



Wichita-Sedgwick County Metropolitan Area Planning Department

January 7, 2022

William Best
552 E. Martens Ct.
Goddard, KS 67052

RE: CON2021-00051: County Conditional Use for Accessory Apartment on property zoned RR Rural Residential; generally located on the east side of South 231st Street West and one-quarter mile north of West Kellogg (US 54/400) (Goddard Influence Area).

Dear Applicant;

At its regular meeting on **December 16, 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, appearing to read 'Matt Williams'.

Matthew Williams, AICP
Senior Planner

Copies to: Kelly Dixon, MABCD



Wichita-Sedgwick County Metropolitan Area Planning Department

December 17, 2021

William Best
552 E. Martens Ct.
Goddard, KS 67052

RE: CON2021-00051: County Conditional Use for Accessory Apartment on property zoned RR Rural Residential; generally located on the east side of South 231st Street West and one-quarter mile north of West Kellogg (US 54/400) (Goddard Influence Area).

Dear Applicant;

At its regular meeting on **December 16, 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:

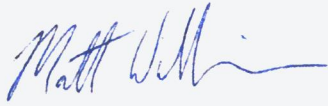
- (1) The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.
- (2) On-site water and wastewater services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

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 30, 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 1000 feet of the property for which the application was filed, and must be submitted to the County Clerk by **December 30, 2021 at 5:00 p.m.**

If the application is protested it will be scheduled for consideration by the Board of County Commissioners on **Wednesday, February 2, 2022, beginning at 9:00 a.m.** The Board of County Commissioners meeting will be held in the Sedgwick County Court House, Third Floor, 525 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 blue ink, appearing to read "Matt Williams", with a stylized flourish at the end.

Matthew Williams, AICP
Senior Planner

Copies to: David Dennis, BoCC District 3
 Justin Waggoner, County Law
 Kelly Dixon, MABCD

CONDITIONAL USE RESOLUTION NO. CON2021-00051

WHEREAS, William Best, 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 Zoning District described as:

Lot 2, Block B, Cedar Valley 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 December 16, 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 described as:

Lot 2, Block B, Cedar Valley 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 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.

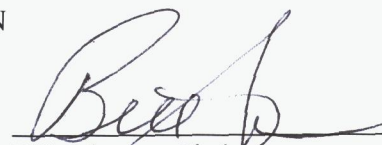
Adopted this 16th Day of December 2021.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



Scott Wadle, Secretary


Bill 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.

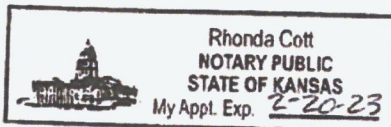
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 10th day of November 2021, with subsequent publications being made on the following dates:

N/A

Emily Gillihan
Legal Manager

Subscribed and sworn to before me this
10th day of November, 2021.

Rhonda Cott
Notary Public



Official Hearing Notice - MAPC Dec. 2, 2021

Printer's Fee: \$48.44

Additional copies: \$ _____

Legal Publication
OCA 150004

Published in The Derby Informer on November 10, 2021

MAPC December 2, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 2, 2021 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.

BZA2021-00063: County Variance for placement of a single-wide mobile home on property zoned SF-20 Single-Family Residential; generally located on the west side of North West Street and about one-quarter mile north of West 53rd Street North (5621 North West Street).

CON2021-00051: County Conditional Use for Accessory Apartment on property zoned RR Rural Residential; generally located on the east side of South 231st Street West and one-quarter mile north of West Kellogg (US 54/400) (Goddard Influence Area).

CON2021-00052: County Conditional Use to allow an Accessory Apartment on property zoned SF-20 Single Family Residential; generally located southeast of East 13th Street and North 127th Street East (12811 East Killenwood Drive).

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 WichitaSedgwick 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	WichitaSedgwick 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

Meeting ID: 651 544 141

Or dial directly: 651.544.141@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/visitchityhall. 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 November 10, 2021

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

STAFF REPORT
MAPC: December 2, 2021
Goddard: December 13, 2021

CASE NUMBER: CON2021-00051 (County)

APPLICANT/OWNER: William Best (owner)

REQUEST: Conditional Use to permit an Accessory Apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: 3.25 acres

LOCATION: Generally located on the east side of South 231st Street West and one-quarter mile north of West Kellogg (US 54/400).
(Goddard Influence Area)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to allow an Accessory Apartment on property zoned RR Rural Residential. The subject property is generally located on the east side of South 231st Street West and one-quarter mile north of West Kellogg. The applicant intends to build their primary residence on the subject property. The Accessory Apartment will be attached to a garage and located behind the primary residence. The applicant has indicated the Accessory Apartment is for a family member. Accessory Apartments are allowed with a Conditional Use approval in RR Rural Residential, SF-20 Single-Family Residential, SF-5 Single-Family Residential and TF-3 Two-Family Residential zoning districts.

