



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

November 19, 2021

Kimberly McDowell  
14522 E. 63<sup>rd</sup> Street S.  
Derby, KS 67037

K.E. Miller Engineering  
Attn: Kirk Miller  
117 E. Lewis  
Wichita, KS 67202

**RE: CON2021-00049-** County Conditional Use to allow an Accessory Apartment on 4.7 acres on property zoned RR Rural Residential; generally located 350 feet east of the intersection of S. 143rd Street E. on the north side of E. 63rd Street S. (14522 E. 63rd Street S.).

Dear Applicant:

At its regular meeting on **November 18, 2021**, 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 conditions in the enclosed resolution.

No protest petitions were filed against this application. Therefore, the MAPC's decision is final.

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

Sincerely,

A handwritten signature in blue ink that reads 'Kathy L. Morgan'.

Kathy L. Morgan, Senior Planner  
Current Plans Division

Copies to: MABCD  
Jim Howell, BoCC District 5  
Public Information Officer Sedgwick County  
Justin Waggoner, County Law



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**RE: CON2021-00049-** County Conditional Use to allow an Accessory Apartment on 4.7 acres on property zoned RR Rural Residential; generally located 350 feet east of the intersection of S. 143rd Street E. on the north side of E. 63rd Street S. (14522 E. 63rd Street S.).

Dear Applicant:

At its regular meeting on **November 18, 2021**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC 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 single-family residence (located at 14522 East 63<sup>rd</sup> Street South) and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.
- (2) and wastewater 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. The property is located in Rural Water District #03.
- (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 December 2, 2021. 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

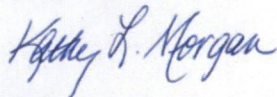
partially located within 200 feet of the property for which the application was filed, and must be submitted to the County Clerk by **December 2, 2021 at 5:00 p.m.**

If no valid protests or appeals opposing the action of the MAPC are filed with the County Clerk by **5:00 p.m. on Thursday, December 2, 2021**, the action of the MAPC will be considered final.

If a protest or an appeal of the decision of the MAPC is filed, the application will be forwarded to the Board of County Commissioners for consideration on **January 5, 2022**.

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,



Kathy L. Morgan, Senior Planner  
Current Plans Division

Copies to: MABCD  
Jim Howell, BoCC District 5  
Public Information Officer Sedgwick County  
Justin Waggoner, County Law

CONDITIONAL USE RESOLUTION NO. CON2021-00049

WHEREAS, Kimberly McDowell, Owner, 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 Zoning District; generally located 50 feet east of the intersection of South 143rd Street East on the north side of East 63rd Street South (14522 E. 63rd Street S.).

Legally described as:

The East 337.50 feet of the West 675 feet of the South 660 feet of the Southwest Quarter of Section 25, Township 28 South, Range 2 East of the 6<sup>th</sup> 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 18, 2021, 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 Zoning District legally described as:

The East 337.50 feet of the West 675 feet of the South 660 feet of the Southwest Quarter of Section 25, Township 28 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas

Approved subject to the following conditions:

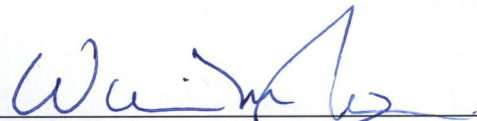
- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 14522 East 63<sup>rd</sup> Street South) and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.
- (2) Water and wastewater 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 18th Day of November 2021.

METROPOLITAN AREA PLANNING COMMISSION

Attest:

  
\_\_\_\_\_  
Scott Wadle, Secretary

  
\_\_\_\_\_  
William M. Johnson, Chairman

# 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

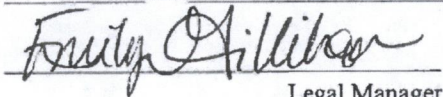
## The Derby Informer

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.

