



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

Nic Hillman
37680 West 15th Street North
Cheney, KS 67205

May 28, 2024

RE: CON2023-00055 – Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, generally located on the north side of West 15th Street South, within one-half mile east of South 383rd Street West (37680 West 15th Street South).

Dear Applicant;

At its regular meeting on **December 20, 2023**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BOCC was to **APPROVE** the request, subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (located at 37680 West 15th Street South) 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 plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
4. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the Accessory Apartment.
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 316-268-4421.

Sincerely,

Christina
Current Plans
Associate Planner

CC: Otto Contracting, Inc., attn: Paul Otto, 2705 East Switzer, Hutchinson, KS 67501
David Dennis, Commissioner, District III
MABCD



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

Nic Hillman
37680 West 15th Street North
Cheney, KS 67025

November 9, 2023

RE: CON2023-00055 – Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, generally located on the north side of West 15th Street South, within one-half mile east of South 383rd Street West (37680 West 15th Street South).

Dear Applicant,

At its regular meeting on **November 9, 2023**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request, subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (located at 37680 West 15th Street South) 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 plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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 for the Accessory Apartment.
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.

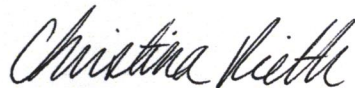
Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on November 23, 2023. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 1,000 feet of the property for which the application was filed, or 200 feet into the City limits of Wichita, and must be submitted to the County Clerk by **November 23, 2023, at 5:00 p.m.**

This application will be presented to the Board of County Commissioners on **Wednesday, December 20, 2023**, beginning at 9:00 a.m. The Board of County Commissioners meeting will be held 100 North Broadway, Lower Level, Wichita, Kansas.

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,



Christina Rieth
Current Plans
Associate Planner

CC: David Dennis, Commissioner, District III
Otto Contracting, Inc., attn: Paul Otto, 2705 East Switzer, Hutchinson, KS 67501
MABCD

WHEREAS, Nic Hillman, (Applicant) 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 37680 West 15th Street South, and legally described as:

Lot 1, Block 1, Hillman Second Addition, a portion of the Southeast Quarter of Section 29, Township 27 South, Range 4 West of the 6th P.M., 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 November 9, 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 37680 West 15th Street South, and legally described as:

Lot 1, Block 1, Hillman Second Addition, a portion of the Southeast Quarter of Section 29, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas.

Approval of the application is subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (located at 37680 West 15th Street South) 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 plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
4. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the Accessory Apartment.
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.

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.

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 25th day of January, 2024, with subsequent publications being made on the following dates:

_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Chris Strunk

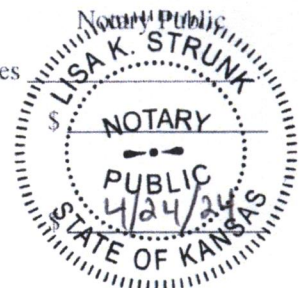
Subscribed and sworn to before me this 25th day of January, 2024.

hbs

My commission expires

Additional copies

Printer's fee



Sedgwick Co. public notice

(Published in The Ark Valley News Jan. 25, 2024.)

RESOLUTION NO. _____000-2024.

WHEREAS, Nic Hillman, (Applicant) 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 37680 West 15th Street South, and legally described as:

Lot 1, Block 1, Hillman Second Addition, a portion of the Southeast Quarter of Section 28, Township 27 South, Range 4 West of the 6th P.M., 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 November 9, 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 37680 West 15th Street South, and legally described as:

Lot 1, Block 1, Hillman Second Addition, a portion of the Southeast Quarter of Section 28, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas.

Approval of the application is subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (located at 37680 West 15th Street South) 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 plan.
3. The appearance of the accessory structure shall be compatible

with the main dwelling unit and with the character of the neighborhood.

