



Wichita-Sedgwick County Metropolitan Area Planning Department

June 13, 2023

Ivery Kaufman
PO Box 8092
Wichita, KS 67208

TEAM Architecture, LLC
Attn: Doug Allison
PO Box 43
Andover, KS 67202

RE: CON2023-00010: Conditional Use request in the City for Group Residence, Limited on property zoned SF-5 Single-Family Residential; located 143 feet east of North Lawrence Lane and north of East 13th Street (7000 East Stonegate Street).

Dear Applicant;

At its regular meeting on **June 13, 2023**, the Wichita City Council (WCC) heard the above captioned request. The action of the WCC was to **DENY** the request.

Section V-D.11 of the Unified Zoning Code states that in the event that the governing body denies a request, a similar application shall not be refiled for one year from the latest advertised public hearing date (this would be the Planning Commission hearing on May 11, 2023). A request for a more restrictive zoning classification shall not be filed for six months from the same date.

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

Sincerely,

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

Christina Rieth
Associate Planner

Copies to: MABCD
Becky Tuttle, Council Member District II
Teresa Veazey, CSR District II



Wichita-Sedgwick County Metropolitan Area Planning Department

May 11, 2023

Ivery Kaufman
PO Box 8092
Wichita, KS 67208

RE: CON2023-00010: Conditional Use request in the City for Group Residence, Limited on property zoned SF-5 Single-Family Residential; located 143 feet east of North Lawrence Lane and north of East 13th Street (7000 East Stonegate Street).

Dear Applicant;

At its regular meeting on May 11, 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 Conditional Use approval is limited to a maximum of 12 persons, including staff members.
- 2) A revised site plan shall be submitted illustrating that the required parking that is in compliance with the UZC prior to the Conditional Use being approved.
- 3) No signs shall be allowed except those permitted under the City Sign Code Section 24.04.190.
- 4) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 5) 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 May 25, 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 May 25, 2023 at 5:00 p.m.

This application will be presented to the Wichita City Council on Tuesday, June 13, 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

Copies to:

MABCD

Becky Tuttle, Councilmember District II

Doug Allison, *via email*

Monica and Jeff Poe, *via email*

Marilyn and Randall Wells, *via email*

Jen-Chi Cheng, *via email*

Amy and Michael Bankston, *via email*

Wayne and Cindy Hearson, 6918 East Timberon Lane, Wichita, KS 67206

Dennis Murphy, 7006 East Stonegate Lane, Wichita, KS 67206

Steve Toews, 7001 East Stonegate Lane, Wichita, KS 67206

Robert Garland, 6916 East Stonegate Lane, Wichita, KS 67206

Philip Frangenberg, 6912 East Stonegate Lane, Wichita, KS 67206



Beaufort Gazette
 Belleville News-Democrat
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 San Luis Obispo Tribune
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	410212	Print Legal Ad-IPL01188570 - IPL0118857	OCA 150004	\$213.88	3	85 L

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

twells@wichita.gov

LEGAL PUBLICATION

OCA 150004

Published in The Wichita Eagle on April 20, 2023
 (One Time Only)
 MAPC/EZA May 11, 2023
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, May 11, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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.

BZA2023-00018: Variance request in the City to reduce alley side setback to zero feet for an addition on property zoned LC Limited Commercial; located on the south side of East Mount Vernon Road and within one-half mile west of South Hillside Avenue (2431 East Mount Vernon Road).

CON2023-00010: Conditional Use request in the City for Group Residence. Limited on property zoned SF-5 Single-Family Residential; located 143 feet east of North Lawrence Lane and north of East 13th Street (7000 East Stonegate Street).

CON2023-00011: Conditional Use request in the City for a Group Resident, Limited on property zoned SF-5 Single-Family Residential; located approximately .66 miles west of North Woodlawn Avenue, on East 17th Street North (6227 East 17th Street North).

CON2023-00012: Conditional Use request in the City for general printing and publishing on property zoned LC Limited Commercial; located on the south side of East Mount Vernon Road and within one-half mile west of South Hillside Avenue (2431 East Mount Vernon Road).

