



Wichita-Sedgwick County Metropolitan Area Planning Department

July 8, 2022

Ryan Overstreet
14810 West 70th Court North
Colwich, KS 67030

RE: CON2022-00014: County Conditional Use for an accessory apartment on a property zoned RR Rural Residential; generally located two blocks east of 151st Street West and two blocks north of 6th Street North (14810 W. 70th Ct. N).

Dear Applicant;

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 recommend **APPROVAL** the request subject to the enclosed conditions.

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

If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

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

Christina Rieth
Associate Planner

Copies to: MABCD
David Dennis, Citizens Advisory Board III



Wichita-Sedgwick County Metropolitan Area Planning Department

Ryan S. Overstreet
14810 W 70th Ct North
Colwich, KS 67030

June 23, 2022

RE: CON2022-00014: Sedgwick County located generally located two blocks east of 151st Street West and two blocks north of 6th Street North at 14810 W. 70th Court North. Applicant is requesting a Conditional Use for an Accessory Apartment.

Dear Applicant;

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 recommend **APPROVAL** of the request in accordance with staff recommendations.

Property owners opposed to the application may file with the City 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 June 30th, 2022.** 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 City Clerk by **June 30th, 2022 at 5:00 p.m.**

If no protests are received the action of the MAPC is final. If valid protests are received, this application will be forwarded to the City Council for review and final action **Wednesday, August 3rd, 2022**. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, 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 268-4421.

Sincerely,

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

Christina Rieth, Associate Planner
Metropolitan Area Planning Department
271 West 3rd Street, Room 203
Wichita, KS 67202

Copies to: MABCD
David Dennis, Commissioner, Citizens Advisory Board III

CONDITIONAL USE RESOLUTION NO. CON2022-00014

WHEREAS, Ryan Overstreet, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow an Accessory Apartment on property zoned RR Rural Residential located at 14810 West 70th Court North legally described as:

Lot 13, Block 2, Imbler Estates, an Addition to 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 14810 West 70th Court North legally described as:

Lot 13, Block 2, Imbler Estates, an Addition to Sedgwick County, Kansas.

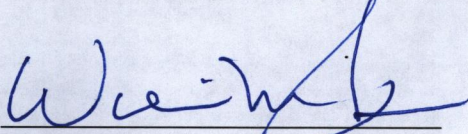
Approved subject to the following conditions:

- 1) The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (Located at 14810 West 70th Court North) and the ownership shall not be divided or sold as a condominium.
- 2) Development of the site shall be in conformance with the approved site plan.
- 3) The appearance of the Accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood.
- 4) The water and sewer provided to the Accessory Apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- 5) This applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.
- 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.

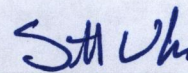
Adopted this 25th Day of August 2022.

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.

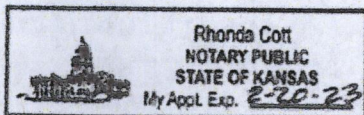
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 25th day of May 2022, with subsequent publications being made on the following dates:

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 Greenwch 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. 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

