



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

March 22, 2024

Randall D. Eaton
1104 East Douglas Apt. 101
Wichita, KS 67214

RE: CON2023-00071 – Conditional Use to allow Accessory Apartment, generally located on one-half mile south of West Central Avenue and one-quarter mile west of North Tyler Road (447 North Pamela Avenue).

Dear Applicant;

At its regular meeting on **March 19, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was **APPROVAL** of the request with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 447 North Pamela Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the Accessory Apartment 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. 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.

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

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

Copies to: J.V. Johnston, Council Member District V
Teresa Veazey, CSR, District V
MABCD



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

February 8, 2024

Randall D. Eaton
1104 East Douglas Apt. 101
Wichita, KS 67214

RE: CON2023-00071 – Conditional Use to allow Accessory Apartment, generally located on one-half mile south of West Central Avenue and one-quarter mile west of North Tyler Road (447 North Pamela Avenue).

Dear Applicant,

At its regular meeting on **February 8, 2024**, 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:

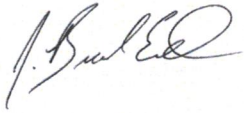
1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 447 North Pamela Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the Accessory Apartment 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. 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 February 22, 2024. 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 **February 22, 2024, at 5:00 p.m.**

This application will be presented to the Wichita City Council on **Tuesday, March 19, 2024**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Eatherly".

Brad Eatherly
Current Plans
Senior Planner

CC: J.V. Johnston, Council Member District V
Teresa Veazey, CSR, District V
MABCD

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.RESOLUTION NO. 24-116

WHEREAS, Planning for Generations, LLC, 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 permit Accessory Apartment on property zoned SF-5 Single-Family Residential District located, legally described as:

Lot 14, Block B, in Rolling Hills Third 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 February 8, 2024, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to Accessory Apartment on property zoned SF-5 Single-Family Residential District generally located one-half mile south of West Central Avenue and one-quarter mile west of North Tyler Road (447 North Pamela Avenue) legally described as:

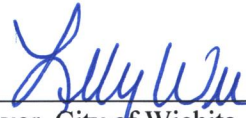
Lot 14, Block B, in Rolling Hills Third Addition, Sedgwick County, Kansas.

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 447 North Pamela Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the Accessory Apartment 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. 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.

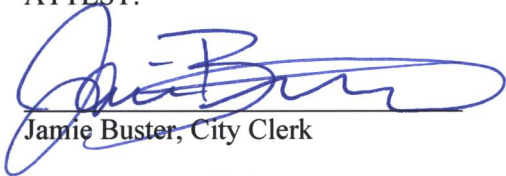
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 19th day of March, 2024.



Lily Wu, Mayor, City of Wichita

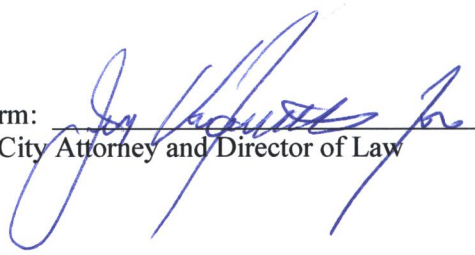
ATTEST:



Jamie Buster, City Clerk

(SEAL)



Approved as to form: 

Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	533683	Print Legal Ad-IPL01653110 - IPL0165311	RES#24-116	\$84.18	2	50 L

Attention: LaTosha Alvarez
CITY OF WICHITA/CLERKS OFFICE
455 N MAIN ST FL 13
WICHITA, KS 67202

JMBuster@wichita.gov

OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON
March 22, 2024
BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.
RESOLUTION NO. 24-116

WHEREAS, Planning for Generations, LLC, 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 permit Accessory Apartment on property zoned SF-5 Single-Family Residential District located, legally described as:

Lot 14, Block B, in Rolling Hills Third 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 February 8, 2024, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to Accessory Apartment on property zoned SF-5 Single-Family Residential District generally located one-half mile south of West Central Avenue and one-quarter mile west of North Tyler Road (447 North Pamela Avenue) legally described as:

Lot 14, Block B, in Rolling Hills Third 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 447 North Pamela Avenue) and the ownership shall not be divided or sold as a condominium.

2. Development of the site shall be in conformance with the approved site.

3. The appearance of the Accessory Apartment 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. 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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 19th day of March 2024.

Lily Wu, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0165311

Mar 22 2024

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

1 insertion(s) published on:

03/22/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 03/22/2024 to 03/22/2024.

