



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

December 29, 2023

Randall and Sandra Flickinger
357 North Westfield
Wichita, KS 67212

RE: CON2023-00049 - Conditional Use request in the City for Accessory Apartment; located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road (357 North Westfield).

Dear applicants,

On November 21, 2023, 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 357 North Westfield Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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 turning in plans for review and approval by the MABCD for the Accessory Apartment.
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,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Randy and Sandra Flickinger
357 Westfield Avenue
Wichita, KS 67212

October 12, 2023

RE: CON2023-00049 – Conditional Use request in the City for Accessory Apartment; located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road (357 North Westfield).

Dear Applicants;

At its regular meeting on **October 12, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

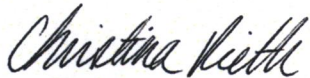
1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 357 North Westfield Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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 turning in plans for review and approval by the MABCD for the Accessory Apartment.
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 City 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 October 26, 2023. 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 City Clerk by October 26, 2023 at 5:00 p.m.

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Wichita City Council on **Tuesday, November 21, 2023**, beginning at 9:00 a.m.

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

Sincerely,



Christina Rieth
Current Plans
Associate Planner

CC: Bryan Frye, Councilmember District V
Teresa Veazey, CSR District V

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 23-478

WHEREAS, Randall and Sandra Flickinger, Owners, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road, legally described as:

Lot 17, Block A, Rolling Hills Third Addition, 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 October 12, 2023, consider said application; and

WHEREAS, the Wichita City Council 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 be approved to allow a Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road, legally described as:

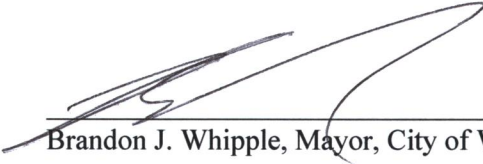
Lot 17, Block A, Rolling Hills Third Addition, Wichita, Sedgwick County, Kansas.

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 357 North Westfield Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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 turning in plans for review and approval by the MABCD for the Accessory Apartment.
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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

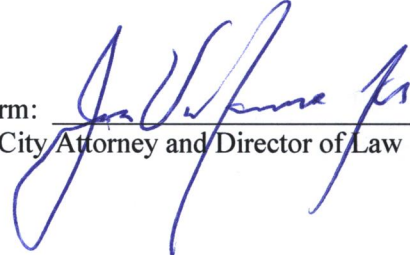
Adopted on the 21st day of Nov, 2023.


Brandon J. Whipple, Mayor, City of Wichita

ATTEST:


Jamie Buster, City Clerk
(SEAL)



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



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
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Miami Herald
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The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	493645	Print Legal Ad-IPL01494230 - IPL0149423	RES#23-478	\$90.90	2	54 L

Attention: LaTosha Alvarez
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON
November 24, 2023
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 23-478

WHEREAS, Randall and Sandra Flickinger, Owners, 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 permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road, legally described as:

Lot 17, Block A, Rolling Hills Third Addition, 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 October 12, 2023, consider said application; and

WHEREAS, the Wichita City Council 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 be approved to allow a Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located within one-half mile southwest of the intersection of West Central Avenue and North Tyler Road, legally described as:

Lot 17, Block A, Rolling Hills Third Addition, Wichita, Sedgwick County, Kansas. Approved subject to the following conditions:

The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 357 North Westfield Avenue) and the ownership shall not be divided or sold as a condominium.

Development of the site shall be in conformance with the approved site. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.

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.

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.

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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 21st day of November 2023.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0149423

Nov 24 2023

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

1 insertion(s) published on:

11/24/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose 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 11/24/2023 to 11/24/2023.

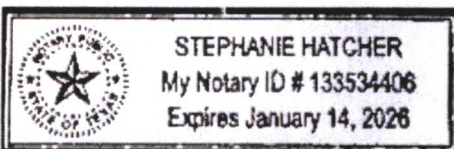
Stefani Beard

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

DATED: 11/24/2023

Stephanie Hatcher

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



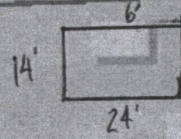
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