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

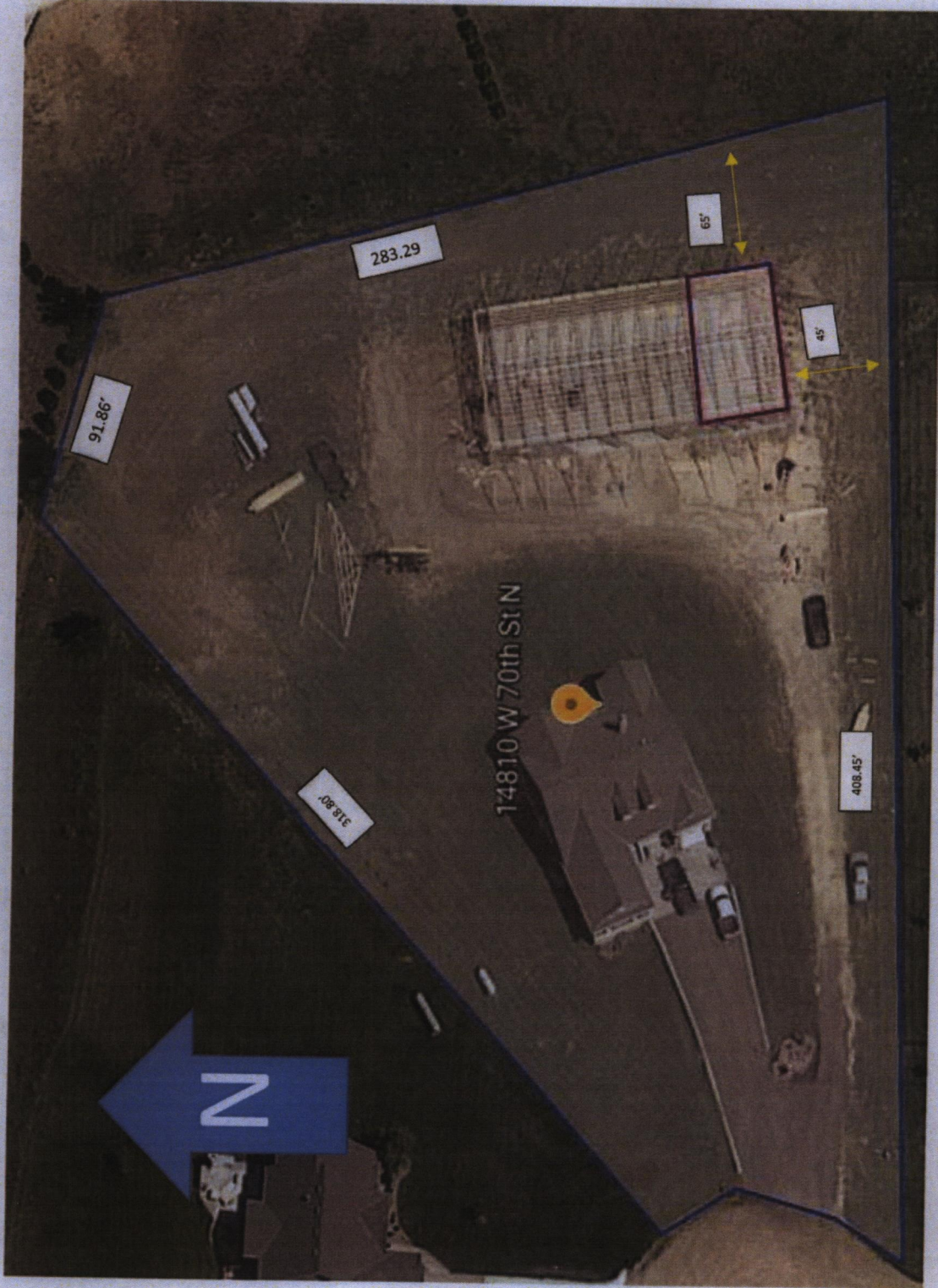
You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more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



