CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 29, 2025

Scott and LouAnn Androes
1724 W. MacArthur Rd.
Wichita, KS 67017

RE: CON2025-00035 –A Conditional Use request to allow an Accessory Apartment in the City, Generally located on the north side of West MacArthur Road, within one-half mile west of South Seneca Avenue (1724 West MacArthur Road).

Dear Applicant:

At its regular meeting on **April 10, 2025**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1. The previously legal, non-conforming Accessory Apartment shall not be used as a dwelling unit, nor shall it be constructed or equipped so as to be considered as a dwelling unit as defined by the UZC.
2. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1724 West MacArthur Road), and the ownership shall not be divided or sold as a condominium.
3. Development of the site shall be in conformance with the approved site plan.
4. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
5. 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.
6. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.
7. 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.

No protests were filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 352-4864.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
MABCD

CONDITIONAL USE RESOLUTION NO. CON2025-00035

WHEREAS, Scott and LouAnn Androes, 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 for Accessory Apartment in SF-5 Single-Family Residential District zoning located at 1724 West MacArthur Road, legally described as:

> A tract beginning at a point 280 feet East of the Southwest corner of the Southeast Quarter of Section 7, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence North 466.69 feet to a point on the North line of a five-acre tract in square form in the Southwest corner of said Southeast Quarter of said Section 7; thence East 216.69 feet along said North line extended; thence South 466.69 feet to the South line of said Southeast Quarter; thence West 216.69 feet along said South line to the beginning, EXCEPT the South 50 feet for road.

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 April 10, 2025, 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 a Conditional Use for Accessory Apartment in SF-5 Single-Family Residential District zoning located at 1724 West MacArthur Road, legally described as:

> A tract beginning at a point 280 feet East of the Southwest corner of the Southeast Quarter of Section 7, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; thence North 466.69 feet to a point on the North line of a five-acre tract in square form in the Southwest corner of said Southeast Quarter of said Section 7; thence East 216.69 feet along said North line extended; thence South 466.69 feet to the South line of said Southeast Quarter; thence West 216.69 feet along said South line to the beginning, EXCEPT the South 50 feet for road.

Approved subject to the following conditions:

1. The previously legal, non-conforming Accessory Apartment shall not be used as a dwelling unit, nor shall it be constructed or equipped so as to be considered as a dwelling unit as defined by the UZC.
2. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1724 West MacArthur Road), and the ownership shall not be divided or sold as a condominium.
3. Development of the site shall be in conformance with the approved site plan.
4. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
5. 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.
6. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.

7. 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 24th Day of April, 2025.

METROPOLITAN AREA PLANNING COMMISSION

Bryan Frye, Chairman

ATTEST:

Scott Wadle, Secretary

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2025

Scott and LouAnn Androes
1724 W. MacArthur Rd.
Wichita, KS 67017

RE: CON2025-00035 –A Conditional Use request to allow an Accessory Apartment in the City, Generally located on the north side of West MacArthur Road, within one-half mile west of South Seneca Avenue (1724 West MacArthur Road).

Dear Applicant,

At its regular meeting on **April 10, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the above captioned request, subject to the following conditions:

1. The previously legal, non-conforming Accessory Apartment shall not be used as a dwelling unit, nor shall it be constructed or equipped so as to be considered as a dwelling unit as defined by the UZC.
2. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1724 West MacArthur Road), and the ownership shall not be divided or sold as a condominium.
3. Development of the site shall be in conformance with the approved site plan.
4. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
5. 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.
6. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.
7. 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 **April 24, 2025**. 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 **April 24, 2025, at 5:00 p.m.**

This application is scheduled to be presented to the Wichita City Council on **Tuesday, May 13, 2025**, beginning at 9:00 a.m.

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 316-268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Dalton Glasscock, Council Member District IV
Brooke Kauchak, CSR, District IV
MABCD

McClatchy

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
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

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	Cols	Depth
16399	641368	Print Legal Ad-IPL02204770 - IPL0220477	MAPC Hearing	2	52 L

Attention: Mandy Hebert

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on March 5, 2025
(One Time Only)
MAPC/BZA March 27, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, March 27, 2025**, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. 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. **Full notice can be found at www.wichita.gov/LegalNotices**.

CON2025-00034: Conditional Use in the City to allow ancillary parking on property zoned SF-5 Single Family Residential generally located approximately 400 feet west of N 119th Street West and West Central Avenue, (12050 W CENTRAL AVE).

CON2025-00035: Conditional Use for an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the north side of West MacArthur Road, within one-half mile west of South Seneca Street (1724 West MacArthur Road).

CON2025-00039: Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential, generally located on the east side of South Elizabeth Avenue and within one-quarter mile south of West 31st Street South (3420 South Elizabeth Avenue).