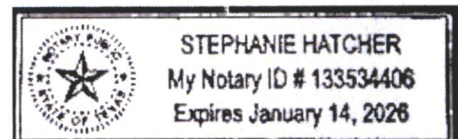
Mary Castro

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

DATED: 03/22/2024

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: February 8, 2024
DAB V: February 5, 2024

CASE NUMBER: CON2023-00071 (City)

APPLICANT/OWNER: Randall Eaton (Applicant)

REQUEST: Conditional Use request for an Accessory Apartment

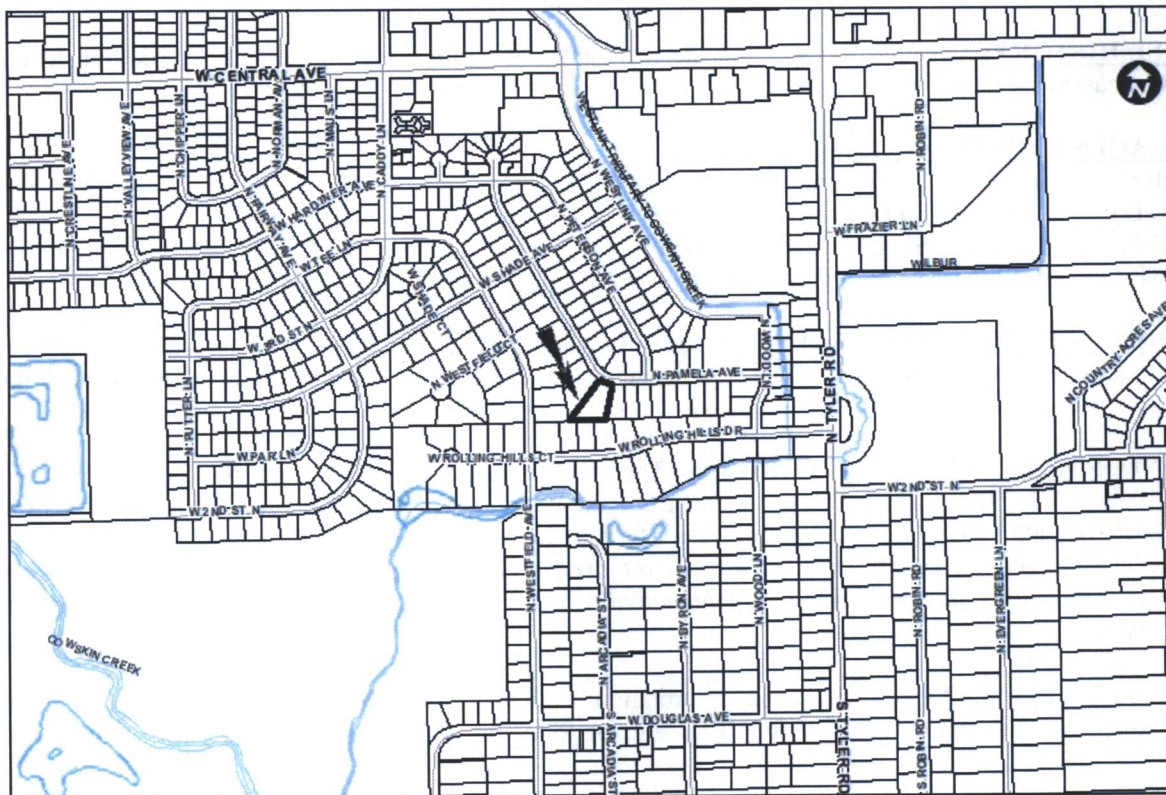
CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.80 acres

LOCATION: Generally located one-half mile south of West Central Avenue and one-quarter mile west of North Tyler Road (447 North Pamela Avenue)

PROPOSED USE: Bring existing Accessory Apartment into Compliance

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to bring an existing Accessory Apartment into compliance on a property zoned SF-5 Single-Family Residential District (SF-5). The property is located at 447 North Pamela Avenue, which is generally located one-half mile south of West Central Avenue and one-quarter mile west of North Tyler Road. The site is currently developed with a 1,872 square foot single-family home (built in 1956) and a detached, 1200 square foot Accessory Apartment, which is still under construction.

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 Art. III. Sec. III-D.6.a:

1. A maximum of one Accessory Apartment may be allowed on the same lot as a single-family dwelling unit and may be within the main building, within an accessory building or constructed as an Accessory Apartment.
2. The appearance of an Accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood.
3. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium.
4. The water and sewer service provided to the Accessory 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 is not proposing any changes to the existing Accessory Apartment other than providing separate franchise utility service, which is permitted by the Supplementary Use Regulations. The appearance of the Accessory Apartment is compatible with the main dwelling and the neighborhood. It is constructed with lap siding and brick and an open-gabled roof similar to that of the main dwelling. The Accessory Apartment meets all setback standards of the SF-5 District.

