



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

April 7, 2017

Timothy and JoAnn Pitzer  
1230 N. Waco  
Wichita, KS 67203

**RE: CON2017-00002** City conditional use for Bed and Breakfast in TF-3 Two-family Residential zoning; generally located south of W. 13th Street on the east side of N. Waco Street (1230 N. Waco St. - Chapman Noble House)

Dear Applicant:

At its regular meeting on **March 9, 2017**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

No protests were received; therefore, the MAPC's approval is final.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy L. Morgan'.

Kathy L. Morgan,  
Senior Planner  
Current Plans Division

KLM:al  
Attachment

Copies to: MABCD  
Janet Miller, Council Member District VI  
Brandon Findley, CSR District VI

**CONDITIONAL USE RESOLUTION NO. CON2017-00002**

**WHEREAS**, Timothy and JoAnn Pitzer, (Owner/Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Bed and Breakfast Inn on 0.34 acre zoned TF-3 Two-family Residential (“TF-3”) described as:

N 1/2 LOT 1127 & LOTS 1129-1131- 1133 & LOT 1135 EXC N 4 FT WACO AVENUE, LEWELLEN ADDITION, Wichita, Sedgwick County; generally located south of West 13<sup>th</sup> Street North on the east side of Waco Avenue (1230 N. Waco.)

**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 March 9, 2017, 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 a Conditional Use for a Bed and Breakfast Inn on 0.34 acre zoned TF-3 Two-family Residential (“TF-3”) described as:

N 1/2 LOT 1127 & LOTS 1129-1131- 1133 & LOT 1135 EXC N 4 FT WACO AVENUE, LEWELLEN ADDITION, Wichita, Sedgwick County; generally located south of West 13<sup>th</sup> Street North on the east side of Waco Avenue (1230 N. Waco.)

Approved subject to the following conditions:

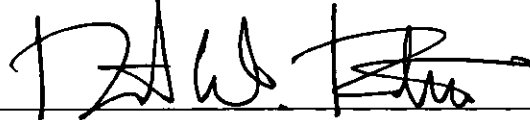
1. The site shall be developed and operated in general conformance with the MAPD approved site plan.
2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.
3. The applicant shall obtain all inspections, permits and licenses from the City, prior to operating the bed and breakfast inn.
4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.
5. There shall be three rooms designated for the bed and breakfast business and there will be a maximum of three occupied guest rooms at any one time. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.
6. No freestanding signs shall be allowed. One building wall sign shall be permitted to identify the establishment. This sign shall be mounted on the front façade of the house, be no more than nine square feet in size and be lit with indirect lighting only or no lighting. The Director of the

MABCD shall review and approve the sign as to compliance with the location and materials required.

7. Parking spaces shall be provided on-site as indicated on the approved site plan, with one space for the owner/resident-manager of the property, three spaces for the Bed and Breakfast guests, and one space for the accessory apartment.
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.


Adopted this 23<sup>rd</sup> Day of March 2017

METROPOLITAN AREA PLANNING COMMISSION



David W. Foster, Chairman MAPC

ATTEST:

  
Dale Miller, Secretary

**STAFF REPORT**  
MAPC: March 9, 2017  
DAB VI: March 6, 2017

**CASE NUMBER:** CON2017-00002

**APPLICANT/AGENT:** Timothy and JoAnn Pitzer (Owner/Applicant)

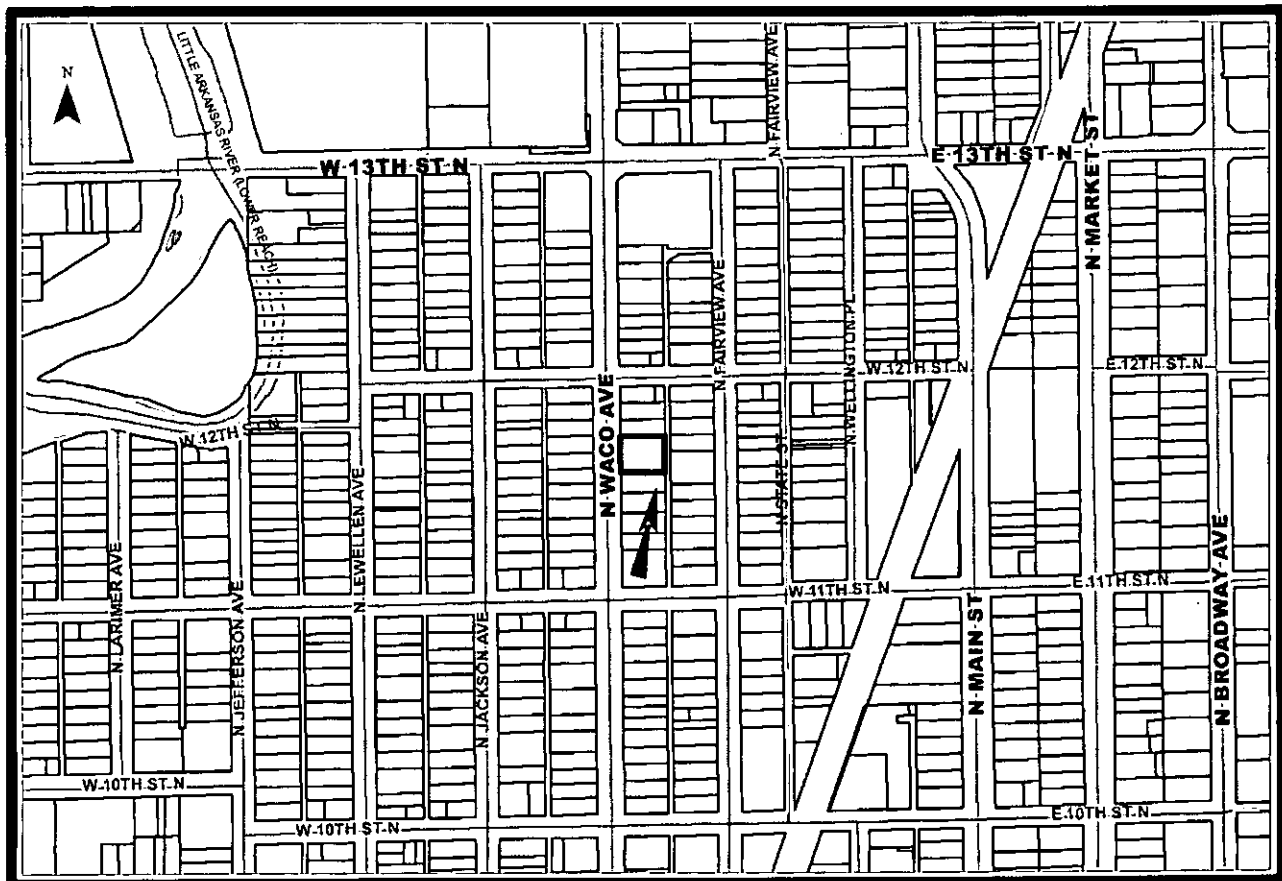
**REQUEST:** Conditional Use to permit a Bed and Breakfast Inn and an Accessory Apartment

**CURRENT ZONING:** TF-3 Two-family Residential

**SITE SIZE:** 0.34 acre

**LOCATION:** Generally located south of West 13<sup>th</sup> Street North on the east side of North Waco Avenue (1230 N. Waco)

**PROPOSED USE:** Bed and Breakfast Inn and Accessory Apartment



**BACKGROUND:** The applicants are requesting a Conditional Use on a site zoned TF-3 Two-family Residential (“TF-3”) to allow a three-room Bed and Breakfast Inn and an accessory apartment at their current residence at 1230 North Waco Avenue. The lot is 0.34 acre in size and is located south of West 13<sup>th</sup> Street North on the east side of North Waco Avenue. The residence has three available bedrooms (suites) and the applicants wish to utilize them for the Bed and Breakfast. The applicant maintains their private residence on the third floor of the house. The accessory apartment is located above the proposed new detached garage located behind the house to the east.