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

5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator shall enforce the provisions of Article VIII of the Unified Zoning Code, 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 violation of such zoning change shall be shown on the Official Zoning Map of the 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
SARAH L. LOPEZ
JAMES M. BRYAN
JAMES M. HOWELL

AJR
AJR
AJR
AJR

Third day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



ATTEST:

KELLY B. KARNIKELL, Clerk

Commissioner, Fifth District

APPROVED AS TO FORM:

MARK W. GARDNER
Deputy County Counselor

PETER F. MEITZNER
Commissioner, First District

SARAH L. LOPEZ
Commissioner, Second District

JAMES M. BRYAN
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fourth District

PETER F. MEITZNER
Commissioner, Fifth District

SARAH L. LOPEZ
Commissioner, First District

JAMES M. BRYAN
Commissioner, Second District

JAMES M. HOWELL
Commissioner, Third District

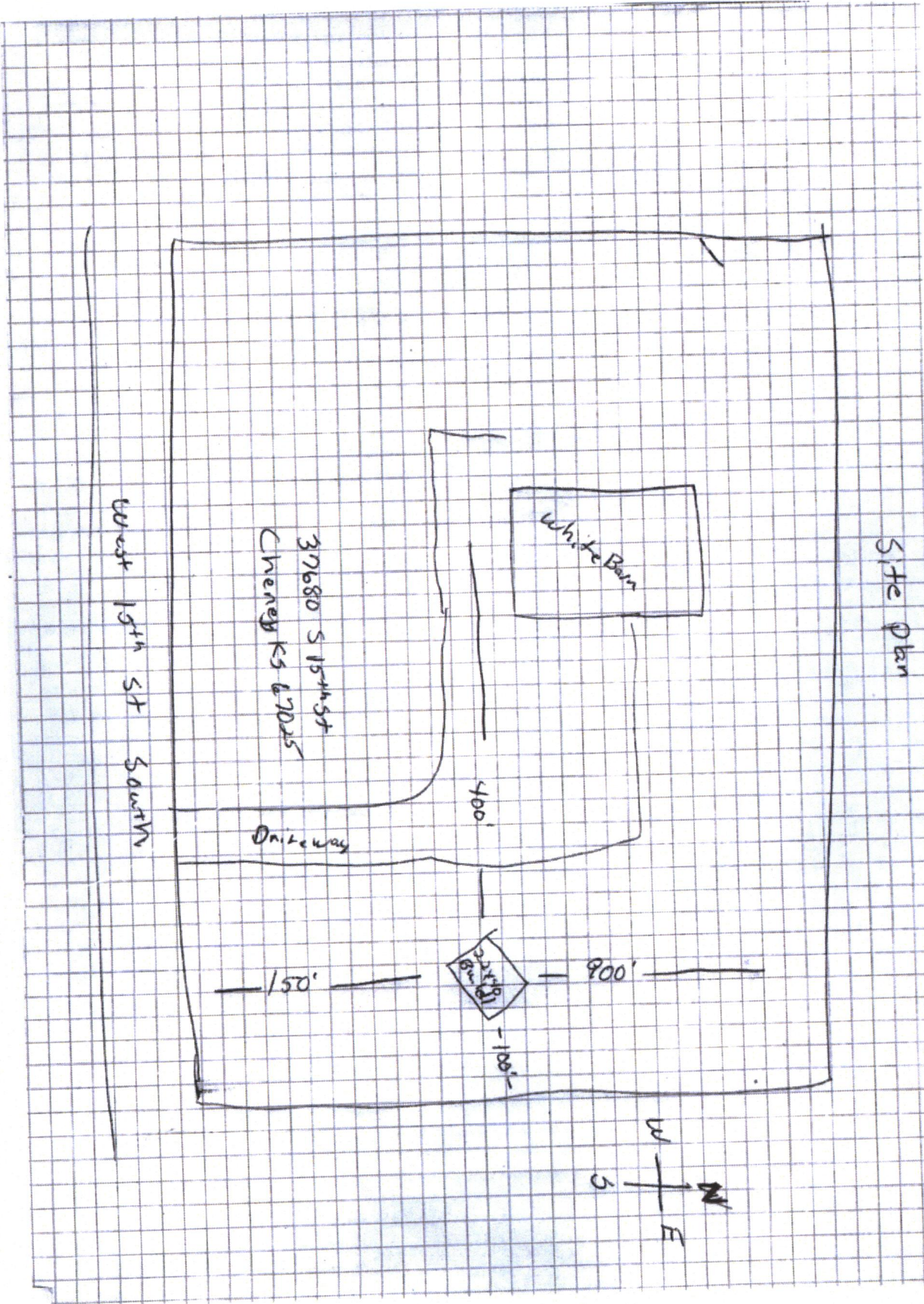
PETER F. MEITZNER
Commissioner, Fourth District

