



Wichita-Sedgwick County Metropolitan Area Planning Department

June 7, 2023

Christopher Sharp
19103 West 109th Street North
Wichita, KS 67135

RE: CON2023-00009: Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential District; generally located south of West 109th Street North and approximately one-half mile west of North 183rd Street West (19103 West 109th Street North).

Dear Applicant;

At its regular meeting on **June 7, 2023**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BOCC was to recommend **APPROVE** the request with the following conditions:

- (1) The applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
- (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 site plan.
- (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.

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

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Associate Planner



Wichita-Sedgwick County Metropolitan Area Planning Department

April 27, 2023

Christopher Sharp
19103 West 109th Street North
Wichita, KS 67135

RE: CON2023-00009: Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential District; generally located south of West 109th Street North and approximately one-half mile west of North 183rd Street West (19103 West 109th Street North).

Dear Applicant;

At its regular meeting on **April 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 applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
- (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 site plan.
- (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.

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 May 11, 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 **May 11, 2023 at 5:00 p.m.**

As a reminder, on **Monday, May 1, 2023**, the Citizens Advisory Board (CAB) District 3 will consider this item. This meeting is held at the Goddard District Conference Center, located at 315 South Main Street, Goddard, and begins at 7:00 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, June 7, 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

Copies to: MABCD
David Dennis, Citizen Advisory Board District 3

A RESOLUTION TO APPROVE A CONDITIONAL USE FOR AN ACCESSORY APARTMENT ON PROPERTY ZONED RR RURAL RESIDENTIAL, CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

WHEREAS, Christopher Sharp, (Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 19103 West 109th Street North, and legally described as:

A tract in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas: Beginning at the Northwest corner of said Northeast Quarter; thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 598.0 feet; thence West parallel with the North line of said Northeast Quarter for 573.0 feet; thence Northwesterly for 88 feet, more or less, to the West line of said Northeast Quarter; thence North for 583.0 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 April 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 19103 West 109th Street North, and legally described as:

A tract in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas: Beginning at the Northwest corner of said Northeast Quarter; thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 598.0 feet; thence West parallel with the North line of said Northeast Quarter for 573.0 feet; thence Northwesterly for 88 feet, more or less, to the West line of said Northeast Quarter; thence North for 583.0 feet to the point of beginning.

Approval of the application is subject to the following conditions:

1. The applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
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 site plan.
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
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 7 day of June, 2023.

ATTEST:



Kelly B. Arnold
KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

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

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

APPROVED AS TO FORM:

Kirk W. Spönsel
KIRK W. SPÖNSEL
Assistant County Counselor

Sarah Lopez
SARAH LOPEZ
Commissioner, Second District

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

Ryan K. Baty
RYAN K. BATY
Commissioner, Fourth District

Public notice

(Published in The Ake Valley News June 16, 2023.)

RESOLUTION NO. 112-0223

A RESOLUTION TO APPROVE A CONDITIONAL USE FOR AN ACCESSORY APARTMENT ON PROPERTY ZONED RR RURAL, RESIDENTIAL, CERTAIN LOTS LOCATED WITHIN THE UNIFIED ZONING CODE OF SEDGWICK COUNTY, KANSAS, UNDER AUTHORITY GRANTED BY THE WICHITA, SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V.0 AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1994, AND SUBSEQUENTLY AMENDED.

WHEREAS, Christopher Shinn (Applicant) pursuant to Section V.0 of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), on property zoned Rural Residential at 19103 West 109th Street North, and legally described as:

A lot in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 8th P.M., Sedgwick County, Kansas; Beginning at the Northwest corner of said Northeast Quarter; thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 598.0 feet; thence West parallel with the North line of said Northeast Quarter for 573.0 feet; thence Northeastly for 80 feet; or until the point of beginning; or until the point of beginning; North for 583.0 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 MAPCO) has been given; and

WHEREAS, the MAPCO did, at the meeting of April 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 approved the application, the Board of County Commissioners hereby grants the authority granted by Section V.0 of the Unified Zoning Code, the Board of County Commissioners approve the application to allow a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 19103 West 109th Street North, and legally described as:

A lot in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 8th P.M., Sedgwick County, Kansas; Beginning at the Northwest corner of said Northeast Quarter; thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 598.0 feet; thence West parallel with the North line of said Northeast Quarter for 573.0 feet; thence Northeastly for 80 feet; or until the point of beginning; or until the point of beginning; North for 583.0 feet to the point of beginning.

Approval of the application is subject to the following conditions:

1. The applicant shall submit an Administrative Adjustment to resolve the rear setback of the subject accessory apartment. This Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.

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 complementary to the main structure.

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

4. The applicant shall obtain all applicable permits including, but not limited to, building, health and safety. This will include stormwater permits for water and approval by the MAPCO.

