CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

October 27, 2023

Joselito and Imelda Magno
4109 West Emerald Bay Street
Wichita, KS 67205

RE: CON2021-00060- City Conditional Use for an Accessory Apartment on property zoned SF-5 Single-Family Residential; generally located on the west side of North Ridge Road, within one-quarter mile south of West 21st Street North (1945 N. Ridge Rd).

Dear applicants,

On February 8, 2022, the Wichita City Council considered the above captioned request. The action of the WCC was to **APPROVE** the request, subject to the following conditions:

1. The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1945 North Ridge Road) and the ownership shall not be divided or sold as a condominium. There shall be no home occupation located within the accessory apartment.

2. Development of the site shall be in conformance with the approved site plan. No additional access drives will be allowed on the subject property.

3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood. The height of the accessory structure shall be in conformance with City of Wichita for the SF-5 zoning district.

4. 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.

5. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD before a building permit is issued.

6. 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.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Christina Rieth
Associate Planner

Cc: Bryan Frye, Councilmember District V
Teresa Veazey, CSR District V
MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

January 7, 2022

Joselito and Imelda Magno
4109 W. Emerald Bay Street
Wichita, KS 7205

RE: **CON2021-00060** - City Conditional Use for an Accessory Apartment on property zoned SF-5 Single-Family Residential; generally located on the west side of North Ridge Road, within one-quarter mile south of West 21st Street North (1945 N. Ridge Rd).

Dear Applicant:

At its regular meeting on **January 6, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1945 North Ridge Road) and the ownership shall not be divided or sold as a condominium. There shall be no home occupation located within the accessory apartment.

(2) Development of the site shall be in conformance with the approved site plan. No additional access drives will be allowed on the subject property.

(3) The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood. The height of the accessory structure shall be in conformance with City of Wichita for the SF-5 zoning district.

(4) 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.

(5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD before a building permit is issued.

(6) 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.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **January 20, 2022.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least

partially located within 200 feet of the property for which the application was filed, and must be submitted to the County Clerk by **January 20, 2022 at 5:00 p.m.**

If no valid protests or appeals opposing the action of the MAPC are filed with the County Clerk by **5:00 p.m. on Thursday, January 20, 2022**, the action of the MAPC will be considered final.

If a protest or an appeal of the decision of the MAPC is filed, the application will be forwarded to the Wichita City Council for consideration on **February 8, 2022, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Bryan Frye, WCC District V, Mail Stop 1-13
Cory Buchta, CSR District V, Mail Stop 1-135
Jeff VanZandt, Assistant City Attorney, Mail Stop 1-72
Daniel Kreis, 1955 N. Ridge Road, Wichita, KS 67212
Michael D. Crowe, 7300 W. Bittersweet Ct., Wichita, KS 67212
John Blanton, 7308 W. Bittersweet Ct., Wichita, KS 67212
Mark Wiemeyer, 7231 W. Bittersweet Ln., Wichita, KS 67212

Published in the Wichita Eagle on February 11, 2022

Resolution No. 22-037

A RESOLUTION APPROVING CON2021-00060 AUTHORIZING AN ACCESSORY APARTMENT ON 0.86 ACRE ON PROPERTY ZONED SF-5 SINGLE-FAMILY RESIDENTIAL AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF NORTH RIDGE ROAD AND WEST BITTERSWEET LANE (1945 NORTH RIDGE ROAD), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the 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 V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow an accessory apartment on property zoned SF-5 Single-Family Residential generally located the northwest corner of North Ridge Road and West Bittersweet Lane (1945 North Ridge Road), and legally described as:

S 145 FT of N 290 FT of E 300 FT S 1/2 NE l/4 Sec. 9, Twp. 27S, Range I W, EXC. E 40 FT for rd. and EXC. that pt. taken for R-0-W, Sedgwick County, KS.

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 January 6, 2022, 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 Wichita City Council that this application is approved to allow a Conditional Use to allow an accessory apartment on property zoned SF-5 Single-Family Residential generally located the northwest corner of North Ridge Road and West Bittersweet Lane (1945 North Ridge Road), and legally described as:

S 145 FT of N 290 FT of E 300 FT S 1/2 NE l/4 Sec. 9, Twp. 27S, Range I W, EXC. E 40 FT for rd. and EXC. that pt. taken for R-0-W, Sedgwick County, KS.

SUBJECT TO THE FOLLOWING CONDITIONS:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1945 North Ridge Road) and the ownership shall not be divided or sold as a condominium. There shall be no home occupation located within the accessory apartment.

(2) Development of the site shall be in conformance with the approved site plan, and an access drive for the structure.