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, and east, are zoned RR Rural Residential and developed as agricultural land. Properties to the west are zoned RR Rural Residential and developed as single-family residences and agricultural land.

CASE HISTORY: In 2019, the property was platted as Lot 2, Block B, Cedar Valley Estates Addition. In 2017, a Conditional Use to permit Mining and Quarrying on the property was approved (CON2012-00017).

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural Land
SOUTH:	RR	Agricultural Land
EAST:	RR	Agricultural Land
WEST:	RR	Single-family Residential and Agricultural Land

PUBLIC SERVICES: South 231st Street West is a dirt road with between 80 and 100 feet of right-of-way. One-quarter mile south of the subject property is West Kellogg/US Highway 54. The property will be served by an on-site water well and septic system.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as to be within the Urban Growth Area for the City of Goddard. This is a location adjacent to an existing municipal boundary. It is an area which indicates the likely direction and magnitude of growth this community can expect to experience by the year 2035. The determination of various aspects of growth including future land use are determined by that municipality. The City of Goddard’s Planning Commission will review this case at its meeting on December 13th, 2021.

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.

- (2) On-site 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.

This recommendation is based on the following findings:

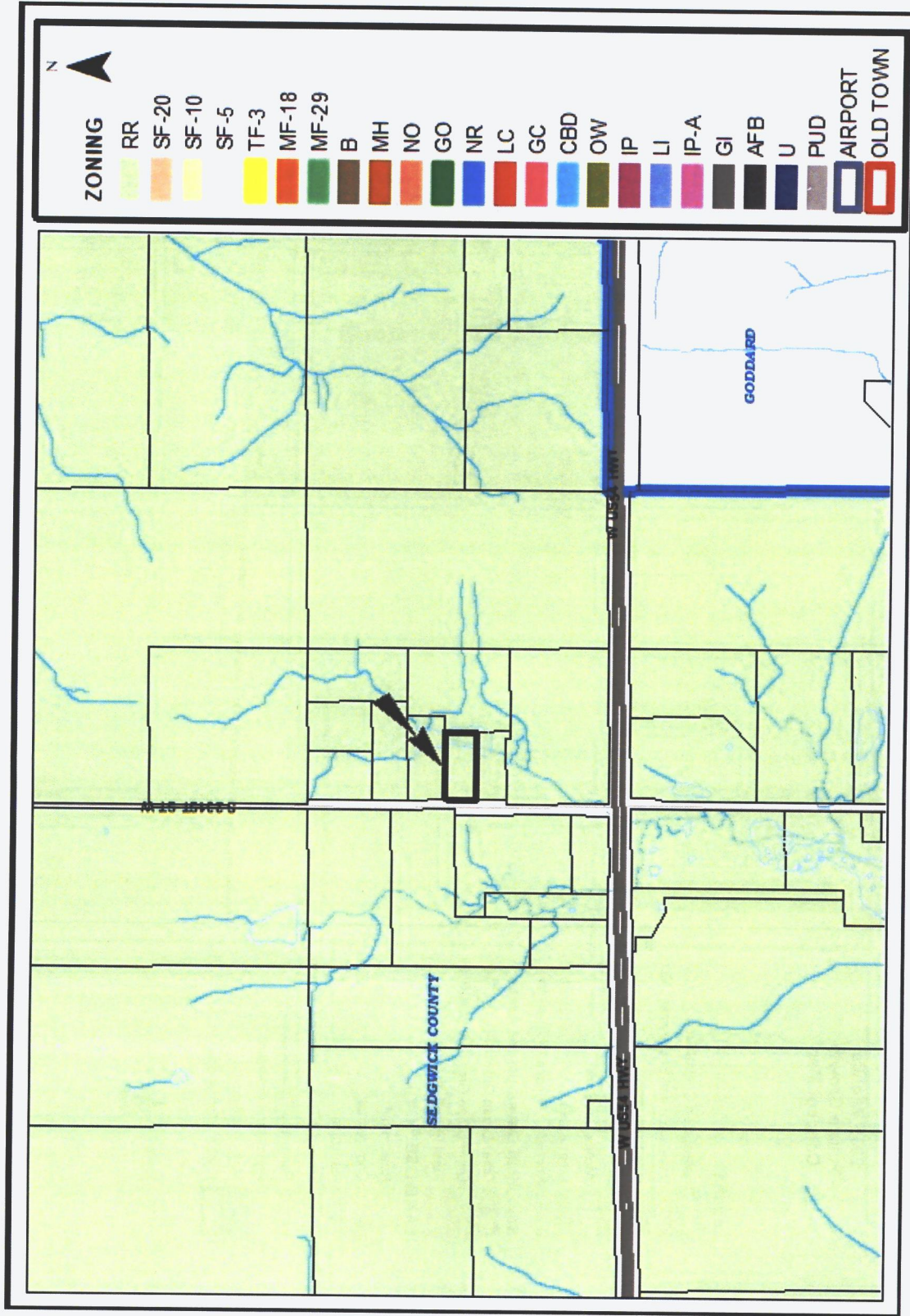
- (1) **The zoning, uses and character of the neighborhood:** Properties to the north, south, and east, are zoned RR Rural Residential and developed as agricultural land. Properties to the west are zoned RR Rural Residential and developed as single-family residences and agricultural land.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned RR which permits the future 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 nearest residence is approximately 800 feet northwest of the location of the proposed Accessory Apartment. 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 to be within the Urban Growth Area for the City of Goddard. This is a location adjacent to an existing municipal boundary. It is an area which indicates the likely direction and magnitude of growth this community can expect to experience by the year 2035. The determination of various aspects of growth including future land use are determined by that municipality. The City of Goddard's Planning Commission will review this case at its meeting on December 13th, 2021.
- (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 as the site will be served by a water well and a septic system.