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

6. If the Zoning Administrator finds that there is a violation of any of the conditions of this Resolution, the applicant shall be liable, 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 applicant shall 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 at said meeting:

FRANK E. SARTZBERG
KARL L. LOTT
WYATT E. SAUT
MAYNIE W. SPRELL

Present via Teleconference:

CLYDE W. WILSON
DANIEL J. WILSON

BOARD OF COUNTY COMMISSIONERS
SEGWICK COUNTY, KANSAS
JUNE 16, 2023
BY: [Signature] CLERK

APPROVED AS TO FORM:
[Signature] Planning Director
[Signature] Clerk
[Signature] Auditor
[Signature] Treasurer
[Signature] Assessor
[Signature] Sheriff
[Signature] District Attorney
[Signature] County Engineer
[Signature] County Surveyor
[Signature] County Administrator

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 15th day of June, 2023, with subsequent publications being made on the following dates:

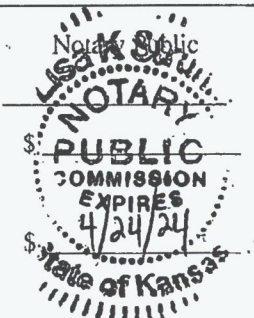
_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

[Signature]

Subscribed and sworn to before me this 15th day of June, 2023.

[Signature]

My commission expires _____
Additional copies \$ _____
Printer's fee \$ _____



Public notice

(Published in The Ark Valley News April 6, 2023.) TDFyV0xPVDBXUT09

MAPC April 27, 2023 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 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.

CON2023-00009: Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential District; generally located south of West 109th Street North and approximately one-half mile west of North 183rd Street West (19103 West 109th Street North).

ZON2023-00014: Zone change request in the County from RR Rural Residential District to GC General Commercial District to bring an existing property into compliance; generally located on the south side of West 23rd Street South and 400 feet east of West 167th Street South (11625 West 23rd Street South).

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=a0k3bW0ySIBNbfJQ>

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/j/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 April 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 April, 2023, with subsequent publications being made on the following dates:

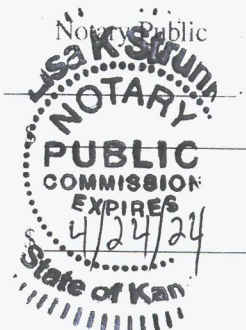
_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

