



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

James and Ashley Sandwell
5120 North 127th Street East
Wichita, KS 67226

October 15, 2024

RE: CON2024-00151 – Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential; Generally located on the east side of North 127th Street East and within one-quarter mile south of East 53rd Street North (5120 North 127th Street East).

Dear Applicant;

At its regular meeting on **September 26, 2024**, 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 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 5120 North 127th Street East), 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 structure 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. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in 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.

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 268-4421.

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth
Associate Planner

Cc: MABCD
Pete Meitzner, Board of County Commissioners District I

The Ronald Reagan Building • 2nd Floor • 271 West Third Street • Wichita, Kansas 67202
316.268.4421 • www.wichita.gov



Wichita-Sedgwick County Metropolitan Area Planning Department

James and Ashley Sandwell
5120 North 127th Street East
Wichita, KS 67226

September 26, 2024

RE: CON2024-00151 – Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential; Generally located on the east side of North 127th Street East and within one-quarter mile south of East 53rd Street North (5120 North 127th Street East).

Dear applicant,

At its regular meeting on **September 26, 2024**, 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 following conditions:

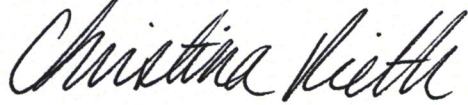
1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 5120 North 127th Street East), and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The appearance of the accessory structure 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. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in 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.

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 **October 10, 2024**. 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 **October 10, 2024**, at 5:00 p.m.

If no protests are received, the decision of the MAPC is final.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

A handwritten signature in black ink that reads "Christina Rieth". The signature is written in a cursive, flowing style.

Christina Rieth
Current Plans
Associate Planner

CC: Pete Meitzner, Board of County Commissioners District I
MABCD

CONDITIONAL USE RESOLUTION NO. CON2024-00151

WHEREAS, James and Ashley Sandwell, Owners, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for an Accessory Apartment in RR Rural Residential District zoning, located at 5120 North 127th Street East, legally described as:

A tract commencing at the Northwest corner of the Northwest Quarter of Section 23, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence South 1,391.25 feet along the West line of said Northwest Quarter to the point of beginning; thence East 605 feet parallel with the North line of said Northwest Quarter; thence South 468 feet parallel with the West line of said Northwest Quarter; thence West 605 feet parallel with the North line of said Northwest Quarter; thence North 468 feet along the West line of said Northwest Quarter 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 September 26, 2024, 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 for an Accessory Apartment in RR Rural Residential District zoning, located at 5120 North 127th Street East, legally described as:

A tract commencing at the Northwest corner of the Northwest Quarter of Section 23, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence South 1,391.25 feet along the West line of said Northwest Quarter to the point of beginning; thence East 605 feet parallel with the North line of said Northwest Quarter; thence South 468 feet parallel with the West line of said Northwest Quarter; thence West 605 feet parallel with the North line of said Northwest Quarter; thence North 468 feet along the West line of said Northwest Quarter to the point of beginning.

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 5120 North 127th Street East), 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 structure 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. The applicant shall obtain all applicable permits including, but not limited to building, health, and zoning. This will include turning in 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 31st Day of OCTOBER, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



Bryan Frye, Chairman



Scott Wadle, Secretary

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Sedgwick Co. public notice

(Published in The Ark Valley News Sept. 5, 2024.) regulations will be considered by the MAPC as by law provided.

MAPC September 26, 2024 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 26, 2024, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. **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.**

CON2024-00151: Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential; Generally located on the east side of North 127th Street East and within one-quarter mile south of East 53rd Street North (5120 North 127th Street East).

PUD2024-00014: Zone Change request in the County from RR Rural Residential to PUD for an outdoor recreation facility that may have indoor/outdoor entertainment (live music and alcohol); generally located one-quarter mile west of N. 2nd Ave and one-quarter mile north of E. 119th St, South (Mulvane Influence Area).