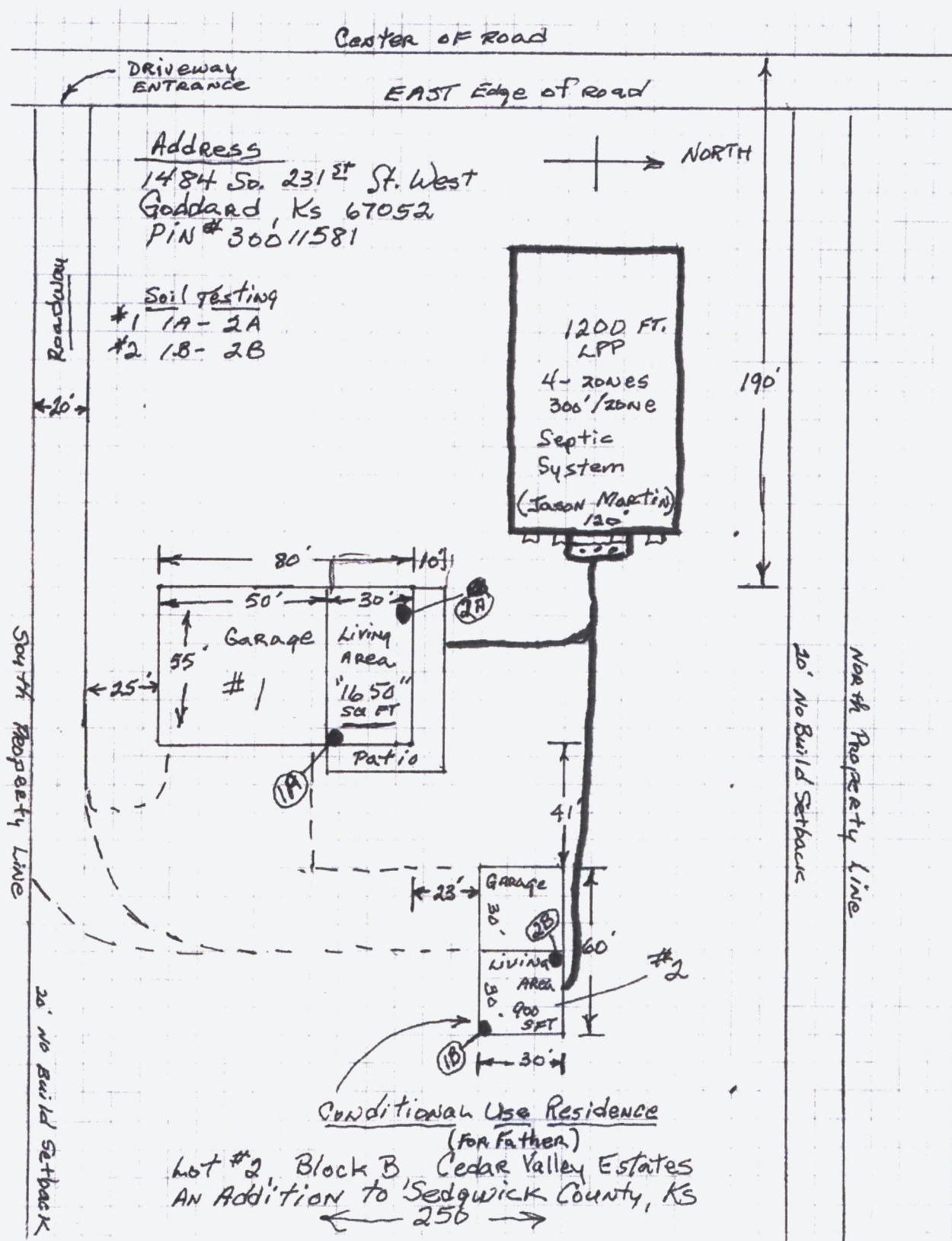
Attachments:

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

CON2021-00051









Property south of subject site



Property west of subject site

Photos



Subject site looking east



Property north of subject site

SITE PLAN

APPROVED 12-16-21 BY MW