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

My commission expires _____

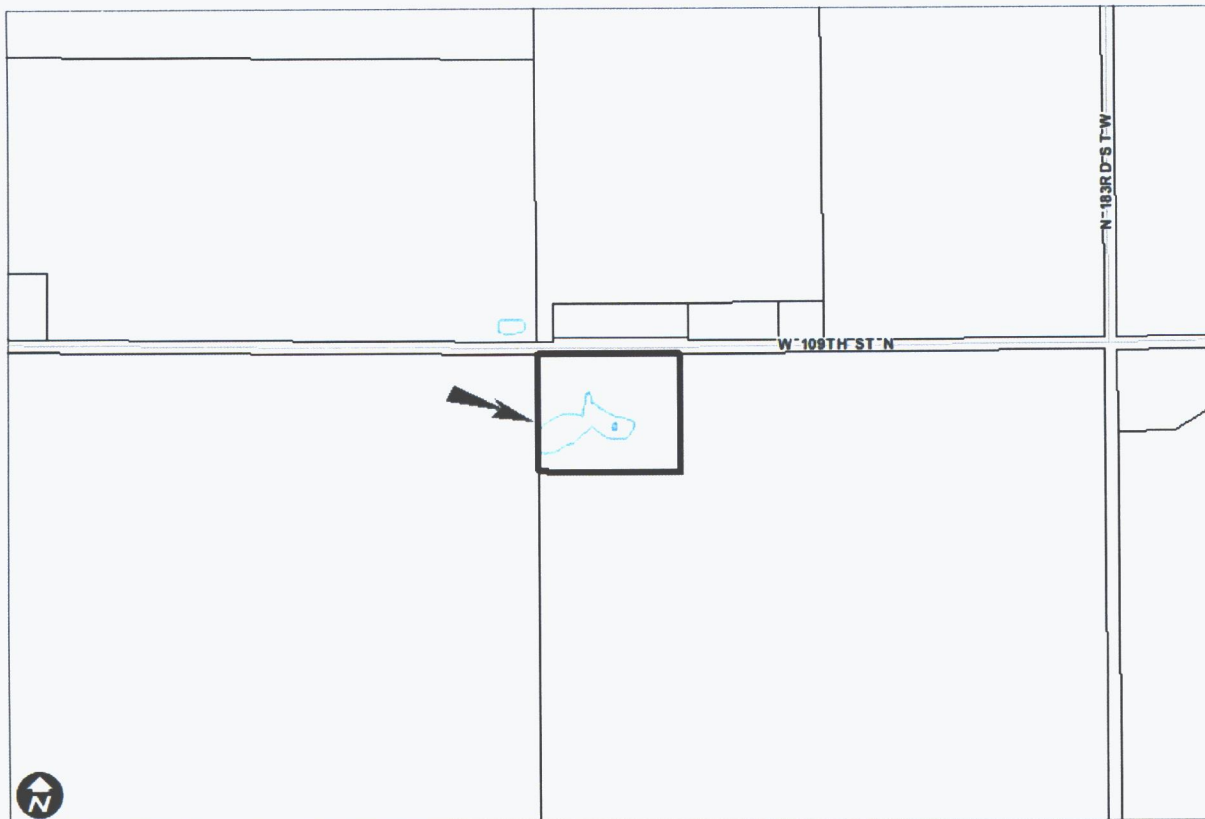
Additional copies _____

Printer's fee _____



STAFF REPORT
MAPC: April 27, 2023
CAB 3: May 1, 2023

-
- CASE NUMBER:** CON2023-00009 (County)
- APPLICANT/OWNER:** Christopher Sharp (Applicant)
- REQUEST:** Conditional Use to permit an Accessory Apartment
- CURRENT ZONING:** RR Rural Residential
- SITE SIZE:** 8.49 acres
- LOCATION:** Generally located on the south side of West 109th Street North, west of North 183rd Street West (19103 West 109th Street).
- 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 8.49-acre subject site is generally located on the south side of West 109th Street North, west of North 183rd Street West (19103 West 109th Street). This unplatted lot is developed with a two-story, single-family residence, two detached one-story garages, and a small shed.

The applicant proposes to convert one of the existing garages into an Accessory Apartment. A site plan illustrates that access to the proposed Accessory Apartment will be via an existing dirt access road from West 109th Street North that is shared with the adjacent property. The existing garage measures 40 feet by 40 feet and has vertical metal siding, vinyl windows, two garage door openings, and a low-pitch front gable roof. The main structure similarly shares earth tone-colored siding and vinyl windows. It is staff's opinion that the proposed Accessory Apartment meets the Supplementary Use Regulation Art. III.Sec.III-D.6.a that "the appearance of an Accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood".

According to a survey submitted by the applicant, the existing garage that will be converted into an Accessory Apartment sits 2.4 feet from the rear property line and approximately 41 feet from the east property line. Therefore, before additional permits are issued, the applicant will need to file an Administrative Adjustment to reduce the rear setback and bring the structure into compliance.

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.

Properties north, east, south, and west are zoned RR Rural Residential and are in use as agricultural land.

CASE HISTORY: The property is unplatted. Section 3 of the Subdivision Regulations states that any expansion of residential uses is exempt from the platting process. 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: West 109th Street North is a gravel, two-lane county arterial road with open ditches. The property uses a septic system, and 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 applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
- (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 site plan.
- (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 neighborhood is rural. Properties north, east, south, and west are zoned RR Rural Residential 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 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 1996.
- (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 received one phone call from a neighbor that was concerned about the drainage.

Attachments:

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

NE CORNER NE 1/4
SECTION 17, T25S, R27W
FOUND 3/4" IRON PIPE
FROM TIES AT K.S.H.S.

NW CORNER NE 1/4
SECTION 17, T25S, R27W
FOUND 5/8" REBAR
FROM TIES AT K.S.H.S.

N 89°44'20" E 1993.03 (C)

N 89°44'20" E 2463.03 (M)

N 89°44'20" E 660.00 (C)

