

## CONDITIONAL USE RESOLUTION NO. CON2002-00030

**WHEREAS**, Penelope Belleville (Applicant/Owner); Charles Ruddle (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to Permit a Bed & Breakfast Inn on 0.22 acres zoned "MF-29" Multi-Family Residential described as:

The North Half of Lot 254 and all of Lots 256 and 258, Emporia Avenue, Ferrell's 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located as the 2<sup>nd</sup> house northeast of the 11<sup>th</sup> Street North & Emporia Street intersection, (1208 North Emporia).

**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 August 8, 2002, 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 permit a Conditional Use to Permit a Bed & Breakfast Inn on 0.22 acres zoned "MF-29" Multi-Family Residential described as:

The North Half of Lot 254 and all of Lots 256 and 258, Emporia Avenue, Ferrell's 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located as the 2<sup>nd</sup> house northeast of the 11<sup>th</sup> Street North & Emporia Street intersection, (1208 North Emporia).

Subject to the following conditions:

1. The applicant shall submit a revised site plan and a landscape plan. The site shall be developed and operated in general conformance with the MAPD 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 Director of the MAPD.
2. There shall be two (2) rooms designated for the bed and breakfast business and there will be a maximum of six (6) transient guests at any one time. 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.

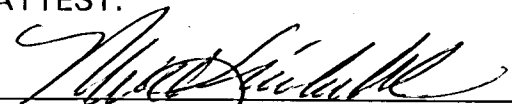
3. No freestanding signs. A sign identifying the establishment will be mounted on the wall of the house, no more than 12-square feet and using indirect lighting. No neon, flashing or moving lighting. Location of the sign and the materials for the sign will be shown on the revised site plan and be approved by the MAPD.
4. Four parking spaces will be provided on the site as indicated on the revised site plan. Two spaces for the owner of the property and 2 spaces for the guests, per City Standards. The material used to pave the parking area will be one that does not endanger the health of the mature tree(s) abutting the parking area and will be approved by OCI.
5. The mutual agreement to use the driveway between Lots 260 & 262, Ferrell's 2<sup>nd</sup> Addition (the abutting northern property) and the north ½ of Lot 254 and Lots 256 & 258, Ferrell's 2<sup>nd</sup> Addition, (subject property) shall remain in effect. No blocking of the drive by guest to prevent access into the abutting northern property is permitted. Access to the site will remain from Emporia via this mutual driveway.
6. The existing 6-foot wooden fence in the back yard shall remain and be maintained or replaced with comparable and approved solid screening, per the UZC. The solid screening will be shown on the revised site plan and the material identified.
7. Because the site is located in the Topeka – Emporia Historical Landmark District, any proposed exterior modifications that require the issuance of a building permit by OCI would be subject to review and approval of a certification of appropriateness by the Wichita Historic Preservation Board and City Council.
8. The applicant shall obtain all inspections, permits and license from the City, prior to operating the Bed & Breakfast.
9. The owner or the manager of the Bed & Breakfast will reside in the primary structure.
10. The current existing ground level solar lights for parking and the walks and the existing floodlights for the back yard will be identified on the revised site plan. Any additional proposed lighting must be approved by the MAPD.
11. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void. This Conditional Use shall be effective for a two-year period from the date of the final approval. At the end of the two years the CU may be extended by seeking a renewal of the CU by following the Conditional Use review procedure as specified in the Unified Zoning Code. If the renewal is not sought by the end of the 24<sup>th</sup> month, the CU shall be null and void.