Proposed
Accessory
Apartment

Ryan S. Overstreet
14810 W. 70th Ct.
North

Colwich KS, 67030
(316)641-6150

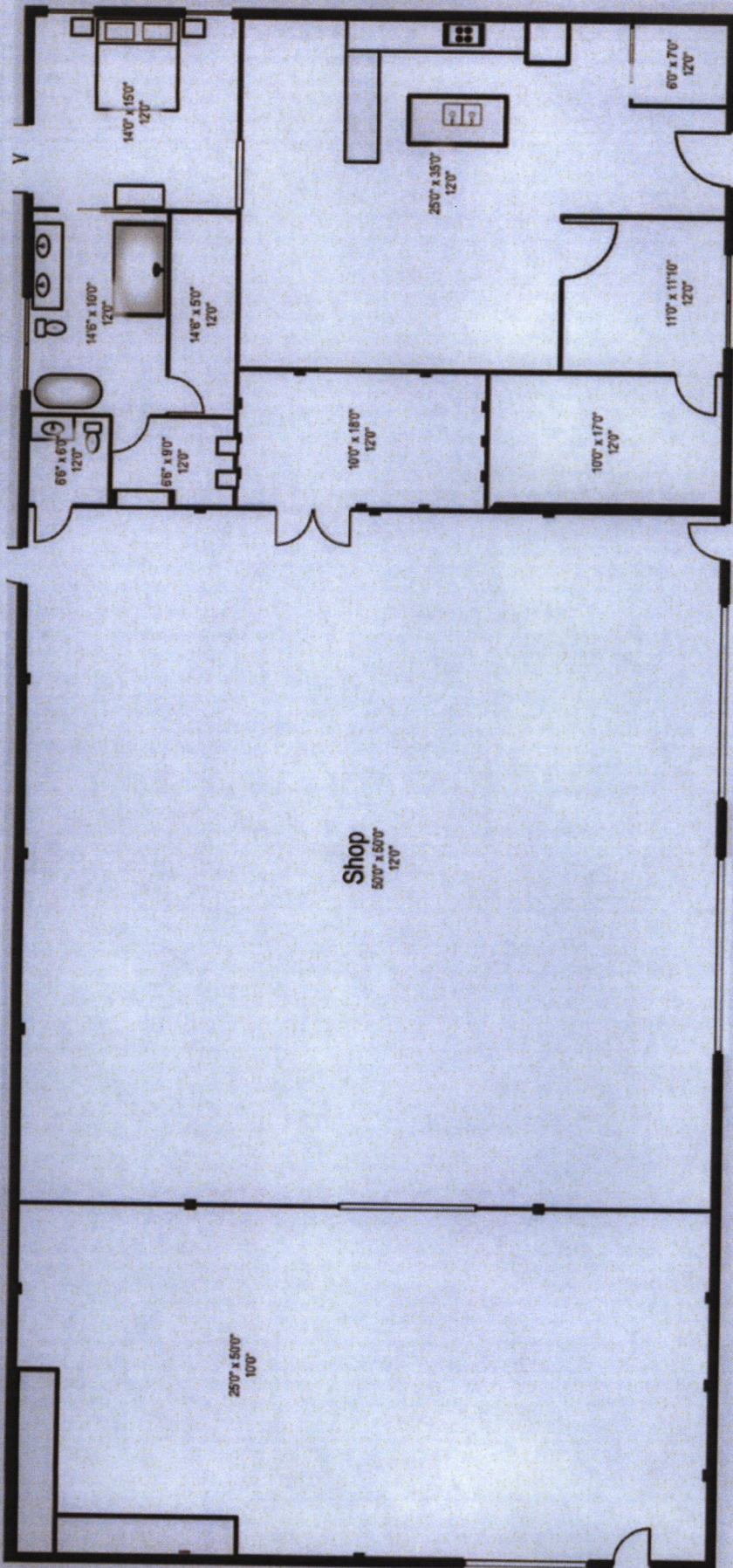
Lot 13, Block 2,
Imbler Estates
Addition Colwich
Kansas

1 OF 2

My plan would be to have a place to host various parties, and give guests some place to stay when they come to town. My Mother-In-Law lives in Mississippi, my Brother-in-Law lives in Louisiana, my Dad lives in Minneapolis, Sister lives in Phoenix, and my Father-in-Law lives in Dallas Ft. Worth.