30' R/W LINE

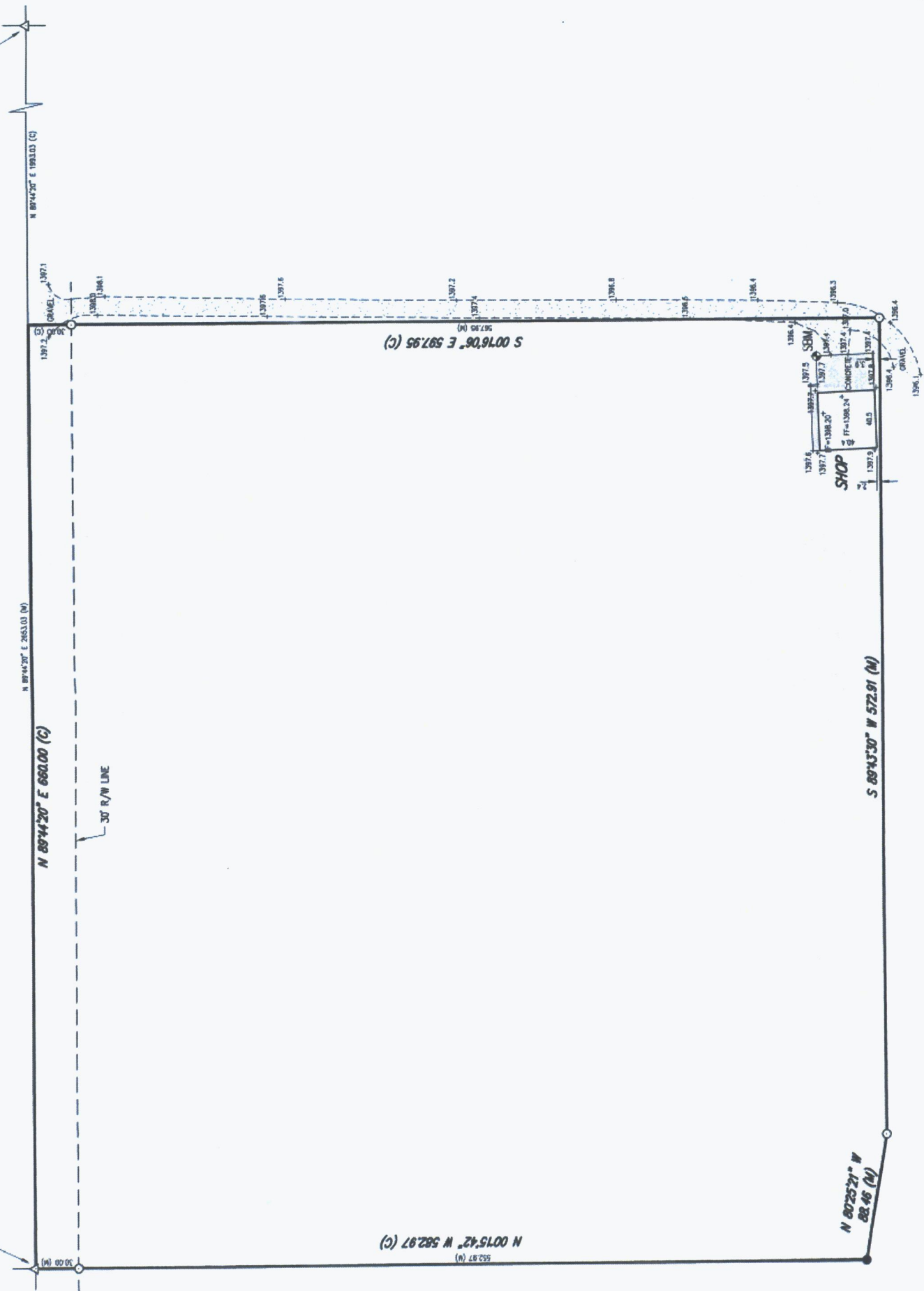
S 00°16'06" E 597.95 (C)

