Wichita-Sedgwick County Metropolitan Area Planning Department

September 13, 2023

Paul and Rayna Waalkes
5128 East 101st Street North
Valley Center, KS 67147

RE: **CON2023-00032:** Conditional Use request in the County to allow addition of Accessory Apartment; generally located north of East 101st Street North and 983 feet east of North 47th Street East.

Dear Applicants;

At its regular meeting on **September 6, 2023**, the Sedgwick County Board of County Commissioner considered the above captioned request. The action of the BoCC was to **APPROVE** 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 and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

2. Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

3. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

4. Development and maintenance of the site shall be in conformance with the approved site plan.

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,

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD

Wichita-Sedgwick County Metropolitan Area Planning Department

July 27, 2023

Paul and Rayna Waalkes
5128 East 101st Street North
Valley Center, KS 67147

RE: **CON2023-00032:** Conditional Use request in the County to allow addition of Accessory Apartment; generally located north of East 101st Street North and 983 feet east of North 47th Street East (5128 East 101st Street North).

Dear Applicants;

At its regular meeting on **July 27, 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 Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

2. Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

3. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

4. Development and maintenance of the site shall be in conformance with the approved site plan.

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 County 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 **August 10, 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 1000 feet of the property for which the application was filed, and must be submitted to the County Clerk by **August 10, 2023 at 5:00 p.m.**

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5.

This application will be considered by the Board of County Commissioners on **Wednesday, September 6, 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

Published in The Ark Valley News on September 21, 2023
RESOLUTION NO. 208-2023

WHEREAS, Paul and Rayna Waalkes, (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 5128 East 101st Street North, and legally described as:

> A tract of land in the Southwest Quarter of Section 13, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, commencing at the Southwest corner of said Southwest Quarter; thence East along the South line of said Southwest Quarter for 1,040.0 feet to the point of beginning; thence North perpendicular to said South line for 399.0 feet; thence East parallel with said South line for 292.0 feet; thence Southeasterly for 399.36 feet to the South line of said Southwest Quarter; thence West for 309.0 feet to the point of beginning.

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 July 27, 2023, consider said application; and

WHEREAS, the Board of County Commissioners 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 Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 5128 East 101st Street North, and legally described as:

> A tract of land in the Southwest Quarter of Section 13, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, commencing at the Southwest corner of said Southwest Quarter; thence East along the South line of said Southwest Quarter for 1,040.0 feet to the point of beginning; thence North perpendicular to said South line for 399.0 feet; thence East parallel with said South line for 292.0 feet; thence Southeasterly for 399.36 feet to the South line of said Southwest Quarter; thence West for 309.0 feet to the point of beginning.

Approval of the application is subject to the following conditions:

(1) The applicant will submit a revised site plan that illustrates one Accessory Apartment on site.

(2) The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

(3) Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas,

telephone and cable television utility service may be provided as separate utility services.

(4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

(5) Development and maintenance of the site shall be in conformance with the approved, revised site plan indicating one Accessory Apartment.

(6) 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.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall be effective upon publication in the official county newspaper.

[remainder of page intentionally left blank]

Commissioners present and voting were:

PETER F. MEITZNER	Aye
SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Absent

Dated this 6 day of September, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

for KELLY B. ARNOLD, County Clerk

PETER F. MEITZNER, Chairman
Commissioner, First District

JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

KIRK W. SPONSEL
Deputy County Counselor

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

RYAN K. BATY
Commissioner, Fourth District

Affidavit of Publication

STATE OF KANSAS.
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 21st day of September, 2023.

with subsequent publications being made on the following dates:

_____, 2023 _____, 2023

_____, 2023 _____, 2023

_____, 2023 _____, 2023

Subscribed and sworn to before me this 21st day of September, 2023.

Notary Public

My commission expires _____.

Additional copies _____

Printer's fee _____

NOTARY PUBLIC
COMMISSION EXPIRES
4/24/24
State of Kansas

Public notice

(Published in The Ark Valley News Sept 21, 2023.)

