



Wichita-Sedgwick County Metropolitan Area Planning Department

December 21, 2021

Erik Gomez
1132 N. Cleveland
Wichita, KS 67214

RE: CON2020-00038: City Conditional Use for Accessory Apartment in Single Family Zoning (SF-5); generally located on the west side of South Emporia Avenue and within 200 feet north of East Harry Street (1539 S Emporia).

Dear Applicant;

At its regular meeting on **January 7, 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 comply with The Wichita-Sedgwick County Unified Zoning Code, specifically Art. III.Sec.III-D.6.a.
2. The applicant shall provide proof of proper building permits and an inspection of the accessory apartment to the Metropolitan Area Planning Department. Modifications must comply with all State, County, and any other applicable standards.
3. Development and maintenance of the site shall be in general conformance with the approved site plan.
4. 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.

Condition number two above has not been met. This Conditional Use will not be finalized until the condition has been met.

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

Sincerely,

A handwritten signature in blue ink that reads 'Matthew Williams'.

Matthew Williams, AICP
Senior Planner

Copies to: Erik Leschuk, 1539 S. Emporia, Wichita, KS 67211
MABCD



Wichita-Sedgwick County Metropolitan Area Planning Department

January 12, 2021

Erik Gomez
1132 N. Cleveland
Wichita, KS 67214

RE: CON2020-00038: City Conditional Use for Accessory Apartment in Single Family Zoning (SF-5); generally located on the west side of South Emporia Avenue and within 200 feet north of East Harry Street (1539 S Emporia).

Dear Applicant;

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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 January 21, 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 City Clerk by **January 21, 2021 at 5:00 p.m.**

If this case is protested, the application will be forwarded to the **February 9, 2021** City Council meeting. If it is not protested, then the decision of the Planning Commission is final.

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,

Matthew Williams, AICP
Associate Planner

Copies to: Erik Leschuk, 1539 S. Emporia, Wichita, KS 67211
South Central – Janet Price, 2010 S. Water, Wichita, KS 67213
MABCD
Maddy Campbell, CSR District III

CONDITIONAL USE RESOLUTION NO. CON2020-00038

WHEREAS, Erik Leschuk, Owner; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential described as:

The North 64 feet of the East half of Lot 13, Zimmerly's 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 January 7, 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 an Accessory Apartment on property zoned SF-5 Single-Family Residential described as:

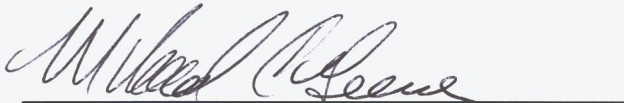
The North 64 feet of the East half of Lot 13, Zimmerly's Addition, Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The accessory apartment shall comply with The Wichita-Sedgwick County Unified Zoning Code, specifically Art. III.Sec.III-D.6.a.
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4. 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 27 Day of January 2021.

METROPOLITAN AREA PLANNING COMMISSION


Michael C. Greene, Chair MAPC

ATTEST:


Scott Wadle, Secretary

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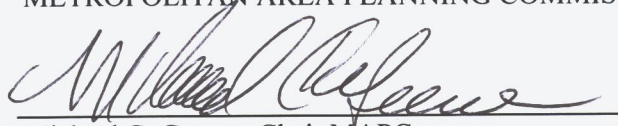
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Adopted this 7 Day of January 2021.

METROPOLITAN AREA PLANNING COMMISSION


Michael C. Greene, Chair MAPC

ATTEST:



Scott Wadle, Secretary



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453868	0004831074		OCA 150004	\$117.60	1	14.00 In

Attention: Betsy Pagán

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

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

1 Insertions

Beginning issue of: 12/17/2020

Ending issue of: 12/17/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, of lawful age, being first duly sworn, deposes 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 12/17/2020 to 12/17/2020.