(3) The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood. The height of the accessory structure shall be in conformance with City of Wichita for the SF-5 zoning district.

(5) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning. This will include submitting plans for review and approval by the MABCD before a building permit is issued.

(6) 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 8th day of February, 2022.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	215141	Print Legal Ad - IPL0059752	RES. NO. 22-037	$127.47	2	76 L

Attention: Jamie Buster

CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

LEGAL PUBLICATION

Published in the Wichita Eagle on February 11, 2022
Resolution No. 22-037

A RESOLUTION APPROVING CON2021-00061 AUTHORIZING AN ACCESSORY APARTMENT ON 0.86 ACRE ON PROPERTY ZONED SF-5 SINGLE-FAMILY RESIDENTIAL AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF NORTH RIDGE ROAD AND WEST BITTERSWEET LANE (1945 NORTH RIDGE ROAD), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:
SECTION 1. That after receiving a recommendation from the 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 V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow an accessory apartment on property zoned SF-5 Single-Family Residential generally located the northwest corner of North Ridge Road and West Bittersweet Lane (1945 North Ridge Road), and legally described as:
S 145 FT of N 290 FT of E 300 FT S 1/2 NE 1/4 Sec. 9, Twp. 27S, Range 1W, EXC. E 40 FT for rd. and EXC. that pt. taken for R-0-W, Sedgwick County, KS.
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 January 6, 2022, 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 Wichita City Council that this application is approved to allow a Conditional Use to allow an accessory apartment on property zoned SF-5 Single-Family Residential generally located the northwest corner of North Ridge Road and West Bittersweet Lane (1945 North Ridge Road), and legally described as:
S 145 FT of N 290 FT of E 300 FT S 1/2 NE 1/4 Sec. 9, Twp. 27S, Range 1W, EXC. E 40 FT for rd. and EXC. that pt. taken for R-0-W, Sedgwick County, KS.
SUBJECT TO THE FOLLOWING CONDITIONS:
(1)The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1945 North Ridge Road) and the ownership shall not be divided or sold as a condominium. There shall be no home occupation located within the accessory apartment.
(2)Development of the site shall be in conformance with the approved site plan, and an access drive for the structure.
(3)The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood. The height of the accessory structure shall be in conformance with City of Wichita for the SF-5 zoning district.
(4)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.
(5)The applicant shall obtain all applicable permits including, but not limited to building, health and zoning. This will include submitting plans for review and approval by the MABCD before a building permit is issued.
(6)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.
SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.
ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 8th day of February, 2022.
Brandon J. Whipple, Mayor, City of Wichita
ATTEST:
Karen Sublett, City Clerk
(SEAL)
Approved as to form:
Jennifer Magana, City Attorney and Director of Law
IPL0059752
Feb 11 2022

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

No. of Insertions: 1
Beginning Issue of: 02/11/2022
Ending Issue of: 02/11/2022

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, 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 02/11/2022 to 02/11/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 02/11/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	189627	Print Legal Ad - IPL0053523		$305.34	4	91 L

Attention: Betsy Pagán

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

LEGAL PUBLICATION
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, January 6, 2022**, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/ Board Zoning Appeals 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 the Wichita City Hall Building – 1 st Floor Council Chambers – 455 N. Main Street, 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

CON2021-00060: City Conditional Use for an Accessory Apartment on property zoned SF-5 Single-Family Residential; generally located on the west side of North Ridge Road, within one-quarter mile south of West 21st Street North (1945 N. Ridge Rd).

CON2021-00061: City Conditional Use for to permit live music and entertainment (defined as Nightclub in the City) associated with hotels and restaurants in LI Limited Industrial zoning; generally located on the east side of North Oliver and within one quarter mile north of K-96 Highway (3622 & 3642 North Oliver).

CUP2021-00065: City CUP Amendment to CUP DP-354 to increase the size and height of an on-site sign on Parcel 8 on property zoned LC Limited Commercial; generally located on the north side of East 21st Street North and within one-half mile west of North 127th Street East.

CUP2021-00069: Request in the City for CUP minor amendment to CUP DP-158 to create Parcel 2A and allow for residential uses on Parcel 2A on property zoned LC Limited Commercial; generally located within one block west of North Rock Road, on the south side of K-96 Highway (7824 E 32nd Street North).

DER2021-00006: Community Investments Plan - 2021 Monitoring Report.

VAC2021-00052: Request in the City to vacate platted street right-of-way generally located midway between North Oliver Avenue & North Woodlawn Boulevard, north of East 13th Street North, between North Fairfield Lane & North Ridgewood Lane (reprocessing of VAC2006)

VAC2021-00053: Request in the City to vacate street right-of-way and an easement established by vacation; generally located midway between North Oliver Avenue & North Woodlawn Boulevard, north of East 13th Street North & north of North Fairfield Lane.