CON2025-00040: Conditional Use request in the City for Entertainment Establishment accessory to Hotel on Parcel 1D (with ZON2025-00006 to amend PO #36 to change dev. standards) on property zoned LC Limited Commercial, located one-quarter mile west of N Maize Rd and one-quarter mile north of W 21st St N.

CUP2025-00008: Amendment to CUP DP-71 (with ZON2025-00004) to allow redevelopment with Manufacturing uses, generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

VAC2025-00006: Vacation request in the City for portion of right-of-way abutting Lots 7 and 8 of the A. Verne Roberts Addition; generally located north of the intersection of South Dodge Avenue and West 50th Street South.

ZON2025-00004: Zone Change request from LC Limited Commercial District to LI Limited Industrial District (with CUP2025-00008) to allow for redevelopment with Manufacturing uses, generally located north of West Kellogg Drive and west of South Tracy Street (4600 West Kellogg Drive).

ZON2025-00005: Zone Change request in the city from TF-3 Two -Family Residential to NR Neighborhood Retail to permit retail uses associated with a church, generally located on the northeast corner of West 11th Street North and North Waco Avenue (1200 North Waco Avenue).

ZON2025-00006: Request in the City to amend Protective Overlay #36 to change bldg. coverage/floor area, architectural controls, and screening wall location for a Hotel (with CON2025-00040 to permit Entertainment Establishment), located one-quarter mile west of N Maize Rd and one-quarter mile north of W 21st Street N.

IPL0220477
Mar 5 2025

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

1 insertion(s) published on:
03/05/25

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, 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 03/05/2025 to 03/05/2025.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 03/06/2025

Amy Robbins

Notary Public in and for the state of South Carolina, residing in Beaufort County

AMY L. ROBBINS
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 11-03-32

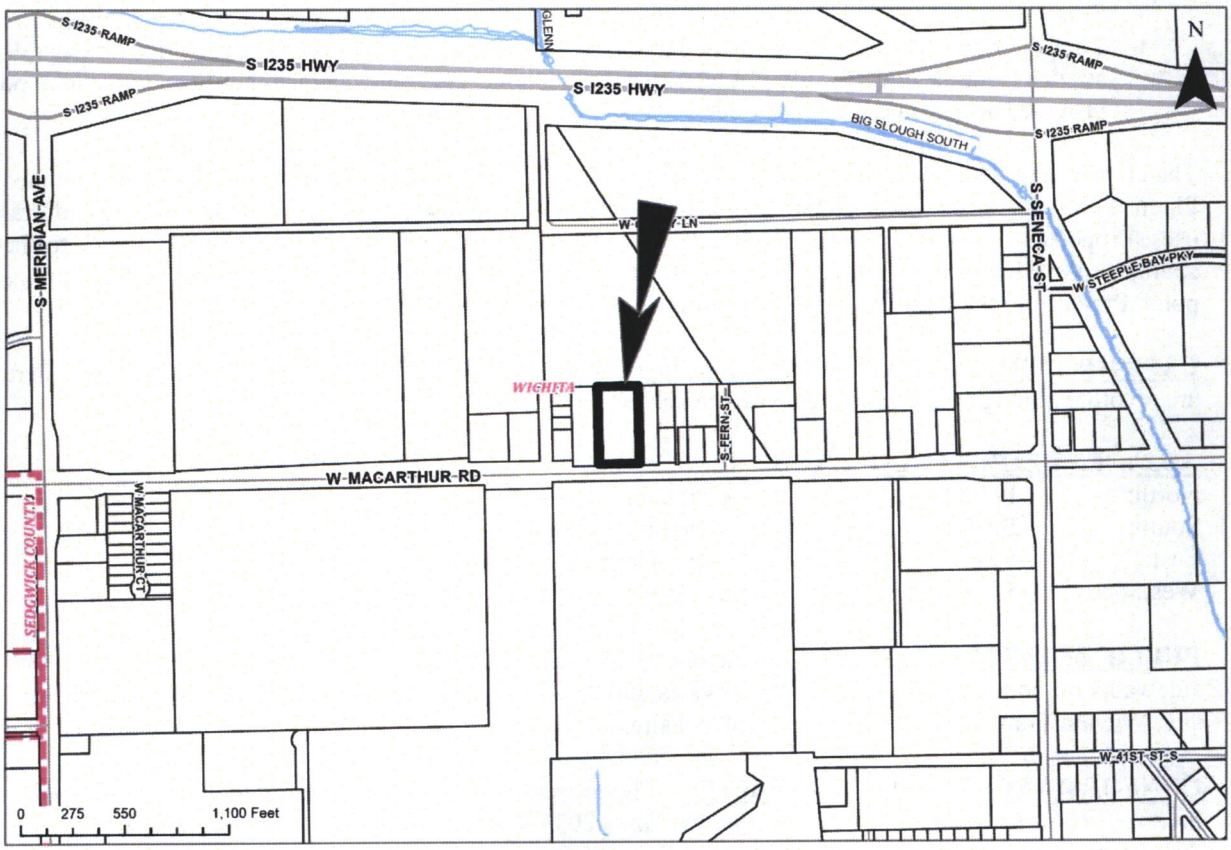
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AGENDA ITEM NO. 4.1