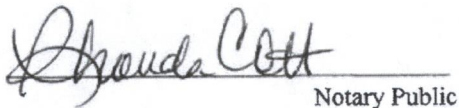
Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class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

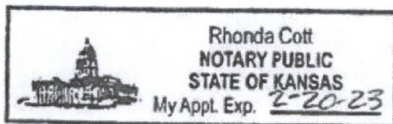
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 27th day of October 2021, with subsequent publications being made on the following dates:

N/A

  
Legal Manager

Subscribed and sworn to before me this 27th day of October, 2021.

  
Notary Public



Official Hearing Notice - MAPC November 18, 2021

Printer's Fee: \$44.24

Additional copies: \$ \_\_\_\_\_

Legal Publication  
OCA 150004

Published in The Derby Informer on October 27, 2021

### MAPC November 18, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 18, 2021 no earlier than 4:30 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.

CON2021-00048: County Conditional Use for RV Campground on property zoned RR Rural Residential located 700 feet east of South 167th Street West, one-half mile north of West 55th Street South (16519 West 51st Street South)

CON2021-00049: County Conditional Use to allow and accessory structure on 4.7 acres on property zoned RR Rural Residential; generally located 350 feet east of the intersection of S. 143rd Street E. on the north side of E. 63rd Street S. (14522 E. 63rd Street S.)

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: Scott Wadle 271 W. 3rd 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](https://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](http://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 October 27, 2021

Scott Wadle, Secretary  
WichitaSedgwick County  
Metropolitan Area Planning Commission

**STAFF REPORT**  
MAPC: November 18, 2021

**CASE NUMBER:** CON2021-00049 (County)

**APPLICANT/OWNER:** Kimberly McDowell (owner) / K.E. Miller Engineering, Kirk Miller (Agent)

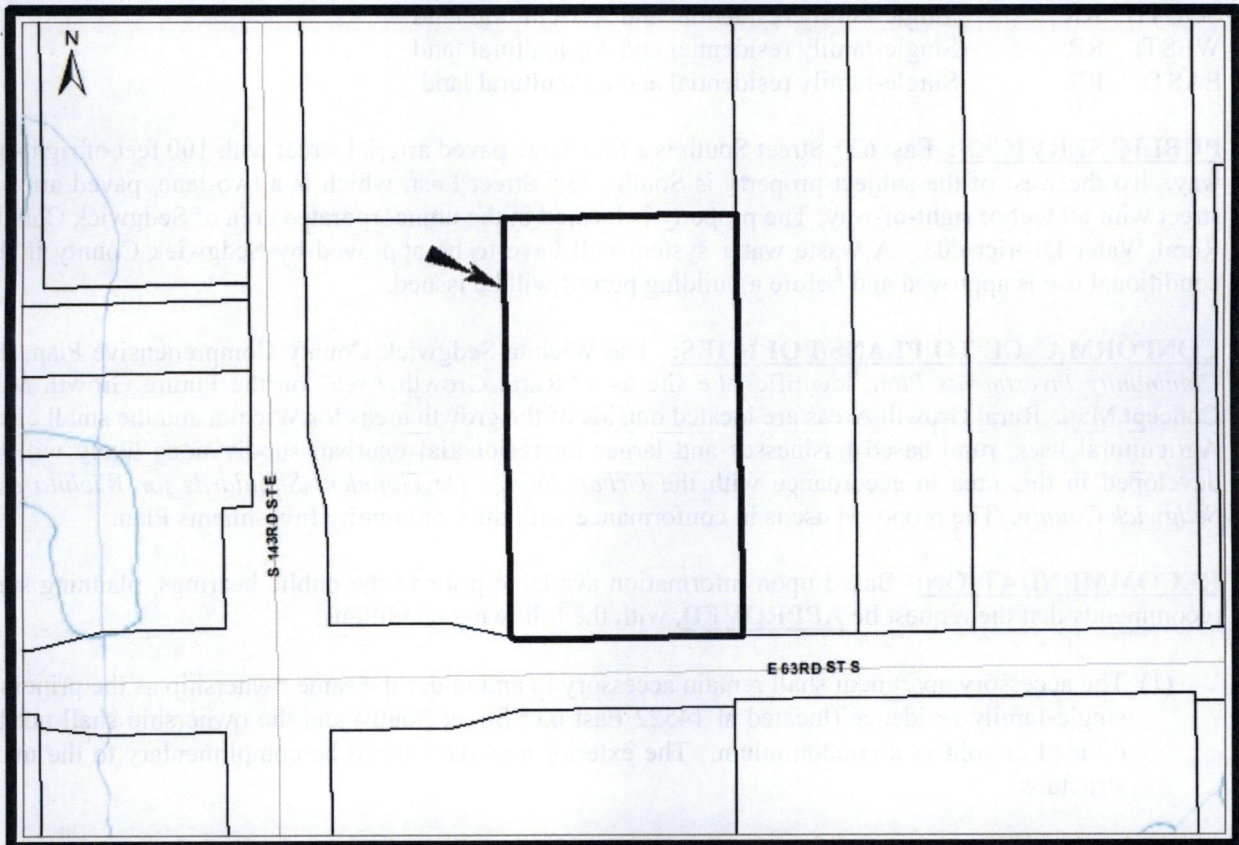
**REQUEST:** Conditional Use to permit an Accessory Structure

