Wichita-Sedgwick County Metropolitan Area Planning Department

Stephen & Heather Montgomery
9400 E. 42nd Street North
Wichita, KS 67226

July 24, 2020

RE: CON2020-00021: City Conditional Use for an accessory dwelling unit on less than 1 acre; generally located 600 feet west of North Webb Road and 1,700 feet south of East 45th Street North (9400 E. 42nd Street North).

Dear Applicant;

At its regular meeting on **July 9, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

No protests were received; therefore, the MAPC's approval is final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Becky Tuttle, Council Member District II
Cory Buchta, CSR District II

CONDITIONAL USE RESOLUTION NO. CON2020-00021

WHEREAS, Stephen and Heather Montgomery (Applicants), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow an Accessory Apartment on property zoned SF-5 Single Family Residential, located 600 feet west of North Webb Road and 1,700 feet south of East 45th Street North and legally described as:

Lots 13, Webb Acres Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of June 18, 2020, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow an Accessory Apartment on property zoned SF-5 Single Family Residential, located 600 feet west of North Webb Road and 1,700 feet south of East 45th Street North and legally described as:

Lots 13, Webb Acres Addition to Wichita, Sedgwick County, Kansas
Subject to the following conditions:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium.

(2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the accessory apartment.

(4) Development and maintenance of the site shall be in conformance with the approved site plan.

(5) If the accessory apartment is not in place within 12 months after final approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 23th Day of July, 2020

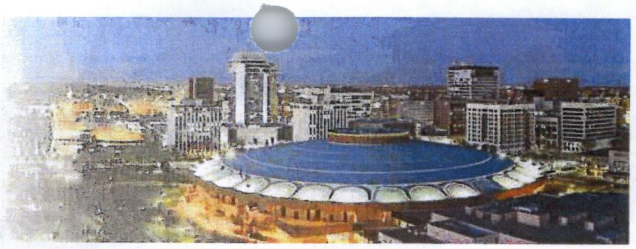
METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair MAPC

ATTEST:

Scott Wadle, Secretary

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0004672673			$100.80	1	168

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE ON
JUNE 18, 2020 (0004672673)
(One Time Only)
MAPC July 9, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, July 9, 2020 no earlier than 1:30 p.m.,** the Wichita-Sedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II – Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). **If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.**

CON2020-00020 City Conditional Use to permit Day Care, General on property zoned TF-3 Two Family Residential; generally located one block south of West 21st Street North and one-block west of North Waco Avenue (2105 N Jackson)

CON2020-00021 City Conditional Use for an accessory dwelling unit on less than 1 acre; generally located 600 feet west of N. Webb Road and 1,700 feet south of East 45th St North (9400 E. 42nd Street N)

CON2020-00022 City Conditional Use to allow an event center located in LC Limited Commercial zoning district adjacent to residential; generally located on the south side of East Kellogg Drive between S Elpyco and Bleckley Street (5025 E. Kellogg)

VAC2020-00016 City Vacation of platted utility easement on property zoned LC generally located north of East 37th Street North and east of North Woodlawn Avenue (3810 North Woodlawn Avenue).

VAC2020-00017 City Vacation of a 30-foot unconstructed street right-of-way to extend the owner's property line on property zone SF-5 Single Family Residential and generally located 1/4 mile east of North West Street and 1/4 mile south of West 13th Street North (3534 W 11th Street North).

VAC2020-00018 City vacation of a portion of a platted floodway easement on property zoned SF-5 and generally located about a quarter mile west of North Webb Road and a half mile north of East 21st Street East (9032 East Lakepoint).

VAC2020-00019 City vacation of a portion of a platted drainage and utility easement on property zoned SF-5 generally located a quarter mile east of North Ridge Road and a quarter mile north of West 37th Street North near the intersection of Estancia Street and Palmetto Street in the Estancia 2nd Addition.

ZON2020-00022 City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential associated with Schulte-Johnson 2nd Addition located on the west side of South Maize Road, one-third mile north of West 31st Street South

ZON2020-00023 City Zone Change from B Multi-Family Residential and GC General Commercial to LI Limited Industrial to allow for uniform development with the lot to the south addressed 203 N. Handley; generally located 515 feet north of West Douglas on the east side of Walnut Street. Delano Overlay District.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: David Yearout 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316-858-7764

Participate Remotely
You can participate remotely either by phone, mobile device, or computer by using the following link or phone number.
Please join the meeting from your computer, tablet or smartphone. https://global.gotomeeting.com/join/856680853
You can also dial in using your phone.
- United States: +1 (872) 240-3212
- Access Code: 856-680-853