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: March 27, 2025
DAB IV: April 7, 2025

CASE NUMBER:	CON2025-00035 (City)
APPLICANT/AGENT:	Scott and Lou Ann Androes (Applicants)
REQUEST:	Conditional Use to allow an Accessory Apartment
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	2.07 acres
LOCATION:	Generally located on the north side of West MacArthur Road, within one-half mile west of South Seneca Avenue (1724 West MacArthur Road).
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 (SF-5). The 2.07-acre property is generally located on the north side of West MacArthur Road, within one-half mile west of South Seneca Avenue (1724 West MacArthur Road). The subject site is currently developed with a single-family residential dwelling, a detached garage, and a storage shed. The applicant is requesting the Conditional Use in order to construct a detached dwelling unit with an attached garage for an aging family member.

The subject site has previously had a legal, non-conforming Accessory Apartment located on the property. A dwelling unit is defined by the Unified Zoning Code as "*a building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating, and sanitation.*" In order to receive the Conditional Use to build a new Accessory Apartment, the applicant has removed the ability to cook food, i.e. the oven/range, essentially removing the kitchen from the structure. Therefore, it is no longer considered a "dwelling unit." The applicant intends to construct a new accessory structure on site that will feature a 40' x 40' living area and 40' x 40' attached garage. The new structure would be situated six (6) feet from the side setback and 146 feet from the rear property line. Section A.4 of the UZC requires one parking space per Accessory Apartment and one space for a single-family residence. The new structure and existing driveway would accommodate the necessary parking for both uses on site.

Accessory Apartments are subject to Section III-D.6.a of the Unified Zoning Code (UZC), which states:

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 building.
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 Structure 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 character of the neighborhood is low-density residential and industrial. Property to the north is zoned Planned Unit Development (PUD) #66, which permits industrial uses and is developed with Agricultural uses. Property to the east is zoned SF-5 and is developed with a single-family dwelling. Property to the south, across West MacArthur Road, is zoned SF-5 and is developed with Agricultural uses and a drainage pond. Property to the west is zoned SF-5 and is developed with a single-family dwelling.

CASE HISTORY: The site is currently unplatted. Platting will not be required for the proposed use. There are no other zoning cases associated with the subject site.

ADJACENT ZONING AND LAND USE:

North:	PUD-66	Agricultural
South:	SF-5	Agricultural
East:	SF-5	Single-family dwelling
West:	SF-5	Single-family dwelling

PUBLIC SERVICES: The subject site has access to West MacArthur Road, a two-way arterial street with sidewalks on both sides. All municipal services and utilities, such as water and sewer, already serve this site. Wichita Transit does not serve the subject site.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the *Community Investments Plan*. The *Community Investments Plan*'s 2035 Wichita Future Growth Concept Map identifies the site as a "Residential", which the Plan defines as "*areas that reflect the full diversity of residential*

development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes)." An Accessory Apartment is appropriate for this category.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **APPROVED**, subject to the following conditions:

1. The previously legal, non-conforming Accessory Apartment shall not be used as a dwelling unit, nor shall it be constructed or equipped so as to be considered as a dwelling unit as defined by the UZC.
2. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1724 West MacArthur Road), and the ownership shall not be divided or sold as a condominium.
3. Development of the site shall be in conformance with the approved site plan.
4. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
5. 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.
6. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.
7. 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: The character of the neighborhood is low-density residential and industrial. Property to the north is zoned Planned Unit Development (PUD) #66, which permits industrial uses, and is developed with Agricultural uses. Property to the east is zoned SF-5 and is developed with a single-family dwelling. Property to the south, across West MacArthur Road, is zoned SF-5 and is developed with Agricultural uses and a drainage pond. Property to the west is zoned SF-5 and is developed with a single-family dwelling.

2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned SF-5 Single-Family Residential, which permits an Accessory Apartment by Conditional Use approval under Section III-D.6.a of the Unified Zoning Code.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate that approval of the request will generate significant amounts of additional traffic. The conditions of approval should minimize any possible significant negative impacts.

4. Length of time subject property has remained vacant as zoned: The subject property is not vacant. The property has been developed with a single-family residential dwelling since 1933.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not anticipated that the requested Conditional Use will have a significant detrimental effect on the public health, safety, or welfare. Denial of the application may

result in a loss of enjoyment for the applicant.

