



**FILE COPY**

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

July 9, 2007

Keith Newcomer  
7621 N. Hillside  
Valley Center, KS 67147

**RE: CON2007-19** – Conditional Use to permit an accessory apartment in a “RR” Rural Residential Zone, generally located 900 feet South of East 77th Street North and west of Hillside (7621 North Hillside.)

Dear Ladies and Gentlemen:

At its regular meeting on **June 7, 2007**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum'.

Derrick K. Slocum  
Associate Planner  
Current Plans Division

DKS/mc  
Enclosure

Copies to: Dave Unruh, County Commissioner District I, Mail Stop, County Room 320  
Bill Buchanan, County Manager, Mail Stop County Room 343  
Bob Parnacott, County Law Dept., Mail Stop County Room 359  
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213  
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213  
Kechi City Clerk, PO Box 88, Kechi, KS 67067  
Jack Whitson, Park City Planning Department, 6110 N. Hydraulic. Wichita, KS

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## CONDITIONAL USE RESOLUTION NO. CON2007-00019

**WHEREAS**, Keith Newcomer (applicant); 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 on 63.27 acres zoned "RR" Rural Residential described as:

The East 100 acres of the Northeast  $\frac{1}{4}$  of Section 3, Township 26 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, except the North 920 feet thereof. Generally located  $\frac{1}{4}$  mile south of 77<sup>th</sup> Street North on the west side of Hillside (7621 N. Hillside)

**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 7, 2007, 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 on 63.27 acres zoned "RR" Rural Residential described as:

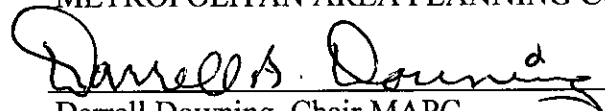
The East 100 acres of the Northeast  $\frac{1}{4}$  of Section 3, Township 26 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, except the North 920 feet thereof. Generally located  $\frac{1}{4}$  mile south of 77<sup>th</sup> Street North on the west side of Hillside (7621 N. Hillside)

Approved subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan and Unified Zoning Code Standards.
3. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 7<sup>th</sup> Day of June 2007.

METROPOLITAN AREA PLANNING COMMISSION

  
Darrell Downing, Chair MAPC



**BACKGROUND:** The applicant seeks a Conditional Use to permit an “accessory apartment” at 7621 North Hillside, an unplatted lot containing 63.27 acres. The site is developed with a residence served by septic. The applicant proposes to install a 56 by 32-foot accessory apartment (1,792 square feet) that will be tied into the same water and septic system as the primary structure. The accessory structure is to be located behind the principal structure, that is 2,092 square feet in size, and complies with applicable setbacks. See the attached site plan for more details.

The application area is located north of the city, in the county, surrounded by large lot residential/agricultural uses. All adjoining property is zoned “RR” Rural Residential.

**CASE HISTORY:** County Board of Zoning Appeals case (BZA 10-87) on 10-5-87 allowed an exception for the placement of a mobile home on a temporary basis.

**ADJACENT ZONING AND LAND USE:**

NORTH: “RR” Rural Residential; agriculture  
SOUTH: “RR” Rural Residential; mobile home park  
EAST: “RR” Rural Residential; residential structure/agriculture  
WEST: “RR” Rural Residential; agriculture

**PUBLIC SERVICES:** The property is located on North Hillside Road, a two-lane, paved, section line road with 50 feet of right of way. The property utilizes an existing septic tank for sewage and an existing well for water.

**CONFORMANCE TO PLANS/POLICIES:** The *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.a states that accessory apartments are required to be under the same ownership as the primary residence, compatible in appearance with the primary residence, and utilize the same water and sewer service as the primary residence. The Comprehensive Plan depicts this site within Park City’s Zoning Area of Influence.

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

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan and Unified Zoning Code Standards.
3. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property surrounding the application area is zoned RR and intended or developed for single-family residential use. The area is rural in character with large-lot residential uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture and large lot residential uses. The site could continue to be used without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided that the proposed accessory apartment meets all applicable codes, the proposed accessory use should have no affect on the surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested conditional use is in conformance with *Wichita-Sedgwick County Comprehensive Plan* goals of efficiently using land and providing affordable housing options, and the *Wichita-Sedgwick County Unified Zoning Code Supplementary Use Regulations*
5. Impact of the proposed development on community facilities: Approval will not impact community facilities to any significant degree.



# 7621 N. Hillside



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