ZON2024-00042: Zone Change request in the County from SF-20 Single-family Residential to TF-3 Two-family Residential to allow for duplex development; Generally located on the west side of South Meridian Street and within 600 feet south of West 55th Street South (Haysville Area of Influence).

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

Options to participate:

1) **Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.** Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff, (316-268 4464) by 5:00 PM, 3 days prior to the meeting.

2) **Submit Comments Ahead of Time** regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. **Written Comments** should be submitted by 5:00 PM the day before the meeting. **Video and Audio Comments** (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

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

3) **If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.**

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on September 5, 2024

Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

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 5th day of September, 2024.

with subsequent publications being made on the following dates:

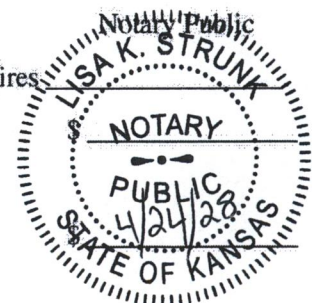
_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Subscribed and sworn to before me this 5th day of September, 2024.

My commission expires

Additional copies

Printer's fee



STAFF REPORT
MAPC: September 26, 2024
CAB 1: N/A

CASE NUMBER: CON2024-00151 (County)

APPLICANT/OWNER: James and Ashley Sandwell (Applicants)

REQUEST: Conditional Use to permit an Accessory Apartment

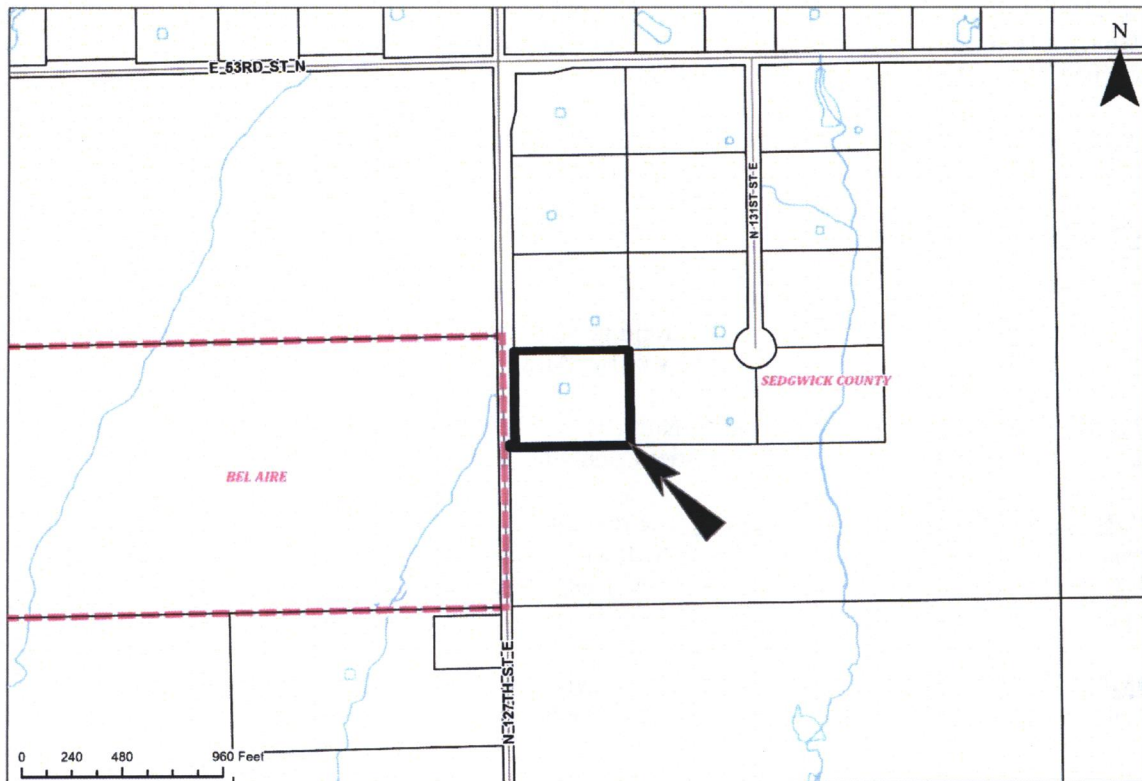
CURRENT ZONING: RR Rural Residential District

SITE SIZE: 5.97 acres

LOCATION: Generally located on the east side of North 127th Street East, within one-quarter mile south of East 53rd Street North (5120 North 127th Street E.).