RESOLUTION NO. 202-2023

WHEREAS, Paul and Rayna Waalkes, (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 5128 East 101st Street North, and legally described as:

A tract of land in the Southwest Quarter of Section 13, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, commencing at the Southwest corner of said Southwest Quarter; thence East along the South line of said Southwest Quarter for 1,040.0 feet to the point of beginning; thence North perpendicular to said South line for 399.0 feet; thence East parallel with said South line for 292.0 feet; thence Southeasterly for 399.36 feet to the South line of said Southwest Quarter; thence West for 309.0 feet to the point of beginning.

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 July 27, 2023, consider said application; and

WHEREAS, the Board of County Commissioners 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 Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 5128 East 101st Street North, and legally described as:

A tract of land in the Southwest Quarter of Section 13, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, commencing at the Southwest corner of said Southwest Quarter; thence

(3) Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

(4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

(5) Development and maintenance of the site shall be in conformance with the approved, revised site plan indicating one Accessory Apartment.

(6) 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.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall be effective upon publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER	Aye
SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Absent

Dated this 6 day of September, 2023.

ATTEST:

KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

JAMES M. HOWELL, Chair Pro Tem

Public notice

(Published in The Ark Valley News July 6, 2023.)

MAPC July 27, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, July 27, 2023, no earlier than 1:30 p.m.,** the Wichita Sedgwick 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 Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.**

CON2023-00031: Conditional Use request in the County to allow an Accessory Apartment on property zoned RR Rural Residential District; generally located on the southwest corner of West 61st Street North and North 231st Street West (5847 North 231st Street West).

CON2023-00032: Conditional Use request in the County to allow addition of Accessory Apartment; generally located north of East 101st Street North and 983 feet east of North 47th Street East.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd 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.

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=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09

Meeting ID: 408 986 6967
Passcode: 094136
One tap mobile
+16699006833,,4089866967#,,,,*094136# US (San Jose)
+17193594580,,4089866967#,,,,*094136# US

Meeting ID: 408 986 6967
Passcode: 094136
Find your local number: https://us06web.zoom.us/u/kc65codfb1

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 (316-268 4464) 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 July 6, 2023
Scott Wadle, Secretary
Wichita Sedgwick County Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 6th day of July, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023

_____, 2023 _____, 2023

_____, 2023 _____, 2023

[signature]

Subscribed and sworn to before me this 6th day of July, 2023.

[signature]
Notary Public

My commission expires 4/24/24.

Additional copies $ _____

Printer's fee $ _____

Lisa K Strunk NOTARY PUBLIC COMMISSION EXPIRES 4/24/24 State of Kansas

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.2

STAFF REPORT
MAPC: July 13, 2023

CASE NUMBER: CON2023-00032 (County)

APPLICANT/OWNER: Paul and Rayna Waalkes (Applicant)

