



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

Matt and Christy Freeman
15911 W. 95th Street S.
Clearwater, KS 67026

July 26, 2024

RE: CON2024-00051 – Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, Generally located south of West 95th Street South and one-half mile east of South 167th Street North (15911 West 95th Street South).

Dear Applicant,

At its regular meeting on **July 25, 2024**, 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 (15911 West 95th 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 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, if necessary.
4. 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.

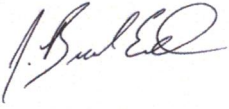
Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on August 8, 2024.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 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 **August 8, 2024, at 5:00 p.m.**

This application will be presented to the Board of County Commissioners on **Wednesday, September 4, 2024**, 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,



Brad Eatherly
Current Plans
Senior Planner

CC: Sarah Lopez, Commissioner, District II
MABCD

Sedgwick Co. public notice

(Published In The Ark Valley News Sept. 12, 2024.)

RESOLUTION NO. 176-2024

WHEREAS, Matt and Christy Freeman ("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 15911 West 95th Street South, and legally described as:

A portion of the Northeast Quarter of Section 22, Township 29 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as: Beginning at the Northwest corner of said Northeast Quarter; thence East 330 feet; thence South 660.62 feet; thence West 330 feet to a point on the West line of said Northeast Quarter; thence North 660.62 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 25, 2024, 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 15911 West 95th Street South, and legally described as:

A portion of the Northeast Quarter of Section 22, Township 29 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as: Beginning at the Northwest corner of said Northeast Quarter; thence East 330 feet; thence South 660.62 feet; thence West 330 feet to a point on the West line of said Northeast Quarter; thence North 660.62 feet to the Point of Beginning.

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 (15911 West 95th 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. Applicants 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, if necessary.

4. 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
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATH
JAMES M. HOWELL

all
all
all
all
all

Dated this 4 day of September, 2024.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly E. Arnold
KELLY E. ARNOLD, County Clerk



Ryan K. Bath
RYAN K. BATH, Chairman
Commissioner, Fourth District

Sarah Lopez
SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

Peter F. Meitzner
PETER F. MEITZNER
Commissioner, First District

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

Samantha Beang
SAMANTHA BEANG
Assistant County Counselor

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 12th day of September, 2024, with subsequent publications being made on the following dates:

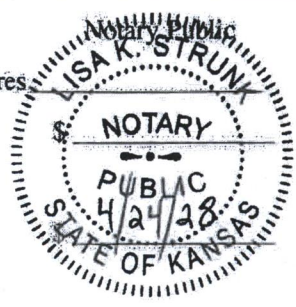
_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Chris Strunk

Subscribed and sworn to before me this 12th day of September, 2024.

WHR

My commission expires
Additional copies
Printer's fee



STAFF REPORT
MAPC: July 25, 2024
CAB 2: August 13, 2024

CASE NUMBER: CON2024-00051 (County)

APPLICANT/OWNER: Matt and Christy Freeman (Applicant)