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on June 15, 2020
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 06/18/2020

Ending issue of: 06/18/2020

STATE OF KANSAS)
.SS
County of Sedgwick)

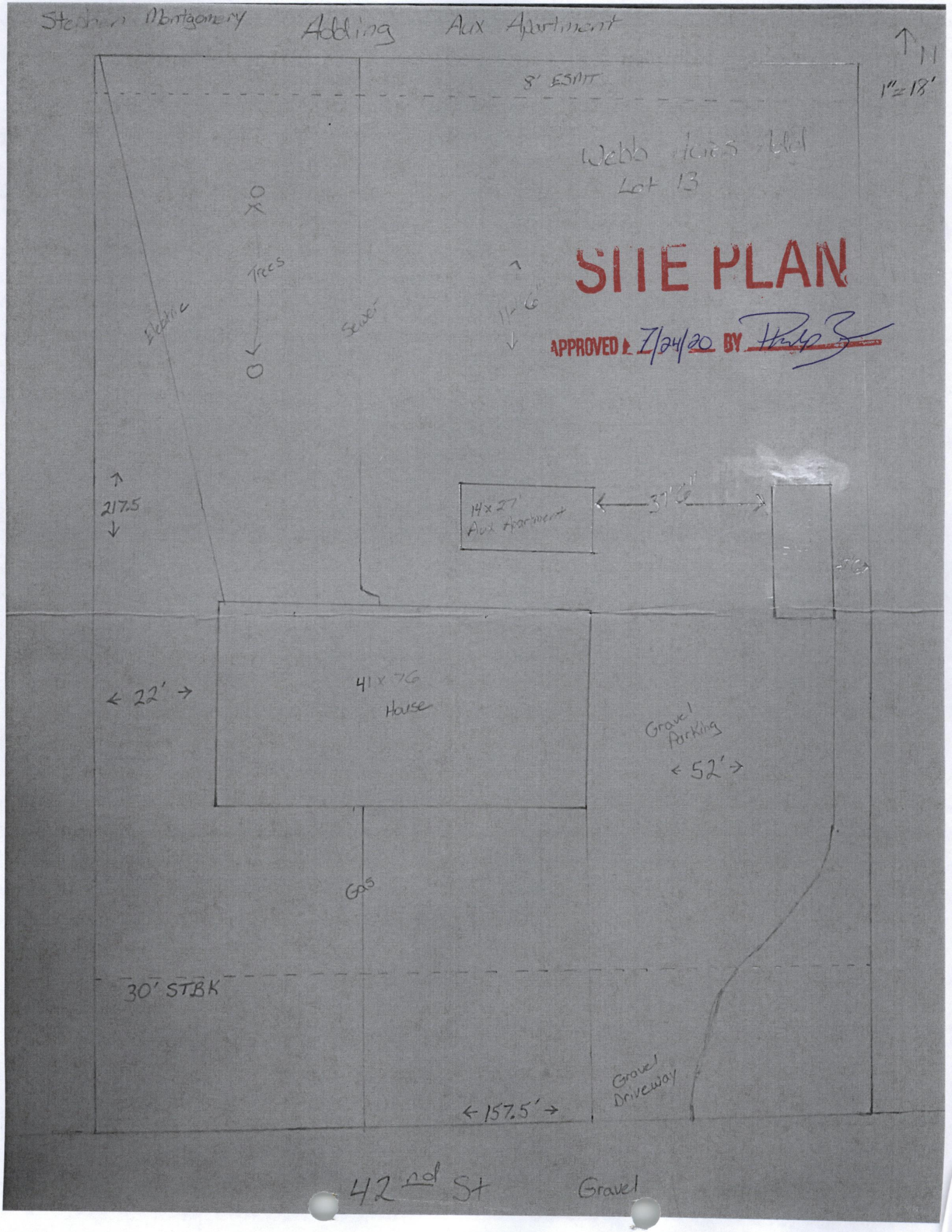
Tony Berg, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from **6/18/2020** to **06/18/2020**.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

(Signature of Principal Clerk)
DATED: 6/21/2020

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/14/2021


Stephen Montgomery
Adding Aux Apartment
11
1" = 18'
8' ESMT
Webb Acres Add
Lot 13
SITE PLAN
APPROVED 7/24/20 BY
Trees
Electric
Sewer
11' 6"
217.5
14 x 27'
Aux Apartment
37' 6"
41 x 76
House
22'
Gravel Parking
52'
Gas
30' STBK
157.5'
Gravel Driveway
42nd St
Gravel