REQUEST: Conditional Use to permit an Accessory Apartment

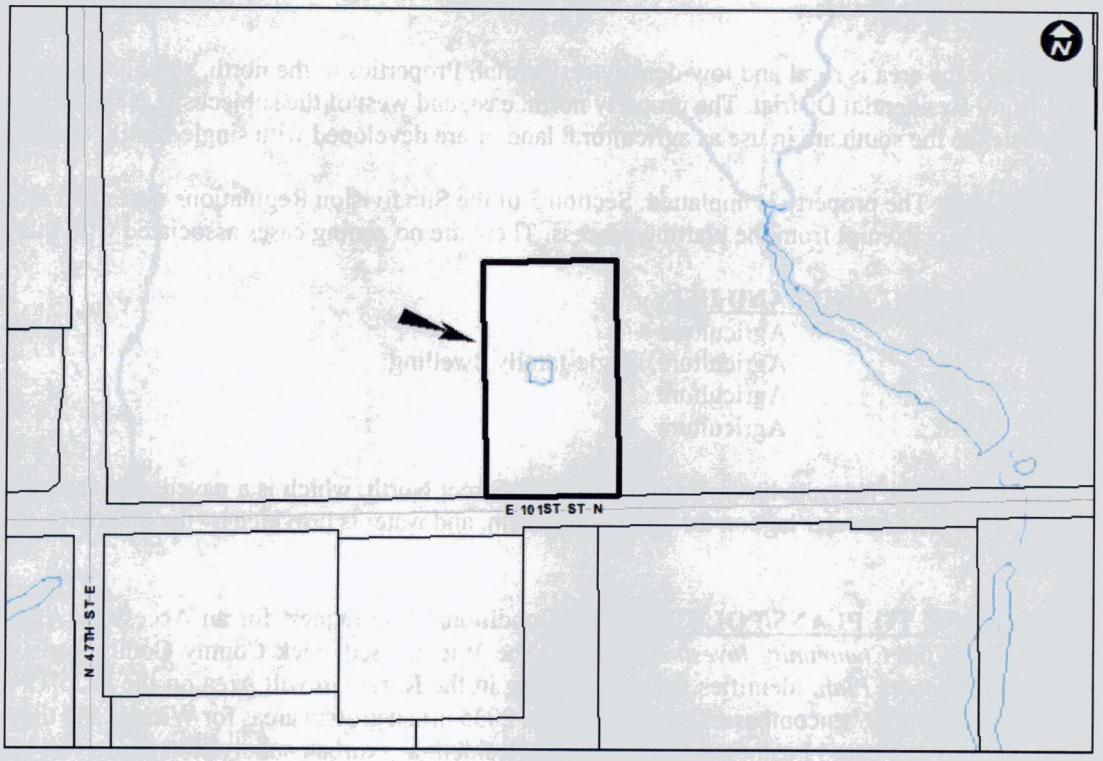
CURRENT ZONING: RR Rural Residential District

SITE SIZE: 4.69 acres

LOCATION: Generally located on the north side of East 101st Street North, within one-quarter mile east of North 47th Street East (5128 East 101st Street North).

PROPOSED USE: Accessory Apartment.

RECOMMENDATION: Approval with conditions.



RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for the Conditional Use for one Accessory Apartment be **APPROVED**, with the following conditions:

(1) The applicant will submit a revised site plan that illustrates one Accessory Apartment on site.

(2) The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

(3) Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

(4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.

(5) Development and maintenance of the site shall be in conformance with the approved, revised site plan indicating one Accessory Apartment.

(6) 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:

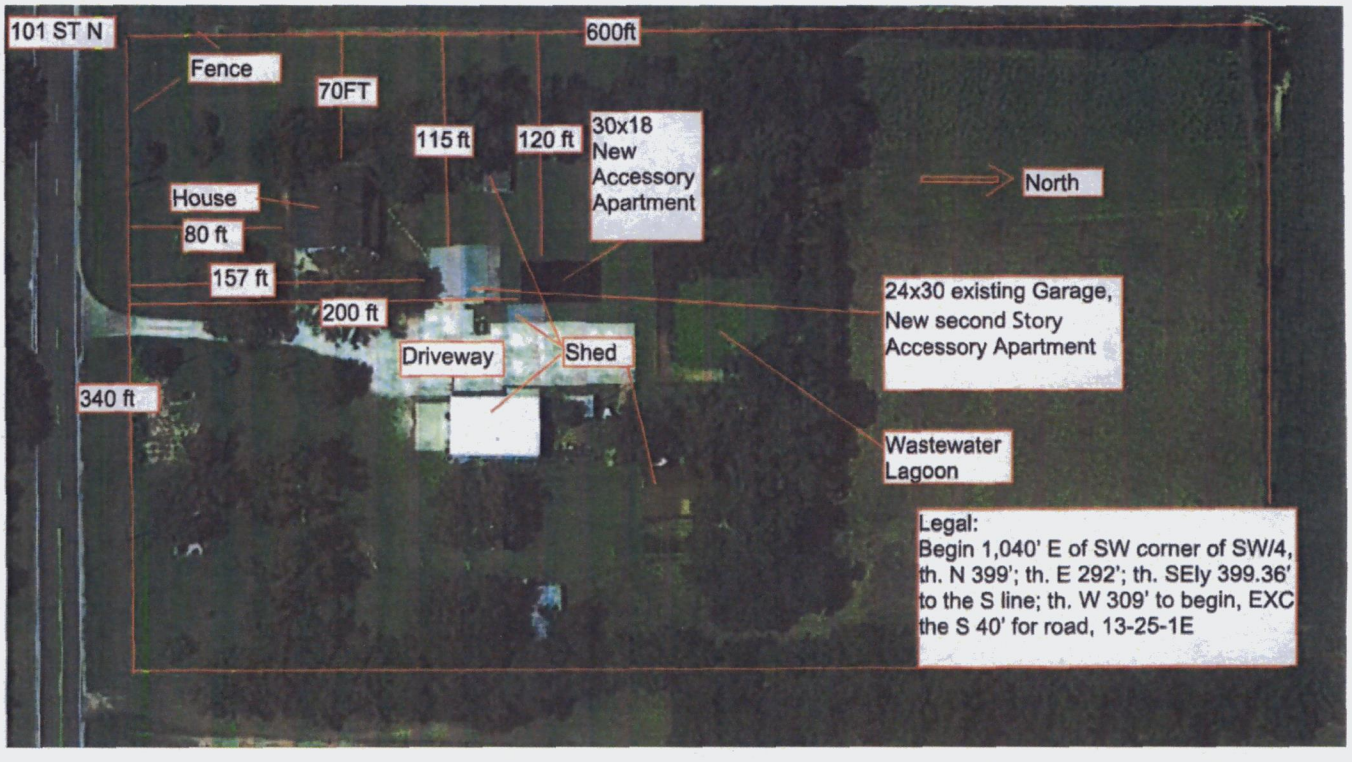
(1) **The zoning, uses and character of the neighborhood**: The character of the area is rural and low-density residential. Properties to the north, south, east and west are all zoned RR Rural Residential District. The property north, east, and west of the subject site is in use as agricultural land. Properties to the south are in use as agricultural land or are developed with single-family dwellings.