REQUEST: Conditional Use to permit an Accessory Apartment

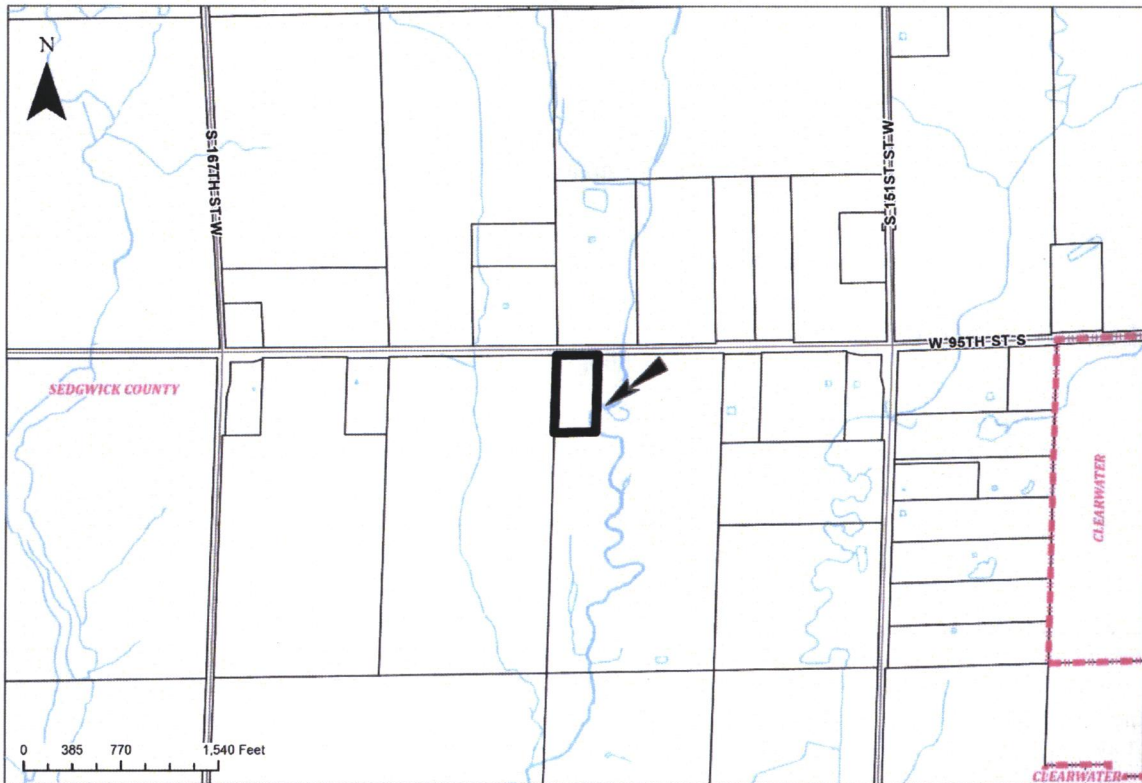
CURRENT ZONING: RR Rural Residential District

SITE SIZE: 4.703 acres

LOCATION: Generally located south of West 95th Street South and one-half mile east of South 167th Street North (15911 West 95th Street South).

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 4.703-acre subject site is generally located south of West 95th Street South and one-half mile east of South 167th Street North (15911 West 95th Street South). The subject site is currently developed with a single-family dwelling and a detached garage. The detached garage has a second floor that would be converted into an accessory dwelling unit.

The new dwelling unit would be defined as an Accessory Apartment because it would have living facilities for sleeping, eating, sanitation and a kitchen, which requires water and sewer services. The existing outbuilding measures 46 feet by 60 feet and is located approximately 50 feet from the principal structure. The Accessory Apartment would measure 21 feet by 60 feet and be located on the second floor. It is located 300 feet from the south property line, 40 feet from the west property line, 240 feet from the north property line, and approximately 240 feet from the east property line. Access to the Accessory Apartment would be from the existing driveway from West 95th Street South. The principal structure and the Accessory Apartment would share a wastewater lagoon and wells.

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. Properties to the north are developed with single-family dwellings. Property to the east, south and west are developed with agricultural fields.

CASE HISTORY: The subject site is unplatted. Platting is not required for an expansion of residential use on the site. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-Family Dwellings
SOUTH:	RR	Agriculture
EAST:	RR	Agriculture
WEST:	RR	Agriculture

PUBLIC SERVICES: This site has access to West 95th 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 Rural Growth Area on the 2035 Urban Growth Areas Map. The Rural Growth Areas “encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural based businesses and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur with the Urban Fringe Development Policy.” An Accessory Apartment is an

appropriate use for this property.

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:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (15911 West 95th 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 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, if necessary.
4. 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:

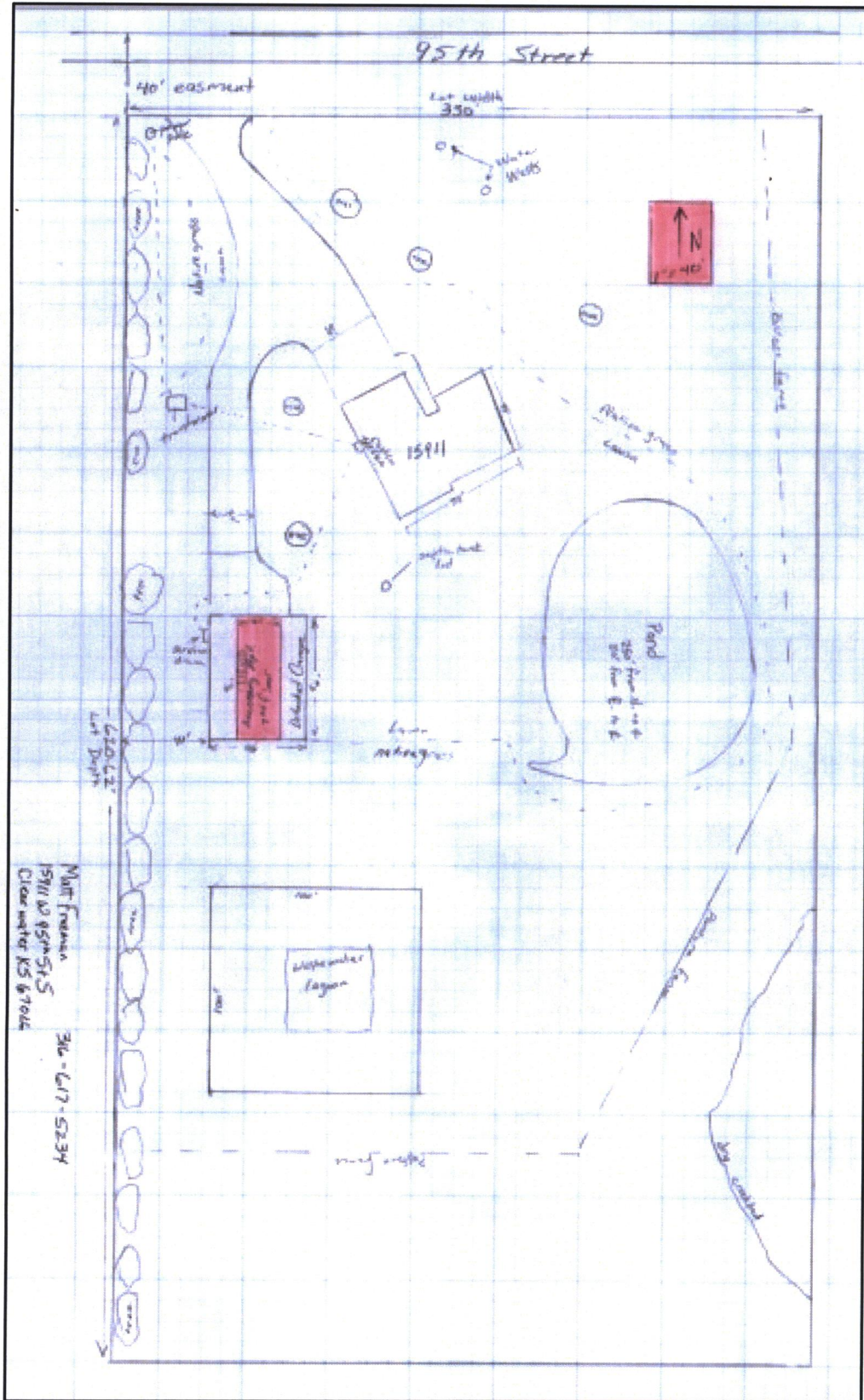
1. **The zoning, uses and character of the neighborhood:** The character of the area is rural and low-density residential. Properties to the north, south, east and west are zoned RR Rural Residential District in unincorporated Sedgwick County. Properties to the north are developed with single-family dwellings. Property to the east, south and west are developed with agricultural fields.
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 single-family dwelling and the detached garage that the accessory apartment is proposed to occupy.
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