Adopted this 8th DAY of August 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

  
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Bud Hentzen, Chair, MAPC

ATTEST:

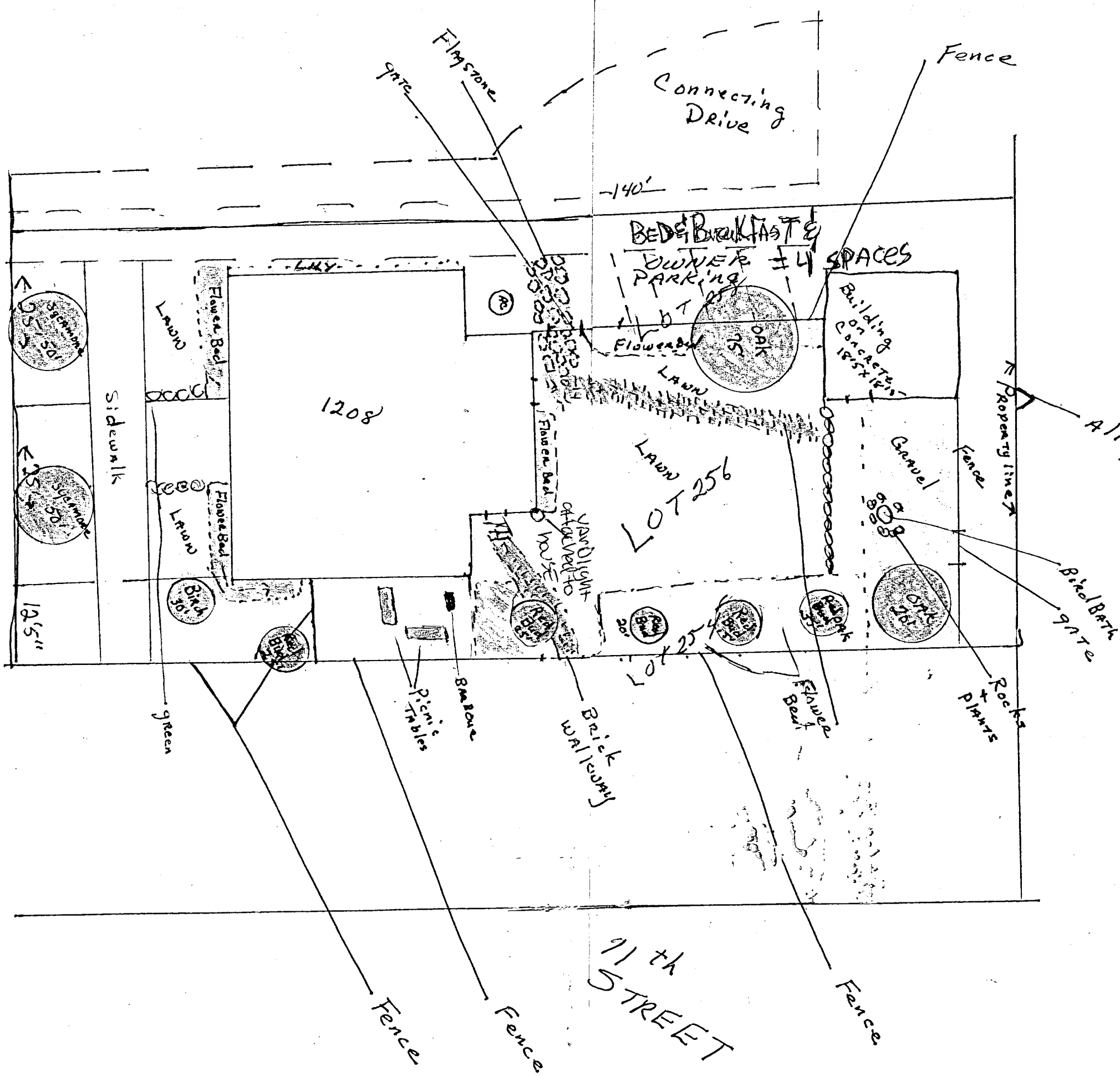
  
\_\_\_\_\_  
Mike Lindebak, Secretary

# SITE PLAN

APPROVED 10-24-62 BY BILTBONNECKER

EMPORIA

62'5"



91th STREET

x = proposed rooms

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