SARAH L. LOPEZ
Commissioner, Fifth District

SITE PLAN

APPROVED 1/25 BY CMR

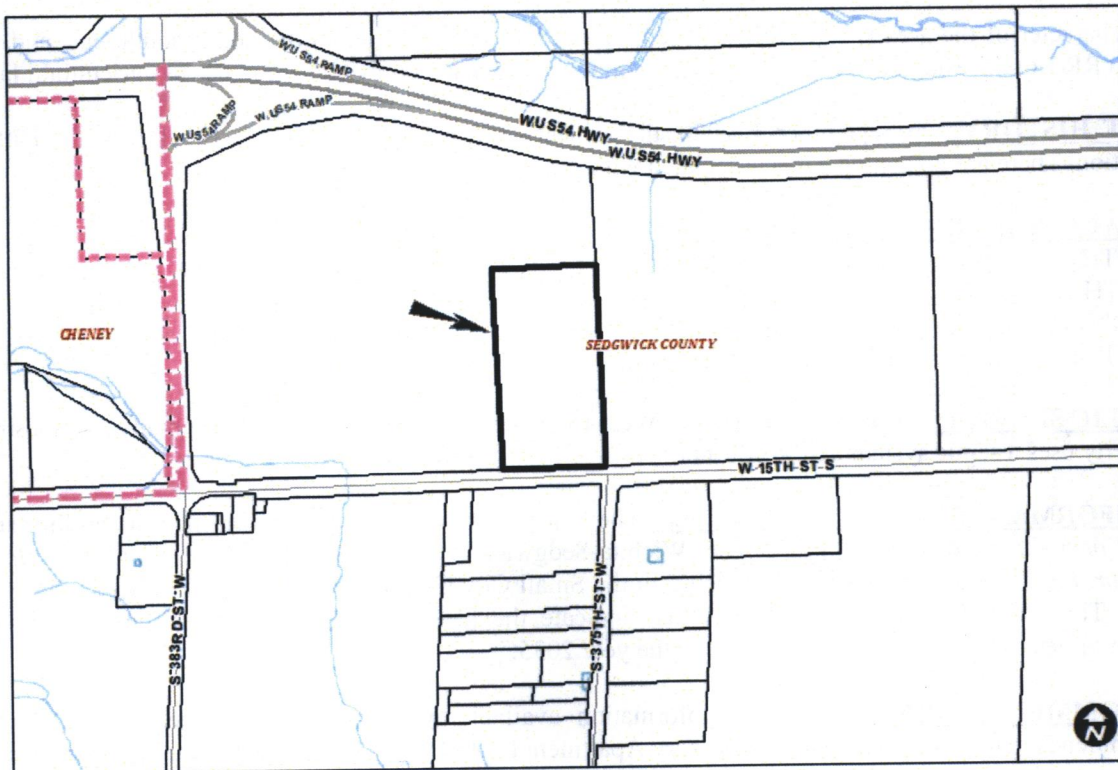
Site Plan





STAFF REPORT
MAPC: November 9, 2023
CAB 3: November 6, 2023

- CASE NUMBER:** CON2023-00055 (County)
- APPLICANT/OWNER:** Nic Hillman (Applicant)/Paul Otto (Agent)
- REQUEST:** Conditional Use to permit an Accessory Apartment
- CURRENT ZONING:** RR Rural Residential District
- SITE SIZE:** 18.73 acres
- LOCATION:** Generally located on the north side of West 15th Street South, within one-half mile east of South 383rd Street West (37680 West 15th Street North).
- PROPOSED USE:** Accessory Apartment.
- RECOMMENDATION:** Approval with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow an Accessory Apartment on property zoned RR Rural Residential District. The 18.73-acre subject site is generally located on the north side of West 15th Street South, within one-half mile east of South 383rd Street West (37680 West 15th Street North). The subject site is currently developed with a barn structure that was originally constructed as a single-family residence. The barn will be converted into an event space. The applicant proposes to construct a new outbuilding on site for the Accessory Apartment.

