



Wichita-Sedgwick County Metropolitan Area Planning Department

July 15, 2022

Newell and Mary Harvey
7000 West 79th Street South
Haysville, KS 67060

RE: CONP2022-00016: Conditional Use in the County to permit an Accessory Apartment on property zoned RR Rural Residential; generally located on the northeast corner of West 79th Street South and South 71st Street West (7000 W. 79th Street South).

Dear Applicants;

At its regular meeting on **June 16, 2022**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC 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.

No protests were filed against this case. Therefore, the MAPC decision is final.

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 268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans
Division Manager

Copies to: Sarah Lopez, BoCC District 2
MABCD

CONDITIONAL USE RESOLUTION NO. CON2022-00016

WHEREAS, Newell and Mary Harvey, Owners, 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 allow an Accessory Apartment on property zoned RR Rural Residential located at 7000 West 79th Street South, legally described as:

The West Half of the Southwest Quarter of the Southwest Quarter of Section 3, Township 29 South, Range 1 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 June 16, 2022, 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 to allow an Accessory Apartment on property zoned RR Rural Residential located at 7000 West 79th Street South, legally described as:

The West Half of the Southwest Quarter of the Southwest Quarter of Section 3, Township 29 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.


Approved subject to 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.

Adopted this 7th Day of July 2022.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:


William M. Johnson, Chairman


Scott Wadle, Secretary

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Emily Gillihan, being first duly sworn, deposes and says: That he/she is Legal Manager of

The Derby Informer

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 weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

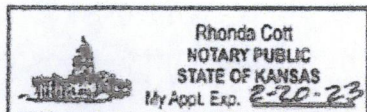
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 25th day of May 2022, with subsequent publications being made on the following dates:

N/A

Emily Gillihan
Legal Manager

Subscribed and sworn to before me this 25th day of May, 2022.

Rhonda Cott
Notary Public



Official Hearing Notice - MAPC June 16, 2022

Printer's Fee: \$50.40

Additional copies: \$ _____

Legal Publication
OCA 150004

Published in The Derby Informer on May 25, 2022

MAPC June 16, 2022 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 16, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

CON2022-00012: Conditional request in the County for an Accessory Apartment located approximately 2,400 feet East of South 247th Street West and 2,000 feet South of West 55th Street South (5840 Killdeer Ln.).

VAC2022-00016: Vacation request in the County to vacate a portion of a platted setback on RR Rural Residential zoned property; generally located within one-half mile South of West Pawnee Avenue and one-half mile East of West 183rd Street (2731 S. Leo Circle).

CON2022-00014: Conditional Use request in the County for an Accessory Apartment on a property zoned RR Rural Residential; generally located two blocks East of North 151st Street West and two blocks North of West 69th Street North (14810 W. 70th Ct. N.).

CON2022-00016: Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential; generally located on the Northeast corner of West 79th Street South and South 71st Street West (7000 W. 79th Street South).

CON2022-00017: Conditional Use request in the County for a Utility, Major for new substation in RR Rural Residential; generally located on the North side of East 45th North and within one-quarter mile East of North Greenwich Road.

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 WichitaSedgwick 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.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2)

participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

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: <u>Scott Wadle</u> 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. 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 (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 25, 2022