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 5.97-acre subject site is generally located on the east side of North 127th Street East, within one-quarter mile south of East 53rd Street North (5120 North 127th Street East). The subject site is currently developed with a single-family residence, a detached garage, and a detached agricultural building, which were all constructed around 2002.

The applicant is filing the request to construct a new single-family dwelling on site to use as their primary living space and convert the existing single-family dwelling on site into an accessory dwelling for a family member with limited mobility. The principal structure and the Accessory Apartment will share a lagoon, and the site is served by Butler County Water District 5.

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 building. 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 character of the area is rural and low-density residential. Properties to the north, south, and east are zoned RR Rural Residential District in unincorporated Sedgwick County. Properties to the north and east are developed with single-family dwellings; property to the south is in use as agriculture. Property to the west is in the City of Bel Aire, is zoned AG, and is in use as agricultural lands.

CASE HISTORY: This property is not platted. Subdivision Regulations exempt the property from platting if the request for an Accessory Apartment is approved. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-family dwelling
SOUTH:	RR	Agriculture
EAST:	RR	Single-family dwelling
WEST:	AG	Agriculture (City of Bel Aire)

PUBLIC SERVICES: This site has access to North 127th Street East, a gravel, two-way county arterial street. The property uses a lagoon and is served by Butler County District 5 for its water services.

CONFORMANCE TO PLANS/POLICIES: The request for an Accessory Apartment is in conformance with the *Community Investments Plan*. The Wichita-Sedgwick County *Community Investments Plan*'s 2035 Future Growth Concept Map identifies the site as being a “Rural Area”, which the *Plan* identifies as “specific to the unincorporated areas of Sedgwick County located outside the 2035 Urban Growth Areas.”