SITE PLAN

APPROVED 8/28/22 BY CMR



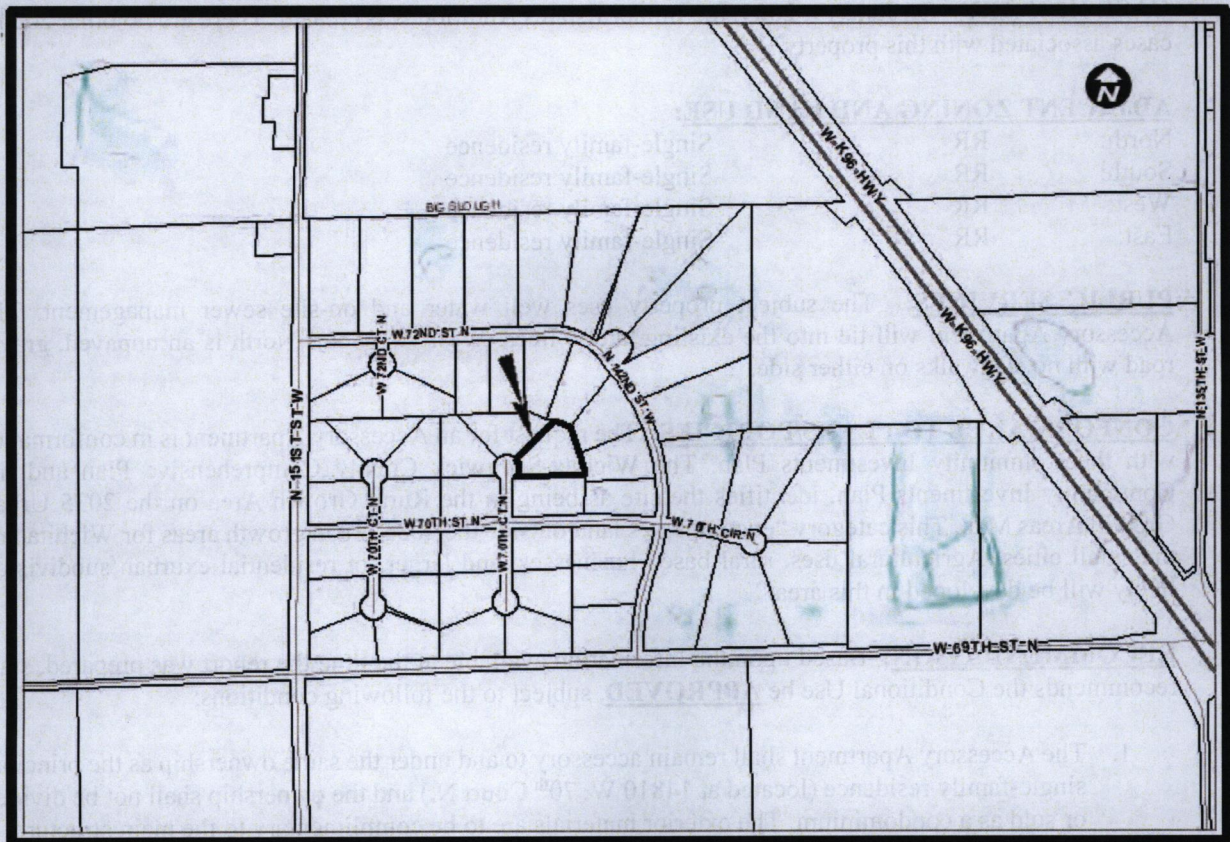
SITE PLAN

APPROVED 8/28/22 BY *CMR*

2 OF 2

STAFF REPORT
 MAPC: June 16, 2022
 CAB 3: June 6, 2022

CASE NUMBER: CON2022-00014 (County)
APPLICANT/AGENT: Ryan S. Overstreet (Applicant)
REQUEST: Conditional Use to allow an Accessory Apartment
CURRENT ZONING: RR Rural Residential
SITE SIZE: 5.06 acres
LOCATION: Generally located two blocks east of North 151st Street West and two blocks north of West 69th Street North (14810 W. 70th Court North)
PROPOSED USE: Accessory Apartment
RECOMMENDATION: Approve with conditions



BACKGROUND: The applicant is requesting a Conditional Use to allow an Accessory Apartment in RR Rural Residential zoning. The property is generally located two blocks east of North 151st Street West and two blocks north of West 69th Street North (14810 W. 70th Court North). This parcel consists of a single-family dwelling and detached garage. A portion of the existing one story, 100-foot by 50-foot detached garage will be converted into a 1,250 square foot Accessory Apartment that will measure 25 feet by 50 feet. There is a gravel, unpaved driveway that connects the garage to the main road and principal structure.