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

V Rodela

Signature of Principal Clerk

DATED: 12/15/2020

[Signature]

Notary Public Dallas County, Texas



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

LEGAL PUBLICATION

OCA 150004
 PUBLISHED IN THE WICHITA EAGLE
 ON DECEMBER 17, 2020 (4831074)
 (One Time Only)

**MAPC/BZA January 7, 2021
 OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on **Thursday, January 7, 2021 no earlier than 1:30 p.m.** The WichitaSedgewick 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 Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgewick County Metropolitan Area Planning Department at (316) 2684621.

- CON2020-0031** City Conditional Use for SF-5 Single-Family Residential, OW Office Warehouse and IP Industrial Park zoned parcels, generally located south of West 21st St north, and east of Hoover Road to allow a major utility and the removal of an existing Protective Overlay #39 on the OW zoned parcel.
- CON2020-0037** City Conditional Use to allow a Day Care, General on TF-3 zoned property, generally located one block south of West Harry Street and one block east of South Meridian Avenue (1701 S Sedgewick Street).
- CON2020-0038** City Conditional Use for Accessory Apartment in Single-Family Zoning (SF-5). Generally located on the west side of South Emporia Avenue and within 200 feet north of East Harry Street (1539 S Emporia).
- CUP2020-00046** City CUP Amendment to DP-229 to revise land uses, maximum lot coverage, masonry wall and landscaping requirements, and cross-lot access requirements on property zoned LC Limited Commercial; generally located 300 feet south of East Central Avenue and east of North Greenwich Road.
- PUD2020-00007** City zone change to create the Nguyen Senior Village PUD #76 to redevelop site for a senior living center on property generally located west of North Oliver and one-quarter mile south of East 17th Street North at the northeast corner of North Pershing Avenue and East 15th Street (4640 E 15th Street).
- PUD2020-00011** City create Planned Unit Development on 6.96 acres located at the southwest corner of the intersection of McLean Blvd. and Douglas Ave. for a mixed-use development north of the baseball stadium, Riverfront Village PUD #77.
- PUD2020-00012** City PUD Planned Unit Development on zoned SF-5 Single Family Residential to permit accessory apartments within a residential area; generally located a half mile west of South 151st Street West and north of West Maple Street. PUD#80.
- VAC2020-00050** City vacation of 16-foot utility easement on property zoned LI Limited Industrial located on the north side of West Harry Street, 1778 feet west of South Tyler Road (3440 West Harry Street).
- VAC2020-00051** City Vacation of a portion of a platted utility easement and a portion of a platted building setback to allow for redevelopment of the site on property zoned PUD Planned Unit Development #38; generally located on the east side of North Meridian Avenue and one block south of West 5th Street North.
- ZON2020-00046** City zone change from LI limited industrial to MF-18 Multi-Family Residential; generally located 150 feet east of North Washington and 475 feet north of East 2nd Street North (1016 East 3rd Street).

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 WichitaSedgewick 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-SEDEGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

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

Submit Comments Ahead of Time
 You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgewick 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 (m3, 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	BPage@wichita.gov
Mailing Address	Wichita-Sedgewick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.587.7764

Participate Remotely
 Please join my meetings from your computer, tablet or smartphone.
<https://global.go2meetings.com/join/651544141>

You can also dial in using your phone.
 United States: +1 (571) 217-3112
 Access Code: 651-544-141

Join from a video-conferencing room or system.
 Dial in or type: 61217.952 or inroomlink.golo.com
 Meeting ID: 651 544 141
 Or dial directly: 651544141@67.217.952 or 61217.95206651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.go2meetings.com/install/651544141>