CUP2023-00013: Community Unit Plan (DP-361 Meridian 53 CUP) in the City associated with a zone change (ZON2023-00019) to GC General Commercial; located on the south side of West 53rd Street North and on the west side of North Meridian Avenue.

VAC2023-00009: Request in the City to vacate access control and setbacks on property zoned LI Limited Industrial; located on the east side of Webb Road and south of 37th Street North (3512 North Jabara Road).

ZON2023-00016: Zone Change Request in the City from LI Limited Industrial District to MF-29 Multi-Family Residential to bring an existing tri-plex into conformance on property located on the north side of East Mount Vernon Rd and two-blocks west of South Washington Avenue (726 East Mt. Vernon).

ZON2023-00017: Zone change request in the City from SF-5 Single-Family Residential District to LI Limited Industrial District to allow the Colonel James Jabara Airport to be extended north; generally located at the intersection of East 45th Street North and North Webb Road (4444 and 4700 North Webb Road).

ZON2023-00018: Zone change request in the City from SF-5 Single-Family Residential District to LI Limited Industrial District to bring the entire property into compliance; generally located on the north side of East 55th Street South within one-half mile west of South Hydraulic Avenue (1306 East 55th Street South).

ZON2023-00019: Zone change request in the City from GO and LC to GC General Commercial; located on the south side of West 53rd Street North and on the west side of North Meridian Avenue (Associated with CUP2023-00013).

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.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually

Join Zoom Meeting <https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBnbnFJOTJFYV0xPVdXU09>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16698006833,4089866967#...*094136# US (San Jose)

+17193594580,4089866967#...*094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number. <https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySjBnbnFJOTJFYV0xPVdXU09>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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.

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. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

WITNESS MY HAND on April 20, 2023

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0118857

Apr 20 2023

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

1 insertion(s) published on:

04/20/23

STATE OF KANSAS)

SS

County of Sedgwick)

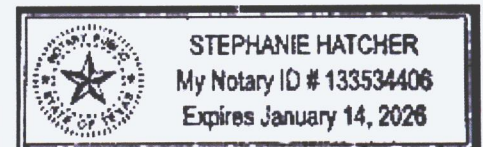
Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 04/20/2023 to 04/20/2023.

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

DATED: 05/03/2023

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!



STAFF REPORT

MAPC: May 11, 2023
DAB II: May 8, 2023

- CASE NUMBER:** CON2023-00010 (City)
- APPLICANT:** Ivy Home Foundation/Ivery Kaufman (Applicant)
TEAM Architecture – LLC/Doug Allison (Agent)
- REQUEST:** Conditional Use for Group Residence, Limited
- CURRENT ZONING:** SF-5 Single Family Residential District
- SITE SIZE:** 0.20 acres
- LOCATION:** Generally located on the north side of East Stonegate Lane, within 100 feet north of East 13th Street North (7000 East Stonegate Lane)
- PROPOSED USE:** Group Residence, Limited
- RECOMMENDATION:** Denial



BACKGROUND: The applicant is requesting a Conditional Use for Group Residence, Limited on property zoned SF-5 Single Family Residential District located on the north side of East Stonegate Lane, within 100 feet north of East 13th Street North (7000 East Stonegate Lane). According to the applicant's website, Ivy Foundation operates sober living home facilities. The site is currently used as a sober living home which is accommodated similar to a Group Home, which in this case up to eight persons who are not related by blood or marriage can occupy a residence. The request for a Conditional Use for Group Residence, Limited would allow the facility to house up to 15 persons including staff.

The Unified Zoning Code defines Group Residence as "a residential facility providing cooking, sleeping, and sanitary accommodations for a group of people, not defined as a family, on weekly or longer basis." It defines Group Residence, Limited as "a Group Residence that is occupied by six (6) to 15 persons, including staff members who reside in the facility." Group Residence, Limited is permitted within the SF-5 zoning district by Conditional Use approval.