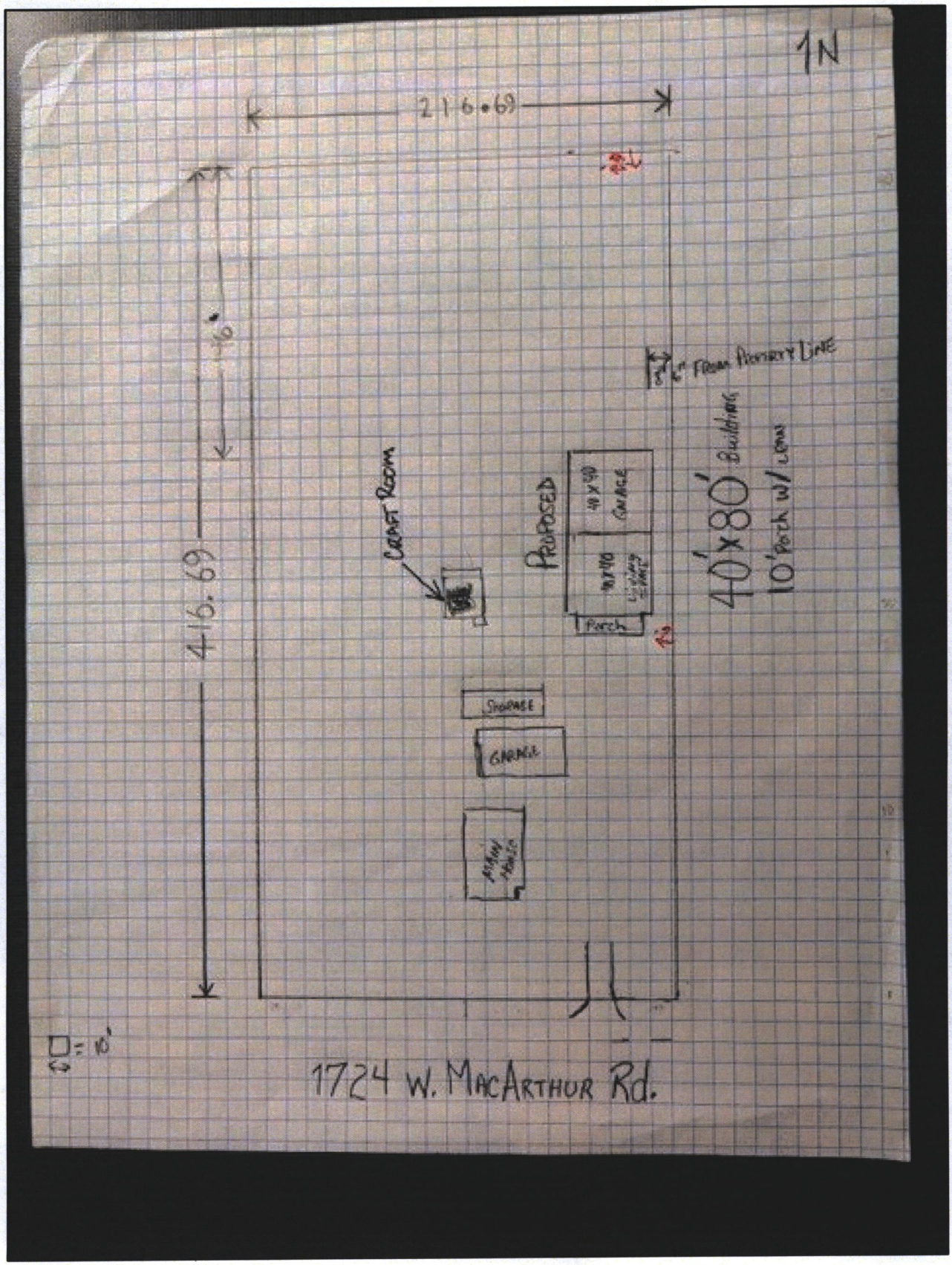
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the *Community Investments Plan*, as discussed in the report.