ZON2021-00057: City Zone Change from LC Limited Commercial to OW Office Warehouse for office/warehouse use on property; generally located south of East Kellogg Drive and approximately one-quarter mile east of South Oliver Avenue (5025 E Kellogg).

ZON2021-00058: City Zone Change from LC Limited Commercial to CBD Central Business District for redevelopment on property; generally located on the north side of West Douglas Avenue, within two blocks west of North McLean Boulevard (618 West Douglas).

ZON2021-00059: City zone change from SF-5 Single-Family Residential to MF-18 Multi-family residential to convert an existing single family residence into 3 units; generally located 950 feet east of S. Seneca on the north side of West University at the northwest corner of S Osage and W. University (802 W. University).

ZON2021-00060: City zone change from SF-5 Single-Family Residential to LC Limited Commercial; generally located at the northwest corner of S. Hydraulic Ave and E. 55th Street South (5461 S. Hydraulic Ave.).

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 WichitaSedgwick 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 WICHITASEDGWICK 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 in-person at the Wichita City Hall Building (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: Planning@wichita.gov
Mailing Address:
Wichita-Sedgwick County Metropolitan
Area Planning Department
Attn: Scott Wadle
271 W. 3 rd Street – Suite 201
Wichita, KS 67202
Phone: 316.268.4421
Fax: 316.858.7764

Participate Remotely
Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141

Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2
New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/651544141

Attend In-Person You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily 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 (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on December 16, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0053523
Dec 17 2021

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

No. of Insertions: 1
Beginning Issue of: 12/17/2021
Ending Issue of: 12/17/2021

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, 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 12/17/2021 to 12/17/2021.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/17/2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AGENDA ITEM NO. _____

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC January 6, 2022
DAB V January 3, 2022

CASE NUMBER: CON2021-00060 (City)

APPLICANT/OWNER: Joselito and Imelda Magno (owner/applicant)

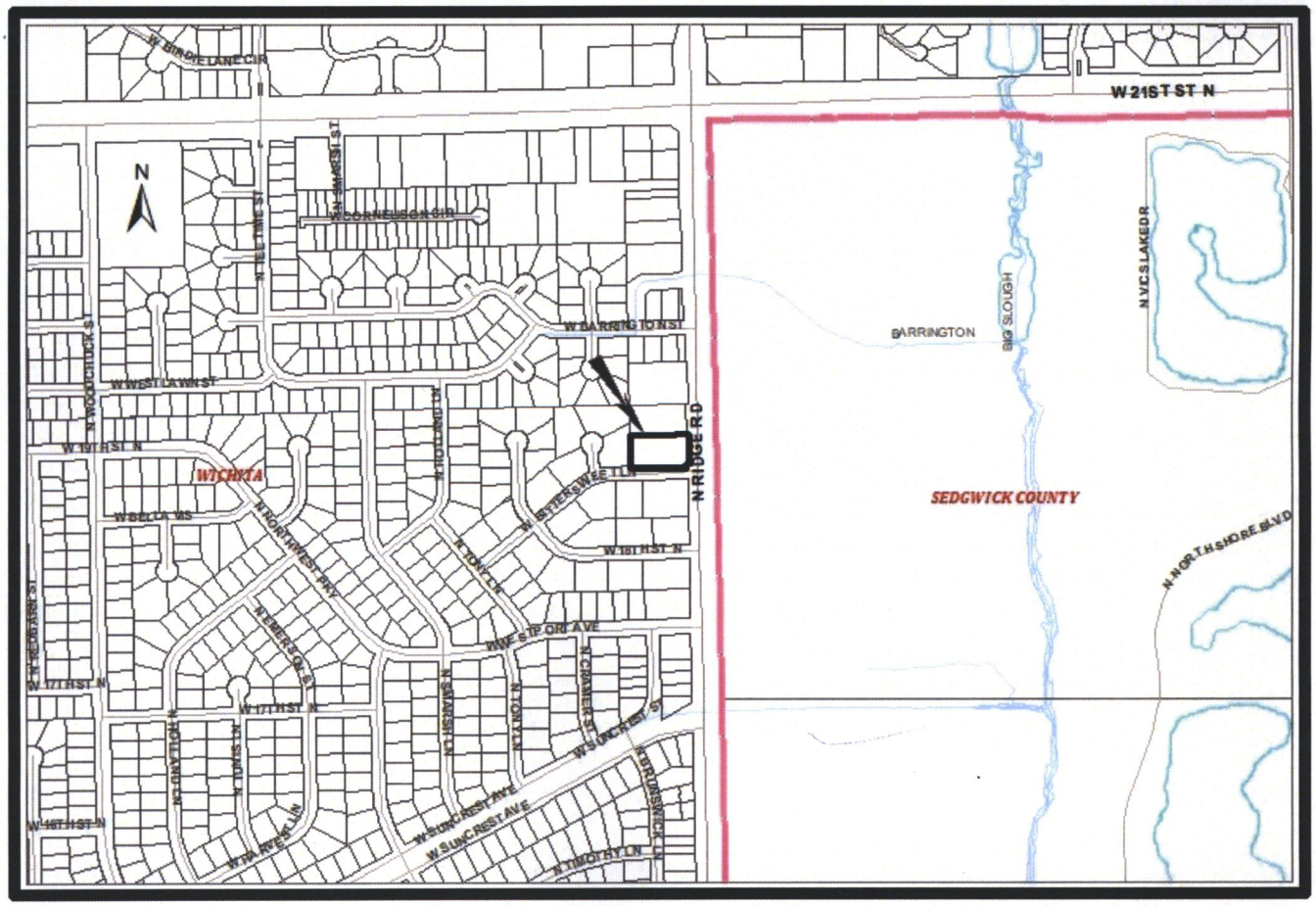
REQUEST: Conditional Use request for an Accessory Apartment