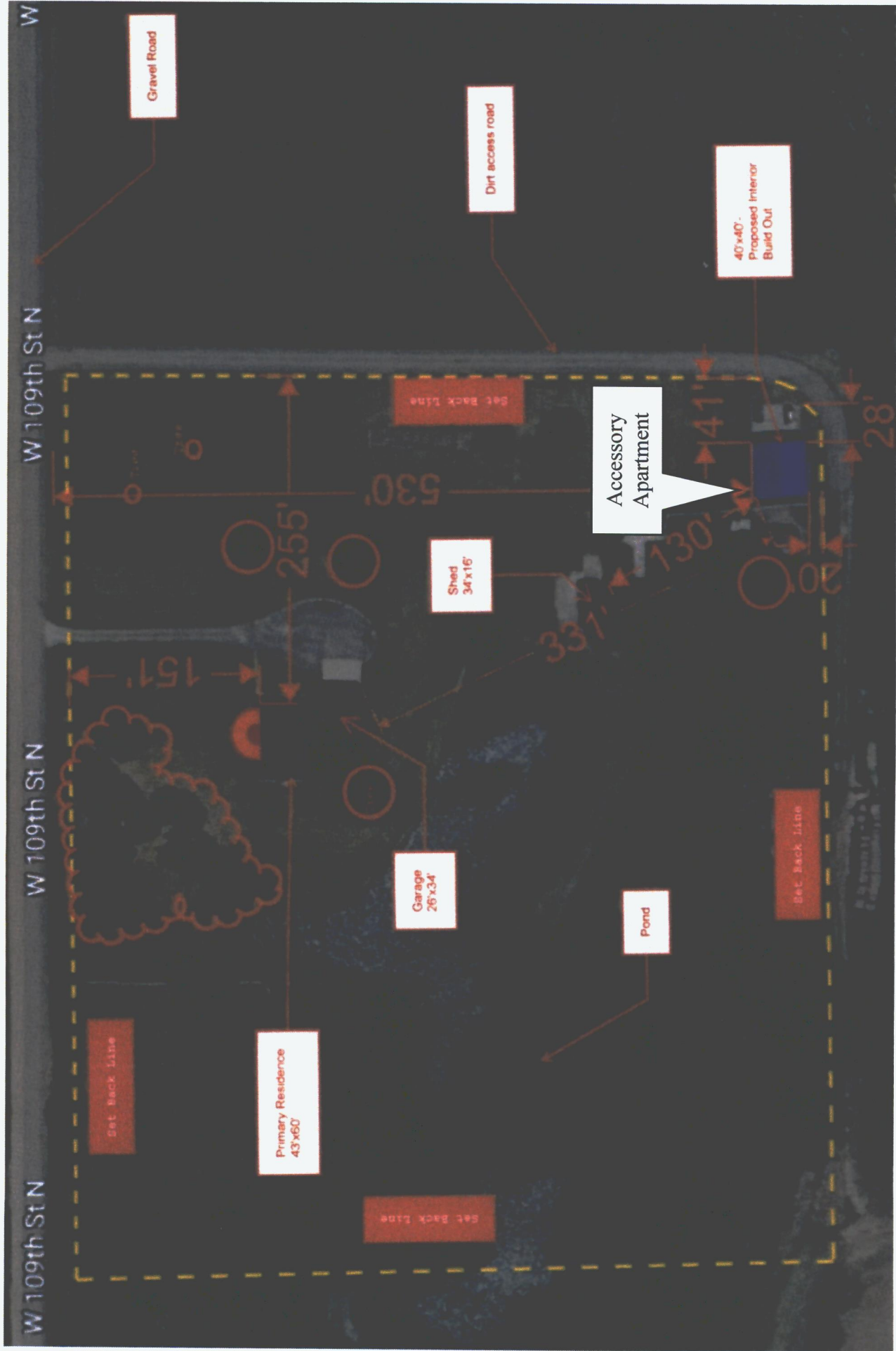
N 00°15'42" W 582.97 (C)

S 89°43'30" W 572.91 (M)