7. Impact of the proposed development on community facilities: Staff expect that there will be minimal significant impact on public roads, water, and sewer service.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment regarding the request.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos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16'
8'6" From Property Line
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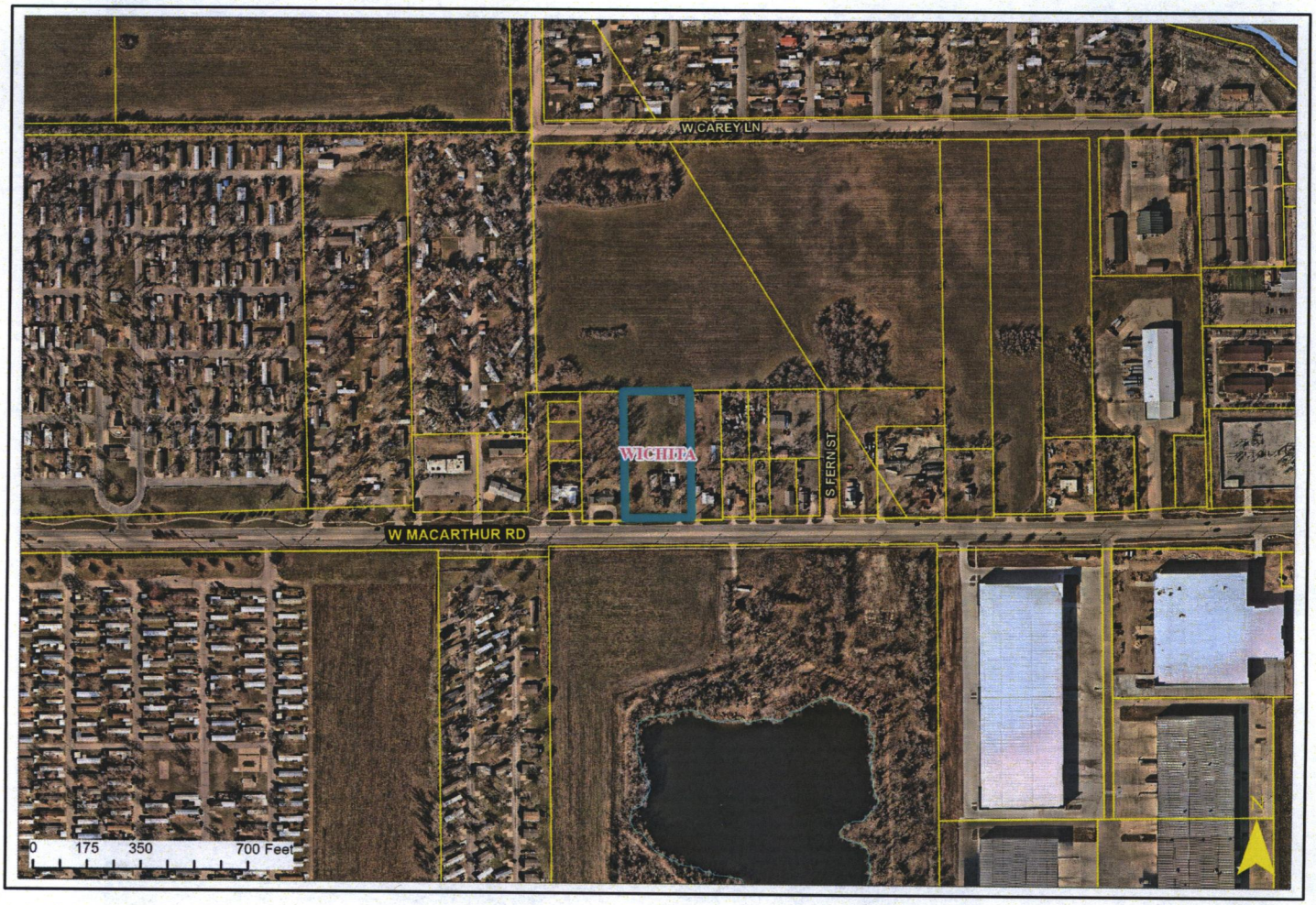
10' Porch w/ Lean
Proposed
Garage
Porch
Craft Room
Shopage
Garage
Main House
1724 W. MacArthur Rd.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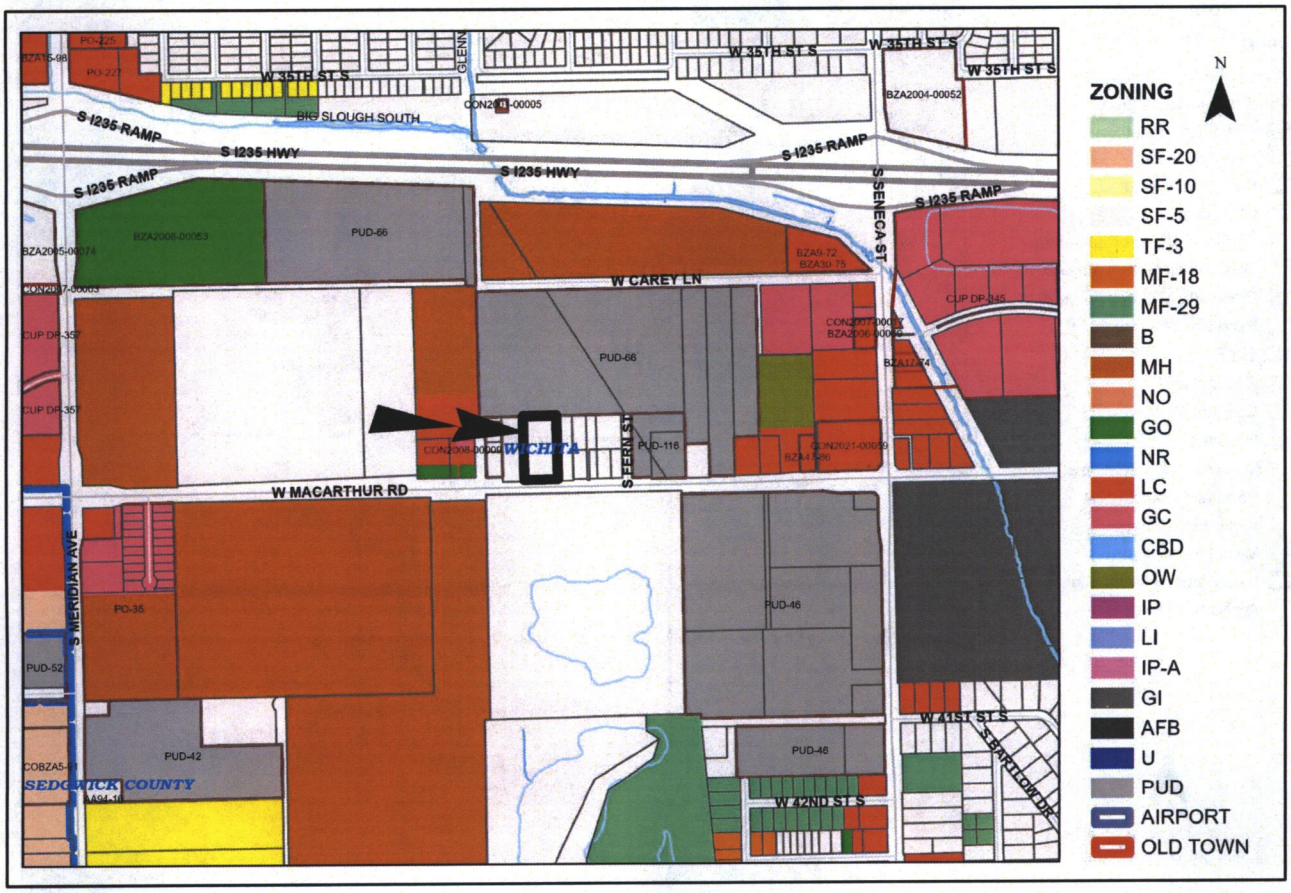
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S I235 HWY
S SENECA ST
W CAREY LN