The site plan submitted by the applicant shows a three-car garage and a driveway with three parking spaces. The cars shown in the driveway are parked in the setback, which is not permitted per the Unified Zoning Code. Additionally, the off-street parking requirement for Group Residence, Limited is one per bedroom. The facility proposes to use the existing five-bedroom home for the Group Residence. There are no anticipated modifications to the existing structure. Therefore, the subject site requires five parking spaces. Considering this, staff recommends that the applicant files for a Variance to reduce the parking requirement to three spaces or reduce the front setback. If neither are pursued, the additional two required parking spaces will have to be accommodated in the rear portion of the site, which could negatively affect the residential character of the property and neighborhood.

Properties to the north, west, and south are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. The subject site is located on the interior portion of the neighborhood. It is Planning staff's opinion that the requested Conditional Use for this particular location may have detrimental impacts on the surrounding properties due to an increase in traffic and increase in parking requirements, which are out of character with the neighborhood.

CASE HISTORY: On June 19, 1967, the site was platted as part of the Rockhurst Addition. 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
EAST:	SF-5	Single Family Residence
WEST:	SF-5	Single Family Residence

PUBLIC SERVICES: Access to the property is from East Stonegate Lane, a paved local street with on-street parking, but no sidewalks. East 13th Street North is a paved, four-lane arterial street with sidewalks on both sides. Municipal water and sewer services currently serve the site. Wichita Transit provides regular bus service within one-quarter mile southeast of the subject site, at the northeast corner of East 13th Street North and North Gouverneur Road.

CONFORMANCE TO PLANS/POLICIES: The Conditional Use request is in partial conformance with the following plans:

Community Investments Plan: The Conditional Use request is in partial conformance with the *Community Investments Plan*. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, namely the 2035 Wichita Future Growth Concept Map, identifies the site as "Residential" on the Future Growth Map Concept Map, which reflects the full diversity of residential development densities and types typically found in an urban municipality. The Plan discusses that the range of housing densities and types include anywhere from single-family detached homes to multifamily units, condominiums, and special residential accommodations (assisted living, congregate care, and nursing homes).

The requested Conditional Use is not in conformance with the Land Use Compatibility Locational Guidelines. The General guidelines state, "Higher-intensity development should be discouraged from locating areas of existing lower-intensity development, particularly established low-density residential areas." Group Residence, Limited is allowing up to 15 persons, including 2 staff members, in the interior of a single-family residential neighborhood. The scale of this type of residential use is out of character with the existing surrounding uses. The number of residents who could drive, versus the number of on-site parking requirements, may be detrimental to the character of the neighborhood.

Wichita: Places for People Plan: The requested Conditional Use is in partial conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles."

- **Strategies:** The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Group Residence, Limited partially aligns with Strategy 5: *Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA*. The proposed Group Residence, Limited would permit additional residents to be served by the facility at this location. However, the scale of the development is out of character with the neighborhood.
- **Current Condition:** The subject property is located within an area identified as an "area of opportunity." The *Places for People Plan* defines Areas of Opportunity as "areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially." The site is currently used as a sober living home and the structure retains the character of the surrounding residential neighborhood. However, the scale of the proposed Group Residence, Limited could impact the development pattern of the neighborhood.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **DENIED**.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is residential. Properties to the north, west, and south are zoned SF-5 Single-Family Residential District and are developed with single-family dwellings. The subject site is located on the interior portion of the neighborhood. It is Planning staff's opinion that the requested Conditional Use for this particular location may have detrimental impacts on the surrounding properties due to an increase in traffic and increase in parking requirements, which are out of character with the neighborhood.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is currently zoned SF-5 Single Family Residential District and is suitable for a single-family home. The type of care facility is considered a "Group Home," which is permitted by-right in SF-5 up to eight total residents who are not related by blood or marriage. The owner is looking to expand the capacity of the Group Home, which requires Group Residence, Limited.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Group Residence, Limited is permitted as a Conditional Use within the SF-5 district. The property is currently being used as a Group Home for up to eight residents. The request for Group Residence, Limited is to expand the use up to 15 residents, but the type of care is not changing. If the request is approved, it is staff's opinion that it could have detrimental impacts on the character of the neighborhood, such as increased traffic and a negative impact on the aesthetics of the neighborhood due to increased parking requirements.
4. **Length of time the property has been vacant as currently zoned:** The subject property is not vacant. The

subject property has been developed since 1969.