SITE PLAN

APPROVED 12/29 BY CMR

401 N
WESTFIELD
AVE

224.5+-



357 N
WESTFIELD
AVE

ESMT

ESMT

25 BS

36 W ROLLING
HILLS CT

32 W ROLLING
HILLS CT

28 W ROLLING
HILLS CT

WESTFIELD AVE

WESTFIELD AV

Geographic Information Services

Sedgwick County...
working for you

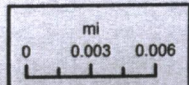
Date: 8/19/2023

My Map

Sedgwick County, Kansas



1:564



It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

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STAFF REPORT
MAPC: October 12, 2023
DAB V: October 2, 2023

CASE NUMBER: CON2023-00049 (City)

APPLICANT/OWNER: Randall and Sandra Flickinger (Applicants)

REQUEST: Conditional Use request for an Accessory Apartment

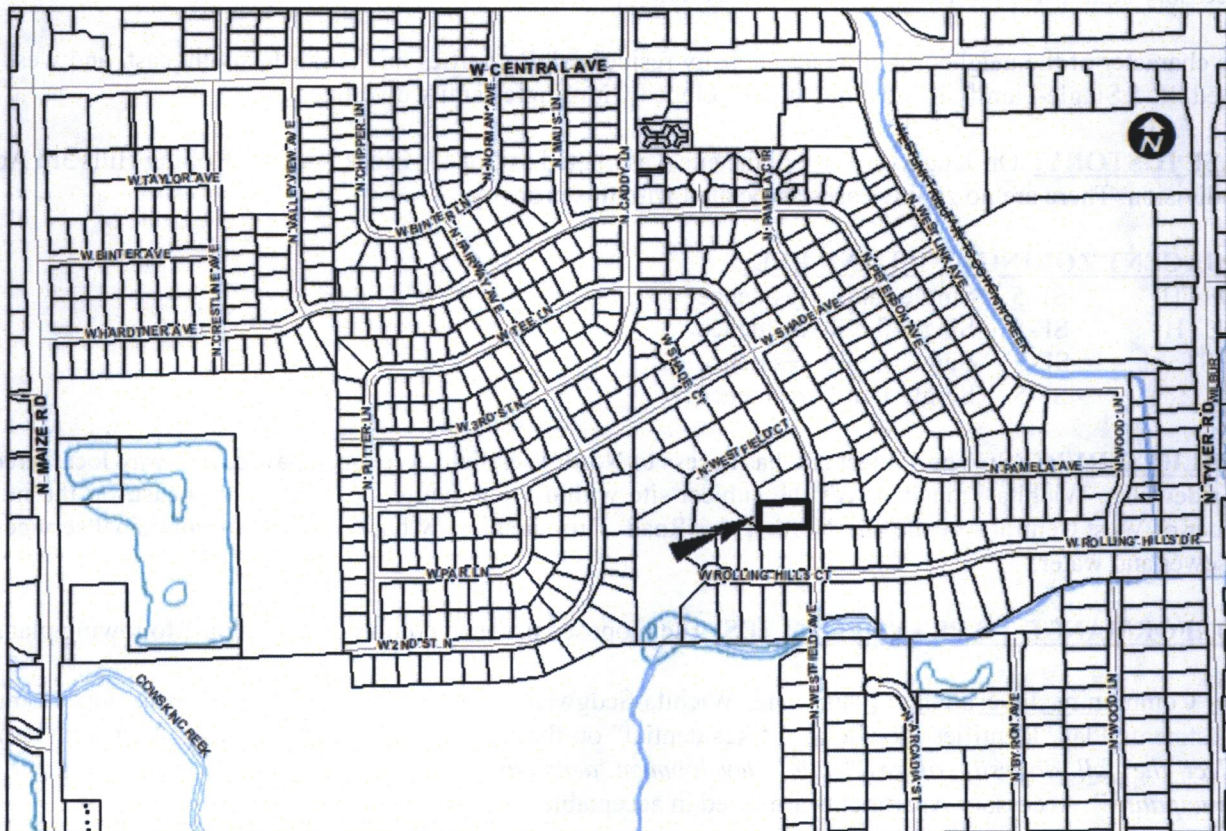
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.62 acres

LOCATION: Generally located on the west side of North Westfield Avenue, within one-half mile west of North Tyler Road (357 North Westfield Avenue).

PROPOSED USE: Accessory Apartment

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow an Accessory Apartment on a property zoned SF-5 Single-Family Residential District. The property is located at 357 North Westfield Avenue, which is generally located on the west side of North Westfield Avenue, within one-half mile west of North Tyler Road. The site is currently developed with a 2,250 square foot single-family home with an attached two-car garage and a detached shed.

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 and 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.
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.