The new building is defined as an Accessory Apartment because it will have living facilities for sleeping, eating, sanitation and a kitchen, which requires water and sewer services. The proposed outbuilding will measure 22 feet by 40 feet and will be located approximately 400 feet from the center of the barn. It will be constructed 150 feet from the south property line, 100 feet from the east property line, and 900 feet from the north property line. Access to the Accessory Apartment will be from the existing driveway off West 15th Street South. The principal structure and the Accessory Apartment will share a septic system and well.

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 building. 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 that 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, and
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 character of the area is rural and low-density residential. Properties to the north, south, east and west are zoned RR Rural Residential District in unincorporated Sedgwick County and are in use as agricultural land.

CASE HISTORY: On September 3, 2020, the subject site was platted as Lot 1, Block 1 of the Hillman 2nd Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|----|-------------|
| NORTH: | RR | Agriculture |
| SOUTH: | RR | Agriculture |
| EAST: | RR | Agriculture |
| WEST: | RR | Agriculture |

PUBLIC SERVICES: This site has access to West 15th Street South, a paved, two-lane county arterial street. The property uses a septic system and well water.

CONFORMANCE TO PLANS/POLICIES: The request for an Accessory Apartment is in conformance with the *Community Investments Plan*. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being in the Small City Growth Area on the 2035 Urban Growth Areas Map. The Small City Urban Growth Areas “indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035.”

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

CON2023-00055

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (located at 37680 West 15th Street South) 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 plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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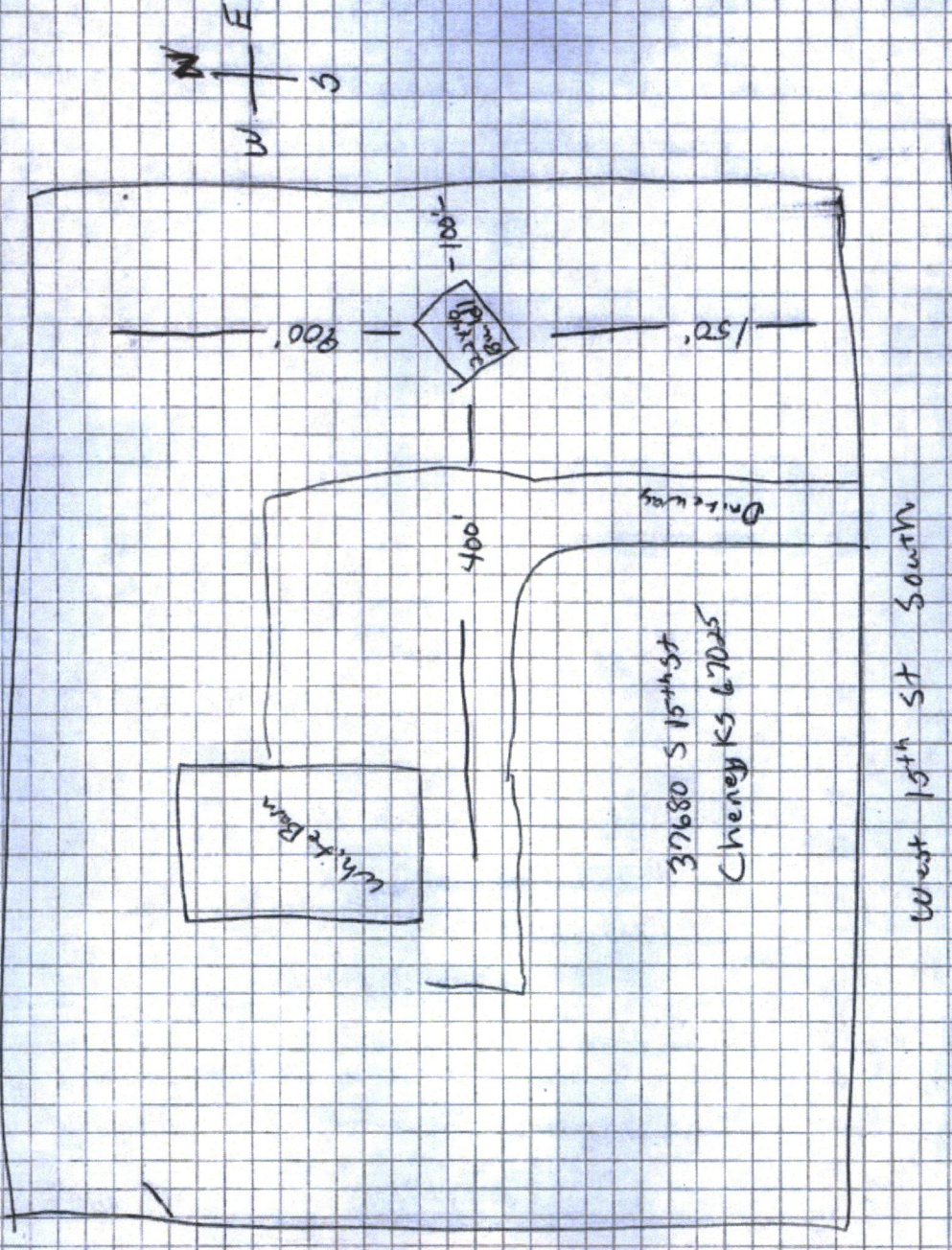
This recommendation is based on the following findings:

- (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 zoned RR Rural Residential District in unincorporated Sedgwick County and are in use as agricultural land.
- (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 District, which is suitable for a single-family residence and an Accessory Apartment with an approved Conditional Use. 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 barn structure that was constructed in 2018 as a single-family dwelling.
- (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.
- (6) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The request for an Accessory Apartment is in conformance with the *Community Investments Plan*, as discussed in this staff report.
- (7) **Impact of the proposed development on community facilities:** Staff expect that there will be minimal impact on public roads and services.
- (8) **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff did not receive any comments from the public regarding the requested Conditional Use.

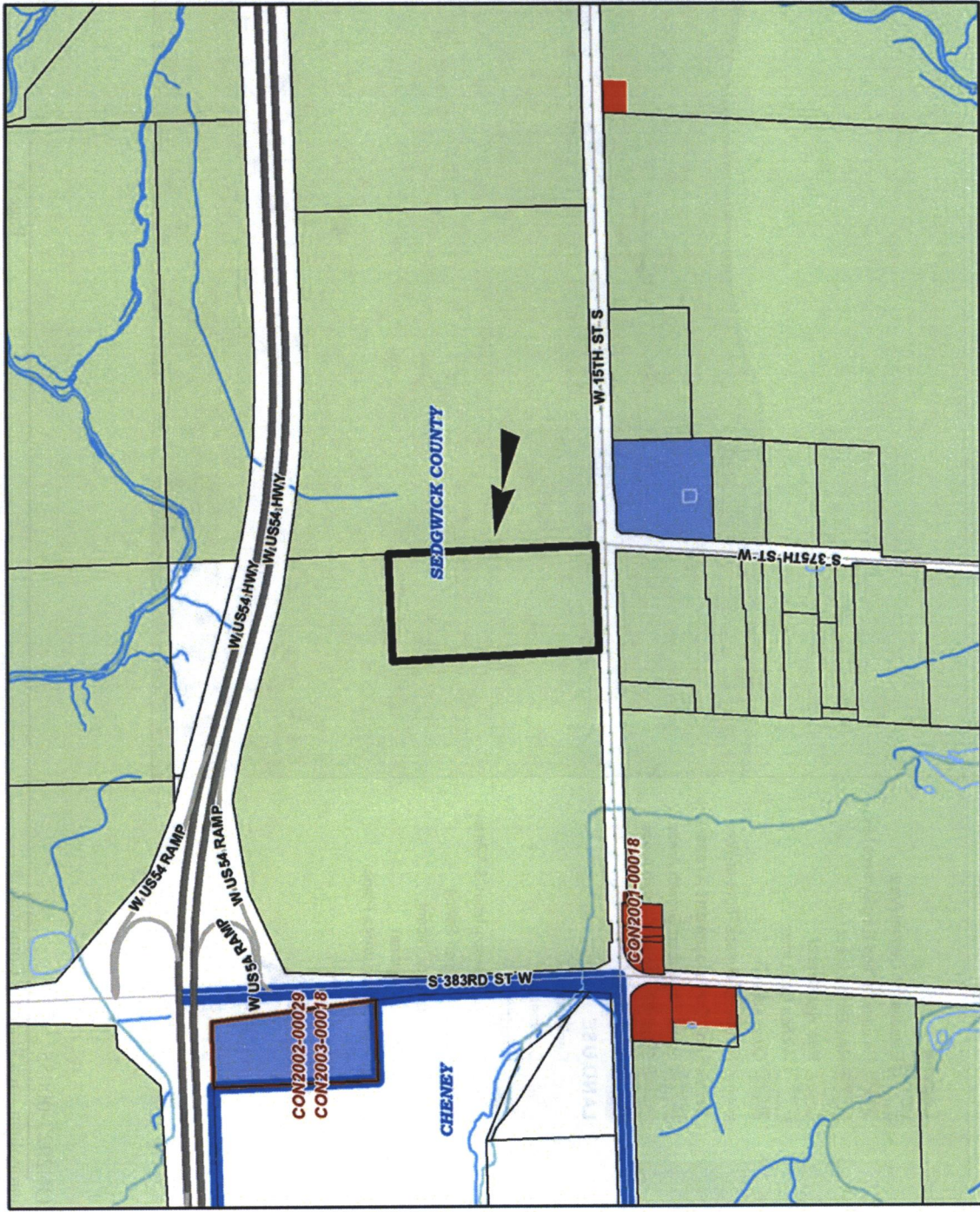
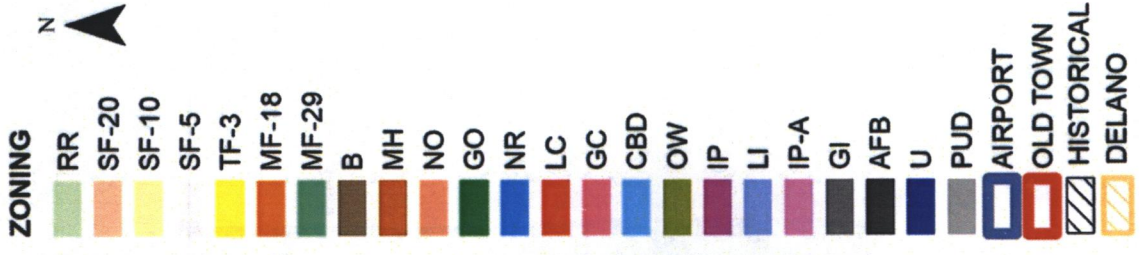
Attachments:

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



















Site Plan

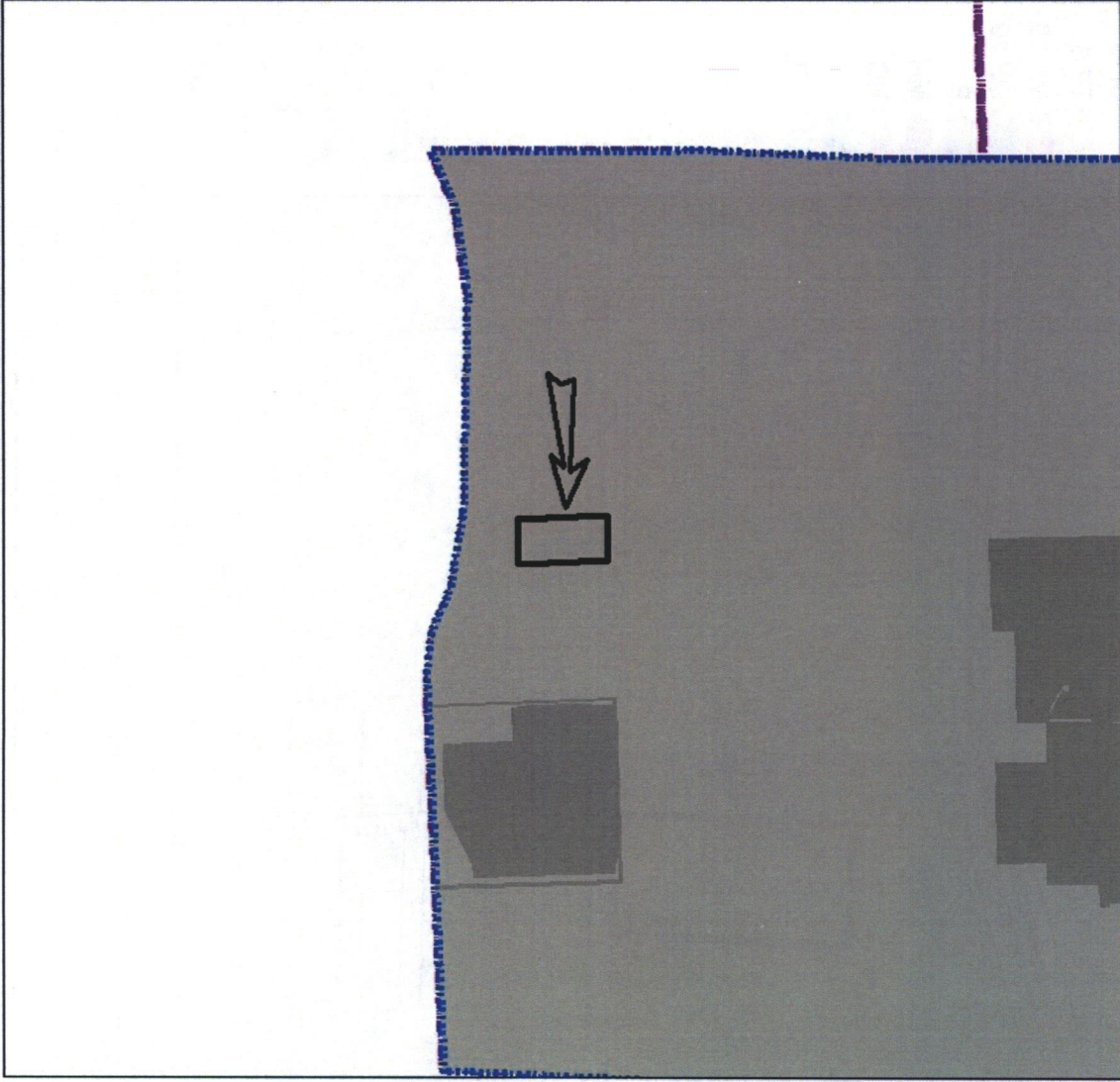




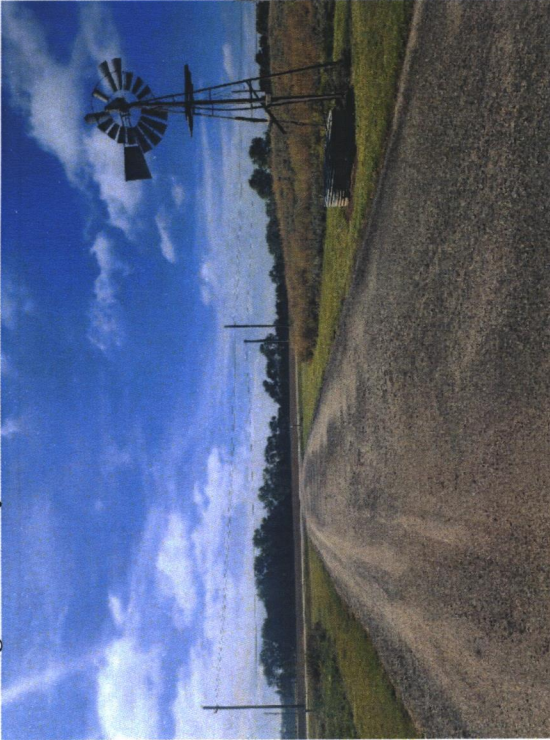


**2035 Wichita
Future Growth
Concept Map**

- 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 away from site



Looking north towards proposed Accessory Apartment



Looking west away from site



Looking northwest towards main structure



Looking east away from site