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 to the north, south, east and west are all zoned RR Rural Residential and developed with single-family residences.

CASE HISTORY: On June 19, 2003, the Imbler Estates Addition was created. There are no other zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

North:	RR	Single-family residence
South:	RR	Single-family residence
West:	RR	Single-family residence
East:	RR	Single-family residence

PUBLIC SERVICES: The subject property uses well water and on-site sewer management. The Accessory Apartment will tie into the existing lateral lines. West 70th Court North is an unpaved, gravel road with no sidewalks on either side.

CONFORMANCE TO PLANS/POLICIES: The request for an Accessory Apartment is in conformance with the Community Investments Plan. The Wichita-Sedgwick County Comprehensive Plan and 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 the information available at the time the report was prepared, staff recommends the Conditional Use be **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 14810 W. 70th Court N.) and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

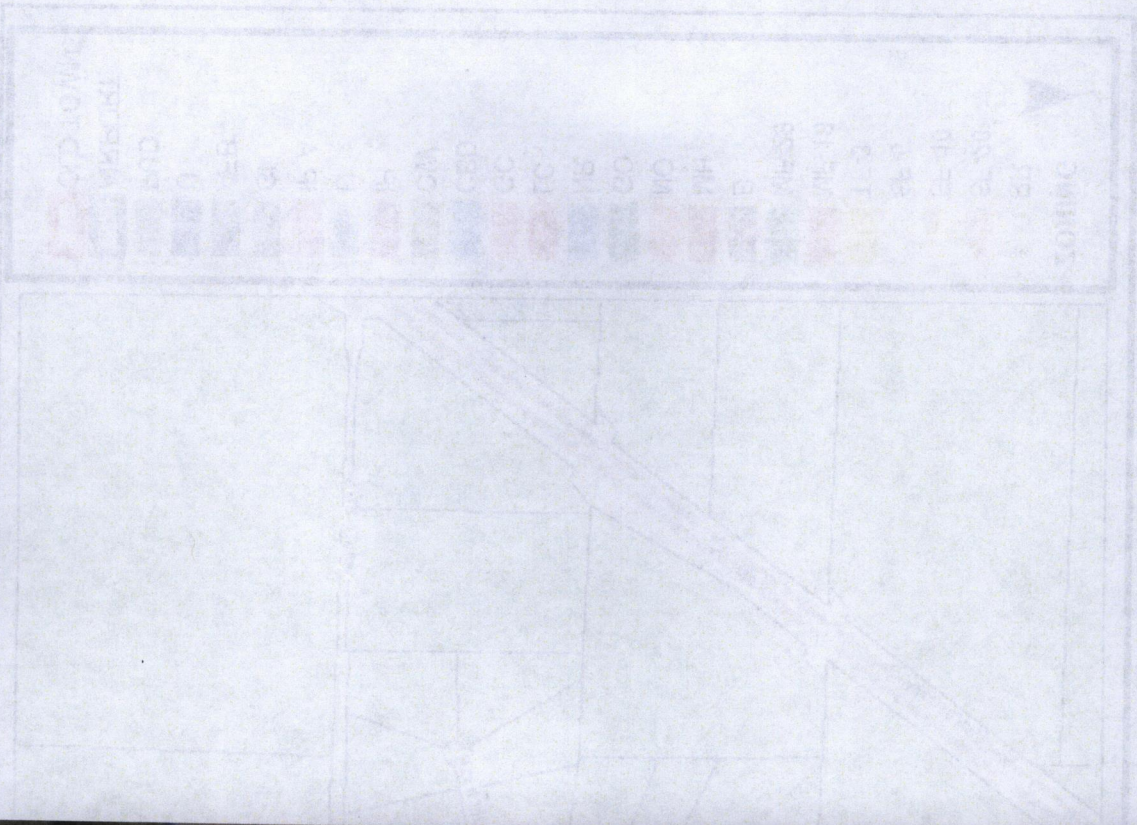
2. On-site water and wastewater services shall be provided in compliance with the Sedgwick County Sanitation Code. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
3. The applicant shall obtain all applicable permits including, but not limited 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:

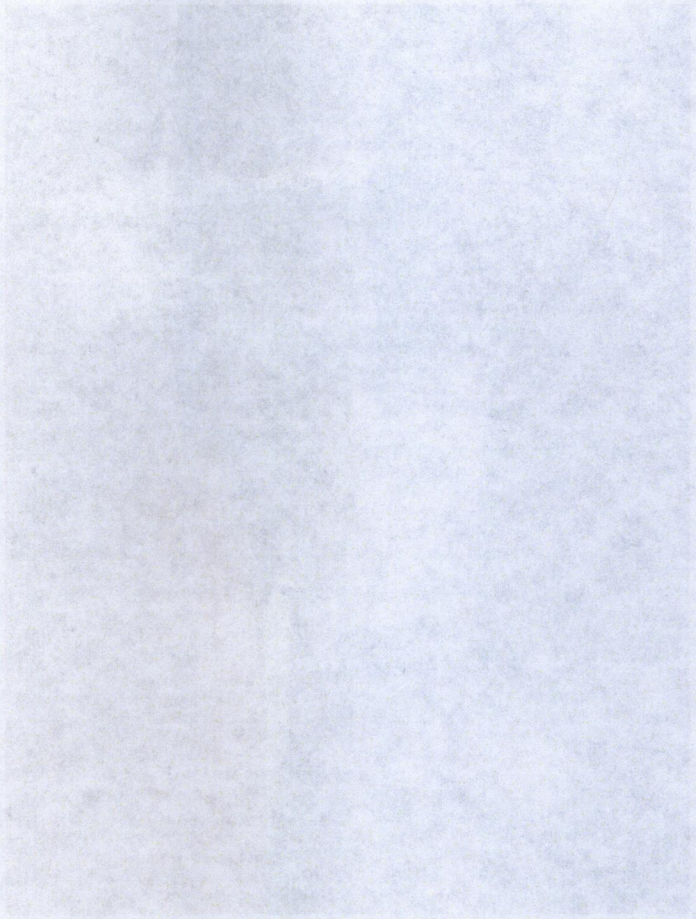
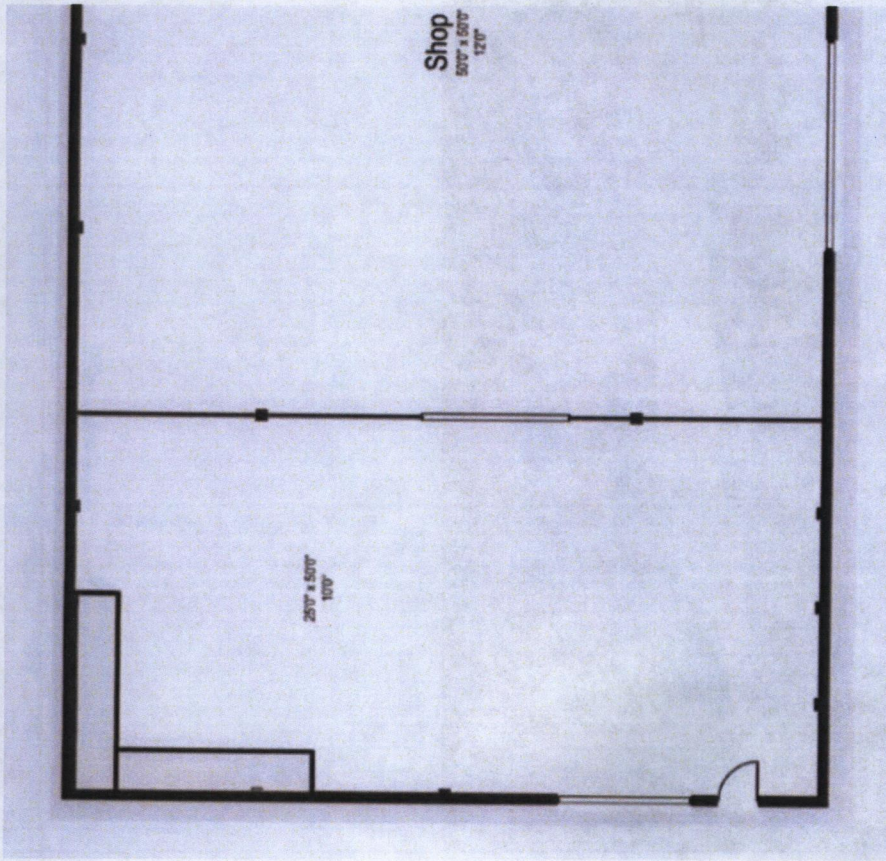
1. The zoning, uses and character of the neighborhood: The surrounding properties to the north, east, south, and west are zoned RR Rural Residential and are developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned RR Rural Residential which permits the existing single-family residence. The property will continue to be used for one single-family residence; the size of the property easily accommodates an Accessory Apartment within an existing structure 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 conditions of approval should minimize any anticipated detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the Community Investments Plan, as discussed in the report.
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



