CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 4, 2016

Rebecca and Michael Nicholson
7301 W. 53rd Street North
Wichita, KS 67201

RE: **CON2016-00045** - County Conditional use request to allow an accessory apartment on RR Rural Residential zoned property; generally located north of West 53rd Street on the east side of Ridge Road (5902 N. Ridge Rd.)

Dear Applicants:

At its regular meeting on **October 20, 2016**, 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 conditions in the attached Resolution.

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

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: Brent Staver, 5932 N. Ridge Rd., Maize, KS 67101
BoCC 4, Richard Ranzau, Mail Stop 320
County Law, Justin Waggoner, Mail Stop 359
County Public Works, Jim Weber, 1144 South Seneca, Wichita, KS 67213
MABCD, J.R. Cox, 271 W. 3rd, 1st Floor, Wichita, KS 67202
MABCD, Kelly Dixon, 271 W. 3rd, 1st Floor, Wichita, KS 67202

CONDITIONAL USE RESOLUTION NO. CON2016-45

WHEREAS, Rebecca Nicholson(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 for an Accessory Apartment on approximately 5 acres zoned RR Rural Residential ("RR"), described as:

BEG 420.88 FT N SW COR NW1/4 N 362.75 FT E 444.48 FT S 126.4 FT E 226 FT S 256.5 FT W 651.84 FT TO BEG EXC W 40 FT FOR RD SEC 15-26-1W, Sedgwick County, Kansas; generally located north of West 53rd Street North on the east side of North Ridge Road (5902 N. Ridge Rd.)

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 October 20, 2016, 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 approximately 11.8 acres zoned RR Rural Residential ("RR"), described as:

BEG 420.88 FT N SW COR NW1/4 N 362.75 FT E 444.48 FT S 126.4 FT E 226 FT S 256.5 FT W 651.84 FT TO BEG EXC W 40 FT FOR RD SEC 15-26-1W, Sedgwick County, Kansas; generally located north of West 53rd Street North on the east side of North Ridge Road (5902 N. Ridge Rd.)

Approved subject to the following conditions:

1. The site shall be developed, maintained and operated in substantial compliance with the approved site plan and in compliance with all applicable laws and regulations.
2. 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 20th day of October 2016.

METROPOLITAN AREA PLANNING COMMISSION

David W. Foster, Chair MAPC

ATTEST:

Dale Miller, Secretary

AGENDA ITEM NO. 7

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC October 20, 2016

CASE NUMBER: CON2016-00045

APPLICANT/OWNER: Rebecca Nicholson, owner

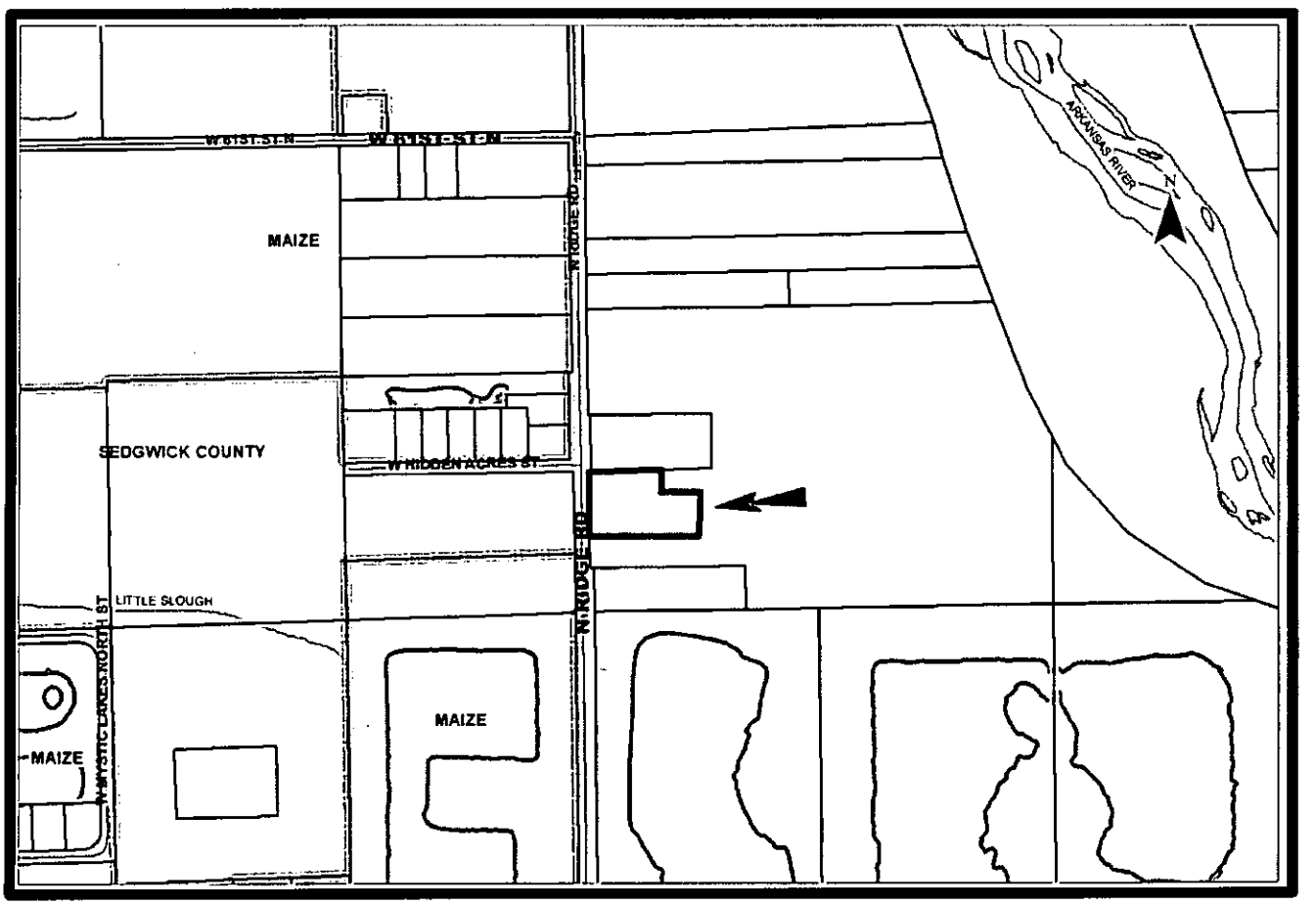
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: 5.0 acres