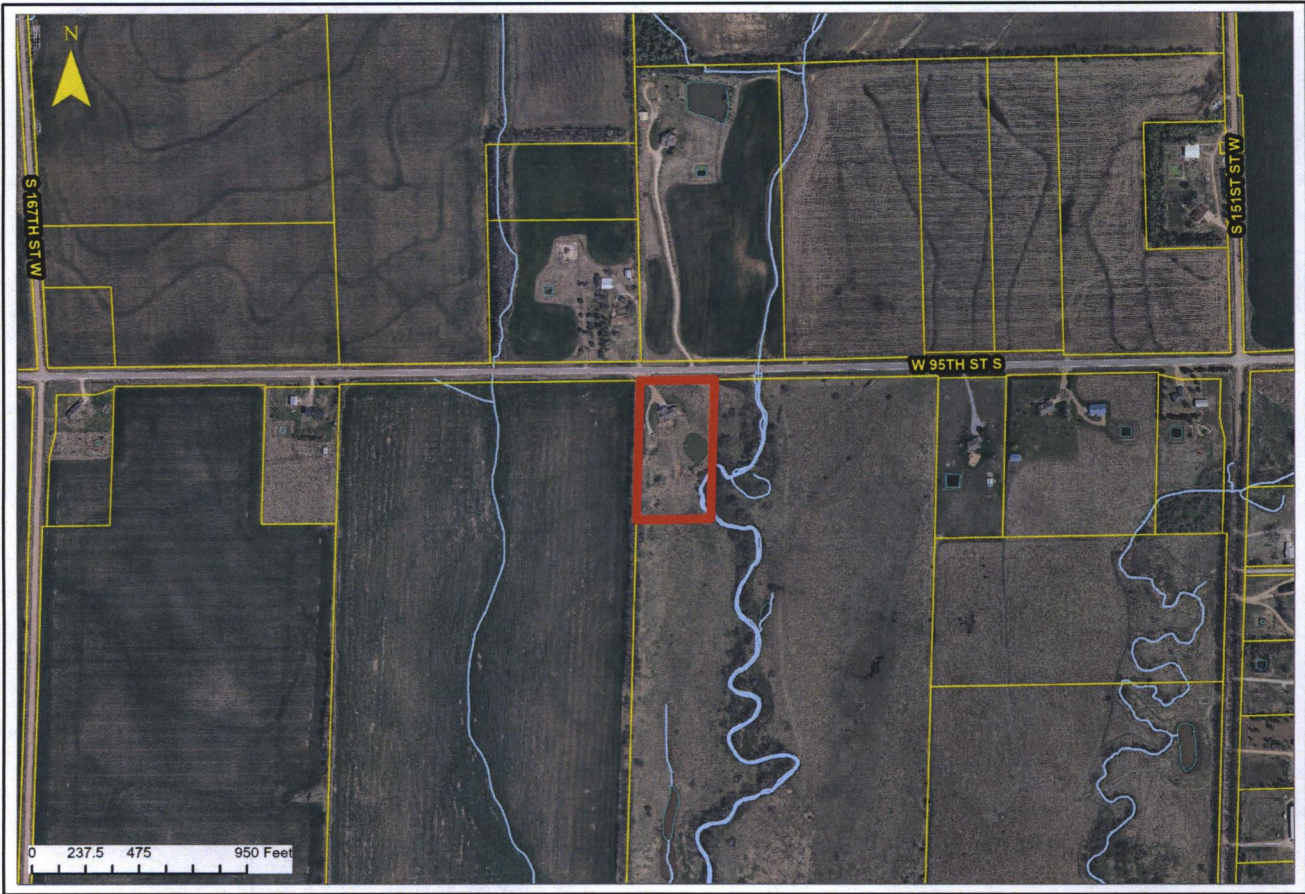
not receive any comments from the public regarding the requested Conditional Use.