The property is surrounded on all sides by SF-5 zoning districts and single-family dwellings.

CASE HISTORY: On July 14, 1959, the site was platted as part of the Rolling Hills 3rd 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
WEST:	SF-5	Single-family residence
EAST:	SF-5	Single-family residence

PUBLIC SERVICES: The subject site has access to North Pamela Avenue, a paved, two-way local street with no sidewalks on either side. Wichita Transit does not serve the subject site. This site already has access to all municipal services, such as sewer and water.

CONFORMANCE TO PLANS/POLICIES: The proposed application is in conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the site as "Residential" on the Future Growth Concept Map. This category is described as: "*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality.*" Accessory Apartments are listed in acceptable forms of housing in the plan.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

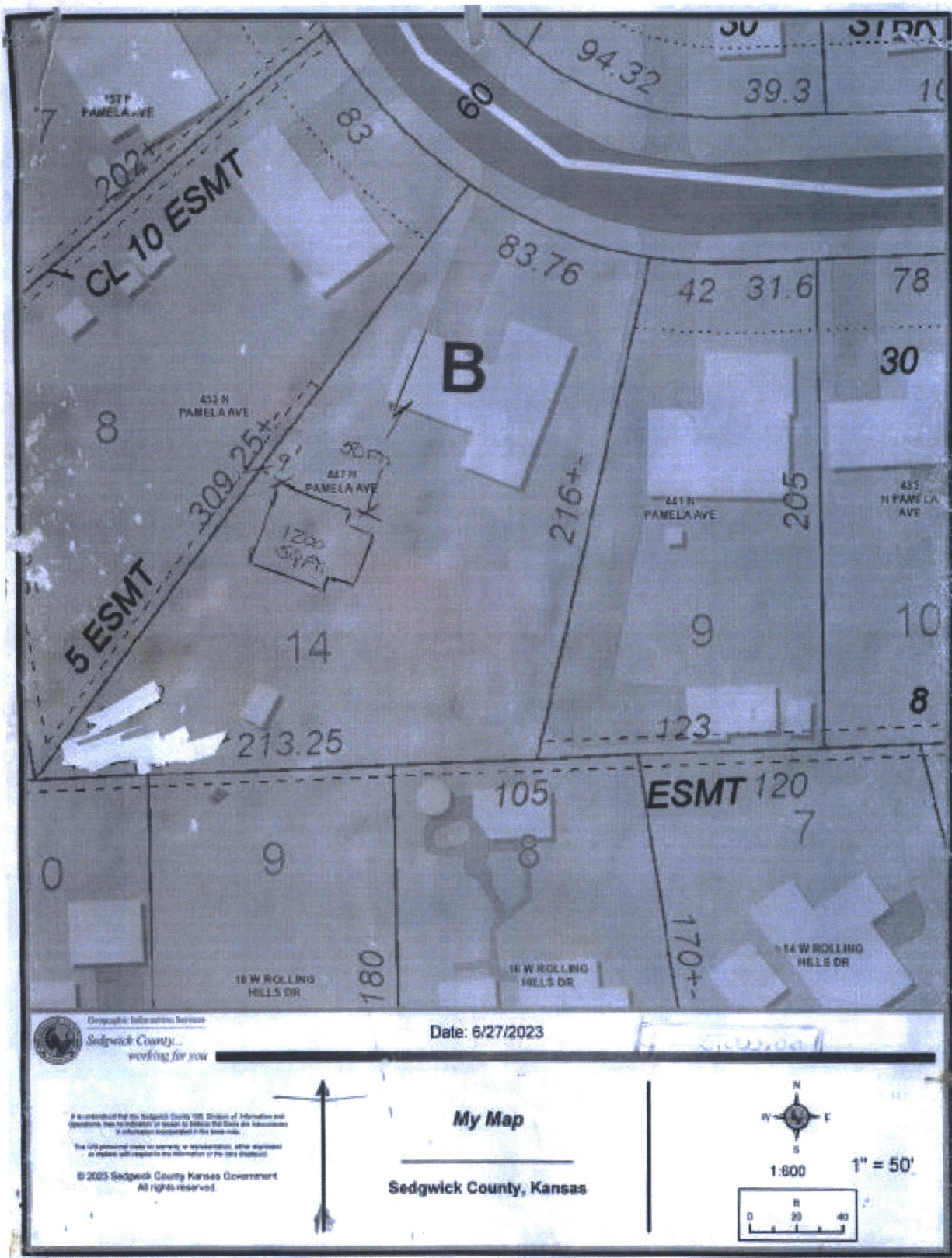
1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 447 North Pamela Avenue) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the Accessory Apartment 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. 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:

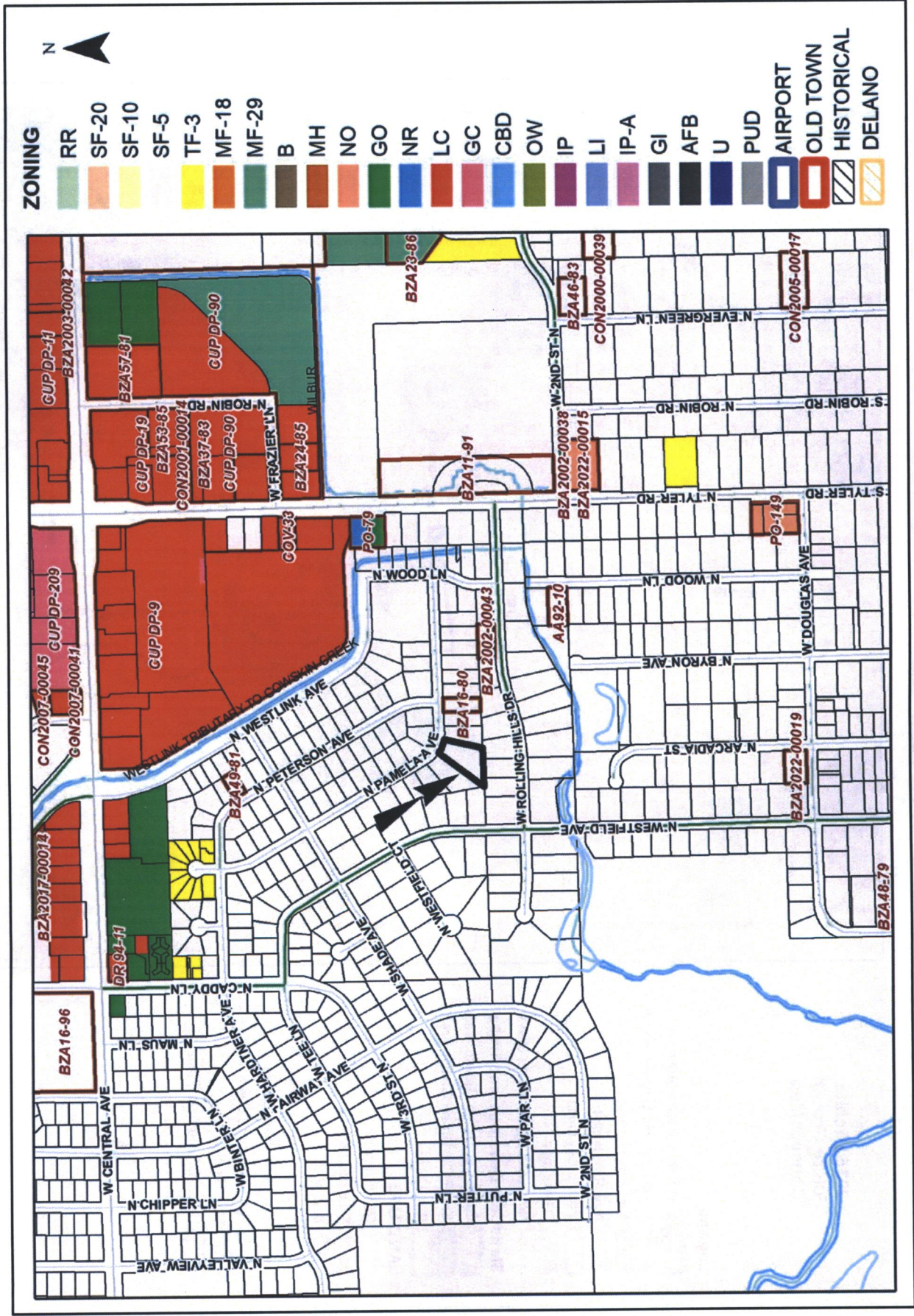
1. **The zoning, uses and character of the neighborhood:** The property is surrounded on all sides by SF-5 zoning districts and single-family dwellings.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned SF-5 which allows for the development of single-family residences. The property will continue to be used as a single-family residence, the size of the property easily accommodates the Accessory Apartment and the additional required parking spaces. The Accessory Apartment has already been built and is looking to come into conformance.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any unanticipated detrimental impacts.
4. **Length of time subject property has remained vacant as zoned:** The subject site's main dwelling was constructed in 1956.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Staff does not anticipate the requested Conditional Use to have any detrimental effects on the public health, safety, and welfare of the surrounding community. There is ample space on site to accommodate the anticipated traffic and parking. Denial could result in a loss of use and enjoyment of the applicant's property.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed Conditional Use is in conformance with the *Community Investments Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Community facilities will be minimally impacted by the Accessory Apartment. The property is served by municipal water and sewer.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Community Investments Plan Land Use Map
5. Site Photos