**CURRENT ZONING:** RR Rural Residential

**SITE SIZE:** 4.75 acres

**LOCATION:** Generally located 350 feet east of the intersection of S. 143rd Street E. on the north side of East 63rd Street South (14522 E. 63rd Street S.)

**PROPOSED USE:** Accessory Dwelling Unit



**BACKGROUND:** The applicant is requesting a Conditional Use to allow a separate accessory dwelling unit. The property is zoned RR Rural Residential and is generally located 350 feet east of the intersection of S. 143rd Street E. on the north side of East 63rd Street South (14522 E. 63rd Street S.). The applicant has indicated they will not be renting the accessory apartment.

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.

The surrounding properties to the north, east, south, and west are zoned RR. The uses include single-family residences and agricultural land.

**CASE HISTORY:** The property is unplatted and no other zoning cases are associated with the property.

**ADJACENT ZONING AND LAND USE:**

NORTH: RR	Single-family residential and Agricultural Land
SOUTH: RR	Single-family residential and Agricultural land
WEST: RR	Single-family residential and Agricultural land
EAST: RR	Single-family residential and agricultural land

**PUBLIC SERVICES:** East 63<sup>rd</sup> Street South is a four-lane, paved arterial street with 100 feet of right-of-way. To the west of the subject property is South 143<sup>rd</sup> Street East, which is a two-lane, paved arterial street with 80 feet of right-of-way. The property is located in the unincorporated area of Sedgwick County Rural Water District #03. A waste water system will have to be approved by Sedgwick County if the conditional use is approved and before a building permit will be issued.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as a “Rural Growth Area” on the Future Growth Map Concept Map. Rural Growth Areas are located outside of the growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses and larger lot residential exurban subdivisions likely will be developed in this area in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*. The proposed use is in conformance with the Community Investments Plan.

**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 (located at 14522 East 63<sup>rd</sup> Street South) and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.
- (2) On-site water and wastewater services shall be 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.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The surrounding properties to the north, east, south, and west are zoned RR. The uses include single-family residences and 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 which permits the existing single-family residence. The property will continue to be used for the existing single-family residence; the size of the property easily accommodates a separate accessory dwelling unit 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 parking on site. The nearest residence is approximately 300 feet southeast of the location of the proposed accessory dwelling unit. 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 Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as “Rural Growth Area” on the Future Growth Map Concept Map. Rural Growth Areas are located outside of the growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses and larger lot residential exurban subdivisions likely will be developed in this area in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*. The proposed use is in conformance with the Community Investments Plan.
- (5) **Impact of the proposed development on community facilities:** Staff expect that there will be minimal impact on public roads and no impact to water and sewer service.

