



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 2, 2005

Ken Elliott
1065 N. Waco
Wichita, KS 67203

RE: CON2005-27 – Conditional Use to Permit a Bed and Breakfast Inn on property zoned “SF-5” Single-Family Residential. Generally located midway between Meridian Avenue & Seneca Street, on the southeast corner of Glenn Avenue & Maple Street. (District IV)

Dear Ladies and Gentlemen:

At its regular meeting on **July 28, 2005**, the 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 site shall be developed and operated in general conformance with the MAPD and Delano Design Review Committee approved site plan and landscape plan. The current landscaping will remain in place and identified on the landscape plan. Any proposed improvements to the landscaping will be shown on the landscape plan and approved by the Planning Director.
2. The number of transient guests at any one time shall be the maximum allowed by the Unified Zoning Code and by the number of guest rooms provided in the residence. These rooms will be shown on a floor plan that will be approved by the OCI, as a condition to obtain the required change of occupancy necessary for a Bed & Breakfast in a single-family residential structure.
3. Signage will be as allowed by the Sign Code of the City of Wichita and the Delano Overlay District, will be shown on the site plan and reviewed by the Delano Design Review Committee.

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

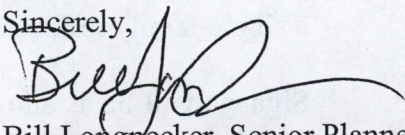
4. The number of on-site parking spaces provided, will be one (1) space for the owner/live on site manager of the property and one (1) space per guest room. The existing parking area will remain paved and be marked. A drive connecting it to the alley must have an approved all weather surface. Any additional parking spaces needed, will be shown on the site plan and must be located in the rear or side yards and not block the sidewalk or the alley. On-site parking will met the Delano Overlay District's screening and landscaping requirements and be reviewed by the Delano Design Review Committee.
5. The applicant shall obtain all inspections, permits and license from the City, prior to operating the Bed & Breakfast.
6. The owner or the manager of the Bed & Breakfast will reside in the primary structure.
7. Identify existing lighting on the site plan. The Delano Design Review Committee must approve any additional proposed lighting.
8. 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 may also file written protest petitions on zoning-related items heard by the MAPC. 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 within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing. Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 200 feet of the perimeter of the application area, unless the Council overrides such a protest and approves the application by a vote of 6 of its members.

If there are no valid appeals or protest petitions filed opposing this action by **August 11, 2005**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

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

Sincerely,



Bill Longnecker, Senior Planner
Current Plans Division

WL/rms

Cc: Ino Scapa, 1825 W. Maple, Wichita, KS 67213

Joseph B. Scapa, 802 S. Fabrique, Wichita, KS 67218
Herb Alvarez, 1065 N. Waco, Wichita, KS 67203
Wayne Wells, President of Delano HOA, 432 S. Osage, Wichita, KS 67213
Robert Shanley, 1902 Maple Street, Wichita, KS 67213
Paul Gray, WCC IV, Mail Stop 1-13
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

1. The first part of the document is a letter from the Secretary of the Department of the Interior to the Secretary of the Department of the Army, dated August 1, 1944. The letter discusses the proposed construction of a dam on the Colorado River and the need for a license to construct the dam. The letter also discusses the need for a license to construct a dam on the Colorado River and the need for a license to construct a dam on the Colorado River.

AFFIDAVIT

STATE OF KANSAS \
- SS.
County of Sedgwick /

Milt Mounts, 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 for 1 consecutive issues - weeks, that the first publication of said notice was

made as aforesaid on the 7th of

July A.D. 2005, with

subsequent publications being made on the following dates:

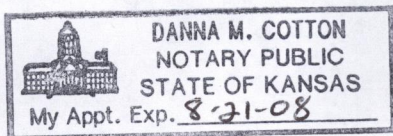
And affiant further says that _____ he has personal knowledge of the statements above set forth and that they are true.