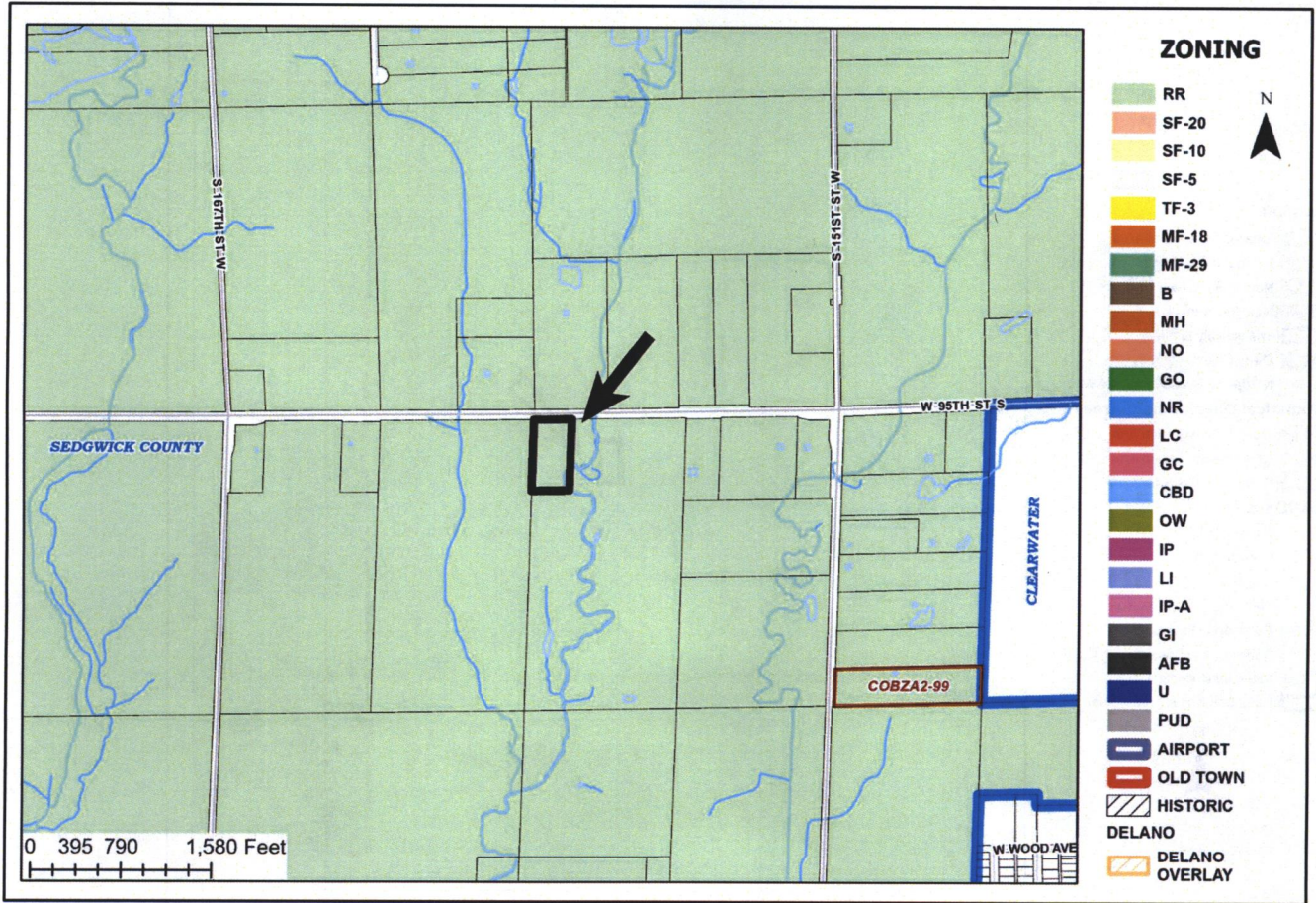
Attachments:

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

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

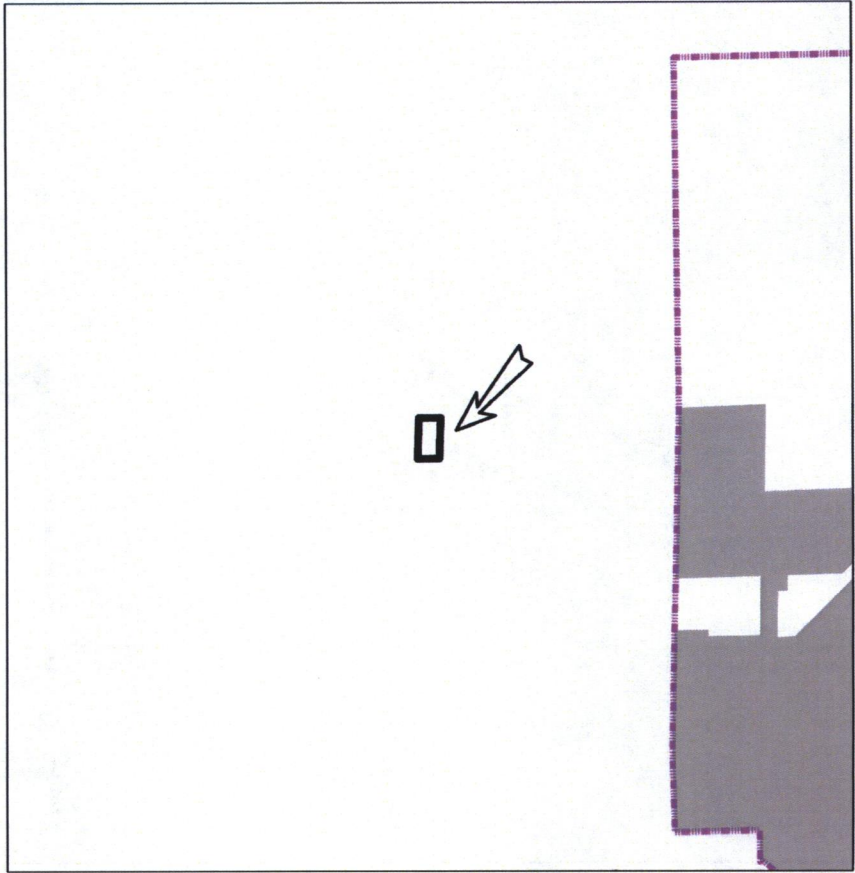
-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