The applicant proposes to demolish the existing shed to construct the 14-foot by 24-foot Accessory Apartment. The structure will sit six feet from the north (side) property line. The applicant is proposing to bring a prefabricated metal shed onto the site to use for the Accessory Apartment. However, the exterior of the main structure is mostly a brick veneer and other dwellings and detached accessory structures in the immediate area have either brick veneers or wood siding. In staff’s opinion, the proposed Accessory Apartment is not compatible with the main dwelling unit and the character of the neighborhood. Staff recommends revising the design for the exterior of the proposed Accessory Apartment prior to the issuance of building permits.

The character of the neighborhood is low-density residential. Properties on the north, south, east, and west are all zoned SF-5 Single-Family Residential and developed with single-family dwellings.

CASE HISTORY: On January 19, 1956, the site was platted as Lot 17, Block A of the Rolling Hills 3rd Addition subdivision. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residence
SOUTH:	SF-5	Single-family residence
WEST:	SF-5	Single-family residence
EAST:	SF-5	Single-family residence

PUBLIC SERVICES: The subject site has access to North Westfield Avenue, a paved, two-way local street with no sidewalks. Wichita Transit serves the subject site within three-quarters of a mile northeast, on the northeast corner of West Central Avenue and North Tyler Road. This site already has access to all municipal services, such as sewer and water.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the following plans:

The Community Investments Plan: The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as a “Residential” on the Future Growth Map Concept Map as: “*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality.*” Accessory Apartments are listed in acceptable forms of housing in the plan.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 357 North Westfield Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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.
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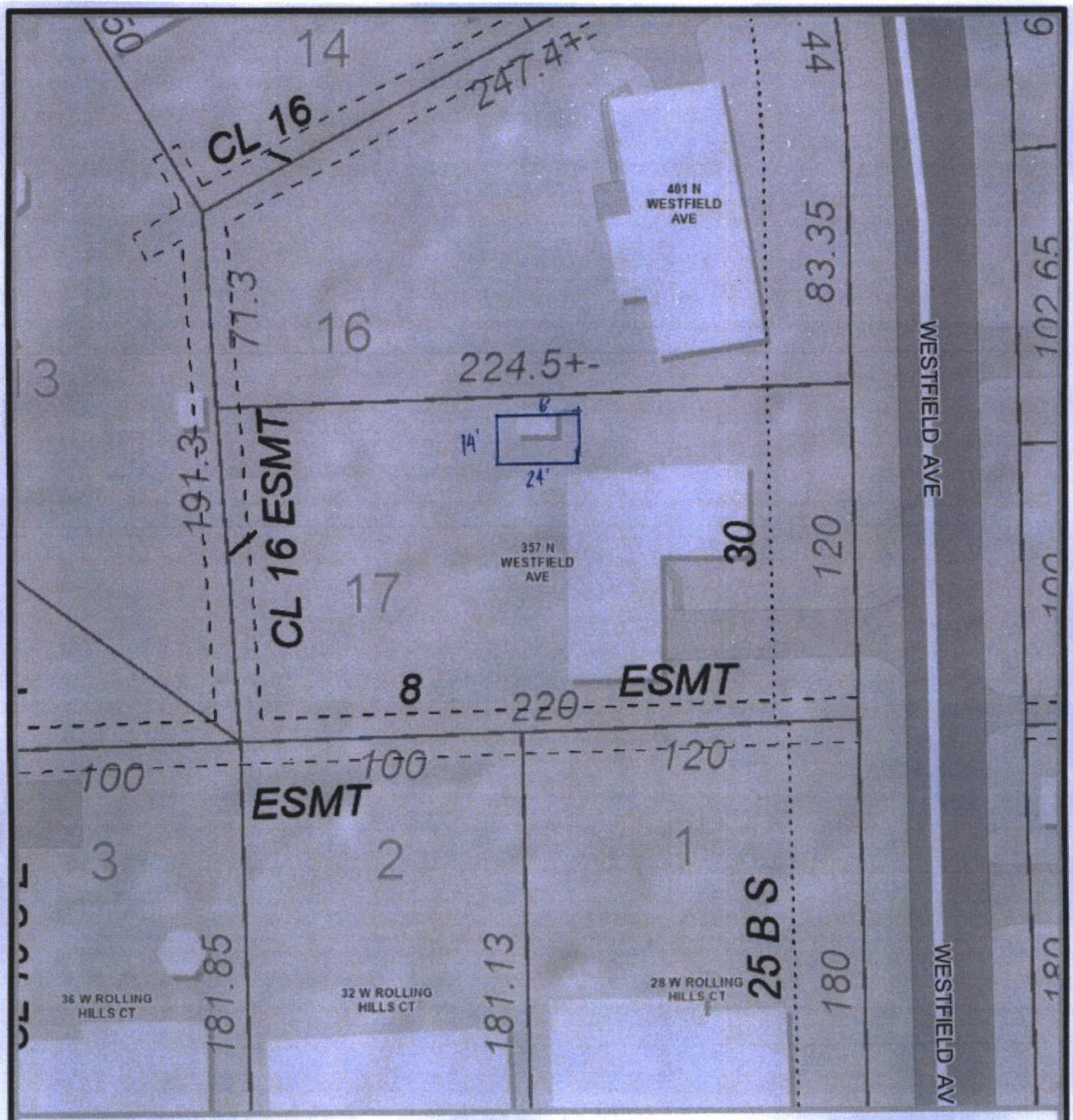
This recommendation is based on the following findings:

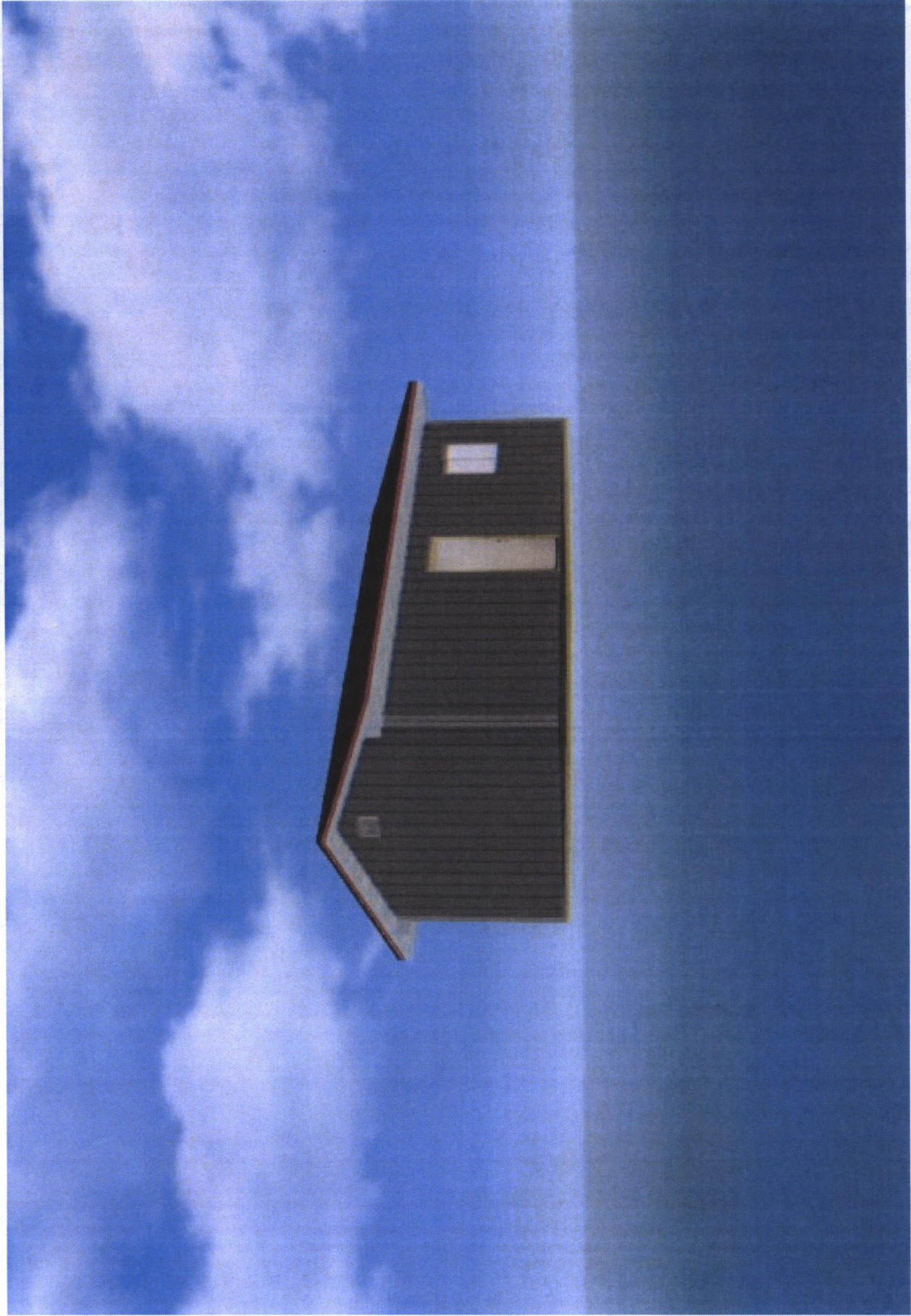
1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is low-density residential. Properties on the north, south, east, and west are all zoned SF-5 Single-Family Residential District and developed with single-family dwellings. Accessory Apartments are permitted within SF-5 zoning by Conditional Use. This applicant proposes to use the existing garage structure for the Accessory Apartment.
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 for the development of single-family residences. The property will continue to be used as a single-family residence, the size of the property easily accommodates the Accessory Apartment and the additional required parking spaces, as exemplified through the current existence of an accessory structure.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any unanticipated detrimental impacts.
4. **Length of time subject property has remained vacant as zoned:** The subject property has been developed since 1957.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Staff does not anticipate the requested Conditional Use to have any detrimental effects on the public health, safety, and welfare of the surrounding community. There is ample space on site to accommodate the anticipated traffic and parking. Denial could result in a loss of use and enjoyment of the applicant's property.