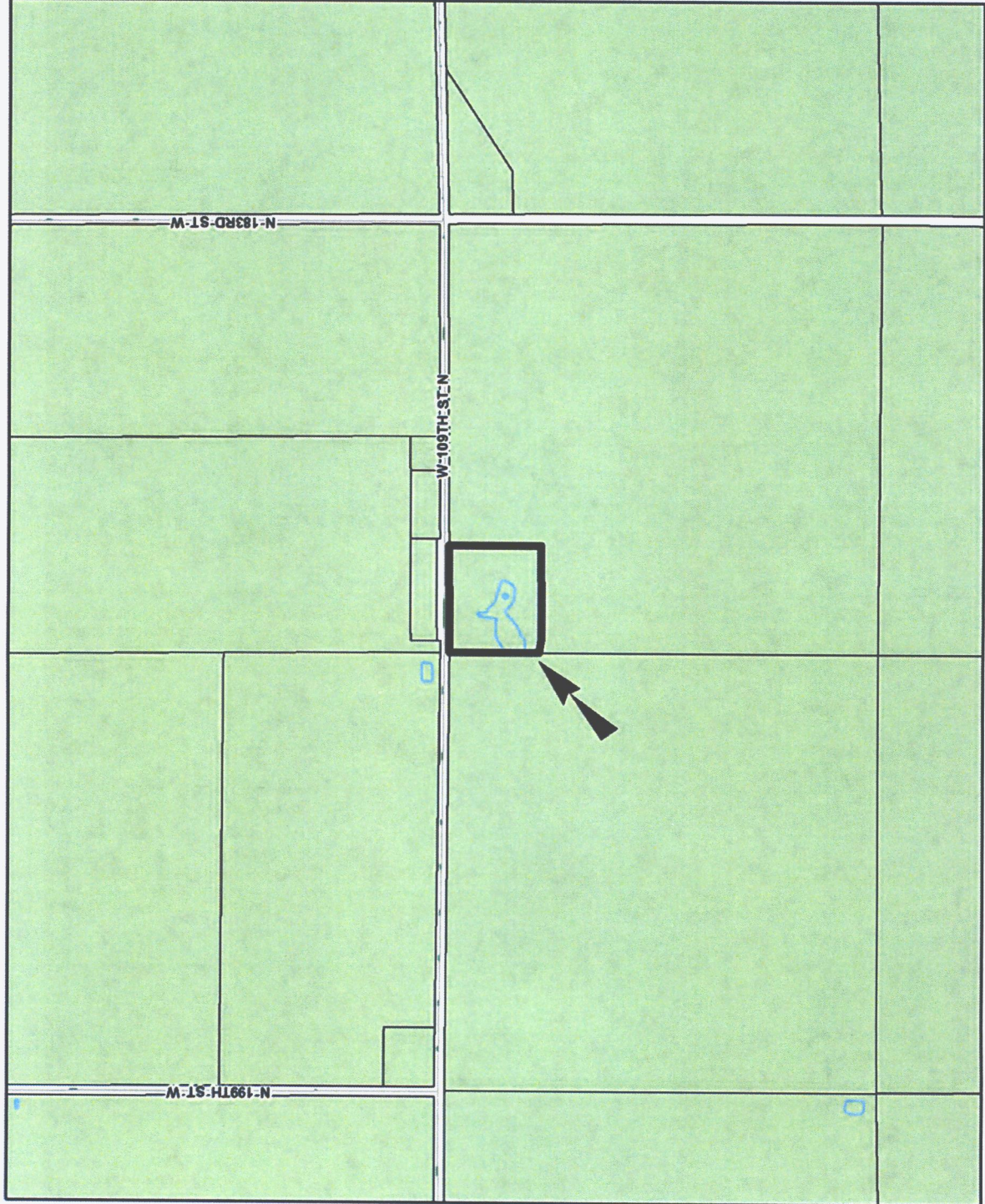
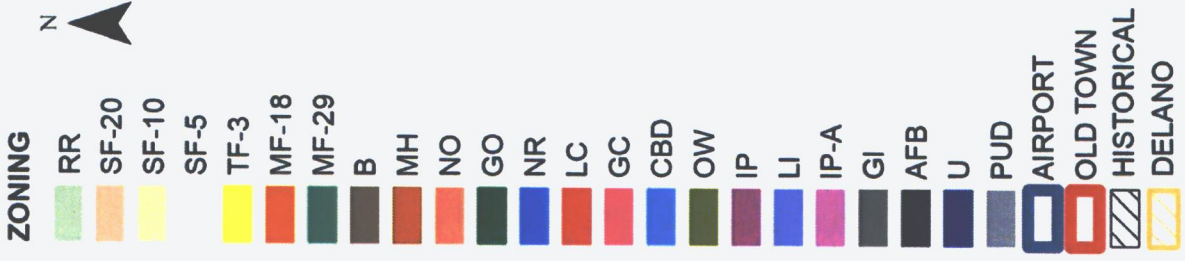
N 80°28'21" W
88.46 (M)