Milt Mounts

Subscribed and sworn to before me this

21st day of July, 2005

Danna M. Cotton
Notary Public Sedgwick County, Kansas



Printer's Fee \$22.20

LEGAL PUBLICATION
Published in The Wichita Eagle
July 7, 2005 (2323421)
MAPC JULY 28, 2005
PUBLIC HEARING NOTICE
NOTICE IS HEREBY GIVEN that on **Thursday, July 28, 2005**, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 N. Main St., Wichita, Kansas, will consider the following applications no earlier than 1:30 p.m. 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.
CON2005-00027 - Conditional Use to permit a bed and breakfast on property zoned "SF-5" Single-family Residential. Generally located at the southeast corner of Glenn and Maple.
Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, Wichita City Hall - 10th Floor. As provided in Section V of the Wichita-Sedgwick 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.
WITNESS MY HAND this 30th day of JUNE, 2005.
John L. Schlegel, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

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JUL 22 2005
METROPOLITAN PLANNING
ROUTE

Bie

STAFF REPORT
MAPC- July 28, 2005
DAB VI – August 3, 2005

CASE NUMBER: CON-2005-00027

OWNERS/APPLICANTS: Ino & Joseph Brian Scapa
Ken Elliott & Herb Alvarez

REQUEST: Conditional Use to Permit a Bed & Breakfast Inn

CURRENT ZONING: ~~"SF-5" Single-Family Residential~~

SITE SIZE: Approximately 7,680 square-feet/0.18 acres

LOCATION: Midway between Meridian Avenue & Seneca Street, on
~~the southeast corner of Glenn Avenue & Maple Street~~

PROPOSED USES: ~~Bed & Breakfast~~



BACKGROUND: The applicants are requesting a Conditional Use to permit a Bed and Breakfast to be located in a ~~two-story, brick, single-family residence zoned "SF-5"~~ Single-family residential. The subject site consists of Lots 98, 100 & 102, Coop's Subdivision in the University Place Addition, 1825 West Maple. According to the Unified Zoning Code (UZC), a Bed and Breakfast (B&B) is ~~an owner-occupied or manager-occupied residential structure that provides rooms for temporary lodging or lodging and meals for not more than 15 transient guests on a paying basis. A transient guest is a person who occupies a room for a period of less than one week at a time.~~

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p. 3
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→ Summary

Most of the surrounding properties are zoned "~~SF-5~~" and are developed as older single-family residences with some type of wood, simulated wood or vinyl siding and a church. The exceptions include scattered "~~MF-18~~" Multi-family Residential and "~~MF-29~~" Multi-family Residential zoned properties. Typically these properties are too small to have been developed to the allowed density. There are also scattered "~~TF-3~~" Duplex zoned properties that are developed as duplexes or single-family residences. There are a few "~~LC~~" Limited Commercial zoned properties along Maple. These are small sites, including Wight Watchers, a small auto repair garage, and a few single story offices.

The subject site is located in the ~~Delano Neighborhood~~ and subject to the ~~Delano Neighborhood Overlay District~~; Ordinance #45-695. Delano is one of the oldest (1870s) and most well established neighborhoods of the City. Friends University (1898) is a block west of the site and the Kansas Masonic Home is six blocks east of the site. Both Davis Hall, at Friends, and the Masonic Home are registered as structures of historic significance, two of five such structures in Delano. A third structure, the Johnson Cottage, is located three blocks away. Friends University, the second largest university in the city (approximately 3,300 students), is and will probably continue to be an economic and cultural anchor of Delano. ~~Delano is located immediately west of the downtown area of Wichita, across the Arkansas River, and contains Lawrence Dumont Stadium, the Ice Arena, and Exploration Place.~~

As previously mentioned the corner site is a brick two-story single-family residence, (built mid 1900) with a patio area, a concrete slab in a portion of the back yard and a drive from Maple to the alley that abuts the site's south side. The applicants have submitted a site plan. The site plan shows the footprint of the house, the drive, a proposed onsite parking area on the existing concrete slab located in the back yard, and existing metal fence post for a proposed wooden fencing. No existing or proposed landscaping, lighting, signage or trash receptacles are shown. The applicant proposes to initially use three bedrooms for the B&B, provide meals for guest and to have the applicants/manager's live in the house. Onsite parking would need to provide three marked spaces for the guests using the three bedrooms. The applicants have failed to show the parking for the live-in applicants/managers. The applicants have provided a

breakdown of the square-footage of every room of the two-story structure. Future plans, if the B&B is a success, include adding up to two or three more guest rooms and two or three more parking spaces. Future plans also include a food catering service and once or twice a month on-site dinners for 12-15 people. If the applicants are selling the on-site dinners to anyone not staying at the B&B, the activity would be considered a restaurant, which is not allowed in the "SF-5" zoning district. If the applicants can meet the UZC's Home Occupation general criteria and the specific criteria for the "SF-5" zoning district, a catering service could be a Home Occupation, if approved by the Zoning Administrator. There appears to be no other Bed & Breakfast uses located in the Delano Neighborhood.