Attachments:

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

Aerial Map

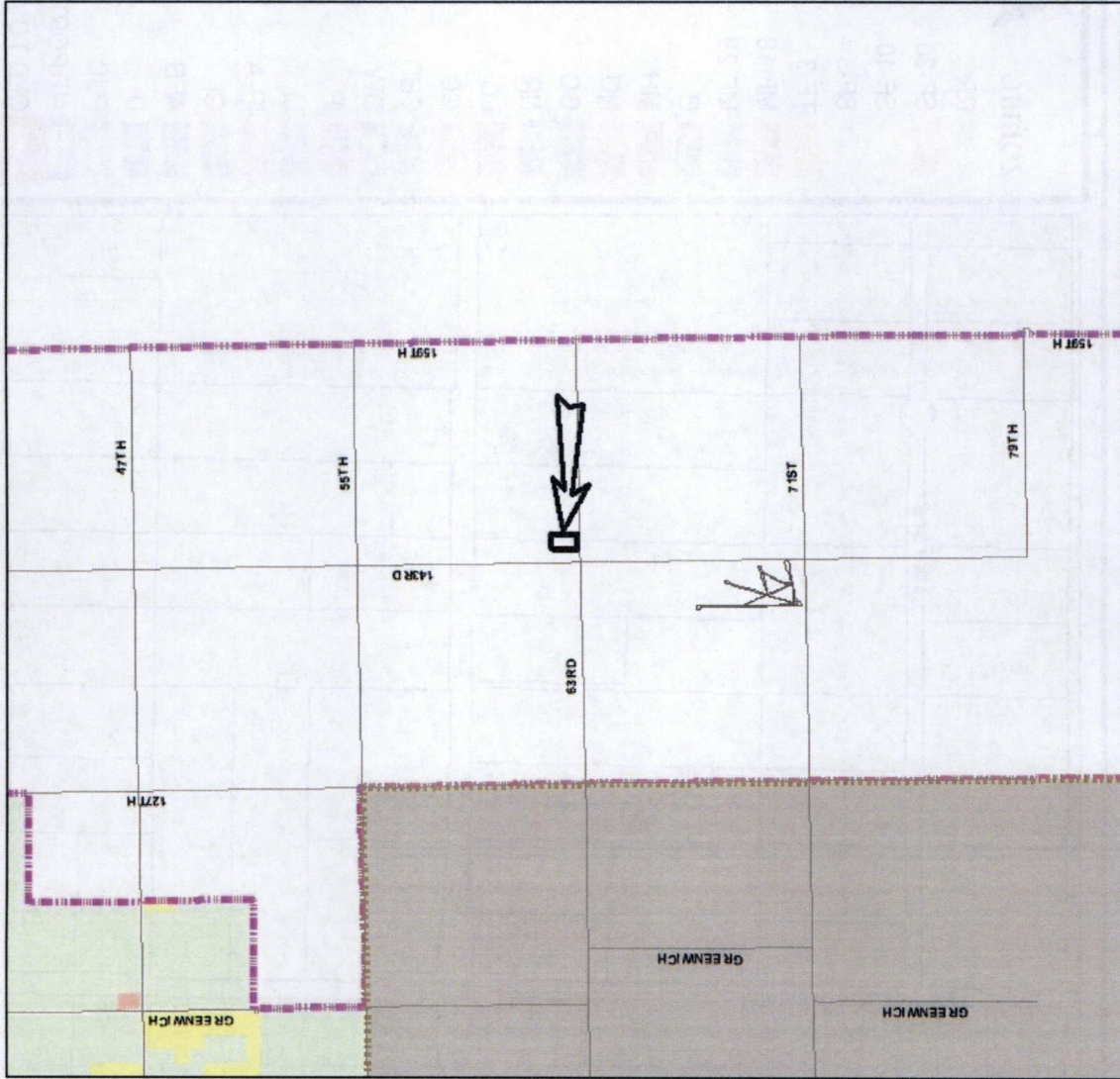