Scott Wadle, Secretary

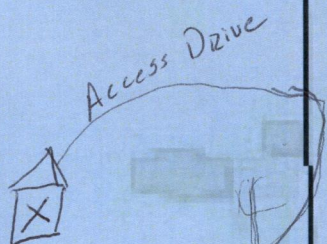
WichitaSedgwick County

Metropolitan Area Planning Commission



SITE PLAN

APPROVED 7/15/00 BY ~~Rep J~~



S 71st St

W 79th St S

S 79th St

W 79th St S

W 79th St



STAFF REPORT
MAPC: June 16, 2022
CAB 2: June 14, 2022

-
- CASE NUMBER:** CON2022-00016 (County)
- APPLICANT/OWNER:** Newell and Mary Harvey (owners)
- REQUEST:** Conditional Use to permit an Accessory Apartment
- CURRENT ZONING:** RR Rural Residential
- SITE SIZE:** 20 acres
- LOCATION:** Generally located on the northeast corner of West 79th Street South and South 71st Street West (7000 West 79th 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. The subject site is generally located northeast corner of West 79th Street South and South 71st Street West (7000 West 79th Street South). The subject site is composed of two platted lots that form one zoning lot. The applicant owns a total of approximately 60 acres of contiguous land along West 79th Street South. If approved, the Conditional Use will only apply to the 20-acre parcel at the northeast corner of the intersection where the primary residence is located. This parcel consists of a 2,667 square-foot, single-story, single-family dwelling and detached garage. Access to the proposed Accessory Apartment will be via the existing gravel driveway that will be extended north and then west to the proposed location.

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 single-family dwelling unit. 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.

A site plan detail indicates the Accessory Apartment to be approximately 1,680 square feet located approximately 50 feet west of the primary residence. The Accessory Apartment will use the existing septic system and water is provided by a private well. No elevations were provided for review regarding architectural compatibility with the primary residence and surrounding area. Elevations shall be provided for review at the time of building permit to satisfy Supplementary Use Regulation #2. A stream traverses the property from the northwest to the southeast. The proposed accessory structure is outside of the floodplain of the stream.

Properties north, east, south, and west are zoned RR Rural Residential. Property to the north is developed with a single-family dwelling with accessory structures is used for agricultural. Property to the east is under common ownership with the subject site and is used for agricultural purposes. Property to the south is used for agricultural purposes. Property to the west is developed with a single-family dwelling and accessory structures.

CASE HISTORY: The property is unplatted. Section 3 of the Subdivision Regulations states that any expansion of residential uses is exempt from platted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-family dwelling and agriculture
SOUTH:	RR	Agriculture
EAST:	RR	Agriculture
WEST:	RR	Single-family dwelling

PUBLIC SERVICES: South 71st Street West is a paved, two-lane county arterial with open ditches. West 79th Street South is a gravel, two-way County arterial with open ditches. Sewer is processed on-site. Water is provided by private well.

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.

This category “encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural based businesses, and larger lot residential exurban subdivision likely will be developed in this area.”