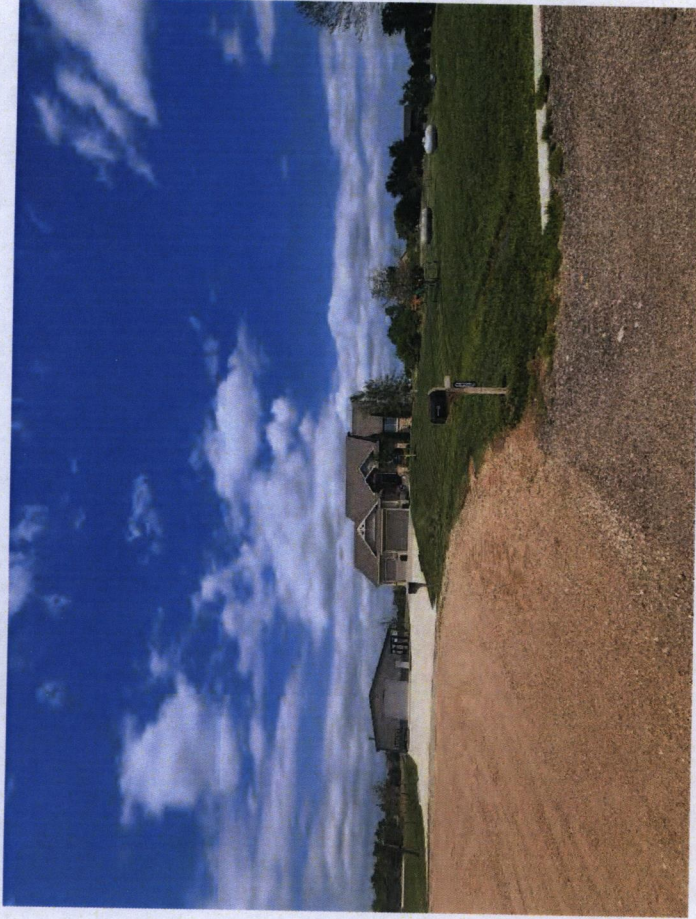




Looking east towards site of shop and Accessory Apartment



Looking north away from site



Looking northeast towards site



Looking northwest away from site



Looking northwest towards site



Looking south away from site