Zoning Map



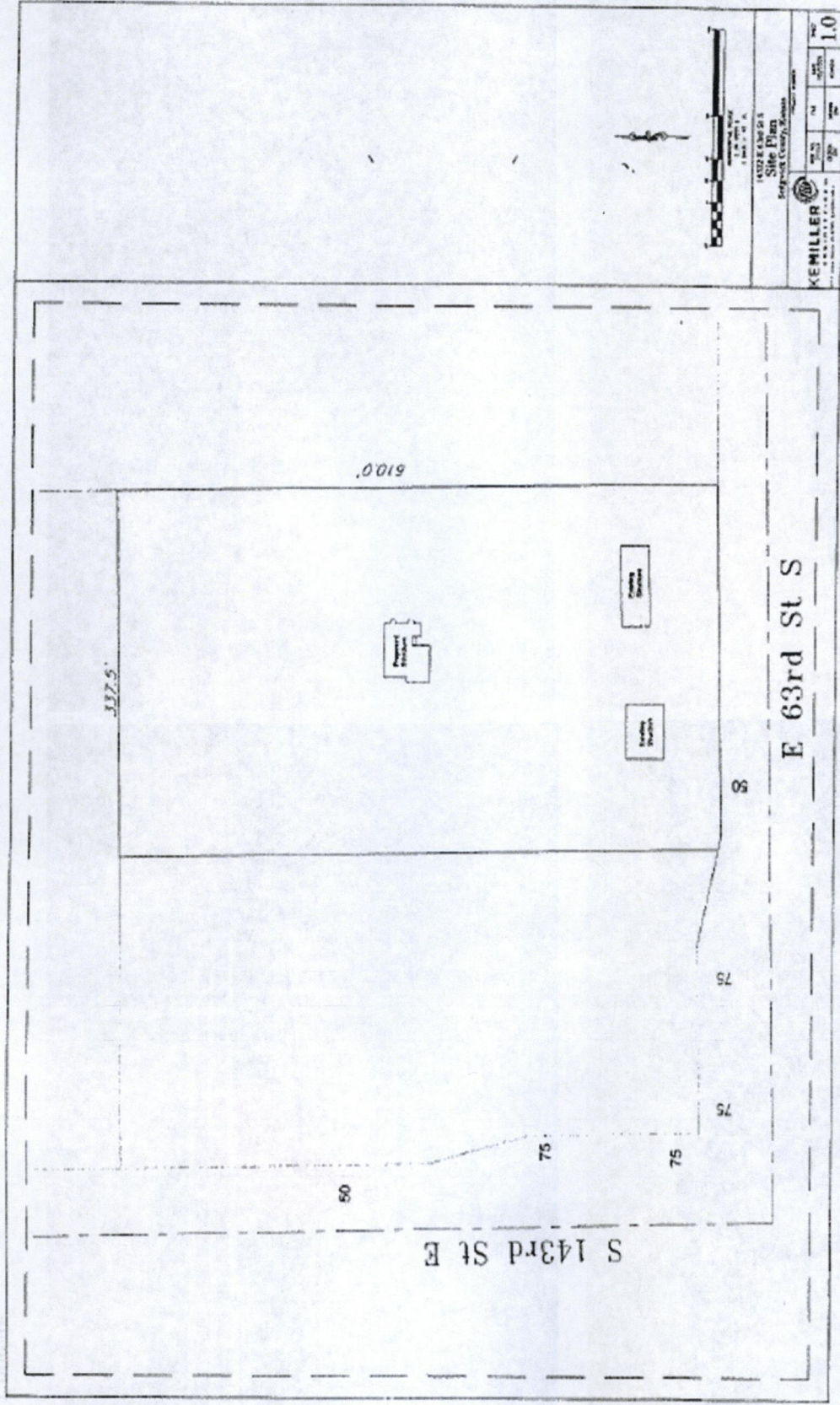
**2035 Wichita  
Future Growth  
Concept Map**

