Wichita-Sedgwick County Metropolitan Area Planning Department

March 20, 2019

Shannon K & Kristin D White
PO Box 612
Cheney KS 67025

RE: CON2018-00043 - County Conditional Use to permit an accessory apartment on property zoned RR Rural Residential generally located 1/4 mile north of US 54/400 Highway on the west side of 391st Street West (39201 West 7th Street South).

Dear Applicant:

At its regular meeting on **January 10, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
David Dennis, BoCC Member District 3
Justin Waggoner, Assistant County Counselor

CONDITIONAL USE RESOLUTION NO. CON2018-43

WHEREAS, Shannon K. and Kristin D. White (owners); 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 5.5 acres zoned RR Rural Residential ("RR"), described as:

A tract of land in the Northeast Quarter of Section 30, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, described as Commencing at the Northeast corner of said Northeast Quarter; thence S00°37'16"W (assumed) along the East line of said Northeast Quarter for 680.96 feet; thence S88°36'00"W for 160.08 feet to the West line of K-251 Highway Right-of-Way and the Point of Beginning; thence S88°36'00"W for 227.40 feet; thence S01°52'00"W for 941.91 feet; thence North 87°27'49"E for 268.15 feet to the West line of K-251 Highway Right-of-Way; thence north along said West line of K-251 Highway Right-of-Way for the following three courses, North 00°37'16"E for 615.00 feet; thence N03°46'44"W for 260.80 feet; thence N00°37'16"E for 59.90 feet to the Point of Beginning; generally located ¼ mile north of US54/400 Highway on the west side of 391st Street West (39201 W. 7th Street South.)

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 January 10, 2019, 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 5.5 acres zoned RR Rural Residential ("RR"), described as:

A tract of land in the Northeast Quarter of Section 30, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, described as Commencing at the Northeast corner of said Northeast Quarter; thence S00°37'16"W (assumed) along the East line of said Northeast Quarter for 680.96 feet; thence S88°36'00"W for 160.08 feet to the West line of K-251 Highway Right-of-Way and the Point of Beginning; thence S88°36'00"W for 227.40 feet; thence S01°52'00"W for 941.91 feet; thence North 87°27'49"E for 268.15 feet to the West line of K-251 Highway Right-of-Way; thence north along said West line of K-251 Highway Right-of-Way for the following three courses, North 00°37'16"E for 615.00 feet; thence N03°46'44"W for 260.80 feet; thence N00°37'16"E for 59.90 feet to the Point of Beginning; generally located ¼ mile north of US54/400 Highway on the west side of 391st Street West (39201 W. 7th Street South.)

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 39201 W. 7th Street South) 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.

(2) The water provided to the accessory apartment shall not be provided as separate services from the main dwelling. Sewer will be provided by the on-site lagoon. The applicant shall have the MABCD review the status of the existing lagoon system. 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 turning in plans for review and approval by the MABCD for the construction 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.

Adopted this 10th day of January 2019.

METROPOLITAN AREA PLANNING COMMISSION

Cindy Miles

Cindy Miles, Chairman MAPC

ATTEST:

Dale Miller

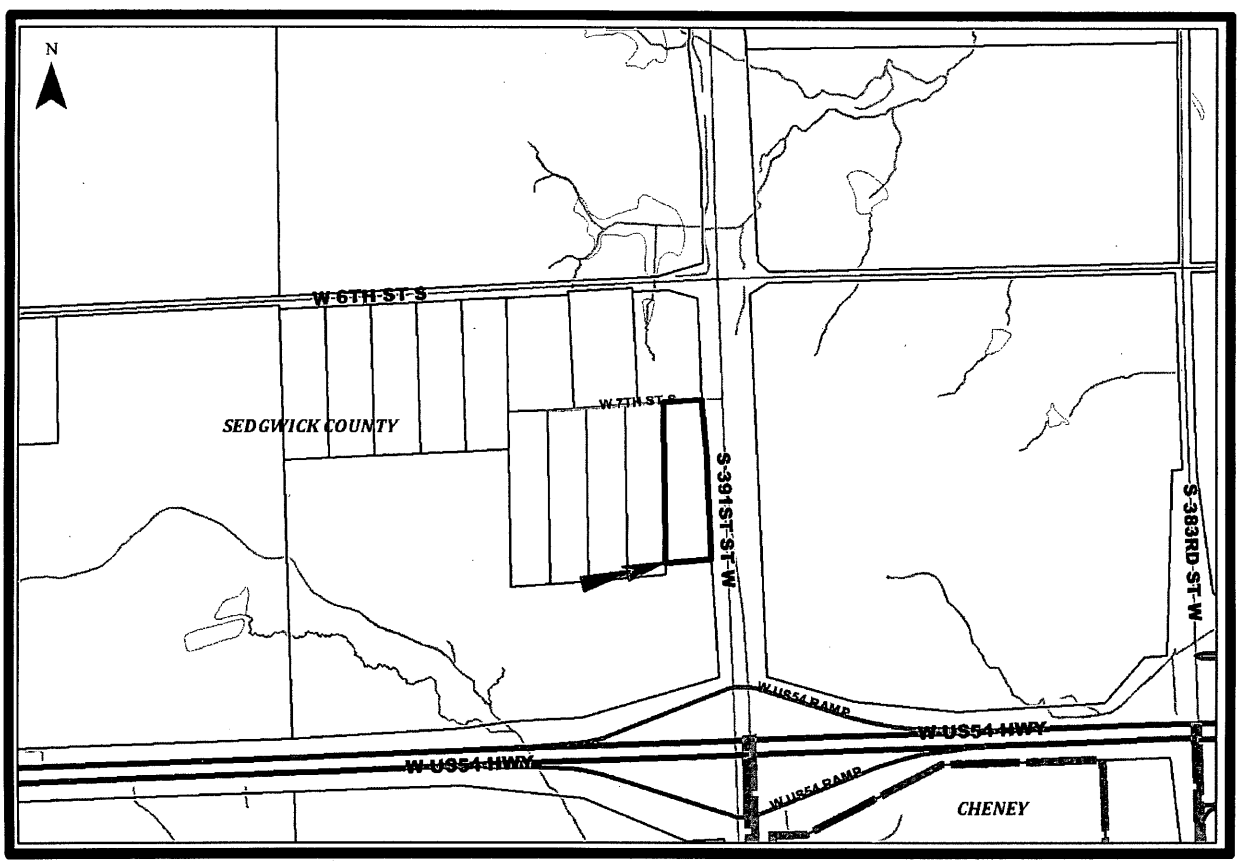
Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT
MAPC: January 10, 2019
CAB 3: January 7, 2019

CASE NUMBER:	CON2018-00043
APPLICANT/OWNER:	Shannon and Kristin White (Owner/Applicant)
REQUEST:	Conditional Use to permit an Accessory Apartment
CURRENT ZONING:	RR Rural Residential ("RR")
SITE SIZE:	5.5 acres
LOCATION:	Generally located one-quarter mile north of US 54/400 on the west of 391st Street West
PROPOSED USE:	Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use for a 30-feet by 30-feet accessory apartment to be located within a 30-feet by 70-feet accessory building on the site. The unplatted property is zoned RR Rural Residential and is approximately 5.5 acres. It is currently developed with a single-family home. The subject site is located one-quarter mile north of US Highway 54/400 on the west side of 391st Street West on the south side of West 7th Street South (39201 West 7th Street South.) The Sedgwick County site is not located within any Urban 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, east, west and south are zoned RR. The uses include single-family residences and unimproved large lots.

The applicant submitted the attached site plan showing the location of the existing residence, proposed structure with the 30-feet by 30-feet apartment and the lagoon.

CASE HISTORY: The subject property is unplatted. The existing single-family residence was built in 2016.

ADJACENT ZONING AND LAND USE:
NORTH: RR Single-family residence on 5.5 acres
SOUTH: RR Vacant 67 acre tract
WEST: RR Single-family residence on 5.2 acres
EAST: Right-of-Way for 391st Street, 300 feet

PUBLIC SERVICES: South 391st Street West is a two-lane paved section line road with paved shoulders. The subject site has access to South 391st Street West from West 7th Street South, which is a 30-foot wide, undedicated, gravel road. The property is served by a septic system with a lateral field and on-site water well.

CONFORMANCE TO PLANS/POLICIES: The *2035 Community Investments Plan* Wichita Future Growth Concept map indicates the application area is located in the Rural Growth 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 and should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County.*

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 (located at 39201 West 7th Street South) 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.