2035 Wichita Future Growth Concept Map

Legend

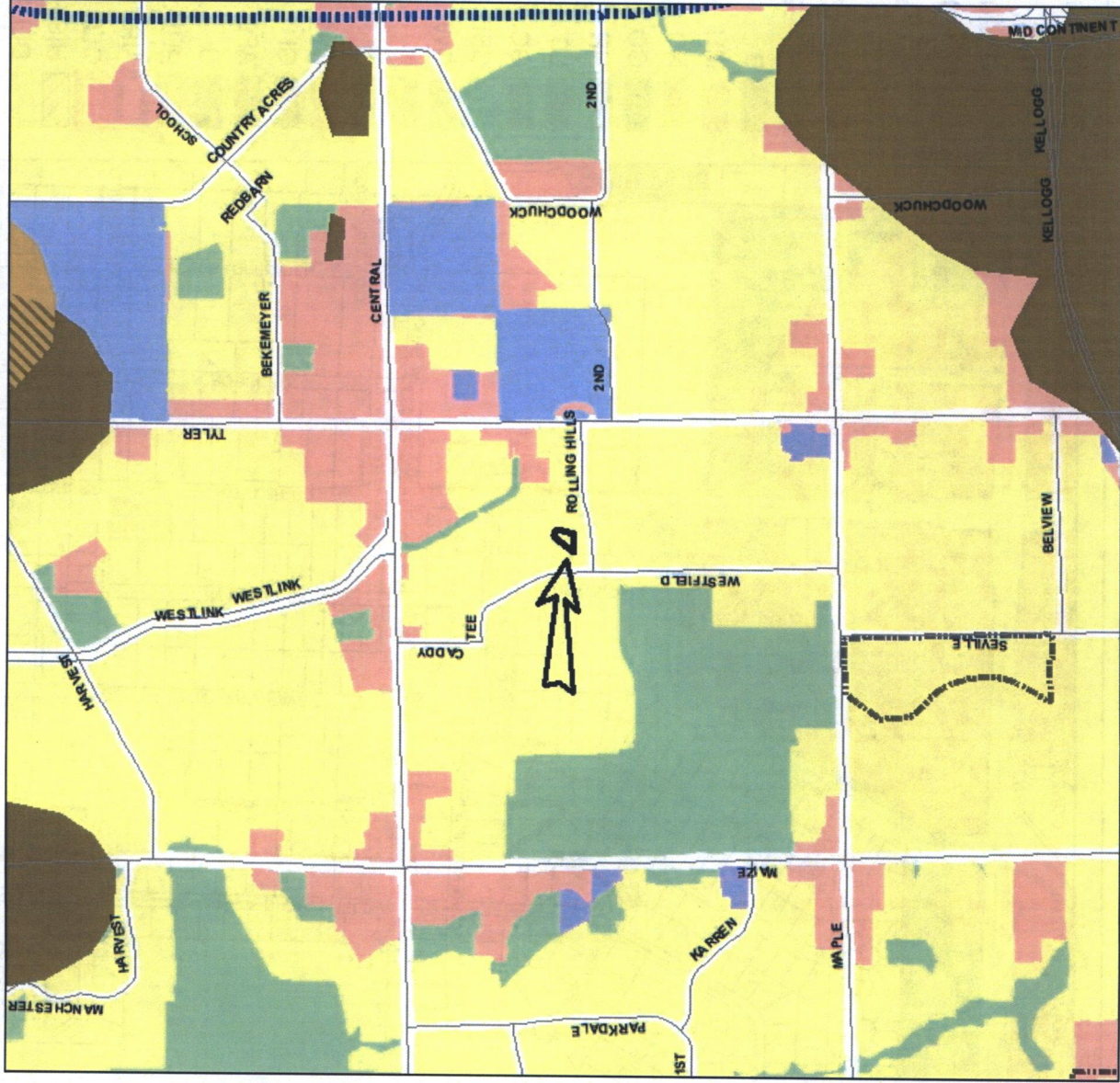
- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way