SHOP







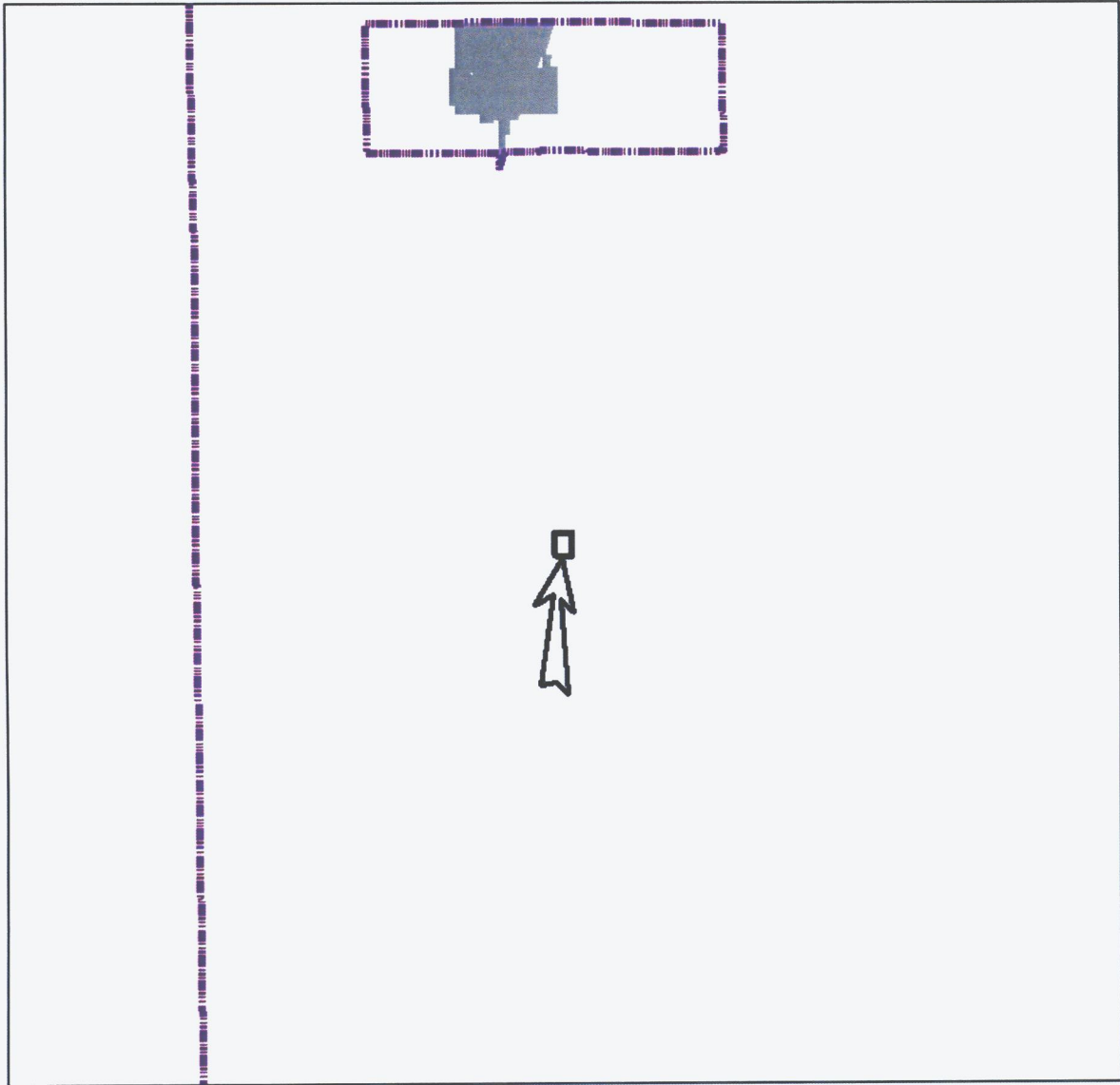


2035 Wichita Future Growth Concept Map

- 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
 - Nghbd_Plan_Areas



Map scale: 1 inch = 1 mile



Looking south towards main structure



Looking west towards proposed Accessory Apartment



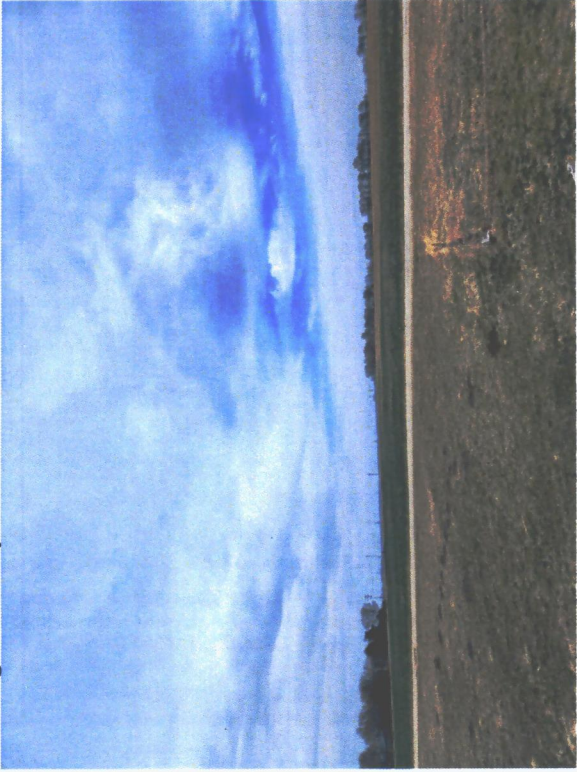
Looking north away from proposed Accessory Apartment