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 0.86 acre

LOCATION: Generally located on the west side of North Ridge Road, within one-quarter mile south of West 21st Street North (1945 N. Ridge Rd).

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to build an accessory apartment in the SF-5 Single-Family Residential zoning district. The site is currently developed with a single-family home and a detached garage. The accessory apartment will be located in a new detached garage (4200 square feet) approximately 31 feet north from the south property line and 32 feet east from the west property line of the site. The subject property is unplatted and will not require platting for the construction of the new garage with the accessory apartment.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an "accessory apartment" (Art. II. Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

Properties on the north, south, and west are all zoned SF-5 Single-Family Residential and developed with single-family residences on approximately one-half to one-acre lots. Property east of the site is the Sedgwick County Park (211 acres) which is located in the county and is zoned SF-20 Single-Family Residential. All of the SF-5 zoned lots are located within the Wichita City Limit and are developed with single family dwellings. GIS does not indicate any other accessory apartments in the area.

CASE HISTORY: The subject site is not platted, nor will it be required to be platted. There are no zoning cases associated with this site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family residences (city)
SOUTH:	SF-5	Single-Family residences (city)
WEST:	SF-5	Single-Family residences (city)
EAST:	SF-20	Sedgwick County Park (county)

PUBLIC SERVICES: The subject site has access to North Ridge Road and West Bittersweet Lane. North Ridge Road is a paved, arterial street with four lanes and a center turn lane with 125 feet of right-of-way. West Bittersweet Lane is a local collector street with a 50 feet right-of-way that provides access to North Ridge Road from the residential neighborhood west of the subject site. The property is served by municipal water and sewer.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as "Residential" on the Future Growth Map Concept Map. This category "Encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality." This requested Conditional Use is in conformance with the *Community Investments Plan.*

RECOMMENDATION: Based upon information available prior to the public hearings, evaluation of the project by planning staff concludes that the proposed project is in conformance with the *Community Investment Plan* and the request be **APPROVED**, subject to the following conditions:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1945 North Ridge Road) and the ownership shall not be divided or sold as a condominium. There shall be no home occupation located within the accessory apartment.

(2) Development of the site shall be in conformance with the approved site plan. No additional access drives will be allowed on the subject property.

(3) The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood. The height of the accessory structure shall be in conformance with City of Wichita for the SF-5 zoning district.

(4) 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.

(5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD before a building permit is issued.

(6) 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.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood**: Properties on the north, east, south, and west are all zoned SF-5 Single-Family Residential and developed with single-family residences on approximately one-half acre lots. Property east of the site is the Sedgwick County Park (211 acres) which is located in the county and is zoned SF-20 Single-Family Residential. GIS does not indicate any other accessory apartments in the Westwood Heights 1st Addition.

2. **The suitability of the subject property for the uses to which it has been restricted**: The subject site is currently zoned SF-5 which allows the development of single-family residences. The property will continue to be used for one single-family residence; the size of the property can accommodate an accessory apartment located within a new detached garage and any additional required parking spaces that may be needed.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not have a substantial detrimental impact on the nearby properties. The conditions of approval should minimize any unanticipated detrimental impacts.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as "Residential" on the Future Growth Map Concept Map. This category "Encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality." This requested Conditional Use is in conformance with the *Community Investments Plan.*

5. **Impact of the proposed development on community facilities**: Community facilities are not expected to be substantially be impacted by the accessory apartment located in an additional accessory structure. The property is served by municipal water and sewer.