- 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
  - Neighb. Plan\_Areas

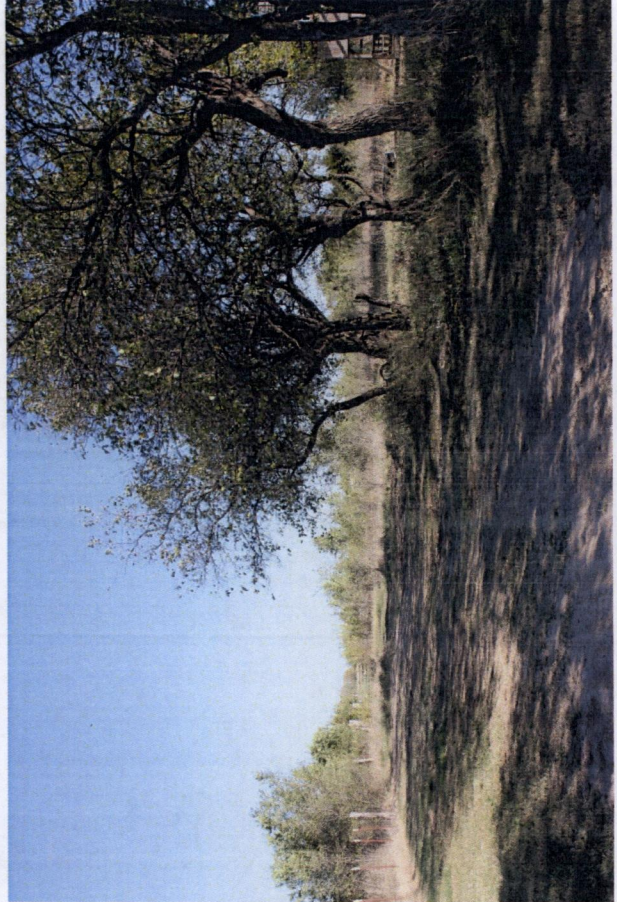


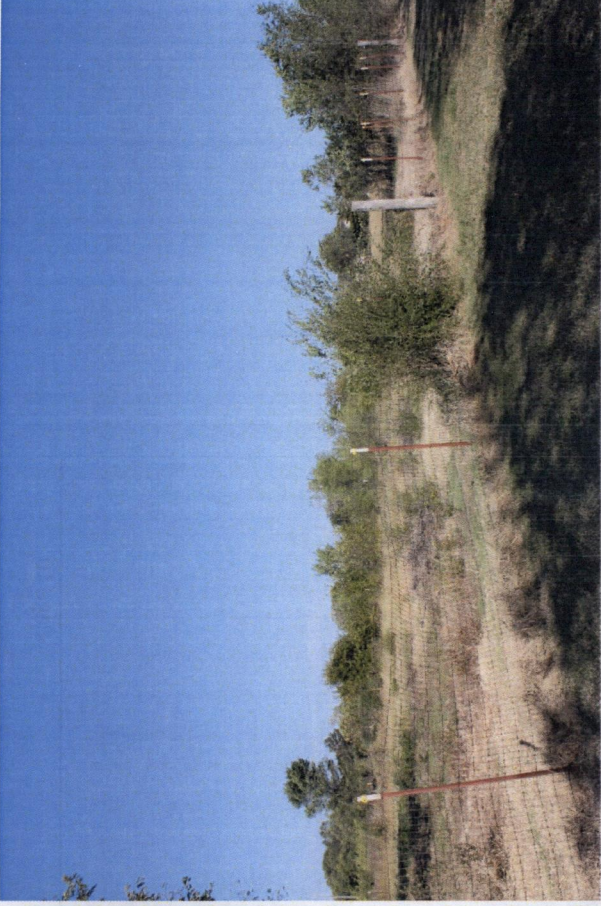
Site Plan

Approved by City of Lincoln, Nebraska  
CC-2021-00049

