Wichita-Sedgwick County Metropolitan Area Planning Department

June 4, 2021

Emily and Bryce Morgan
318 S. Herschel Avenue
Wichita, KS 67209

RE: **CON2021 00022** - City Conditional Use to allow an Accessory Dwelling Unit on property zoned SF 5 Single Family Residential; generally located southwest of West Maple Street and South Tyler Road (318 S. Herschel Ave).

Dear Applicants,

At its regular meeting on **June 3, 2021**, 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 318 South Herschel Avenue) and the ownership shall not be divided or sold as a condominium. There shall be no home occupation located within the ADU.

(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.

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 **June 17, 2021**. 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 **June 17, 2021 at 5:00 p.m.**

If the application is protested, it will be scheduled for consideration by the City Council on **Tuesday, July 6, 2021.** 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 development 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
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR, District IIV

CONDITIONAL USE RESOLUTION NO. CON2021-00022

WHEREAS, Bryce Waylon Morgan & Emily Rae Morgan, 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 allow an accessory apartment on property zoned SF-5 Single-Family Zoning District described as:

Lot 3, Block G, Callahan Addition, 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 3, 2021, 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 to allow an Accessory Apartment on property zoned SF-5 Single-Family Zoning District described as:

Lot 3, Block G, Callahan Addition, 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 318 South Herschel Avenue) and the ownership shall not be divided or sold as a condominium. There shall be no home occupation located within the ADU.
(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.

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 3rd Day of June 2021.

METROPOLITAN AREA PLANNING COMMISSION

Michael C. Greene, Chair MAPC

ATTEST:

Scott Wadle, Secretary

KM

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	61618	Print Legal Ad - IPL0022987	OCA 150004	$244.12	3	9.69

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 May 13, 2021
MAPC/BZA June 3, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, June 3, 2021 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.**

CON202100020: City Conditional Use for rock crushing on property zoned SF5 Singlefamily Residential located 500 feet east of South Hydraulic Avenue, 2000 feet north of East 71st Street South (1855 East 68th Street).

CON202100021: City Conditional Use for Accessory Apartment in SingleFamily Residential (SF5), Generally located within onequarter mile north of West 13th Street North and within onequarter mile west of North West Street (1612 N West Lynn).

CON202100022: City Conditional Use to allow an Accessory Apartment on property zoned SF5 SingleFamily Residential; generally located southwest of West Maple Street and South Tyler Road (316 S. Herschel Ave).

CON202100023: City Conditional Use to allow Daycare, General on property zoned SF5 SingleFamily Residential; generally located northwest of East Harry and South Woodlawn (6000 East Harry).

CON202100024: City Conditional Use to allow Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial; generally located southwest of North Oliver and East Central (4525 East Central).

CUP202100018: City CUP minor amendment to DP295 to permit a car wash on property zoned LC Limited Commercial, generally located on the east side of North Maize Road and 1,100 feet south of West 37th Street North.

PUD202100006: City zone change to create Northgate 4th Addition PUD #86; generally located on the Northwest corner of Meridian Avenue and 55th Street North.

PUD202100008: City Amendment to PUD61 to increase maximum building height on two parcels; generally located on the northwest and northeast corners of West Maple and South McLean.

PUD202100009: City PUD Planned Unit Development on property zoned SF5 SingleFamily Residential and TF3 TwoFamily Residential; generally located northeast of North Meridian and West 2nd Street (2207 West McCoy Street).

VAC202100020: City vacation of setback for erection of handicapped ramp and deck on property zoned SF5 SingleFamily Residential located 1200 feet south of East Pawnee Avenue, 1200 feet west of South Hillside Avenue (2719 Timberlane Street).

VAC202100021: City vacation of side yard setbacks on Lots 1 through 8, Block A of Northgate 4th Addition to be in accord with PUD-86 (Associated with PUD2021-00006), Generally located on the east side of North Meridian Avenue and within one-half mile north of West 53rd Street North (2500 through 2624 W. 55th St.)

VAC202100022: City request to vacate a platted street in Limited Industrial (LI) area, Generally located within 200 feet east of North Webb Road and within 1,000 feet south of East 37th Street North (3512 North Webb Road).

ZON202100023: City zone change on property zoned SF5 Single Family Residential to LI Limited Industrial for manufacturing/warehousing generally located approximately 900 feet south of East 55th Street South on the west side of South Hydraulic Avenue (5727 South Hydraulic Avenue).

ZON202100024: City Zone Change from SF5 SingleFamily Residential to TF3 TwoFamily Residential; generally located 1,600 feet south of West 47th Street South and 1,650 feet west of South Meridian Avenue.