The Unified Zoning Code (“UZC”) allows Bed and Breakfast as a Conditional Use in the residential zoning districts in compliance with UZC site requirements for parking, screening, lighting, and compatibility setback standards and with Landscape Ordinance requirements. There are no specific requirements specified for Bed and Breakfast Inn other than the stipulation that it be an owner-occupied or manager-occupied structure.

The site plan shows the two structures (principal structure and detached garage), the access off North Waco and the area that they propose to utilize for parking. According to the Unified Zoning Code (UZC), the Bed and Breakfast will require three parking spaces for the three suites which are provided along the north property line. Parking for the residents and the accessory apartment will be provided in the garage and on the parking area immediately adjacent to the detached garage. According to the UZC, a Bed and Breakfast 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.

The properties to the south, north and west are zoned TF-3. The properties to the east are zoned TF-3 and B Multi-Family to the east. Properties consist mostly of single-family dwellings.

**CASE HISTORY:** The property is located in the Lewellen Addition platted in April 1884. The Chapman-Noble House was built in 1890 by George B. Chapman, a local merchant and partner in the Chapman & Walker Dry Goods store. In 1897, Jane and Isobel Noble purchased the home. The sisters became prominent Wichitans, known for their many civic, educational, and social contributions to the city. The property is listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places. On February 13, 2017 the Wichita Historic Preservation Board (HPB) voted unanimously to support the applicants’ application for a Conditional Use to allow a bed and breakfast and the accessory apartment above the detached garage with the condition that an elevation drawing of the garage/apartment be submitted to HPB for review and approval.

**ADJACENT ZONING AND LAND USE:**

NORTH:	TF-3	Single-family residences
SOUTH:	TF-3	Single-family residences
EAST:	TF-3; B	Single-family residences and four-plex units
WEST:	TF-3	Single-family residences

**PUBLIC SERVICES:** Access to the site is from North Waco Avenue, which is a four-lane, paved, arterial street with travel in both directions. At this location, North Waco Avenue is a residential street with 80 feet of right-of-way and 60 feet of paved width. Municipal services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area “Residential.”

**RECOMMENDATION:** Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a three suite Bed and Breakfast and an accessory apartment be **APPROVED**, subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan.
2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.
3. The applicant shall obtain all inspections, permits and licenses from the City, prior to operating the bed and breakfast inn.
4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.
5. There shall be three rooms designated for the bed and breakfast business and there will be a maximum of three occupied guest rooms at any one time. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.
6. The accessory apartment and detached garage shall remain accessory to and under the same ownership as the principal single-family residence (located at 1230 North Waco Avenue) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling.
7. No freestanding signs shall be allowed. One building wall sign shall be permitted to identify the establishment. This sign shall be mounted on the front façade of the house, be no more than nine square feet in size and be lit with indirect lighting only or no lighting. The Director of the MABCD shall review and approve the sign as to compliance with the location and materials required.
8. Parking spaces shall be provided on-site as indicated on the approved site plan, with one space for the owner/resident-manager of the property, three spaces for the Bed and Breakfast guests, and one space for the accessory apartment.
9. 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 south, north and west are zoned TF-3 and B and TF-3 to the east. Properties consist mostly of single-family dwellings in the area.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned TF-3, but is developed with a single-family residence, and could continue to be used as a single-family dwelling. It could also be converted to a duplex by right. The desirability of the dwelling as a bed and breakfast inn is enhanced by its designation as an individually listed structure in the Wichita Register of Historic Places, the Register of Historic Kansas Place and the National Register of Historic Places, which could attract potential clientele.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The Conditional Use for a bed and breakfast will encourage preservation and renovation of the current structure in order to attract clientele to lodge in the facility. This investment could be viewed as desirable for encouraging investment in renovating other residences in the vicinity.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area, which is the downtown core and the mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area "Residential." The Unified Zoning Code permits bed and breakfast inn as a Conditional Use when it is determined to be an appropriate site for this type of use and when the bed and breakfast inn can meet site development requirements of the Conditional Use and UZC. The conditions of approval are designed to meet these criteria.
5. **Impact of the proposed development on community facilities:** The impact on community facilities should be minimal so long as all required parking is onsite and is adequately maintained. No impact is anticipated on other utilities.



**Legend**

- Parcels