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

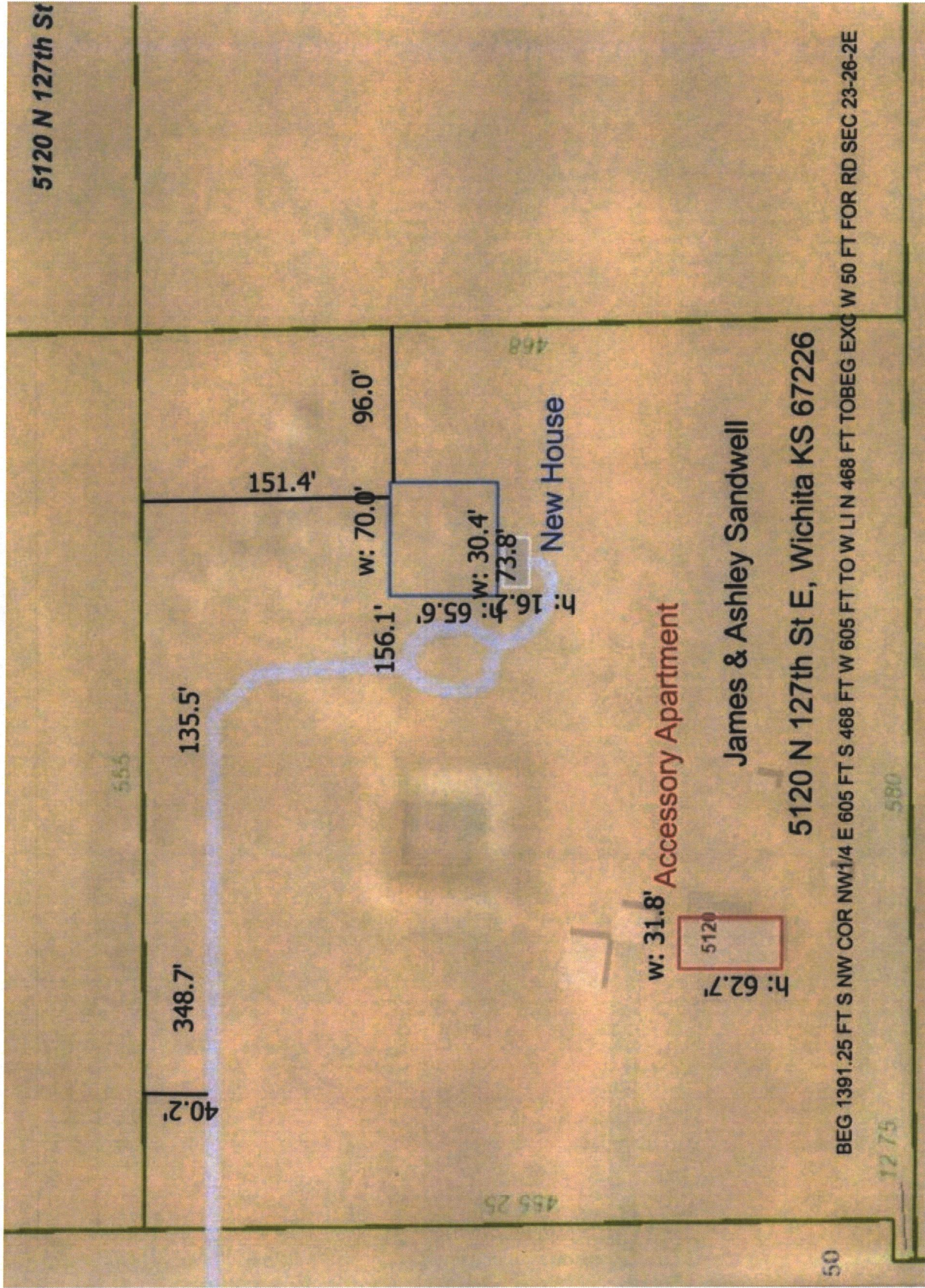
1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (located at 5120 North 127th Street East) and the ownership shall not be divided or sold as a condominium.
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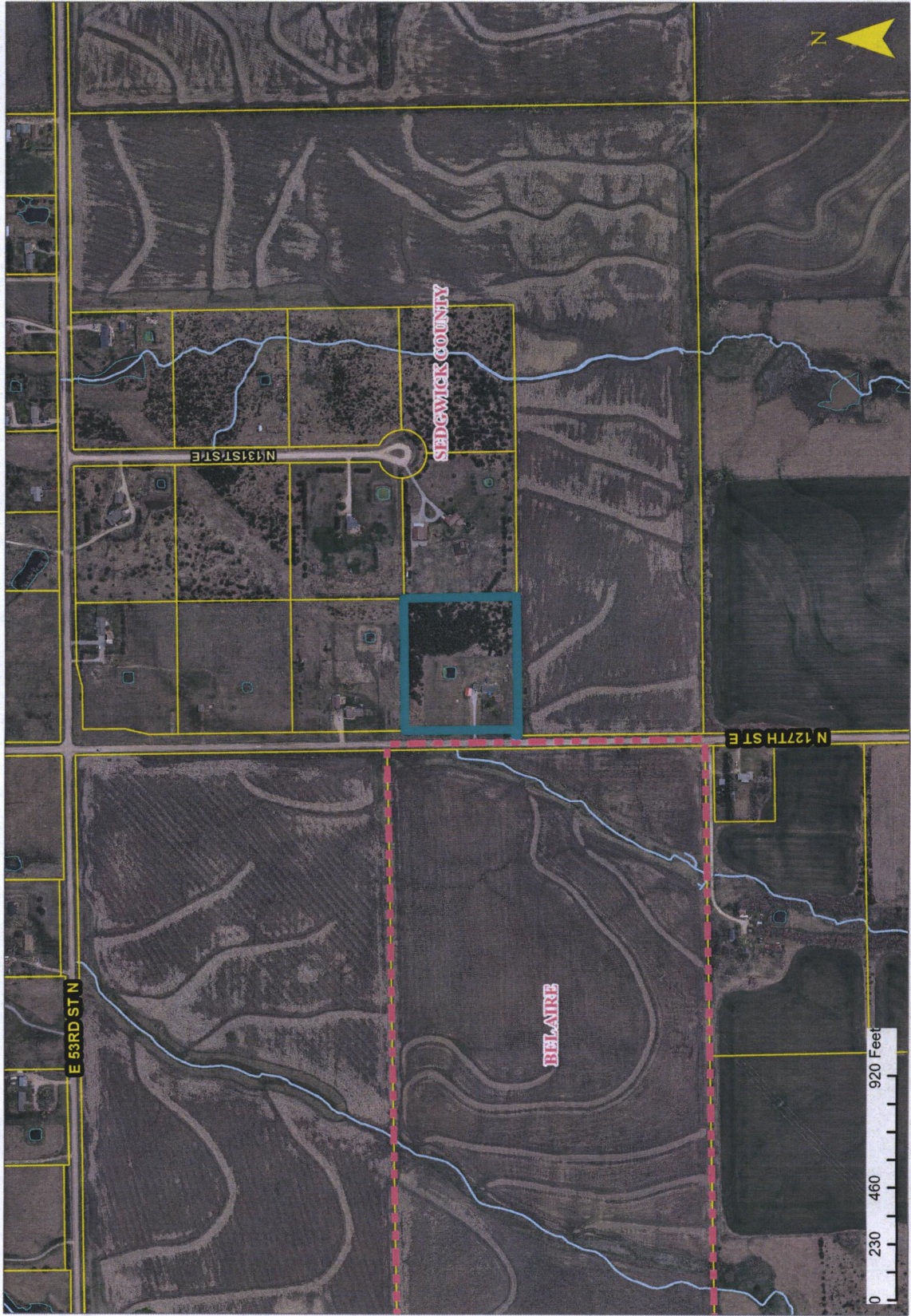
This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The character of the area is rural and low-density residential. Properties to the north, south, and east are zoned RR Rural Residential District in unincorporated Sedgwick County. Properties to the north and east are developed with single-family dwellings; property to the south is in use as agriculture. Property to the west is in the City of Bel Aire, is zoned AG, and is in use as agricultural lands.
- (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 District, which is suitable for a single-family residence and an Accessory Apartment with an approved Conditional Use. 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 dwelling and several outbuildings since 2002.
- (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 expects 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 did not receive any comments from the public regarding the requested Conditional Use.