(2) The water provided to the accessory apartment shall not be provided as separate services from the main dwelling. Sewer will be provided by the on-site septic. The applicant shall have the MABCD review the status of the existing septic system. 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 turning in plans for review and approval by the MABCD for the construction 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 County subject site is located in an RR zoned area with lots ranging from five acres to 70 acres. Development in the area consists of large lot single-family residential and unimproved parcels.

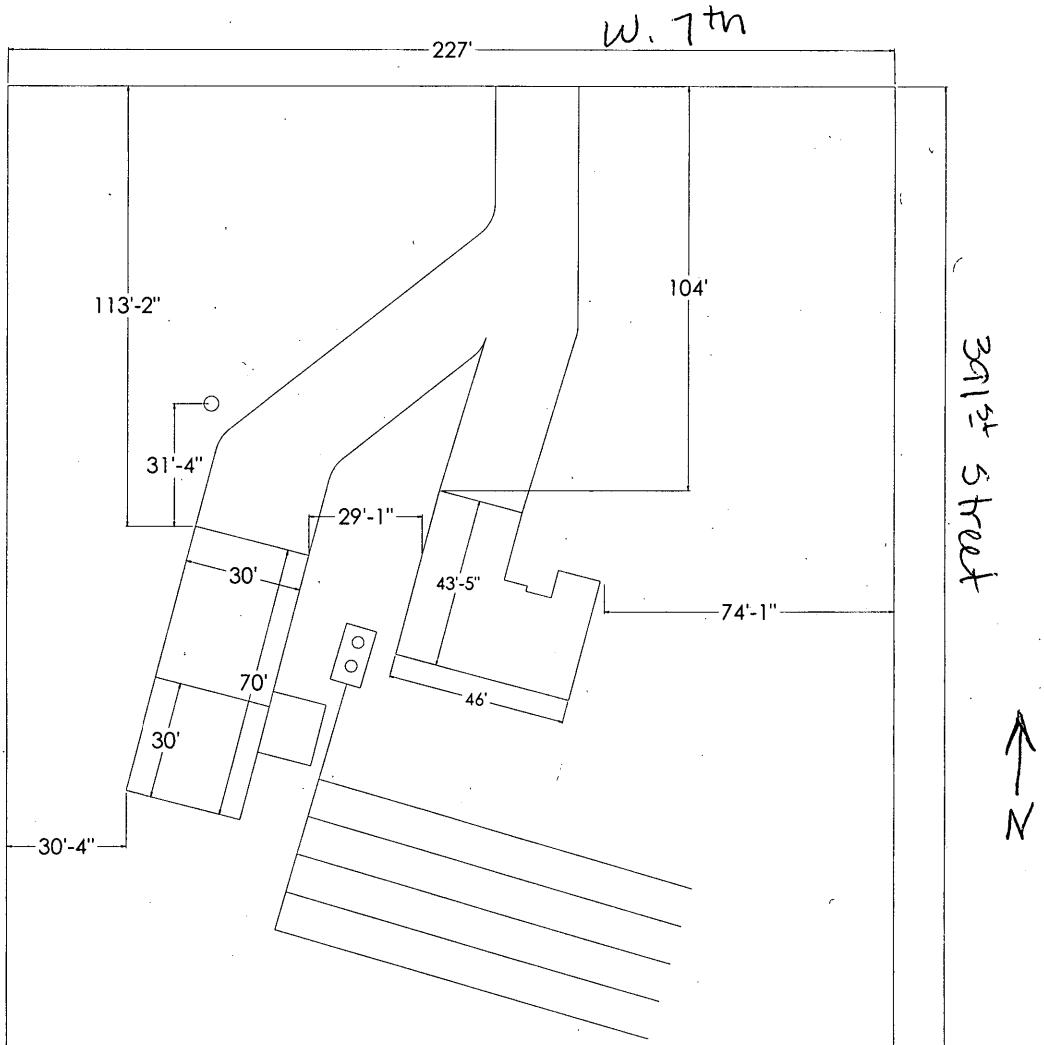
(2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned RR which permits the existing single-family residence. The property will continue to be used for one single-family residence; the size of the property easily accommodates an accessory structure with an apartment and the additional required parking space.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** 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* Wichita Future Growth Concept map indicates the application area is located in the Rural Growth 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 and should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County.*

(5) **Impact of the proposed development on community facilities:** There will be minimal impact on public roads and no impact to water and sewer service.

Attachments: Site Plan



SITE PLAN

APPROVED 1/24/19 RMuñoz