Looking south towards proposed Accessory Apartment



Looking east away from site



Looking north away from site



Looking north towards proposed Accessory Apartment



Looking northeast towards proposed Accessory Apartment



Looking south away from site

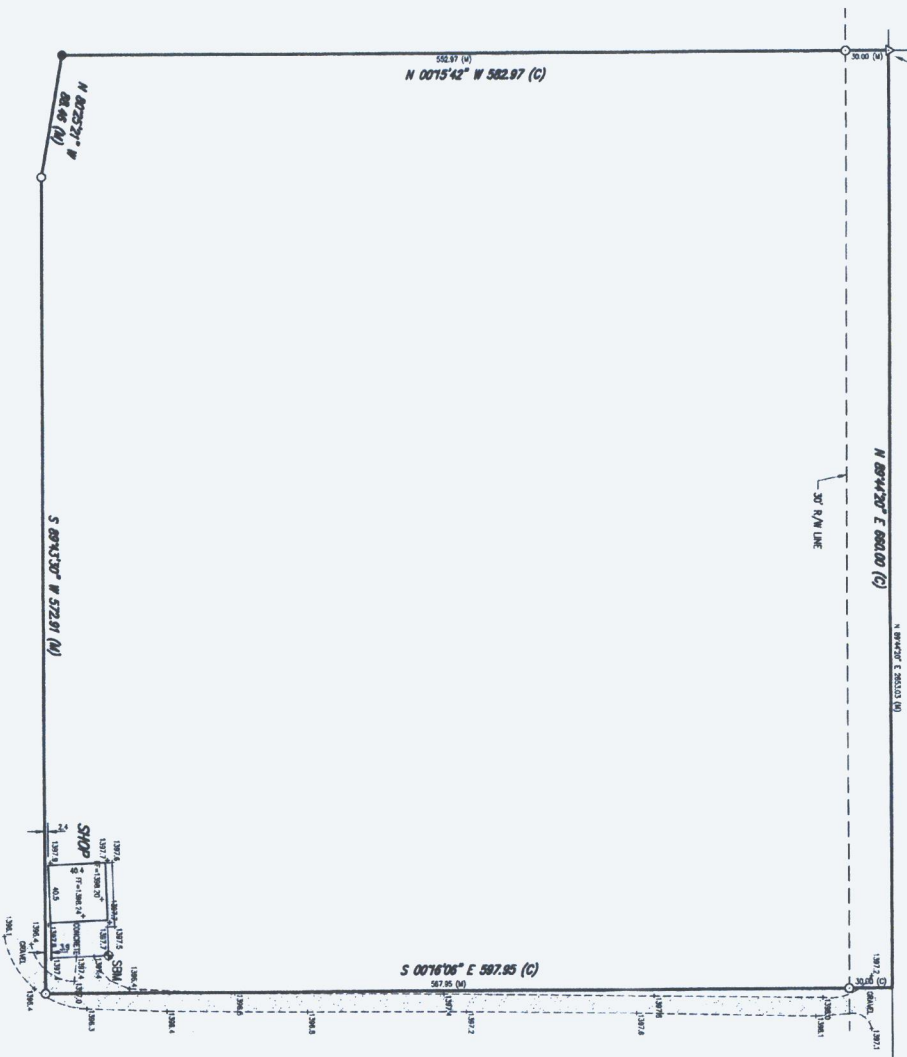


Looking west away from site



NE CORNER NE 1/4 SECTION 17, T26S, R27W FROM 125' AT K.S.A.S.

NE CORNER NE 1/4 SECTION 17, T26S, R27W FROM 125' AT K.S.A.S.



SITE PLAN

10/23/23

MR

LITO P. DOBZEMIELA, P.S. 885
ALPHA LAND SURVEYS, INC.



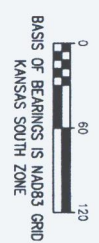
STATE OF KANSAS
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION ON MARCH 4, 2023.

SITE BENCHMARK ON THE NORTHEAST CORNER OF BENTLEY SUBD ON THE EAST SIDE OF 12TH STREET, NEARLY 100 FEET FROM THE SOUTHWEST CORNER OF SUBJECT PROPERTY. ELEVATION=1397.45(MANNOB)

FLOOD ZONE INFORMATION AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR SEDGWICK COUNTY, KANSAS, COMMUNITY PANEL NUMBER 2017SC0004L, EFFECTIVE DATE DECEMBER 22, 2016.
FLOOD ZONE "AE"
WITHOUT BASE FLOOD ELEVATION.
BASE FLOOD ELEVATION = 1397.0 (MANNOB) DETERMINED BY SCALING ON DRAWN CREATED UNDER PROGRAM

GENERAL NOTES:
1) SECTION CORNER REFERENCE TIES FILED WITH THE KANSAS STATE HISTORICAL SOCIETY AND THE SEDGWICK COUNTY PUBLIC WORKS DEPARTMENT AS REQUIRED BY KSA 16A-5-201 WITH THE NORTH LINE OF SAID NORTHEAST QUARTER FOR 90.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER FOR 57.50 FEET THENCE NORTHEASTERLY FOR 66 FEET MORE OR LESS TO THE WEST LINE OF SAID NORTHEAST QUARTER THENCE NORTH FOR 24.00 FEET TO POINT OF BEGINNING. SAID POINT COMMENCES 32.64 ACRES MORE OR LESS SUBJECT TO DRAINAGE ROAD RIGHT-OF-WAY.

- LEGEND**
- - FOUND 1/2" BEAM WITH PLASTIC
 - △ - CAP STAMPED "ALPHA Q.S.-187"
 - R - RECORDED SECTION SUBDIVISION CORNER
 - M - MARKED
 - C - CALCULATED BEARING
 - SM - SITE BENCHMARK



| | |
|--|-------------------|
| Alpha Land Surveys, Inc. 101 EAST 4TH AVENUE HUTCHINSON, KANSAS 67301 PH: (620) 726-0122 FAX: (620) 726-0119 | |
| DATE: 03/07/2023 | PROJECT: 2303088F |
| DRAWN BY: RB | SHEET: 1 OF 1 |
| CHECKED BY: LTO | |