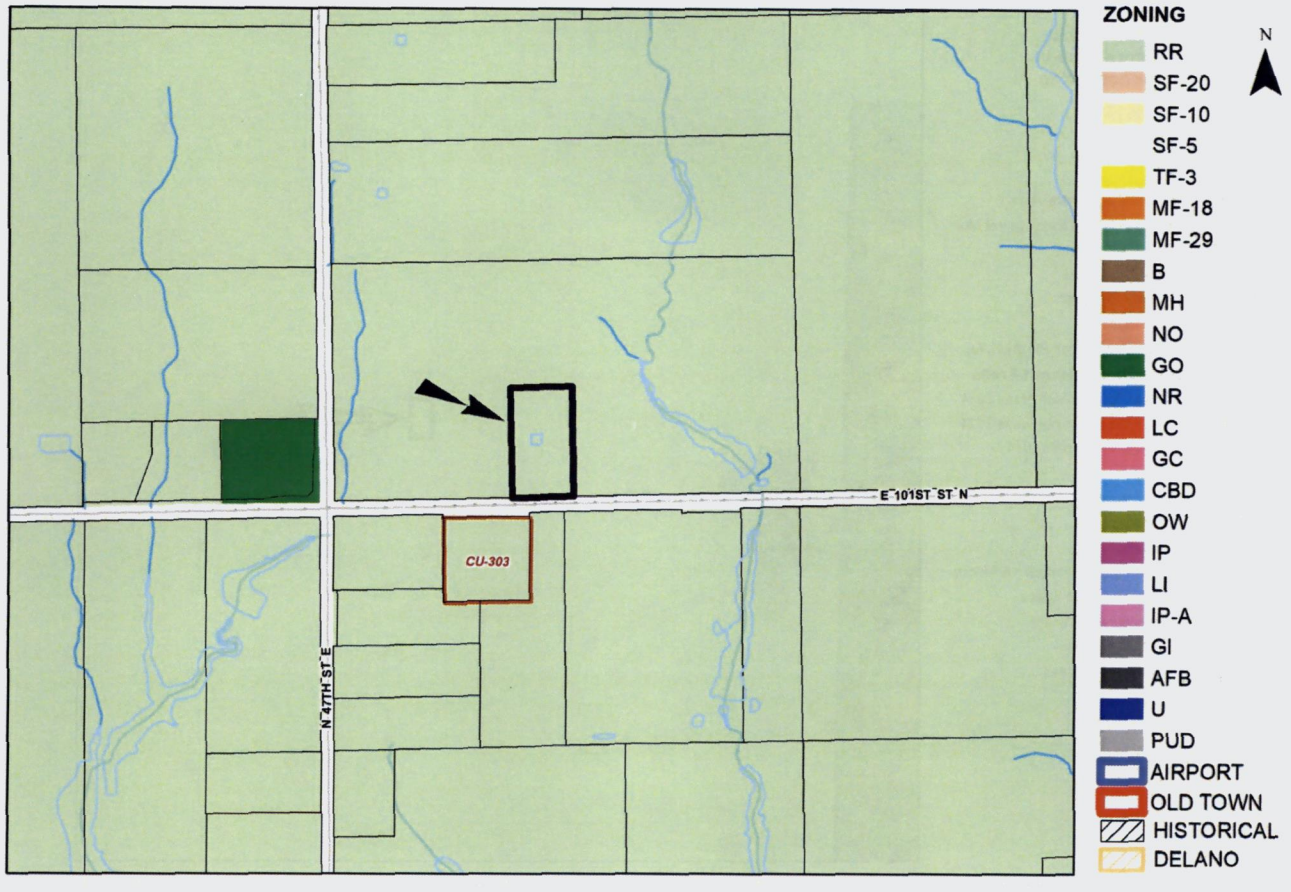
(2) **The suitability of the subject property for the uses to which it has been restricted**: The subject site is currently zoned RR Rural Residential which permits the existing single-family residence. The size of the property can easily accommodate a separate Accessory Apartment and the additional required parking space.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate that approval of the request will generate significant amounts of additional traffic and there is ample space for parking on site. The conditions of approval should minimize any potential detrimental impacts.

(4) **Length of time subject property has remained vacant as zoned**: The subject property is not vacant. The property has been developed with a single-family residential dwelling since 1915.

(5) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant**: It is not anticipated that the requested Conditional Use will have an effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.


101 ST N
600ft
Fence
70FT
115 ft
120 ft
30x18
New
Accessory
Apartment
North
House
80 ft
157 ft
200 ft
24x30 existing Garage,
New second Story
Accessory Apartment
Driveway
Shed
340 ft
Wastewater
Lagoon
Legal:
Begin 1,040' E of SW corner of SW/4, th. N 399'; th. E 292'; th. SEly 399.36' to the S line; th. W 309' to begin, EXC the S 40' for road, 13-25-1E


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
N
E 101ST ST N
N 47TH ST E
CU-303

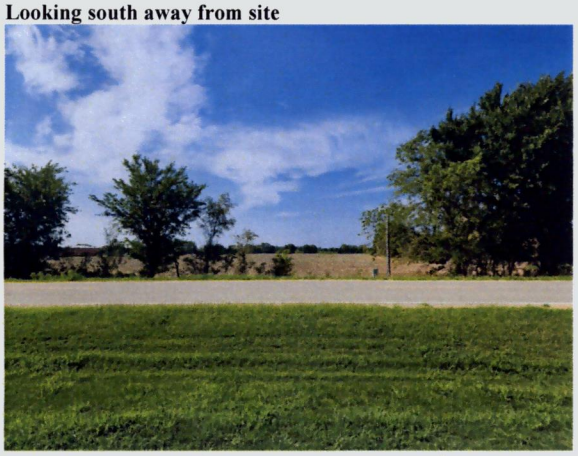
Looking north towards site



Looking west towards location of proposed Accessory Apartment



Looking south away from site



Looking south towards site





SITE PLAN
APPROVED
9/13 CMR