Statistical Development Areas

- Small City Urban Growth Areas
- Small City Urban Growth Areas
- Rural Areas

LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Neighborhood/Area Plans



Looking south into property



Looking north away from property

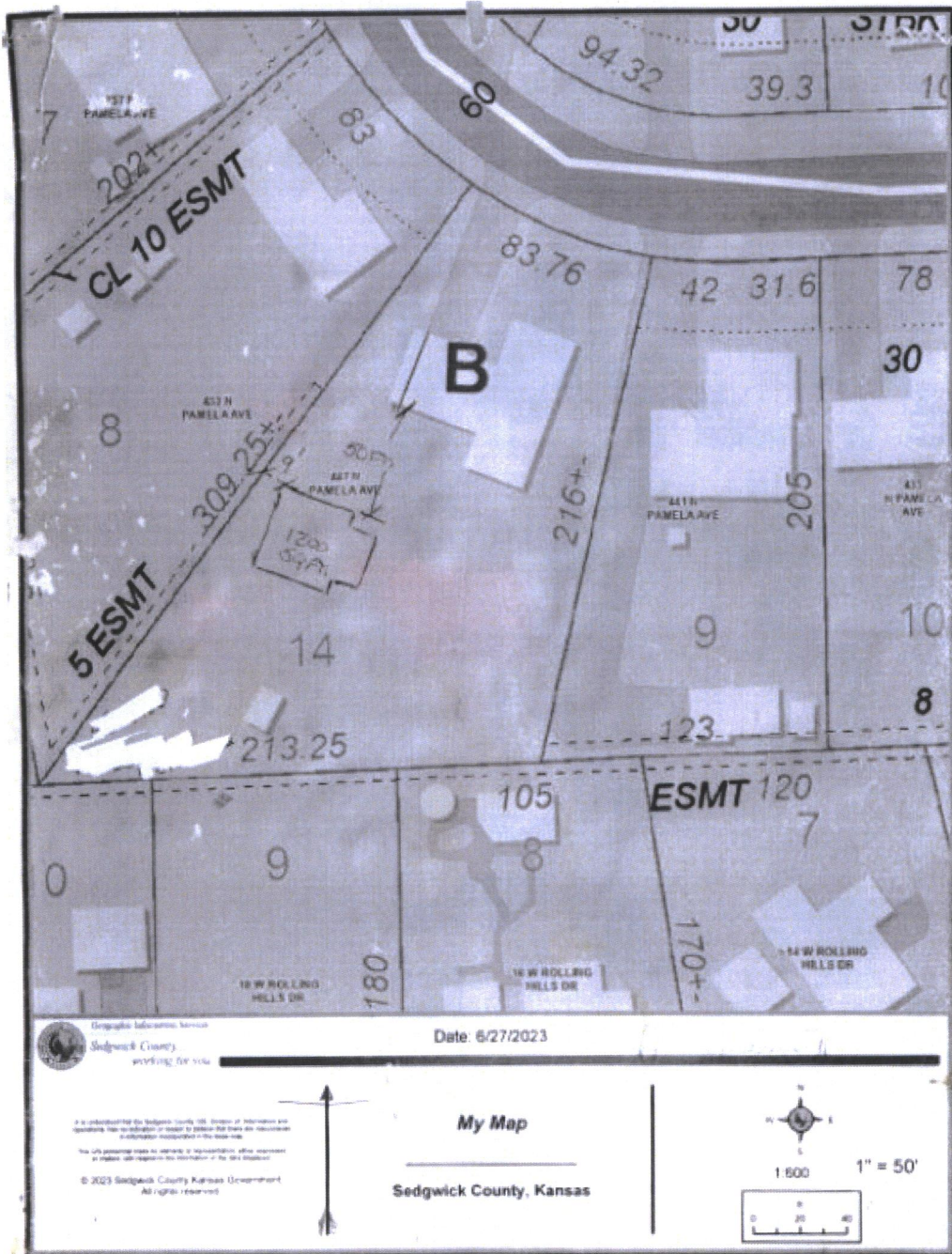


Looking east away from property



Looking west away from property





SITE PLAN

APPROVED 8/10/24 BY JSB