Attachments:

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

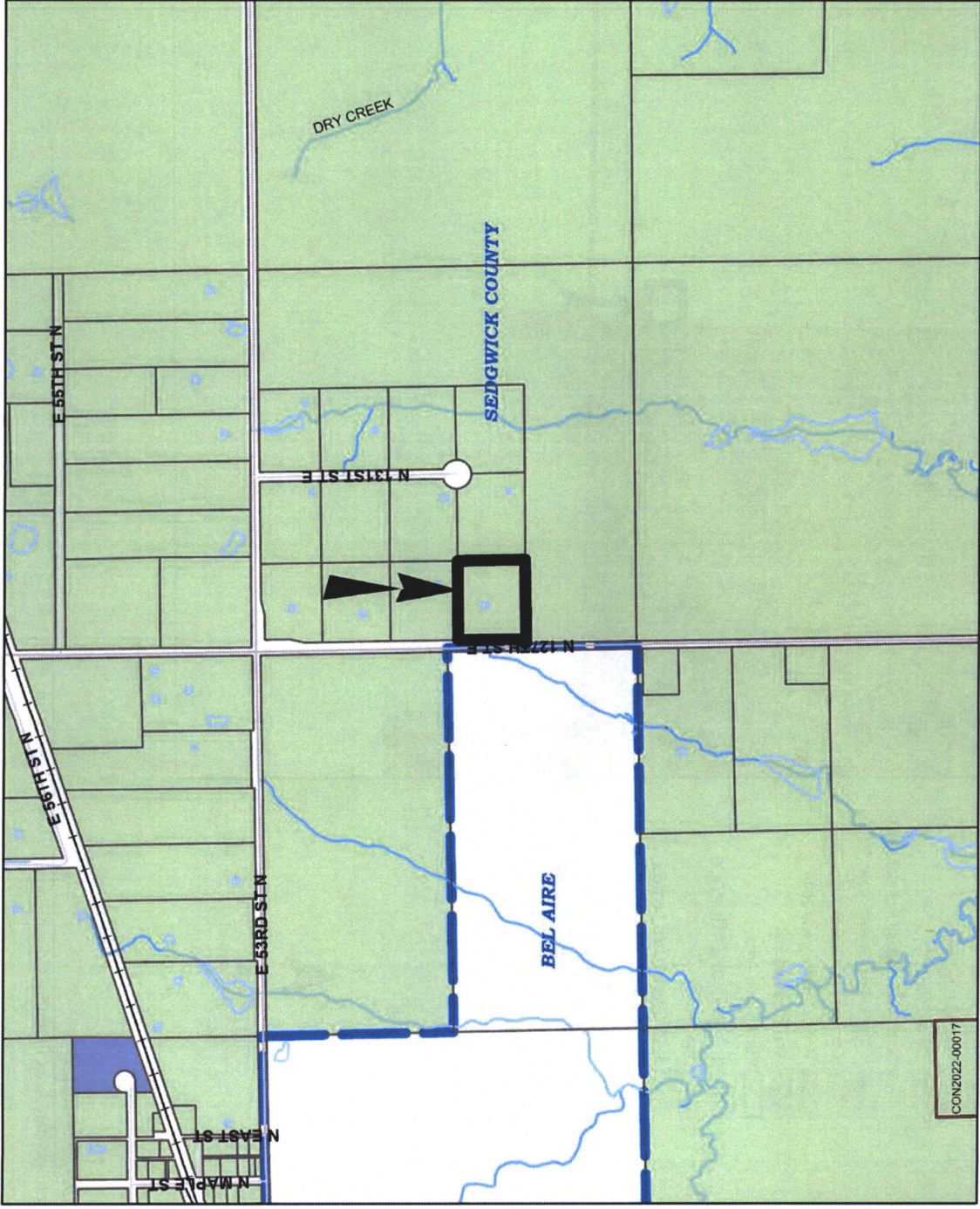


















ZONING

- RR
- SF-20
- SF-10
- SF-5
- TF-3
- MF-18
- MF-29
- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN

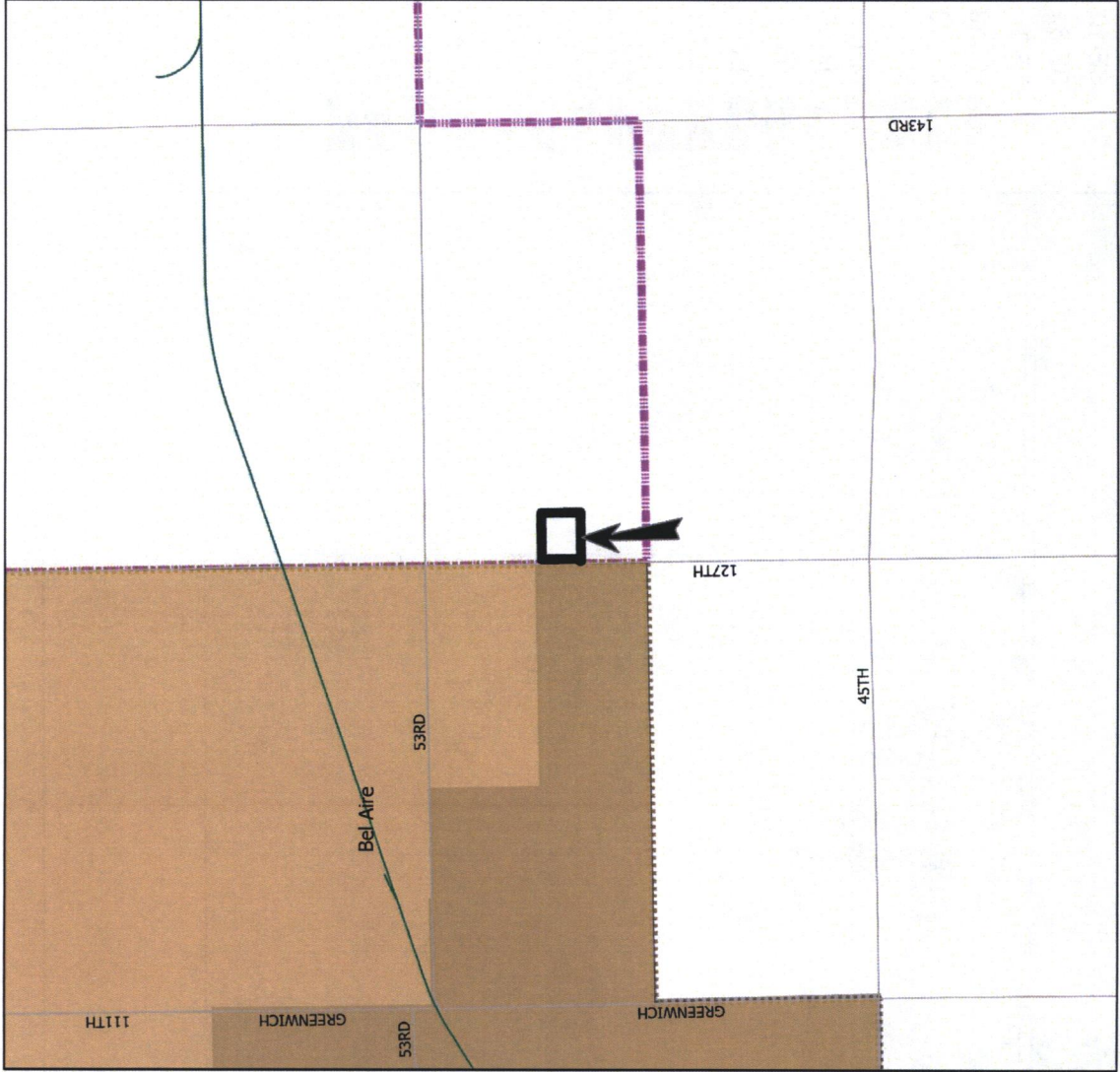


**2035 Wichita
Future Growth
Concept Map**

- Legend**
-  Wichita City Limits
 -  Other Cities
 -  Northwest Bypass Right-of-Way
 -  Other Urban Growth Areas 2014
 -  Other Urban Growth Areas 2014
 -  Rural Growth Areas 2014
 -  Major Institutional
 -  Application Area
- Urban Areas of Influence**
-  Bel Aire
 -  K-96 Special Uses Corridor
 -  Streams & Rivers
 -  Rural Area



DATE: 11/15/2024 10:00 AM
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT: 2035 WICHITA FUTURE GROWTH CONCEPT MAP
 SHEET: 8 OF 10