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PUD-116
S FERN ST
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W MACARTHUR RD
S MERIDIAN AVE
PO-35
PUD-52
PUD-42
PUD-46
W 41ST ST S
W 42ND ST S
S BATTLEFIELD DR
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CUP DP-345
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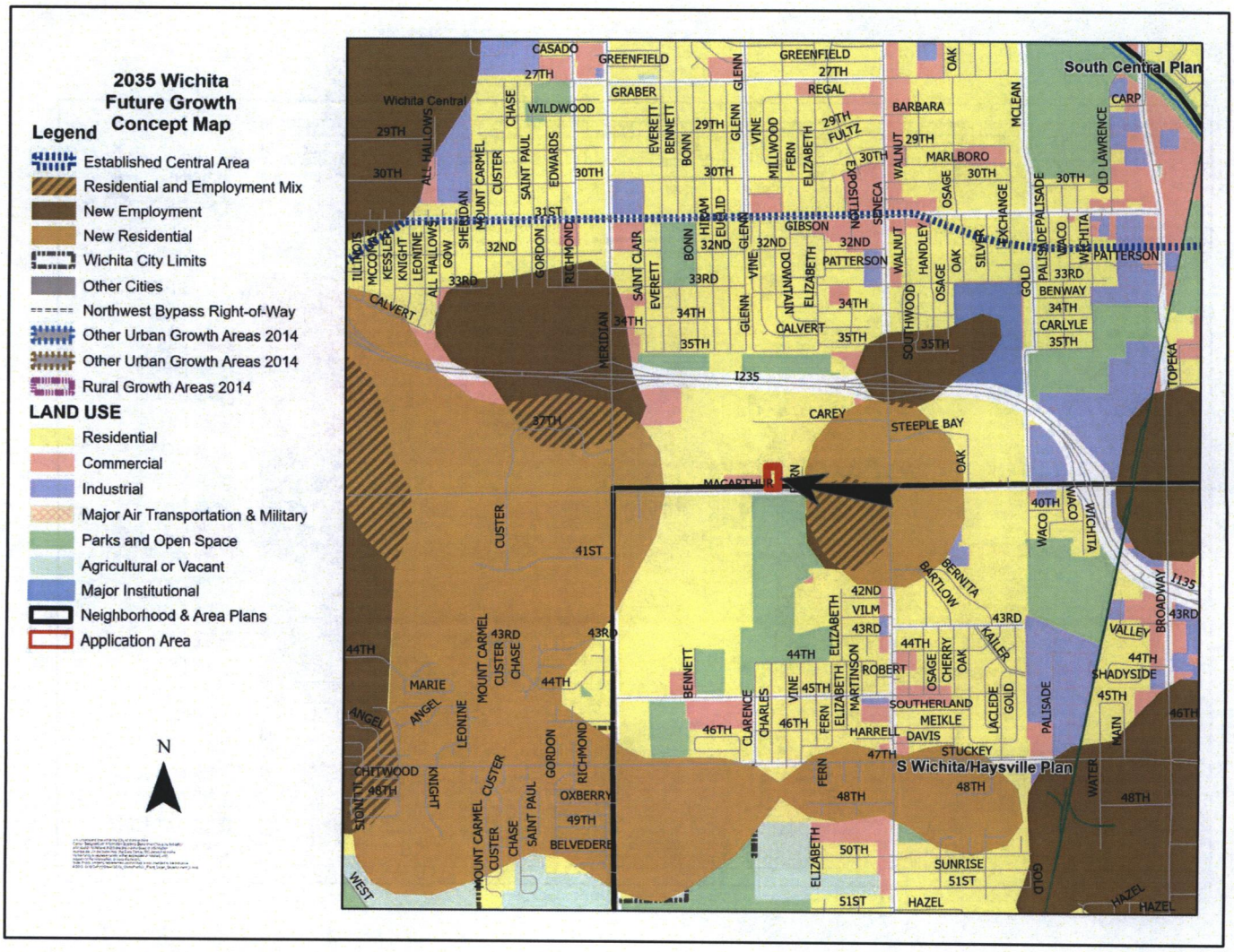
2035 Wichita Future Growth Concept Map
Legend
Established Central Area
Residential and Employment Mix
New Employment
New Residential
Wichita City Limits
Other Cities
Northwest Bypass Right-of-Way
Other Urban Growth Areas 2014
Other Urban Growth Areas 2014
Rural Growth Areas 2014
LAND USE
Residential
Commercial
Industrial
Major Air Transportation & Military
Parks and Open Space