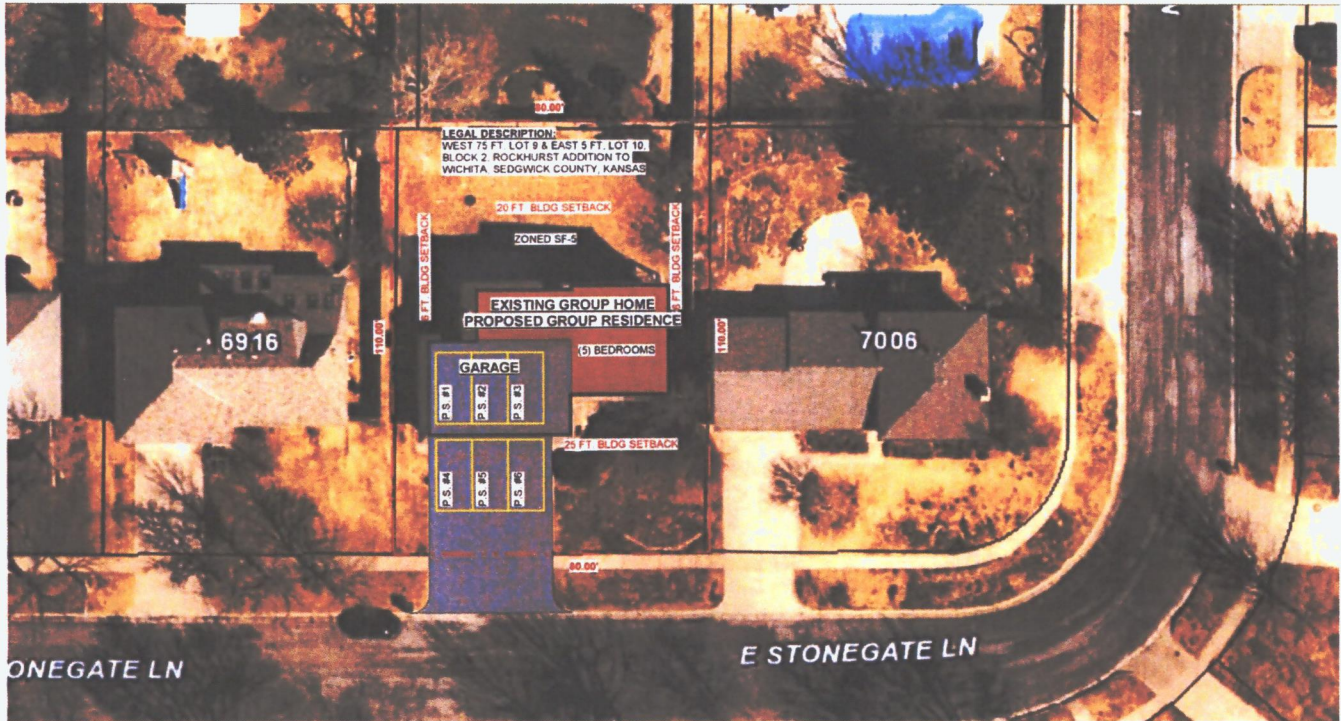
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The requested Conditional Use is in partial conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan* as discussed in the staff report.
6. **Relative gain to the public health, safety, and welfare compared to the loss in value or the hardship imposed upon the applicant:** Approval of this request could provide the opportunity for the applicant to provide care for additional residents, which is a gain to the public welfare. However, any gain must be considered in light of the possible negative impacts to the public welfare, including the effects on neighboring properties. Approval of the request could have detrimental impacts on the surrounding residents, such as increased traffic. Denial could be regarded as a loss of economic opportunity and enjoyment for the applicant.
7. **Impact of the proposed development on community facilities:** Staff does not anticipate significant, negative impacts to community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff received several comments in opposition to the proposed Conditional Use via telephone and email. Written comments are attached to the end of this report.