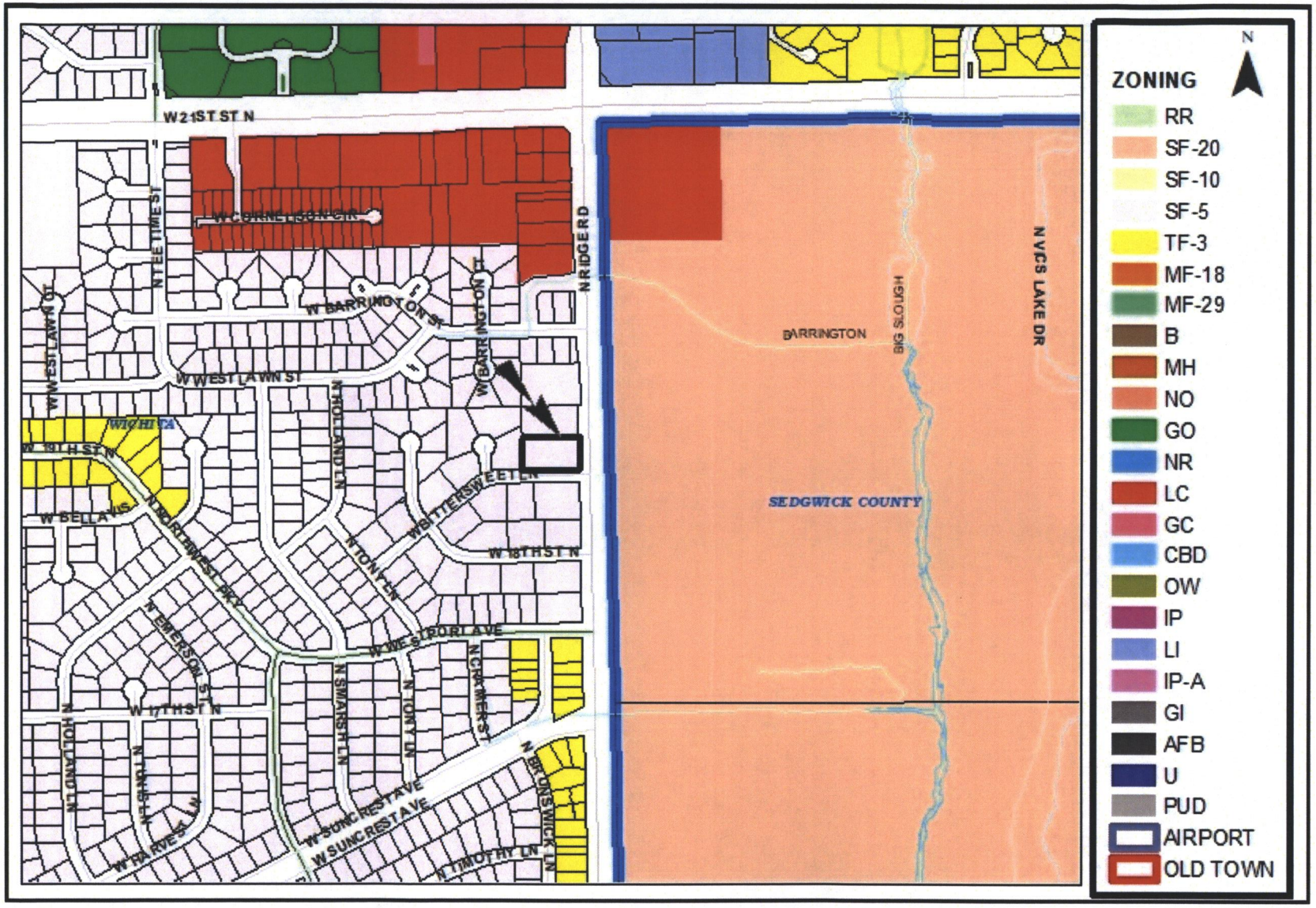
Attachments:

1. Aerial Map.
2. Zoning Map
3. Land Use Map
4. Site Plan
5. Elevation
6. Site Photos

Aerial Map


N
WBITTERSWEET CT
WBITTERSWEET LN
N RIDGE RD
SEDGWICK COUNTY

Zoning Map


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
N
W 21ST ST N
W CORNELL RD
W BARRINGTON ST
W WESTLAWN ST
N RIDGE RD
N VCS LAKE DR
BARRINGTON
SEDGWICK COUNTY
WICHITA
W 18TH ST N
W BELLA VIS
W 17TH ST N
W SUNCREST AVE
N TIMOTHY LN