ZON202100031: City Zone Change from SF5 SingleFamily Residential to LI Limited Industrial; generally located southwest of East 47th Street and South Broadway Avenue (331 West 47th Street South).

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 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 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##651544141
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 (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 13, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0022987
May 11 2021

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

No. of Insertions: 1
Beginning Issue of: 05/11/2021
Ending Issue of: 05/11/2021

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 05/11/2021 to 05/11/2021.

H. Hayley

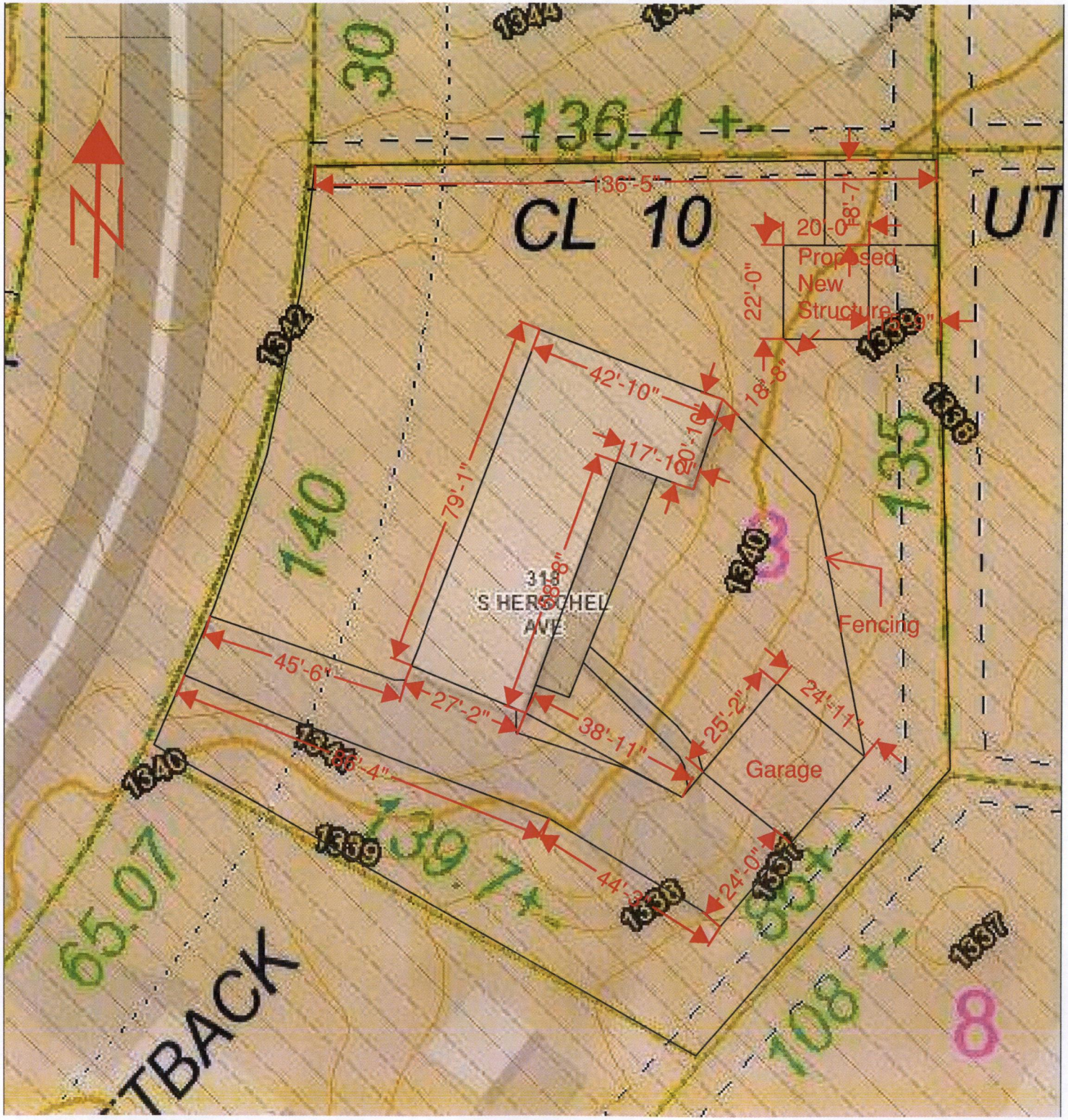
I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 06/02/2021

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!



Conditional use for accessory dwelling unit to be used as a home office.

Applicant name: Bryce and Emily Morgan.

Legal Description: Lot 3; Block G, Callahan addition, Wichita, Sedgwick County, Kansas.

Scale: 1"=30'

30'-0"

SITE PLAN

APPROVED 6-3-2021