Should the MAPC find that the Conditional Use be approved, it is recommended that the MAPC adopt alternate findings supporting their recommendation. Staff recommends the following conditions:

- 1) The Conditional Use approval is limited to a maximum of 15 persons, including staff members.
- 2) A revised site plan shall be submitted illustrating that the required parking that is in compliance with the UZC prior to the Conditional Use being approved.
- 3) No signs shall be allowed except those permitted under the City Sign Code Section 24.04.190.
- 4) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 5) 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.

Attachments:







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





**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



Looking north at site



Looking east away from site



Looking south away from site



Looking west away from site



Wayne and Cindy Hearson

4 - 24 - 2023

6918 East Timberon Lane
Wichita, KS 67206

RE: Case CON2023-00010

To the Wichita-Sedgwick Co. Metropolitan Area Planning Department:

This letter is in reference to Case #CON2023-00010, the rezoning proposal for **7000 East Stonegate Street, Wichita KS, 67206**. I have looked over the proposal, prayed about this with intention and searched my heart for what is the correct thought process, and my heart keeps coming back to the thought that even though I have empathy for the situation of the addict, there is proper protocol we follow in our lives. We plan and zone our neighborhoods for specific design and purpose in our lives. The neighborhood that is chosen for this proposal is a neighborhood zoned for SF-5 living. So, to better understand this situation, I have to ask these questions of this council...

1. This proposed home is appx. 2300 Sq. Ft and listed as a 3-4-bedroom home. The email our neighborhood received stated that up to 20 people at a time could be staying in this residence. How is this possible and give everyone enough space for proper bathing and bathroom quarters, as well as space needed for private affairs? Is safety even possible, in these circumstances, under our current Fire and Safety Codes?
2. Will there be 24-hour attention given to monitored and attended security and direction?
3. Less than 1000 yards away from this location is a middle school. With the national relapse rate for drug rehabilitation at 50-55% on average ¹(Addiction Group.org, 2023) how is our neighborhood and our school going to be guaranteed that it will not be affected by the increase in possible drug and alcohol use, and the increase in drug trafficking and violence this behavior brings to neighborhoods?
4. We have many children living in this neighborhood that are already exposed to so many wrongs in this world. The increases seen in violence alone in the last

¹ [HTTPS://WWW.ADDICTIONGROUP.ORG/RESOURCES/SOBRIETY-STATISTICS/](https://www.addictiongroup.org/resources/sobriety-statistics/)

decade has forced many parents to make hard decisions about the neighborhoods they love, and the schools their children love. Is bringing more of societies unfortunate problems, to the doorsteps of our homes, really what life we want for our families, many of whom's households are trying to be God-fearing homes to begin with?

5. This street has grown in traffic flow as our children have become young drivers themselves. With one household having 20 members to it, each having different siblings and other family members possibly visiting them, this will add a mass of traffic flow to the neighborhood that I am not sure it can handle. Parking will become a very bad situation, not to mention the costs of maintenance, with those costs hitting our ever-growing tax base. What are we to think of these situations?

I moved my family to this neighborhood 5 years ago because it was quiet, quaint and a small neighborhood with single family dwellings. I want my neighborhood to stay that way. Quiet, no drama, very few problems. Just good people, good neighbors and nice homes. I searched the website for the Ivy Home Foundation and found not a lot other than hate and disdain for neighborhoods like ours. She said herself that she was "tired of the exclusivity of middle- and upper-class neighborhoods". Well, I am sorry, but all neighborhoods have that right to be exclusive of drug and alcohol abuse, violence, and crime. We work hard as good citizens to try and teach people that there is a certain way to live life. You can live life without laws, without abandon, and without any thought of other people and you can live with the consequences that lifestyle brings. Or you can search your own heart, search how God created us to live by laws and rules, live a life of modesty and of worship, and live with the consequences that brings. All of our decisions have consequences. If I make the wrong decision here, it will have consequences for my family, my life and my home. I am not willing to risk those things, when other options are available for recovery centers and their locations, that are away from schools that our children attend, and neighborhoods that our children and families play in their parks and walk in their streets.

Our voice is against this change in zoning, and our choice is to not permit this addiction recovery house to proceed.

We will not be able to attend the May 11 meeting in person or by Zoom, as we will be in flight to New York City.

Sincerely,

Wayne and Cindy Hearson