LAND USE

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



Wichita, Kansas
Metropolitan Area Planning Commission
2024-00051
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Looking south into site



Looking east away from site



Looking north away from site



Looking west away from site



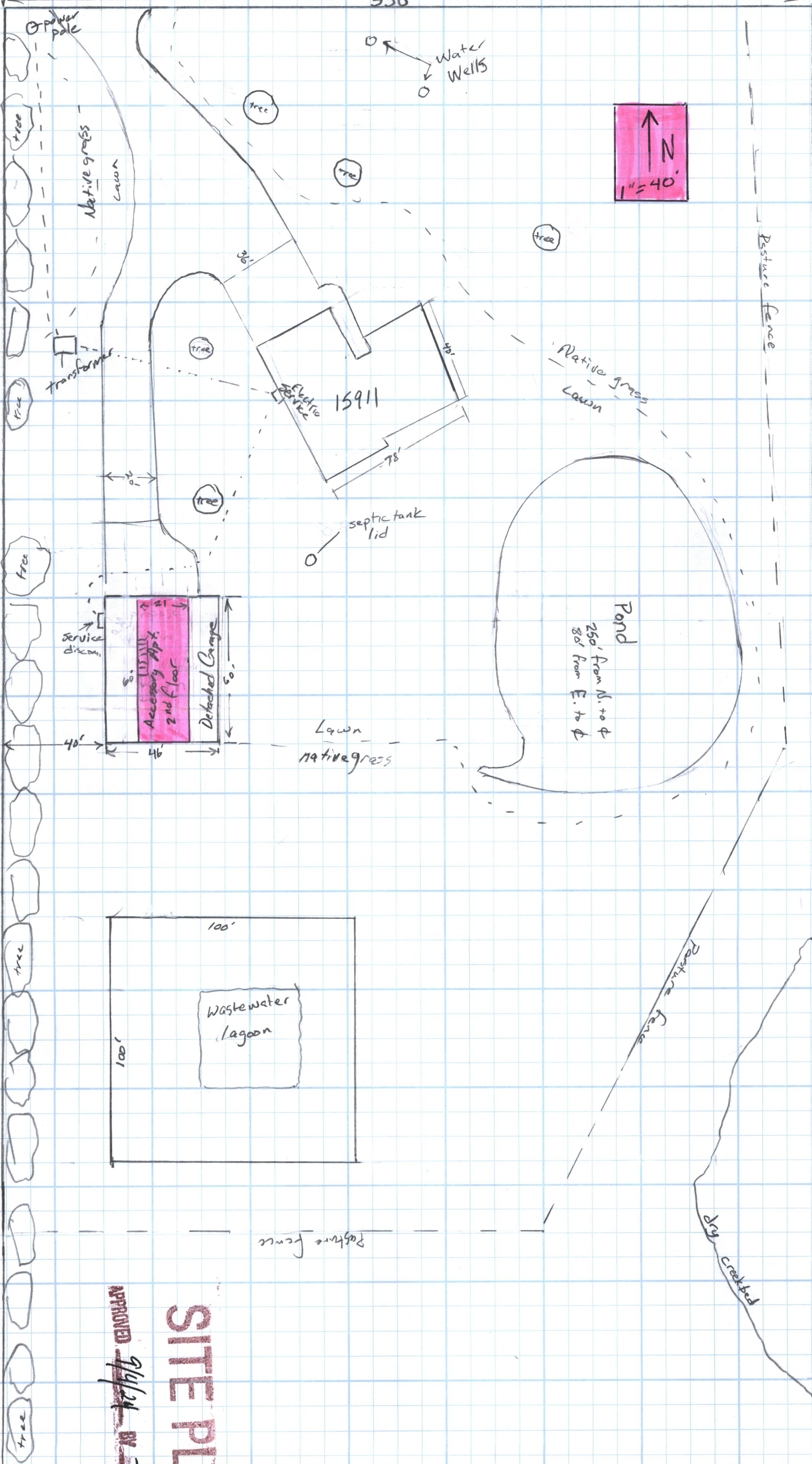
Looking east away from site



95th Street

40' easment

Lot width 330'



620.62' Lot Depth

Matt Freeman
 15911 W 95th St S
 Clearwater KS 67026
 316-617-5234

APPROVED 9/14/24 BY SBE
SITE PLAN