	3	"	Same
29	"	3	"	Same
2		3	"	Same
4		3	"	Same
6		3	"	Same
8		3	"	Same
10		3	"	Same
12		3	"	Same
14		3	"	Same
16		3	"	Same
18		3	"	Same
20		3	"	Same
22		3	"	Same
24		3	"	Same
26		3	"	Same
28		3	"	Same
30		3	"	Same

LOT		BLK	ADDITION	OWNER
1	& 1/2 vac St. adj.	6	Payne's Park X	Midland-Valley Railroad
2	"	6	"	Same
3	"	6	"	Same
4	"	6	"	Same
5	"	6	"	Same
6	"	6	"	Same
7	"	6	"	Same
8	"	6	"	Same
9	"	6	"	Same
10	"	6	"	City of Wichita
11	"	6	"	Same
12	"	6	"	Same
13	"	6	"	Same
14	"	6	"	Same
15	"	6	"	Same
16	"	6	"	Same
17	"	6	"	Same

1315-592 ✓
 1316-600
 The Metropolitan Baptist
 Church of Wichita

OK

We hereby certify the foregoing to be a correct list of property owners of the lands above described, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 6th day of March A. D. 1963 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

[Signature]

Vice President.

Order No. 101546
 (KPB)

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name _____

Address _____

Type B 712 Due Date _____

Comments: _____

Date 3-20-64 By [Signature]

*

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