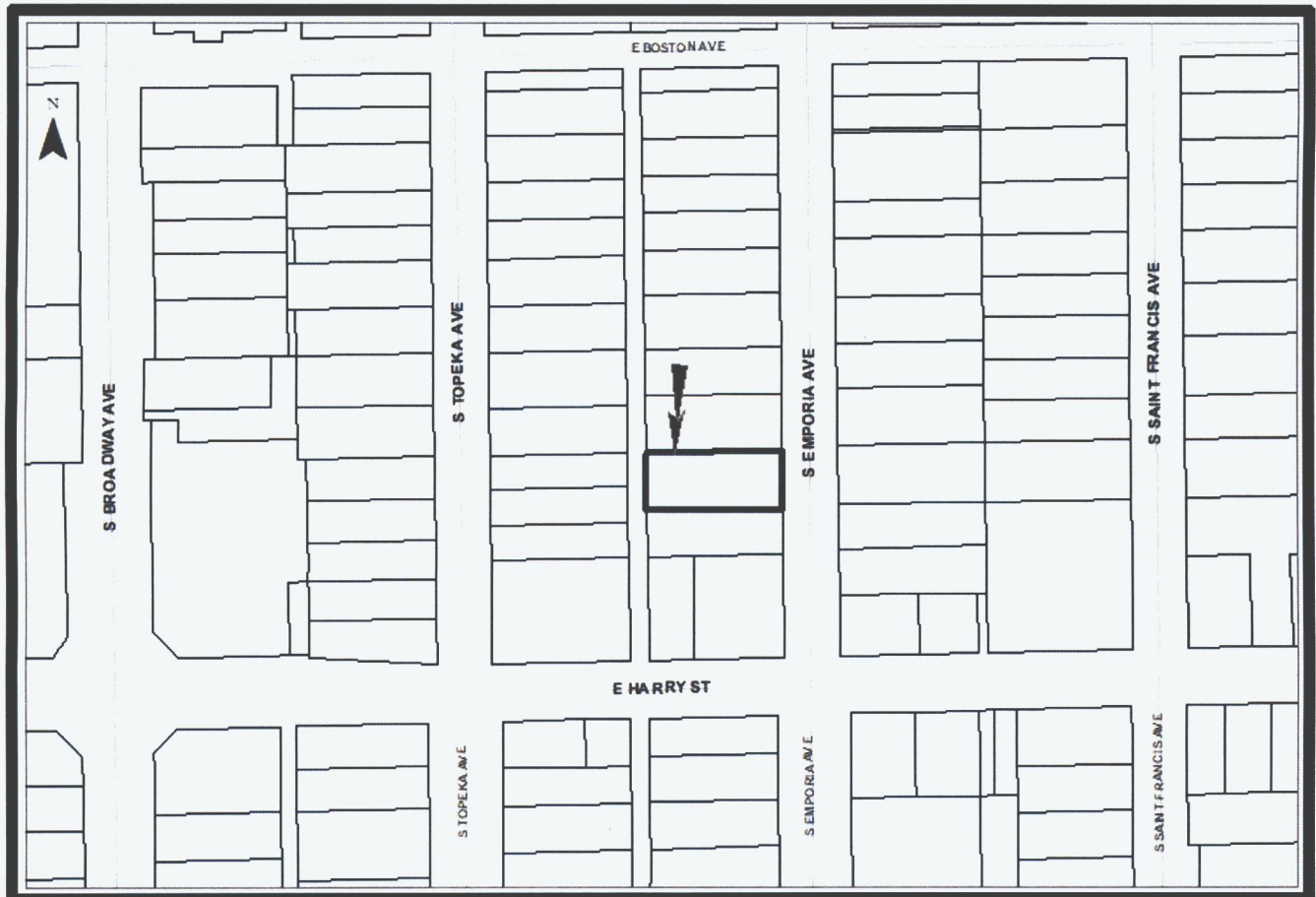
Attend a Virtual Connection Site In-Person
 You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (2684664) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on December 14, 2020
 Scott Wadle, Secretary
 WichitaSedgewick County
 Metropolitan Area Planning Commission



STAFF REPORT
MAPC January 7, 2021
DAB III January 6, 2021

-
- CASE NUMBER:** CON2020-00038
- APPLICANT/OWNER:** Erik Leschuk (Applicant/Owner) / Erik Gomez (Agent)
- REQUEST:** Conditional Use request for an accessory apartment
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** 0.22 acres
- LOCATION:** Generally located on the west side of South Emporia and within 200 feet north of East Harry Street (1539 South Emporia)
- PROPOSED USE:** Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to bring an existing accessory apartment on the property into compliance. The accessory apartment is located west of the existing primary residence. The accessory apartment is roughly 30 feet by 15 feet in size. The site is currently developed with a single-family residence, the accessory apartment, a garage, and a storage shed.