6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed Conditional Use is in conformance with the *Community Investments Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Community facilities will be minimally impacted by the Accessory Apartment. The property is served by municipal water and sewer.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff received one phone call from a member of the public who was curious about the development application.

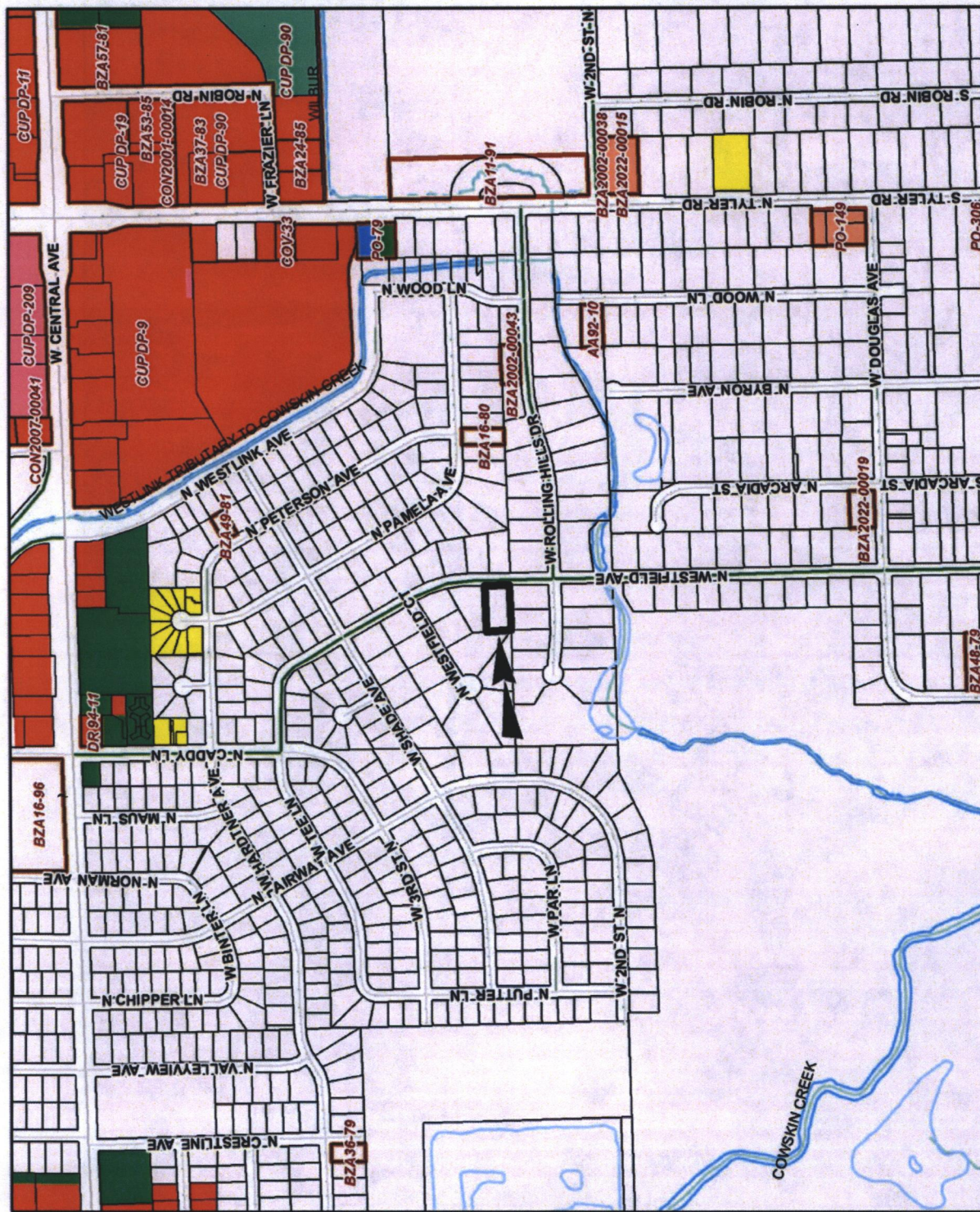
Attachments:

1. Site Plan
2. Proposed Accessory Apartment Design
3. Aerial Map
4. Zoning Map
5. Community Investments Plan Land Use Map
6. Site Photos



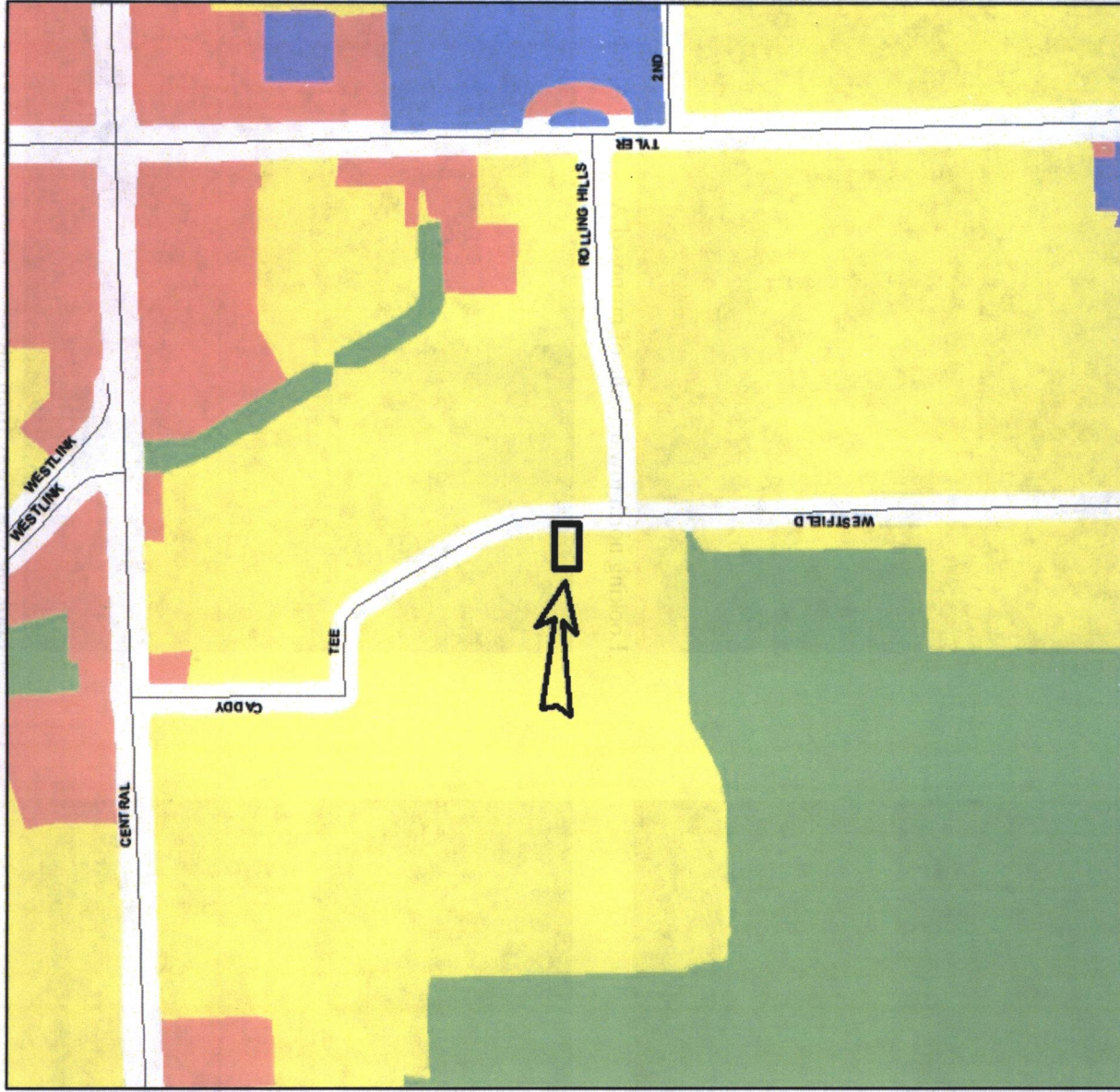






2035 Wichita Future Growth Concept Map

- 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**
- Small City Urban Growth Areas
 - Small City Urban Growth Areas
 - Rural Areas