Agricultural or Vacant
Major Institutional
Neighborhood & Area Plans
Application Area
N
South Central Plan
S Wichita/Haysville Plan
Wichita Central
I235
I135
MACARTHUR
CALVERT
CAREY
STEEPLE BAY
GIBSON
PATTERSON
BENWAY
CARLYLE
GREENFIELD
GRABER
WILDWOOD
REGAL
BARBARA
MARLBORO
FULTZ
CASADO
MERIDIAN
TOPEKA
BROADWAY
VALLEY
SHADYSIDE
MAIN
WATER
HAZEL
SUNRISE
STUCKEY
DAVIS
MEIKLE
SOUTHERLAND
HARRELL
ROBERT
VILM
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GORDON
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MOUNT CARMEL
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KESSLER
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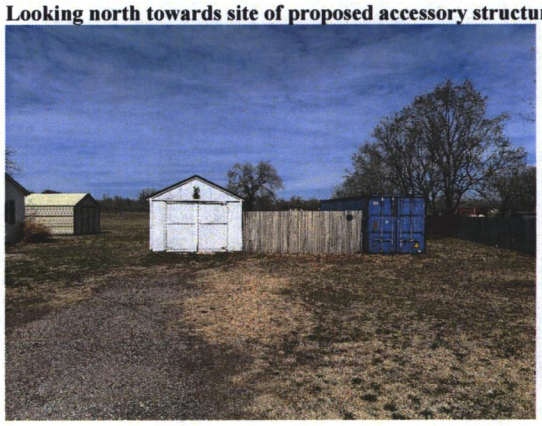
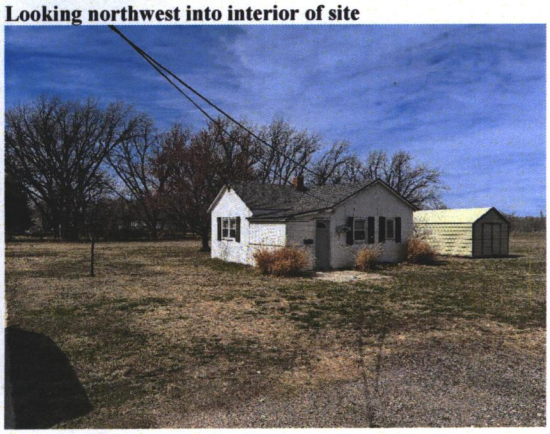
Looking north towards site