LOCATION: Generally located north of West 53rd Street and east of Ridge Road

PROPOSED USE: Second residence on the property



BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment to be built on the subject property. The unplatted property is zoned RR Rural Residential and is approximately 5.0 acres. It is currently developed with a single-family residence, post frame building, garden tool shed/kennel, fish pond water feature and a lagoon for the septic. The subject site is located the east side of Ridge Road, north of West 53rd Street North. The Sedgwick County site is not located within any Zoning Area of Influence.

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.

The surrounding properties to the north, south, east and west are large tracts zoned RR. The uses include single-family residences, agriculture fields and farming/ranch operations with improvements.

The applicant submitted a site plan showing the location of existing structures and the proposed new 80-feet X 32-feet residential designed manufactured home with a new 25-feet X 25-feet attached garage.

CASE HISTORY: The subject property is an unplatted large lot. Unless the property meets one of the criteria for a platting exemptions contained in Article 3-105 of Subdivision Regulations, the property will need to be platted prior to constructing the accessory apartment.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Large tract, Single-family residence with associated buildings
SOUTH:	RR	Large tract, Single-family residence with associated buildings
WEST:	RR	Single-family residence, agricultural fields and associated buildings
EAST:	RR	Large tract, agricultural fields with residential and associated buildings

PUBLIC SERVICES: The subject site has access to North Ridge Road which is an arterial paved street. The property is served by a water well and septic system.

CONFORMANCE TO PLANS/POLICIES: The "2035 Community Investments Plan" (Plan) identifies the subject site as being in the Rural Area. 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 subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*. This category identifies Wichita's urban fringe

areas that are presently undeveloped but have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

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 (residential designed manufactured home) and attached garage shall remain accessory to and under the same ownership as the principal single-family residence (located at 5902 N. Ridge Road) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling, per an elevation drawing and site plan approved by the Planning Director.

2. The water and sewer service 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. The applicant shall have the MABCD review the status of the existing septic system.

3. 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 placing of the accessory apartment.

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

5. If the accessory apartment is not in place within 12 months after final approval, or 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:

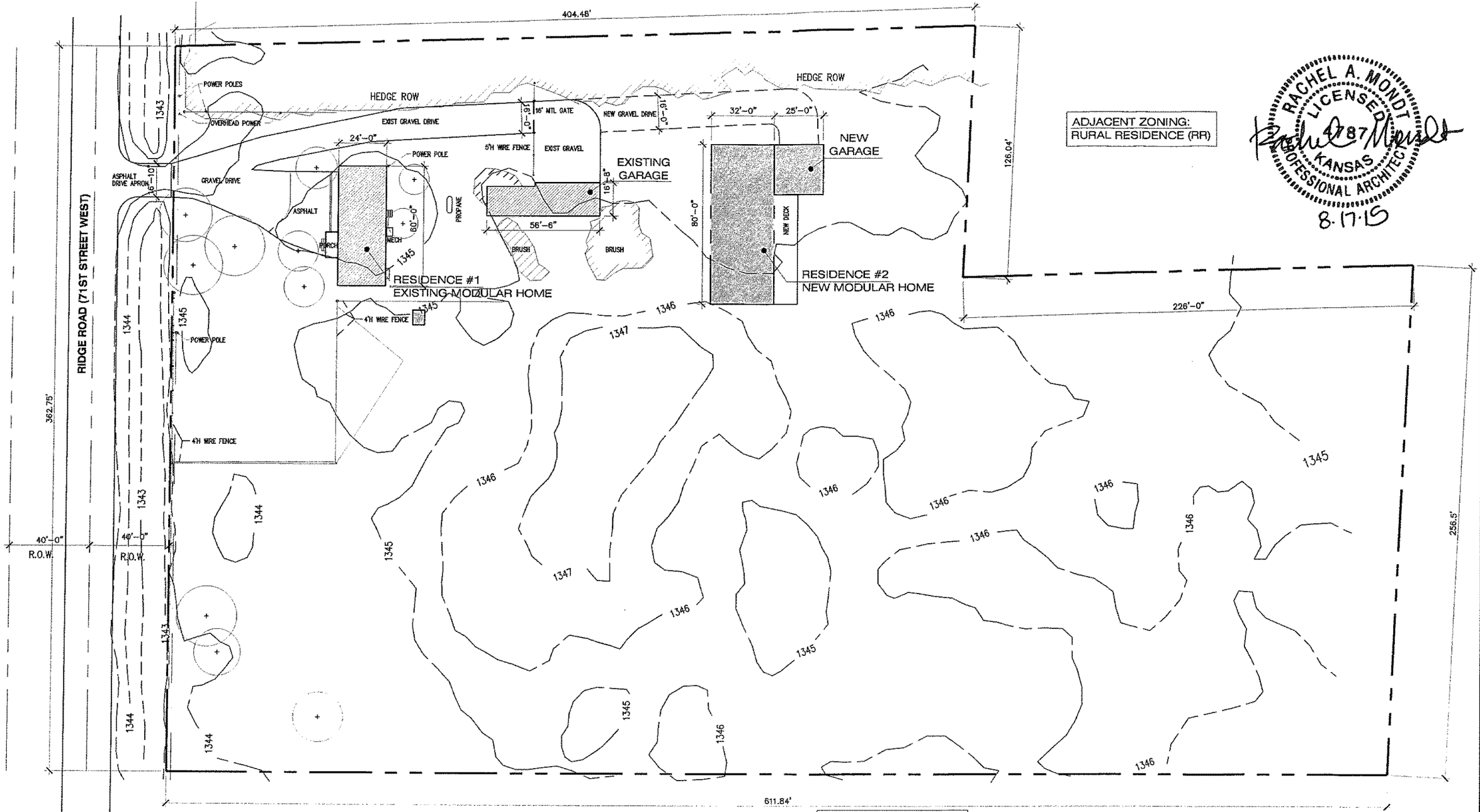
1. **The zoning, uses and character of the neighborhood:** The subject site is located in Sedgwick County in an RR zoned area with lots ranging from -/+ 5 acres to 80 acres. Development is a mix of large lot single-family residential and farming/ranching operations.

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 existing single-family residence. The property could continue to be used for one single-family residence; the depth of the property easily accommodates an accessory apartment with an attached garage and additional required parking space. Residential designed manufactured homes are allowed in RR zoning districts.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** This appears to be the first request for an accessory apartment in this neighborhood. Approval of the request should not detrimentally impact nearby properties. 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 "2035 Community Investments Plan" (Plan) identifies the subject site as being in the Rural Area. 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 subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*. This category identifies Wichita's urban fringe areas that are presently undeveloped but have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

5. **Impact of the proposed development on community facilities**: Community facilities are the public streets in the area, police and fire services, none of which will be noticeably impacted by another residence being built on the site. There is no public water or sewer service available to the unplatted area.



ADJACENT ZONING:
RURAL RESIDENCE (RR)

ADJACENT ZONING:
RURAL RESIDENCE (RR)

LEGAL DESCRIPTION:
FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, T26S, R1W OF THE 6TH P.M. SEDGWICK COUNTY, KANSAS; THENCE NORTH ON THE WEST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF N0°00'00"E A DISTANCE OF 420.88 FEET TO THE POINT OF BEGINNING THENCE CONTINUING N0°00'00"E, 362.75 FEET; THENCE N88°24'47"E, 444.48 FEET; THENCE S02°45'08"w, 126.40 FEET; THENCE N88°26'15"E, 226.00 FEET; THENCE S02°45'11"W, 256.50 FEET; THENCE N89°53'30"W, 651.84 FEET TO THE POINT OF BEGINNING SAID TRACT OF LAND CONTAINING 5.00 ACRES.

A SITE PLAN
1" = 50'

CON2016-45

CONDITION USE REQUEST:
ZONING DISTRICT CHANGE OF PROPERTY FROM RURAL RESIDENCE (RR) TO TWO FAMILY (TF-3)

RACHEL A. MONDT
LICENSED
14787
KANSAS
PROFESSIONAL ARCHITECT
8-17-15

Rachel Mondt, Architect
PO BOX 781341, Wichita, KS 67278
PH 316.641.4159 FAX 316.440.2529

CONDITIONAL USE SITE PLAN FOR:
REBECCA NICHOLSON
5902 N. RIDGE ROAD
WICHITA, KANSAS

JOB NO.: 716-03
ORIGINAL DATE: 8-17-15
SUBMITTAL: CONDITIONAL USE
REVISIONS:

SHEET NO.
A-1