2035 Wichita Future Growth Concept Map

Legend

- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way

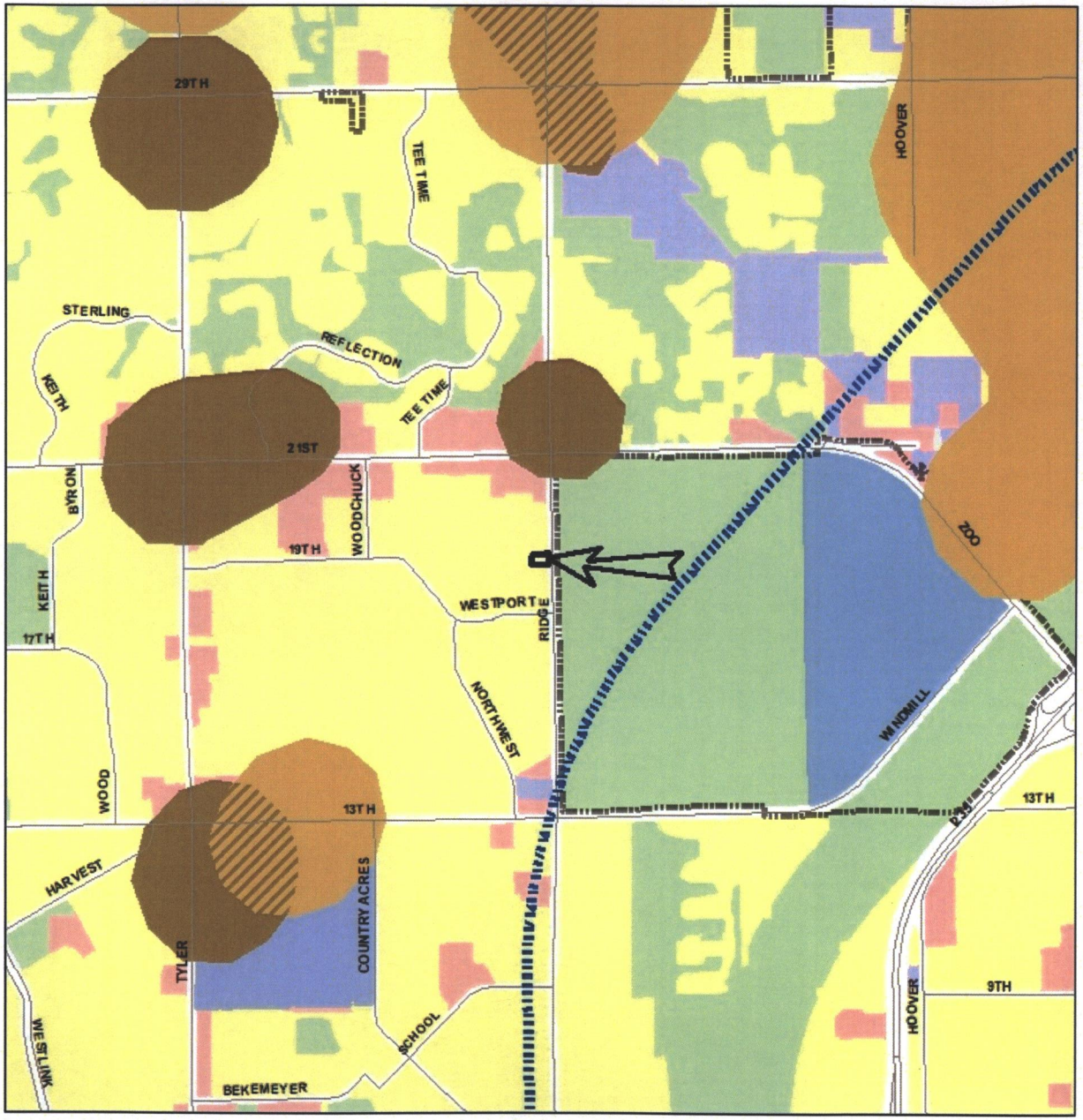
Statistical Development Areas

- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014

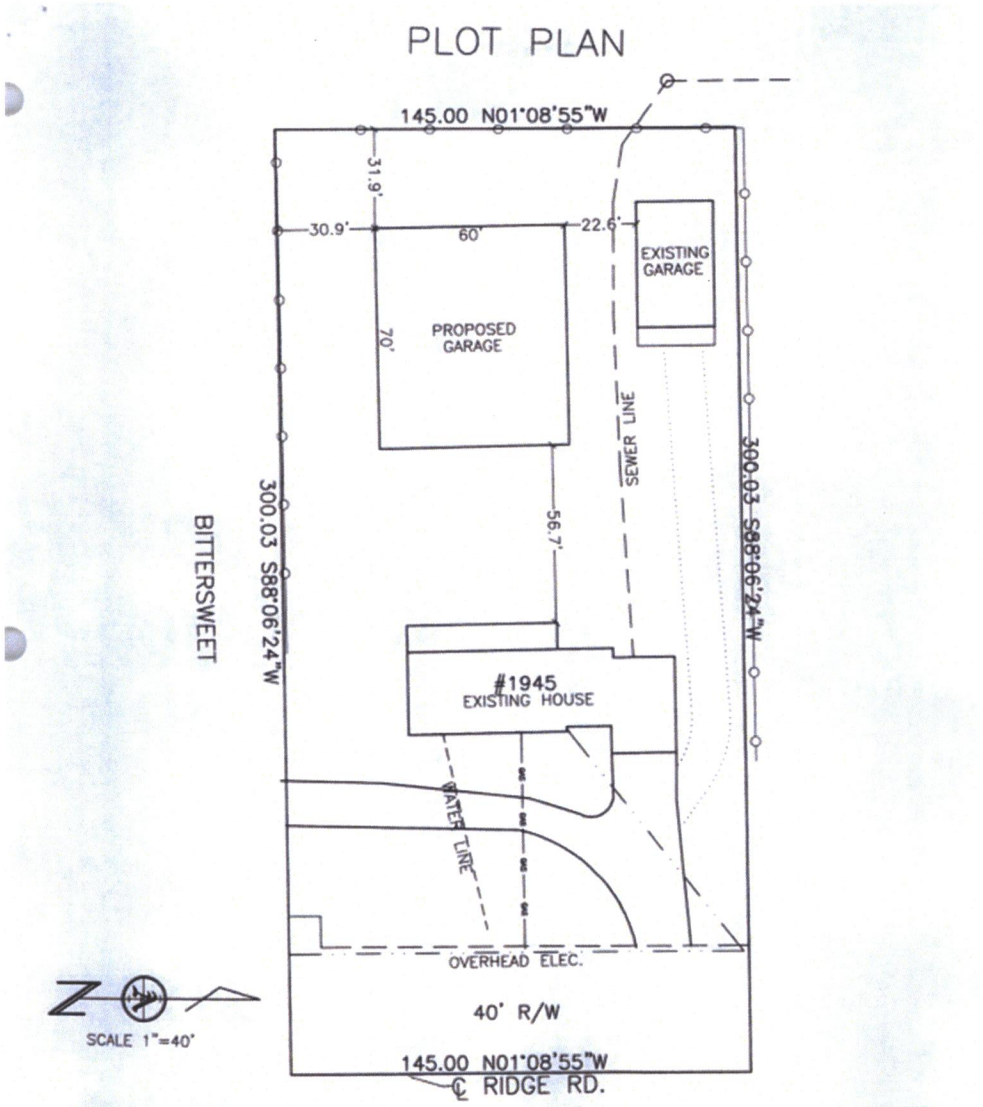
LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Nghbd_Plan_Areas

N



Site Plan

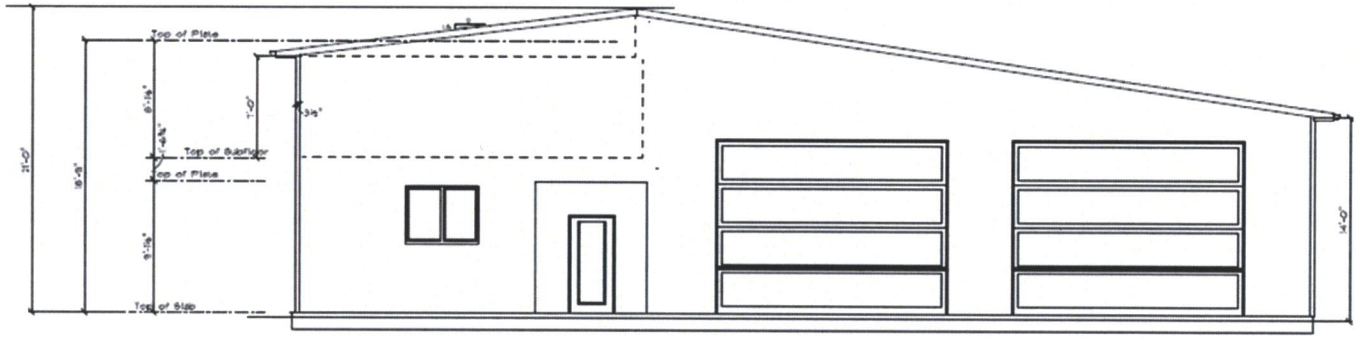


LEGAL DESC.: The South 145 feet of the North 290 feet of the East 300 feet of the South Half of the Northeast Quarter of Section 9, T27S, R1W of the 6th P.M., Sedgwick Co, KS
ADDRESS: 1945 N RIDGE RD.