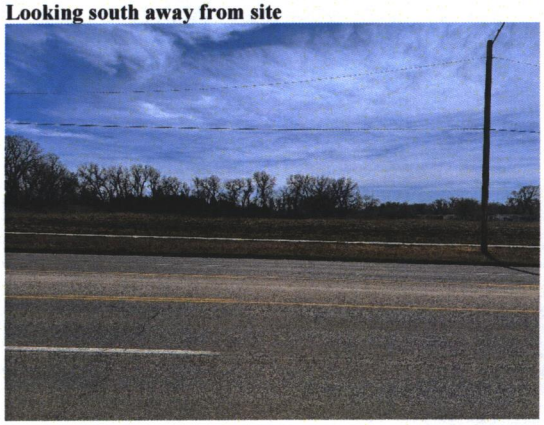
Looking north towards site of proposed accessory structure



Looking northwest into interior of site

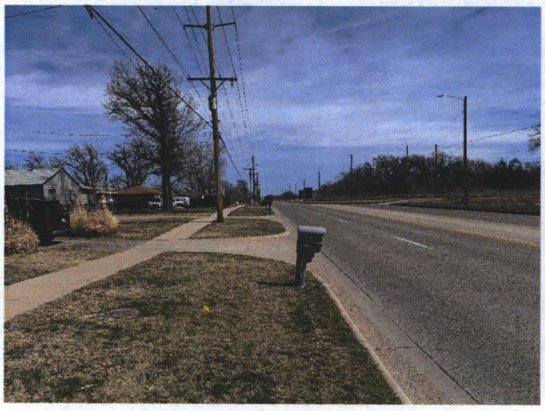


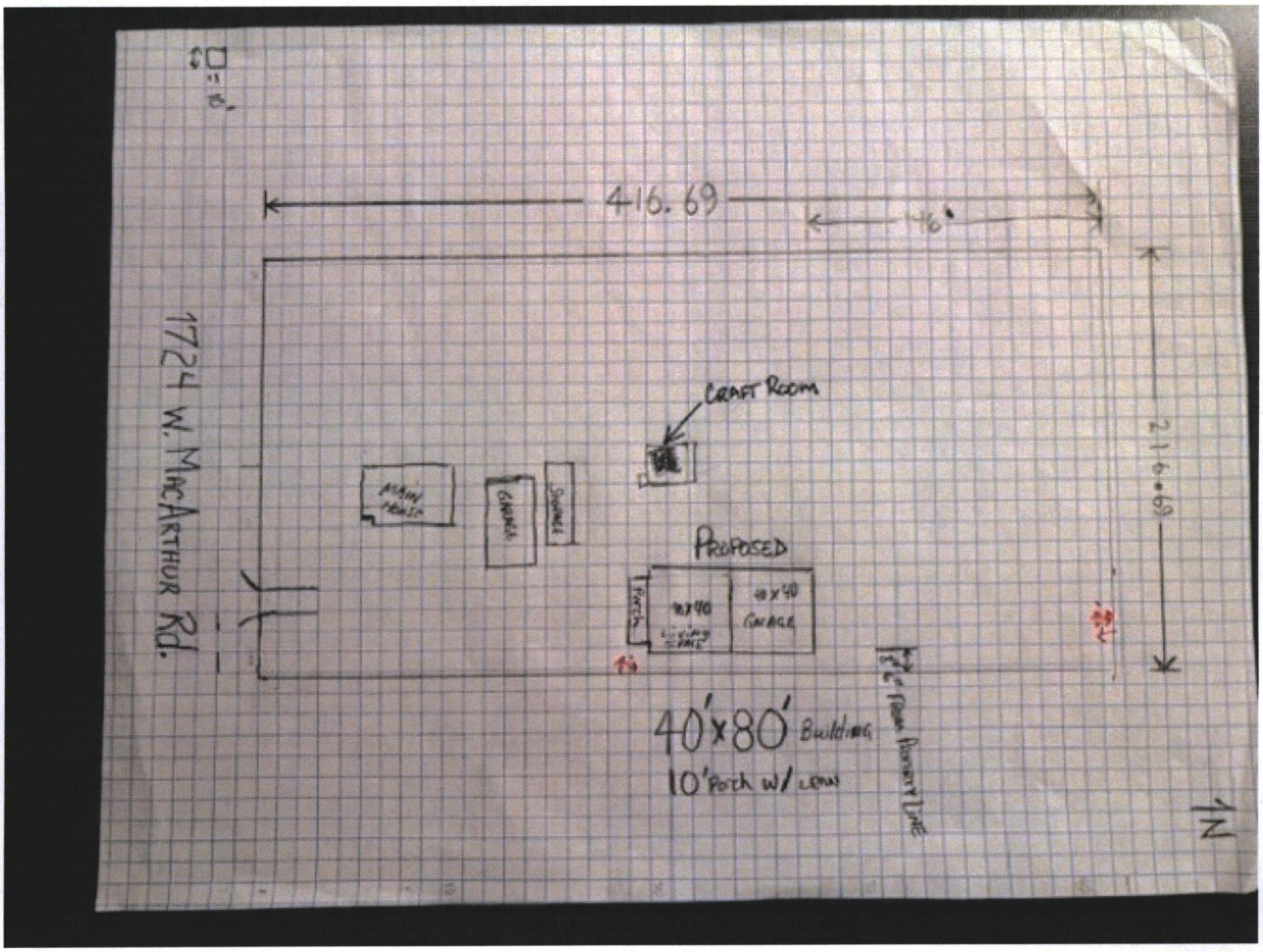
Looking south away from site



Looking west away from site

Looking east away from site





SITE PLAN

APPROVED 4/10/25 BY