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood/Area Plans



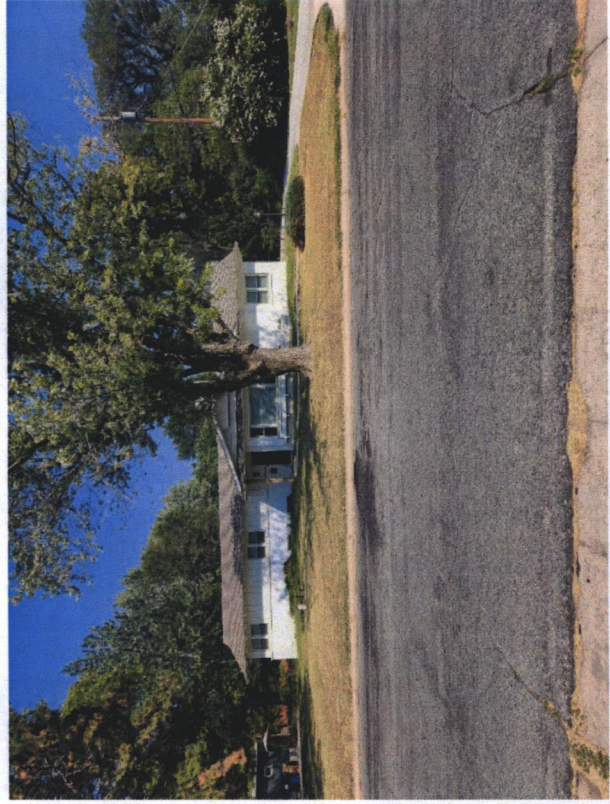
Site Photos:



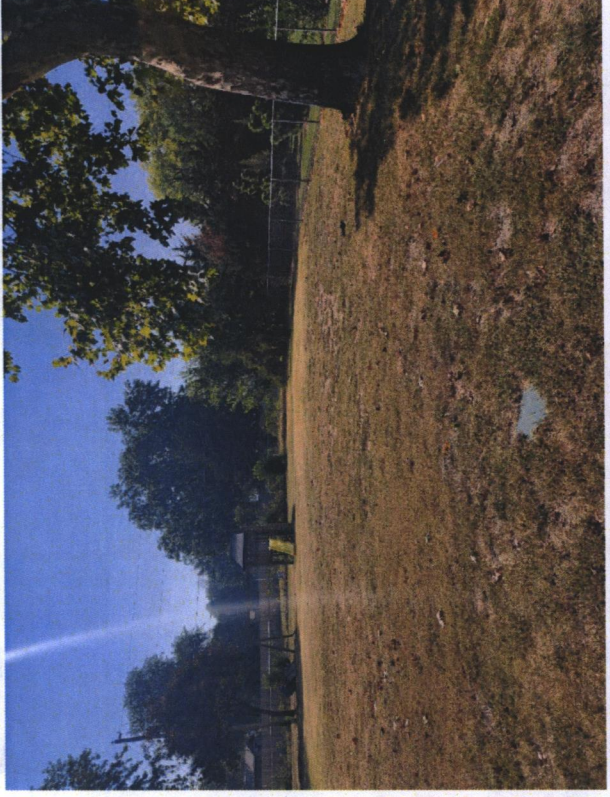
Looking west towards main structure



Looking north towards site of proposed Accessory Apartment



Looking east away from site



Looking west away from site



Looking east towards site



Looking northeast towards site