W.O. #41210

ARMSTRONG LAND SURVEY, P.A.
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donn@armstrongsurvey.com

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FRONT ELEVATION 1/4"=1'

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Plan 60X70X14 BUILDING
JESSE MAGNO

BUILDERS FIRSTSOURCE
125 W.MacArthur Wichita,Kansas
316-522-9334

BUILDERS FIRSTSOURCE
DRAFTING SERVICE







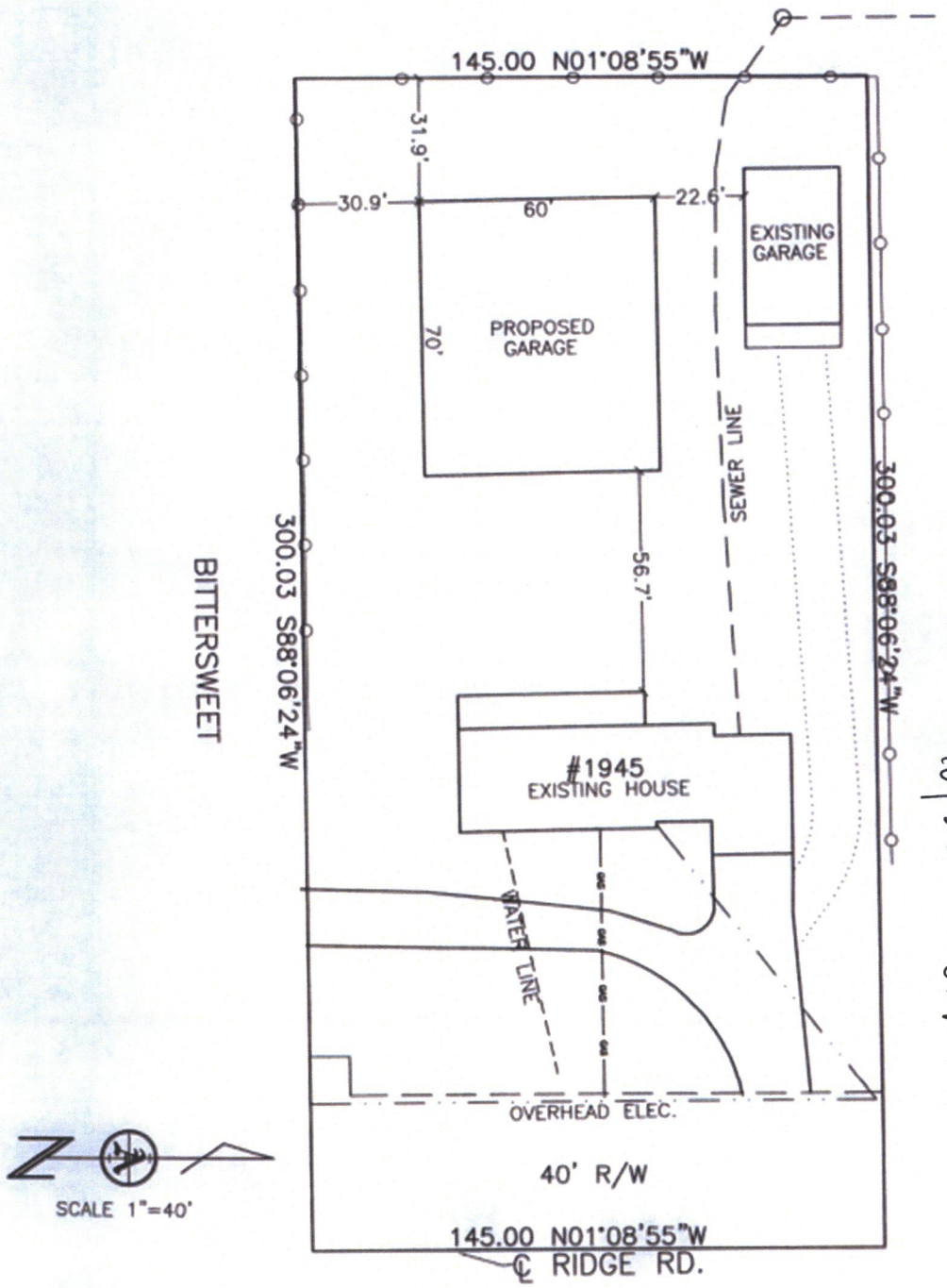








PLOT PLAN



APPROVED
10/23
BY CMR

SITE PLAN

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