Looking east towards site



Looking east towards site of proposed Accessory Apartment



Looking west away from site



Looking north away from site

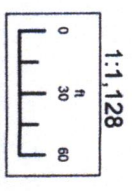
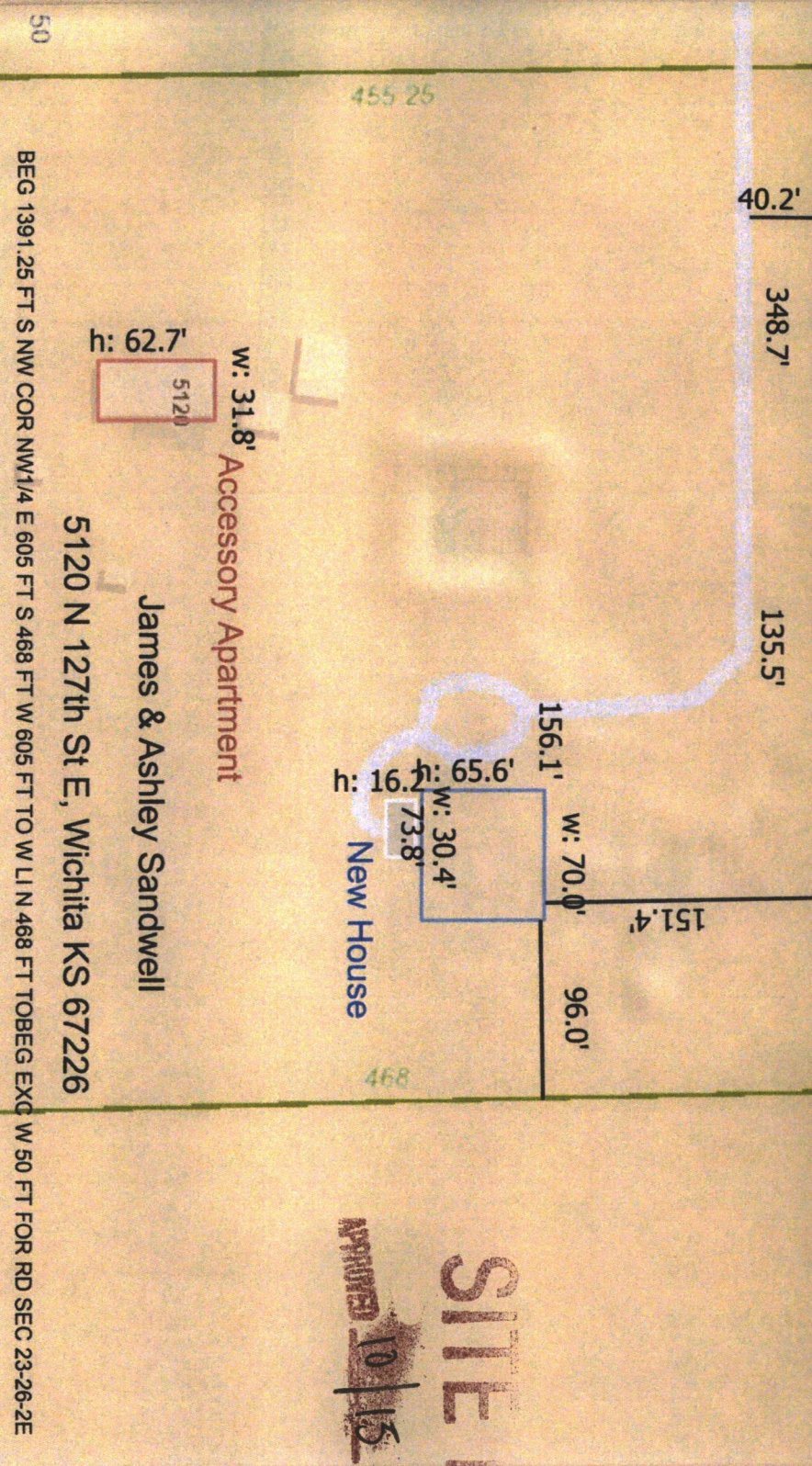


5120 N 127th St E Wichita KS 67226 labels

Sedgwick County, Kansas



SITE PLAN
APPROVED 10/15 BY CMR



Date: 8/16/2024

It is understood that the Sedgwick County GIS Division of Information Systems is not responsible for any errors or omissions that may appear in this information. The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.