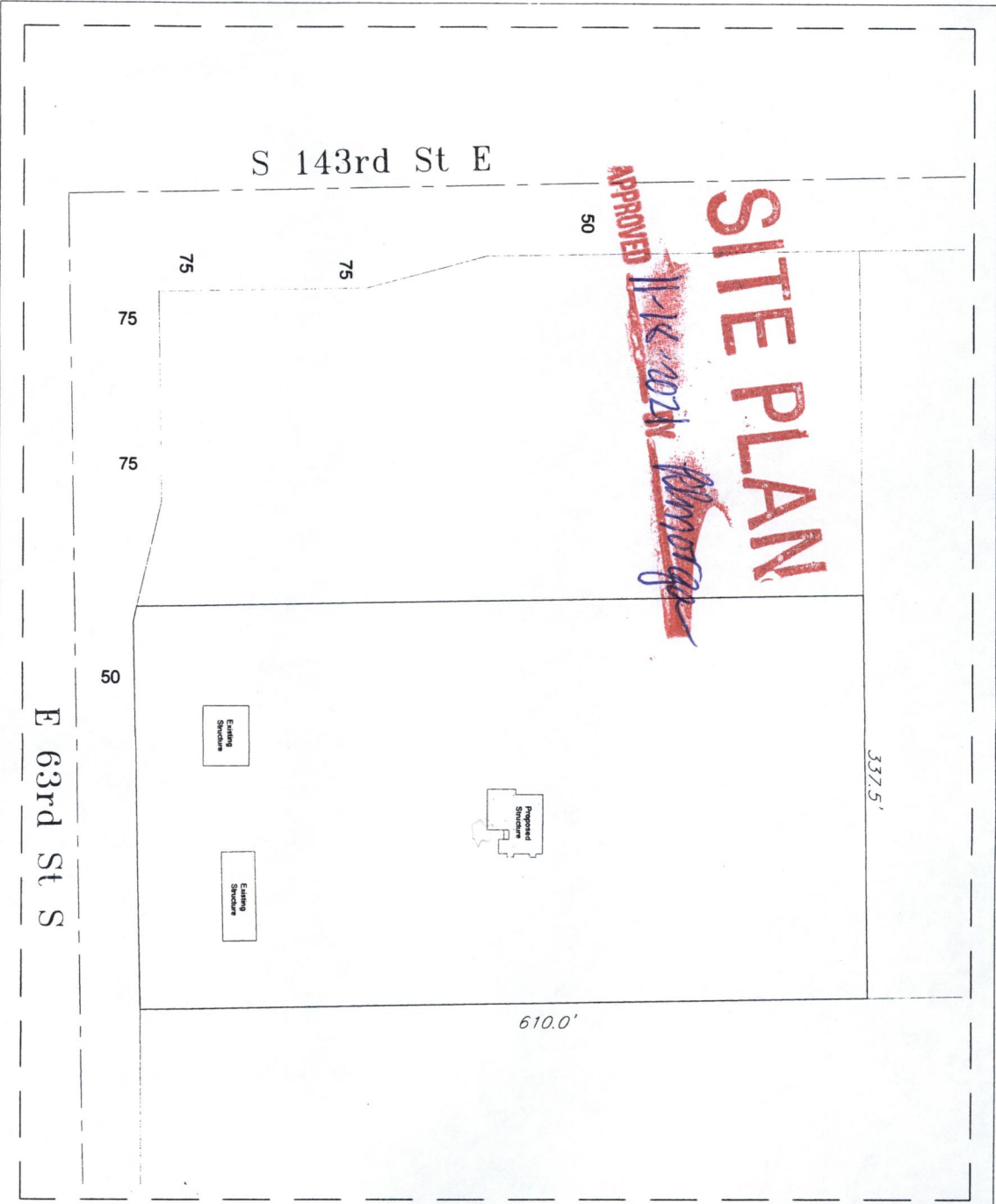


Photos









**KEMILLER ENGINEERING**  
 14322 E 63rd St S  
 Sedgewick County, Kansas

DATE	BY	SCALE
01/15/15	AK	1/8" = 1'-0"
05/08/15	DM	1/8" = 1'-0"
07/20/15	AK	1/8" = 1'-0"
08/03/15	DM	1/8" = 1'-0"
PROJECT NUMBER		1.0