The subject property is located in Zimmerly’s Addition and is zoned SF-5 Single-Family Residential. The lots in this addition are mostly 0.22 acre residential lots. The applicant submitted the attached site plan showing the location of the existing primary residence and the existing 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 Article 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 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 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.

The applicant has indicated that the existing accessory apartment does comply with the above supplementary regulations.

The properties to the north and east are zoned SF-5 and developed with single-family residences. The property to the south is zoned both SF-5 and LC Limited Commercial and developed with a commercial building. The properties to the west are zoned TF-3 Two-Family Residential and are developed with single-family residences.

CASE HISTORY: On June 26, 1883, the subject property was platted as part of Zimmerly’s Addition. No other planning cases are associated with this 0.22 acre site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family residences
SOUTH:	SF-5/LC	Commercial Building
WEST:	SF-5	Single-Family residences
EAST:	SF-5	Single-Family Residences

PUBLIC SERVICES: South Emporia Street is a local, paved street with 60 feet of right-of-way. All Municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map indicates the area as designated for “residential.” These areas are described as encompassing the full diversity of residential development intensities and types typically found in a large urban municipality. This site conforms to this designation.

Wichita: Places for People Plan: The subject area is located within the Established Central Area, which is defined as the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. This area is the focus of the infill strategy and the adopted *Wichita: Places for People Plan*.

The Places for People Plan includes different area designations within the Established Central Area. The subject area is within a Transition area between the Community Core (or Node) at Harry and Broadway and the residential neighborhood (or edge) area to the north and east. A transition area is defined as “area necessary between the node and the edge that allows the intensity of development and uses, and mix of uses, to transition to the surrounding neighborhood context.” Within the context of the residential neighborhood and recommendation to allow more accessory apartments within the ECA, the request is in conformance with this 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 comply with The Wichita-Sedgwick County Unified Zoning Code, specifically Art. III.Sec.III-D.6.a.
- (2) The applicant shall provide proof of proper building permits and an inspection of the accessory apartment to the Metropolitan Area Planning Department. Modifications must comply with all State, County, and any other applicable standards.
- (3) Development and maintenance of the site shall be in general conformance with the approved site plan.
- (4) 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 properties to the north and east are zoned SF-5 and developed with single-family residences. The property to the south is zoned both SF-5 and LC Limited Commercial and developed with a commercial building. The properties to the west are zoned TF-3 Two-Family Residential and are developed with single-family residences.
- (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 permits the existing single-family residence. The property will continue to be used for one single-family residence; the size of the property easily accommodates the existing accessory apartment and the additional required parking space.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties as the accessory apartment has existed at this location for over 10 years according to the applicant. The conditions of approval should minimize any anticipated detrimental impacts.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map indicates the area as designated for “residential.” These areas are described as encompassing the full diversity of residential development intensities and types typically found in a large urban municipality. This site conforms to this designation.

Wichita: Places for People Plan: The subject area is located within the Established Central Area, which is defined as the downtown core and the mature neighborhoods surrounding it in a roughly three mile radius. This area is the focus of the infill strategy and the adopted *Wichita: Places for People Plan*.

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- (5) **Impact of the proposed development on community facilities:** Community facilities will not be noticeably impacted by this approval as the accessory apartment already exists at this location. All utilities are available to the site.

Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Applicant's Site Plan
5. Staff's Site Plan

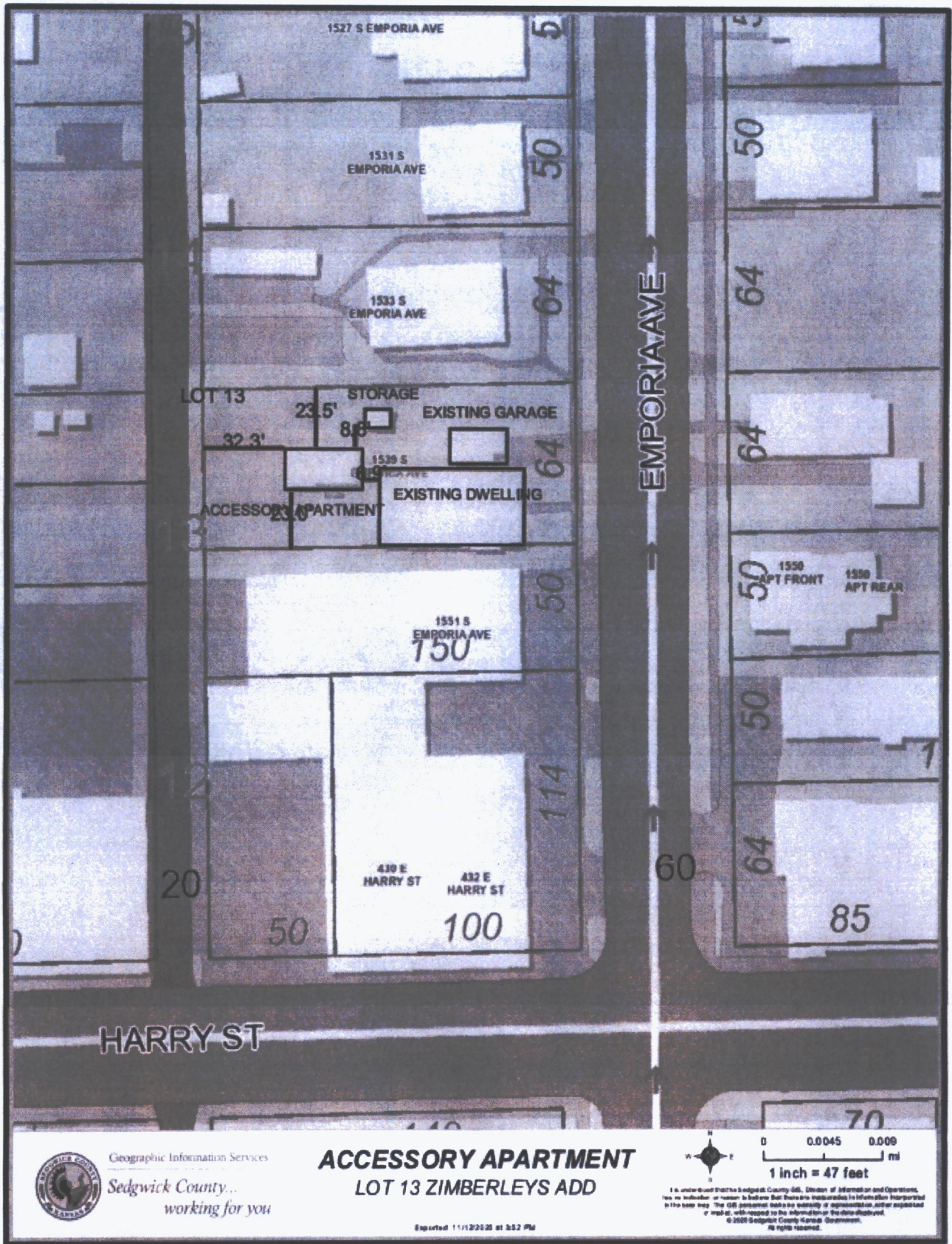


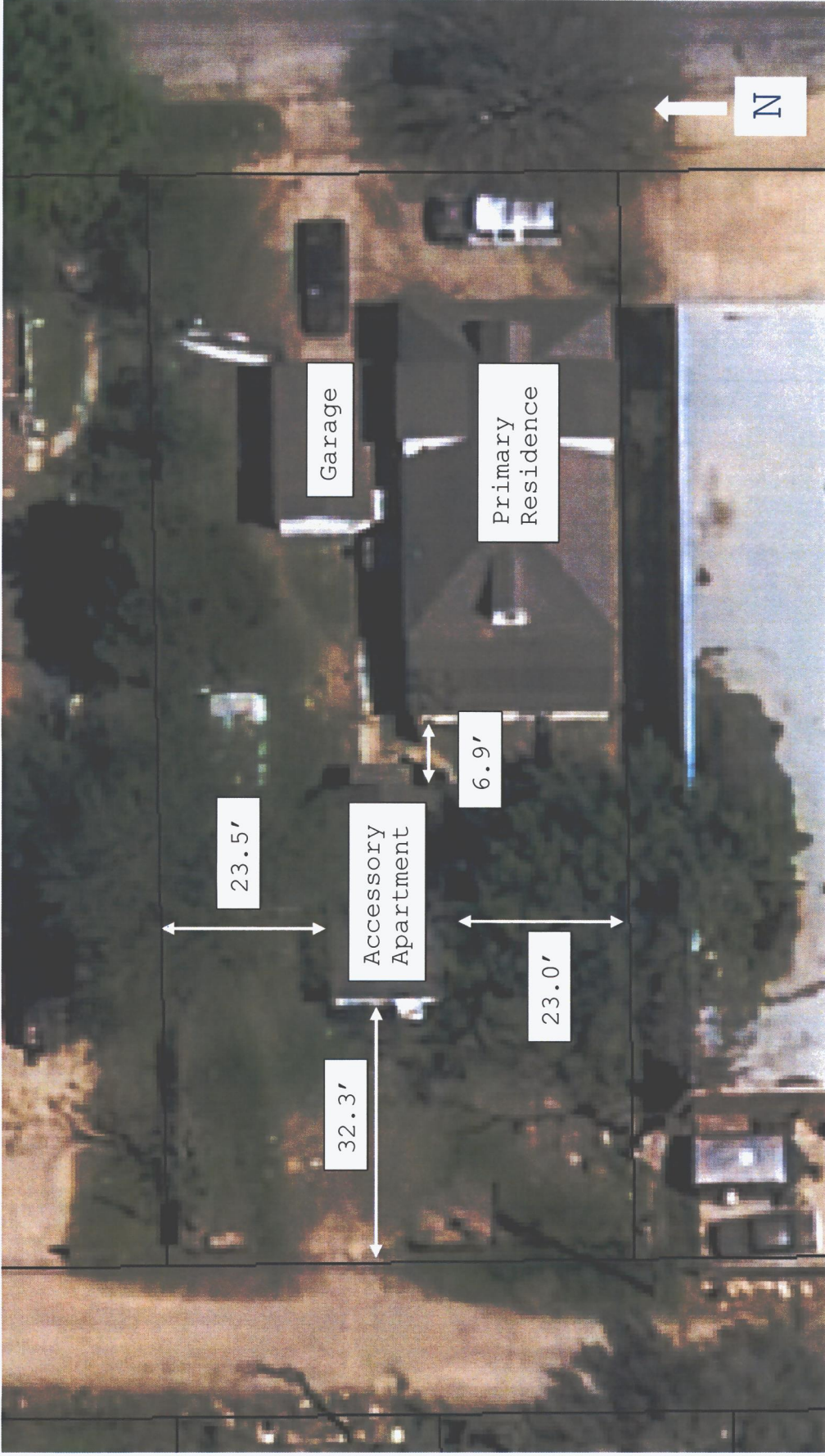


2035 Wichita Future Growth Concept Map

- 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







1527 S EMPORIA AVE

1531 S
EMPORIA AVE

1533 S
EMPORIA AVE

LOT 13

STORAGE

EXISTING GARAGE

23.5'

8.8'

32.3'

1539 S
EMPORIA AVE

EXISTING DWELLING

ACCESSORY APARTMENT

SITE PLAN

1551 S
EMPORIA AVE

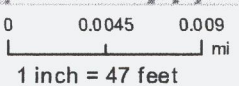
APPROVED

430 E
HARRY ST

432 E
HARRY ST

HARRY ST

EMPORIA AVE



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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Geographic Information Services
Sedgwick County...
working for you

ACCESSORY APARTMENT LOT 13 ZIMBERLEYS ADD