CASE HISTORY: Platted as part of Coop's Subdivision in the University Place Addition, recorded February 8, 1887.

ADJACENT ZONING AND LAND USE:

NORTH:	"MF-18" Multi-family Residential	Single family, four-plex, church
	"SF-5" single-family Residential	
EAST:	"SF-5" Single-family Residential	Single family
SOUTH:	"SF-5" Single-family Residential	Single family
WEST:	"TF-3" Multi-family Residential	Single family
	"SF-5" Single-family Residential	

PUBLIC SERVICES: Maple Street is a four-lane arterial. Glenn Avenue is a residential street. There are no traffic counts for this location. Water and sewer are available.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Urban Residential" development. This residential category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes 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). Elementary and middle schools, churches, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The Unified Zoning Code (UZC) permits a bed and breakfast with a Conditional Use in all residential zoning districts, with the exception of "MH" manufactured housing zoning. The site is also located within the Delano Overlay District and will be subject to the requirements of that District, including application to the Delano Design Review Committee, in regards to any exterior changes to the property including the screening and landscaping for the proposed parking lot area, a wall sign, lighting and any other proposed changes to the exterior of the site.

RECOMMENDATION: Based on the information available prior to the public hearing, the MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD and Delano Design Review Committee approved site plan and landscape plan. The current landscaping will remain in place and identified on the landscape plan. Any proposed improvements to the landscaping will be shown on the landscape plan and approved by the Planning Director.
2. The number of transient guests at any one time shall be the maximum allowed by the Unified Zoning Code and by the number of guest rooms provided in the residence. These rooms will be shown on a floor plan that will be approved by the OCI, as a condition to obtain the required change of occupancy necessary for a Bed & Breakfast in a single-family residential structure.
3. Signage will be as allowed by the Sign Code of the City of Wichita and the Delano Overlay District, will be shown on the site plan and reviewed by the Delano Design Review Committee.
4. The number of on-site parking spaces provided, will be one (1) space for the owner/live on site manager of the property and one (1) space per guest room. The existing parking area will remain paved and be marked. A drive connecting it to the alley must have an approved all weather surface. Any additional parking spaces needed, will be shown on the site plan and must be located in the rear or side yards and not block the sidewalk or the alley. On-site parking will met the Delano Overlay District's screening and landscaping requirements and be reviewed by the Delano Design Review Committee.
5. The applicant shall obtain all inspections, permits and license from the City, prior to operating the Bed & Breakfast.
6. The owner or the manager of the Bed & Breakfast will reside in the primary structure.
7. Identify existing lighting on the site plan. The Delano Design Review Committee must approve any additional proposed lighting.

8. 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 area is mostly single-family residences, zoned "SF-5" with scattered multifamily zoning with houses converted to apartments and scattered "TF-3" zoning containing duplexes or single-family residences. Friends University is the dominant development in the immediate area and in the Delano neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-family Residential and is developed as a single-family residence, which is appropriate for the site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The Conditional Use permit for a Bed and Breakfast on the site will encourage the preservation of the current structure with a minimal amount of change in its current use. The detrimental affect of the Conditional Use on the nearby properties will be minimal due to the conditions of approval. The requirements of the Delano Overlay District will up grade the proposed parking area and ensure any changes to the site and building will be in compliance.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this property as "Urban Residential". The Conditional Use for a Bed & Breakfast would encourage preservation of the current structure, with the possibility income generated by the business being invested in the maintenance of the structure. The Delano plan does not exclude a Bed & Breakfast at this location. A Bed & Breakfast located at this site would have close proximity to Friends University, the Kansas Masonic Home, Lawrence Dumont Stadium, Exploration Place, the riverfront and downtown and be available to visitors wanting quick access to those mentioned areas.
5. Impact of the proposed development on community facilities: Minimal, with consideration that all parking would be on-site and the parking area is already partially improved with an approved all weather surface. City utilities would remain as they are.

S ◦ E ◦ R ◦ E ◦ N ◦ I ◦ T ◦ Y

Bed & Breakfast Inn

1825 W. Maple

Wichita, KS 67213

Past Uses of 1825 W. Maple:

This Maple property was built in 1900. The only past use with this property I can confirm is for a number of years (in the 1960s and 1970s) it was used as the offices for the Kansas Children's Service League. It seems quite likely that originally it was built as a single-family home. Presently, it is not on any historical registers. I cannot confirm any uses of it other than the Kansas Children's Service League and that information was given to me by the present owner.