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

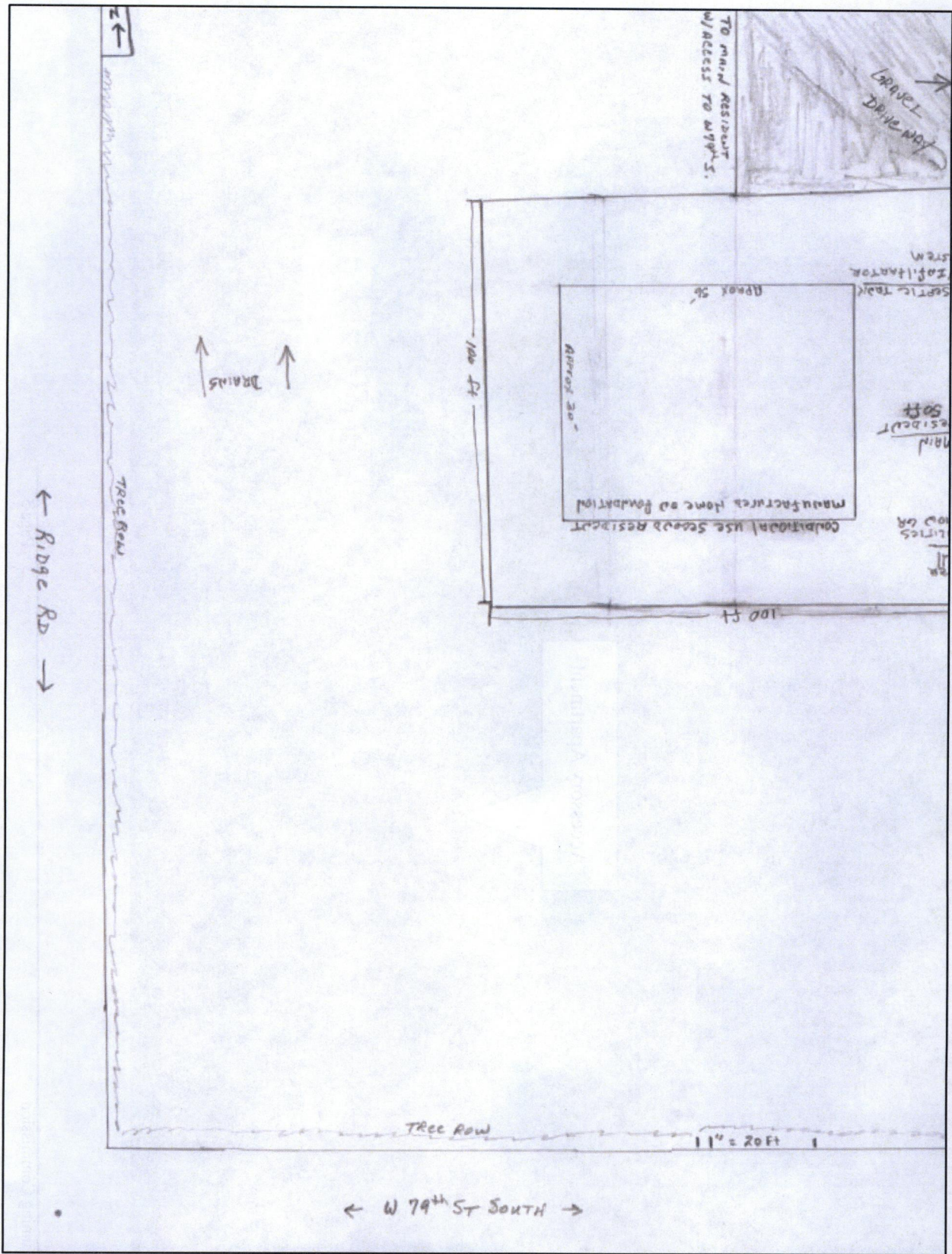
- (1) The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.
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-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

This recommendation is based on the following findings:

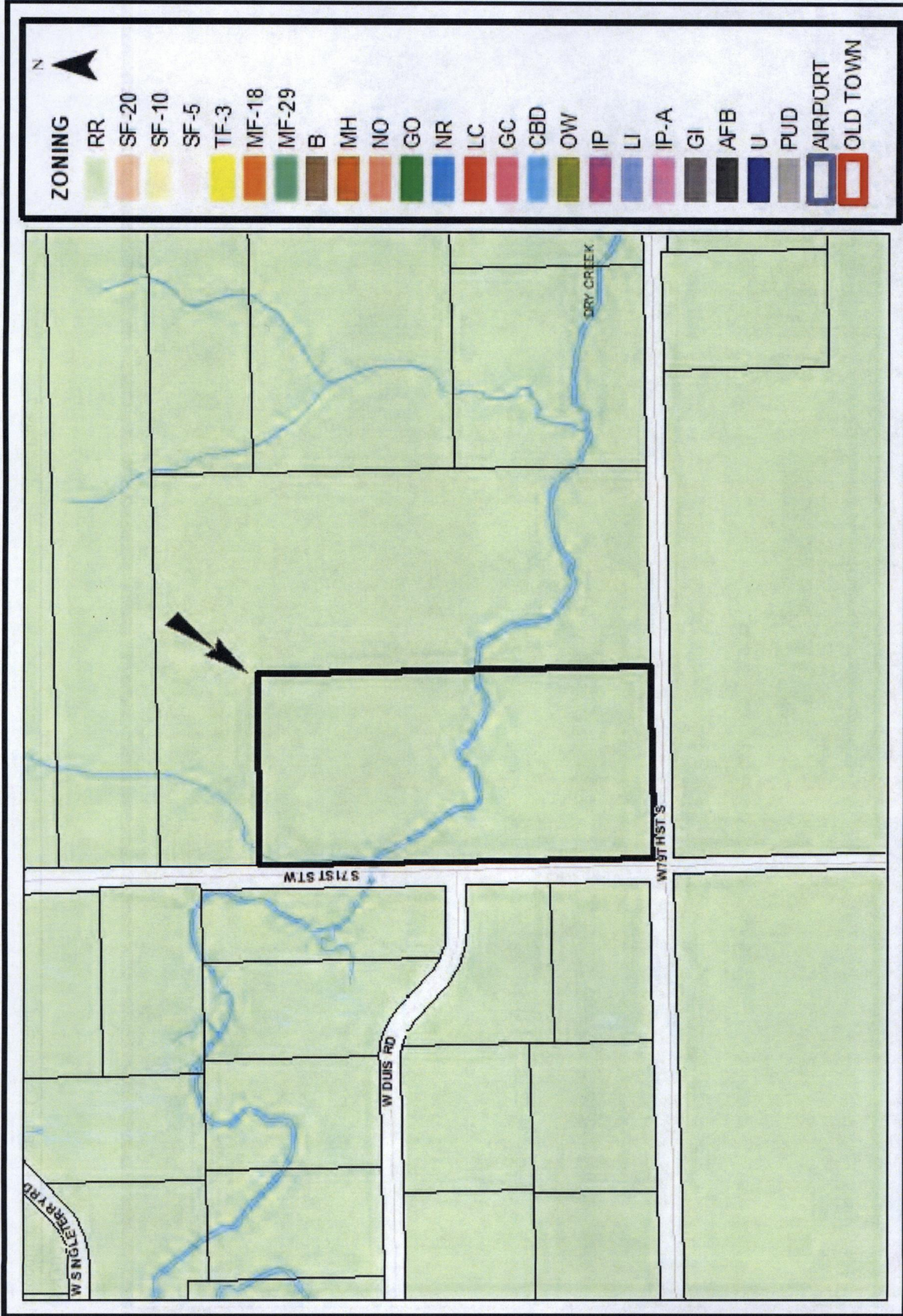
- (1) **The zoning, uses and character of the neighborhood:** Properties north, east, south, and west are zoned RR Rural Residential. Property to the north is developed with a single-family dwelling with accessory structures is used for agricultural. Property to the east is under common ownership with the subject site and is used for agricultural purposes. Property to the south is used for agricultural purposes. Property to the west is developed with a single-family dwelling and accessory structures.
- (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) **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.
- (5) **Impact of the proposed development on community facilities:** Staff expect that there will be minimal impact on public roads and services.

Attachments:

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

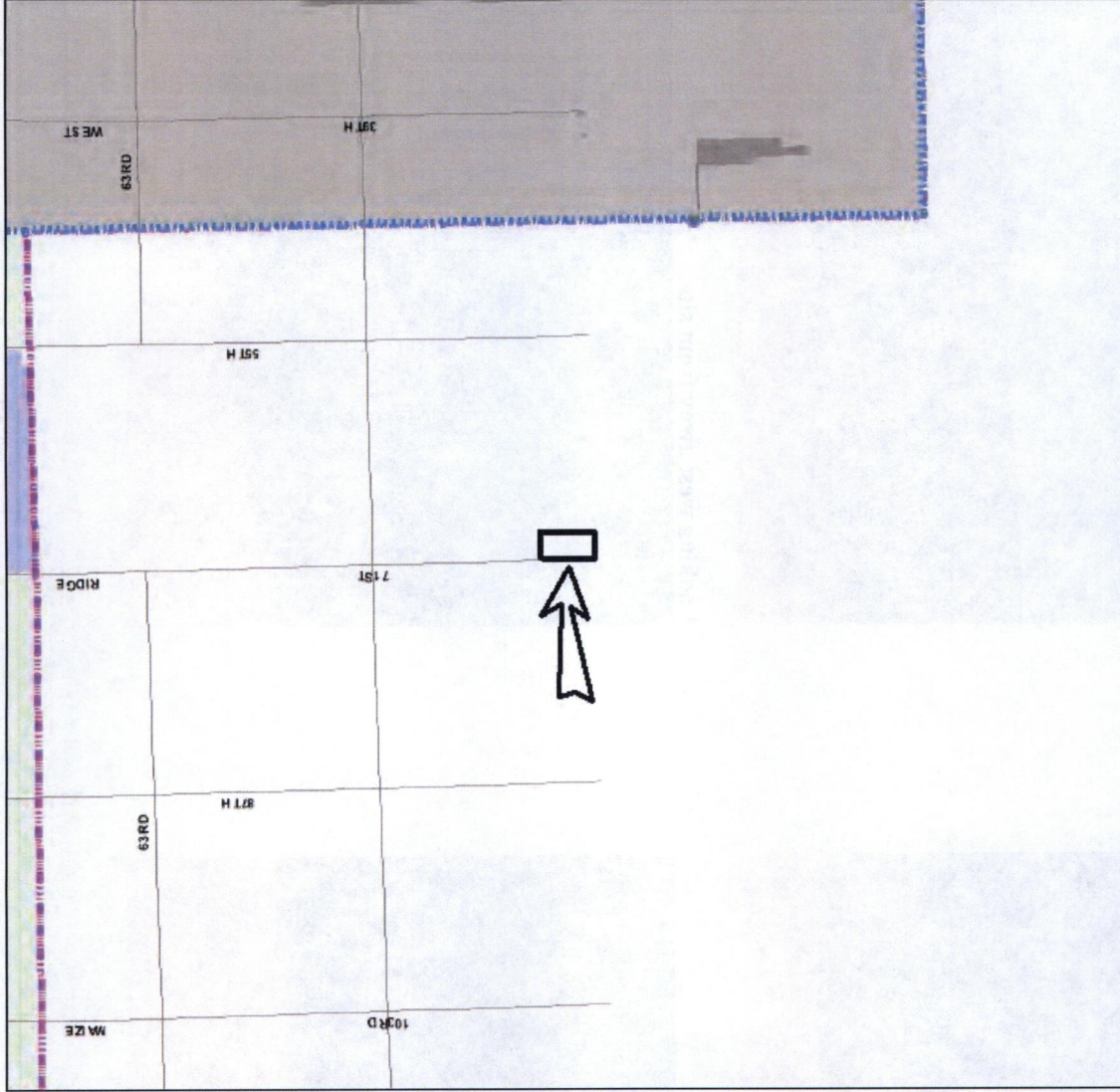






2035 Wichita Future Growth Concept Map

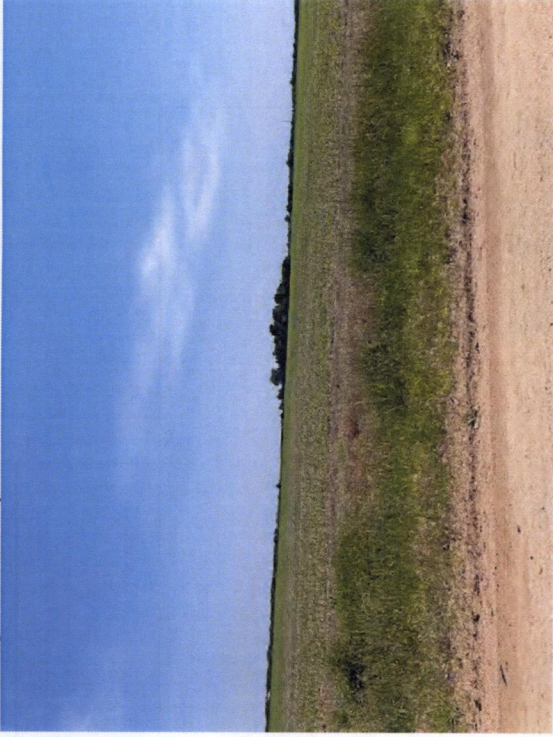
- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Nhbhd_Plan_Areas



Looking north at site



Looking south away from site



Looking north at main house on site



Looking west away from site