Presently:

The property (stylistically) is different from other residential properties around. All other residential properties are frame with either wood or vinyl siding. This property is brick. Being frame homes in the area they have pitched roofs. This property has a flat roof. The house sits on a corner lot and faces Maple. The cross street is Glenn. Immediately across Maple is a church. The back side of the property butts up against an alley and there's a long concrete drive way the entire distance on the east side of it, making a convenient one-way circular flow of cars around on the property. It is my understanding that the property's proposed use would not conflict with the uses required of the Delano Overlay District and would actually compliment the Delano Overlay District.

Short- and Long-Term Intended Uses:

Ken Elliott and Herbert Alvarez would like to use this property as a bed and breakfast inn. It would be a "smaller" inn with three rooms, initially. The property is quiet, clean, re-furbished, with large open rooms. It lends it self well to

this kind of a use. We do plan (by fall of 2005) to offer limited food to the public (catering and perhaps boxed lunches that would likely be delivered to meetings). At such time before we do, we will obtain a Sedgwick County Health Department Permit for such uses. However, a health department permit is not required for strictly private offering of food (to guests who stay). We are not planning to operate a "restaurant" on the premises. Although we would like to offer (perhaps once or twice per month) a "mystery dinner" evening which would accommodate about 10 - 12 persons for an evening (no overnight stays on this, though).

No building changes are planned to use this property as a B&B. In the short term, we plan to rent three rooms. If we assume one car per guest room that would be three cars on the property - two of which could part in back on the concrete parking slab and one could park in the circular driveway. The property requires no physical changes to use it as a B&B for three guests.

The only grounds modification we might make (depending on the feelings of the property owner and I don't think he would object) would be to add the wood fencing to the existing fence posts. It looks like someone intended to do that, but never finished the job. Posts are already set in concrete. Doing so would give us a private outdoor area for guests. The area we would like to add wood fencing is immediately to the east of the concrete parking slab. There is already a very similar wood fence on the property's east side (east of the driveway) for privacy of the neighbor's back yard.

Long-Term Uses of the Property:

Depending on how business picks up at the property we may desire to add a 5th bathroom and possibly a 6th. This would expand total guest rooms from three to five (one of which would be for the owner). Parking for the additional two rooms would be as follows: one space (the second one)

in the driveway which still allows 24-hour entry and exit for both cars because it's "circular" and the second parking space would be made to the concrete slab. It would be extended to the west to allow for a third space. This would be the maximum number of baths and guest rooms the property could accommodate.

Future Potential:

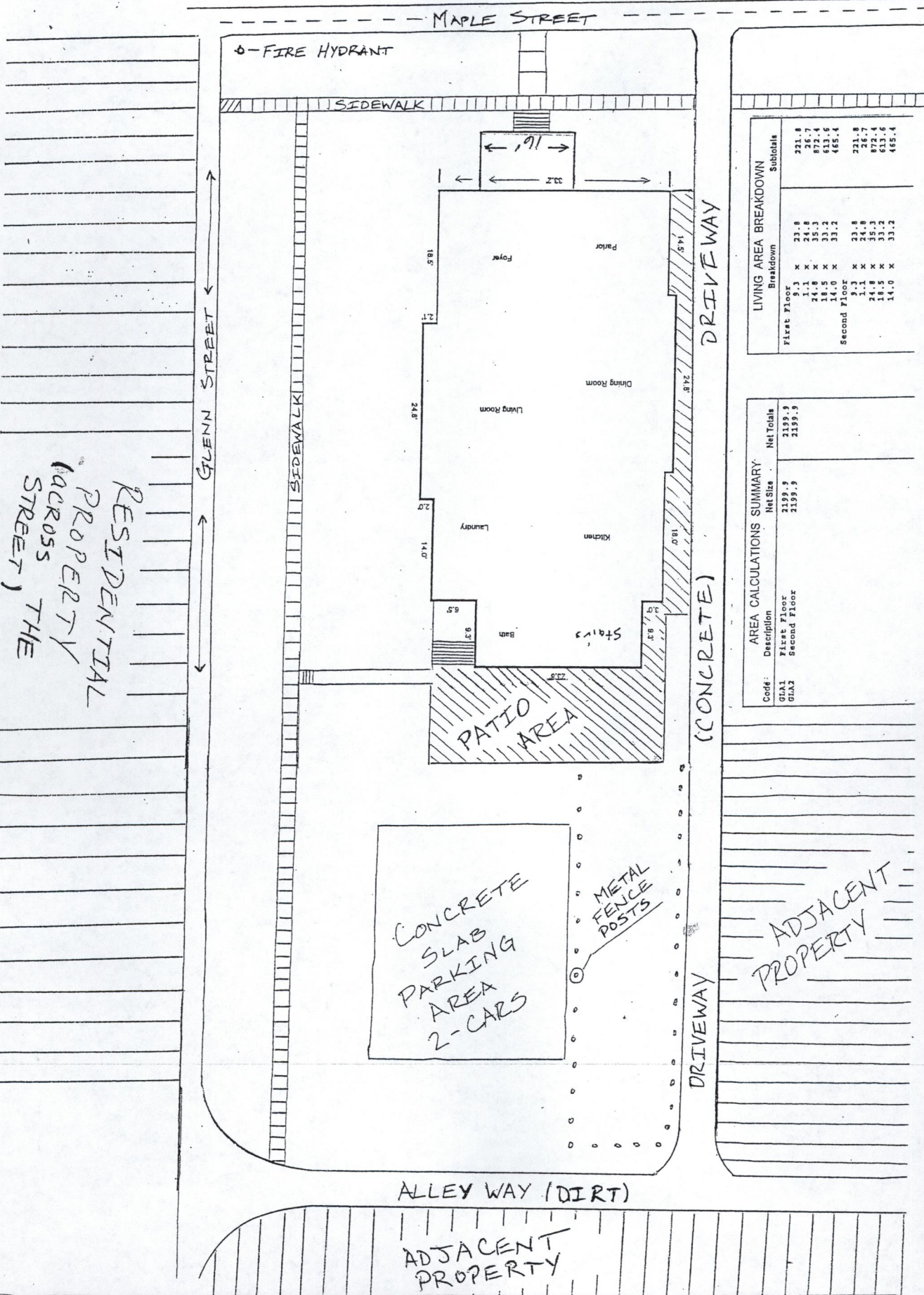
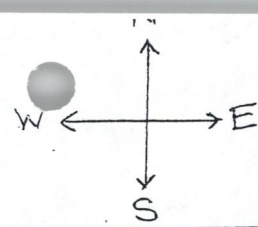
We feel that the property is in an ideal location for a small B&B. It is close to Friends University and Newman University. It's close to downtown and convenient from the airport vs. places to stay far east. The character of the neighborhood is quiet. We want to operate a quiet, calm and relaxing B&B. As the Delano District grows there may be a need for a charming B&B. Certainly as the WaterWalk and Arena are built its proximity to those will help. Also it's very close to the Kansas Masonic Home and we feel it would make an ideal location for relatives of those in the Masonic Home to stay . . . whether for holidays, special visits or visiting for health reasons. It avoids the hustle and bustle of a large hotel. We have already visited with the Shriners and have tentatively agreed to make a 10% donation to the Shriners Hospital for each Shriner that stays. The Shriners indicate a good possibility of using the property for overnight stays as well as meetings.



AREA CALCULATIONS SUMMARY		
Code	Description	Net Totals
GLA1	First Floor	2199.9
GLA2	Second Floor	2199.9
	Net LIVABLE Area	4400
		(Rounded)

LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor		
	9.3 x	23.8
	1.1 x	24.8
	24.8 x	35.3
	18.5 x	33.2
	14.0 x	33.2
Second Floor		
	9.3 x	23.8
	1.1 x	24.8
	24.8 x	35.3
	18.5 x	33.2
	14.0 x	33.2
		221.8
		26.7
		872.4
		613.6
		465.4
		221.8
		26.7
		872.4
		613.6
		465.4
10 Items	(Rounded)	4400

SEKENITY BED BREAKFAST INN SITE MAP



LIVING AREA BREAKDOWN

Floor	Breakdown	Subtotal
First Floor	21.8 x 21.8	221.8
	3.1 x 3.1	87.5
	24.8 x 35.3	875.4
	18.5 x 33.2	613.6
	14.0 x 33.2	465.4
Second Floor	21.8 x 21.8	221.8
	26.7 x 35.3	941.9
	18.5 x 33.2	613.6
	14.0 x 33.2	465.4

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GIA1	First Floor	2199.9	2199.9
GIA2	Second Floor	2199.9	2199.9