CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

REVISED

July 24, 2019

Rodney J and Darla R Hughes
14131 W. Onewood Ct.
Wichita, KS 67235

Abbott Land Survey
Chad Abbott
631 N. Kessler
Wichita, KS 67203

RE: CON2019-00024 - County Conditional Use to permit an accessory apartment on property zoned RR Rural Residential generally located on the west side of South 135th Street West and 2.15 miles south of US 54/400 (3301 South 135th Street West).

Dear Applicant:

At its regular meeting on **July 11, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request.

Property owners opposed to the application may file with the City 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 **July 25, 2019**. 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 200 feet of the property for which the application was filed, and must be submitted to the County Clerk by **July 25, 2019 at 5:00 p.m.**

If a protest or an appeal of the decision of the MAPC is filed, the application will be forwarded to the Board of County Commissioners for consideration on August 21, 2019.

If no valid protests or appeals opposing the action of the MAPC are filed with the County Clerk by **5:00 p.m. on Thursday, July 25, 2019**, the action of the MAPC will be considered 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 268-4421.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
David Denis, BoCC Member District 3
Kate Flavin

CONDITIONAL USE RESOLUTION NO. CUN2019-24

WHEREAS, Rodney J. and Darla R. Hughes (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 on approximately 3.89 acres zoned RR Rural Residential ("RR"), generally located on the west side of South 135th Street West and 2.15 miles south of US Hwy 54/400, legally described as:

Commencing at a point in the East line and 327.85' South of the Northeast corner of the Northeast Quarter of Section 11, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, said East line having an assumed bearing of S00°00'00"W; thence N90°00'00"W, a distance of 208.71 feet to the point of beginning; thence S00°00'00"W a distance of 163.87 feet; thence N90°00'00"W, a distance of 120.00 feet; thence S00°00'00"W, a distance of 162.57 feet; thence N89°52'32"W, a distance of 335.62 feet; thence N00°00'00"E, a distance of 325.71 feet; thence S90°00'00"E, a distance of 455.62 feet to the point of beginning.

TOGETHER WITH

Beginning at a point in the East line and 536.56 feet South of the Northeast corner of Section 11, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence continuing South along the East line of Section 11, having an assumed bearing of S00°00'00"E, a distance of 118.44 feet; thence N89°52'32"W, parallel with the North line of said Section 11, a distance of 328.71 feet; thence N00°00'00"E, parallel with the East line of said Section 11, a distance of 162.57 feet; thence N90°00'00"E, a distance of 120 feet; thence S00°00'00"W, a distance of 44.84 feet; thence N90°00'00"E, a distance of 208.71 feet 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 July 11, 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"), generally located on the west side of South 135th Street West and 2.15 miles south of US Hwy 54/400, legally described as:

Commencing at a point in the East line and 327.85' South of the Northeast corner of the Northeast Quarter of Section 11, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, said East line having an assumed bearing of S00°00'00"W; thence N90°00'00"W, a distance of 208.71 feet to the point of beginning; thence S00°00'00"W a distance of 163.87 feet; thence N90°00'00"W, a distance of 120.00 feet; thence S00°00'00"W, a distance of 162.57 feet; thence N89°52'32"W, a distance of 335.62 feet; thence N00°00'00"E, a distance of 325.71 feet; thence S90°00'00"E, a distance of 455.62 feet to the point of beginning.

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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 3301 South 135th Street West) 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 _____25th_____ day of __July_____ 2019.

METROPOLITAN AREA PLANNING COMMISSION

Cindy Miles

Cindy Miles, Chairman MAPC

ATTEST:

Dale Miller

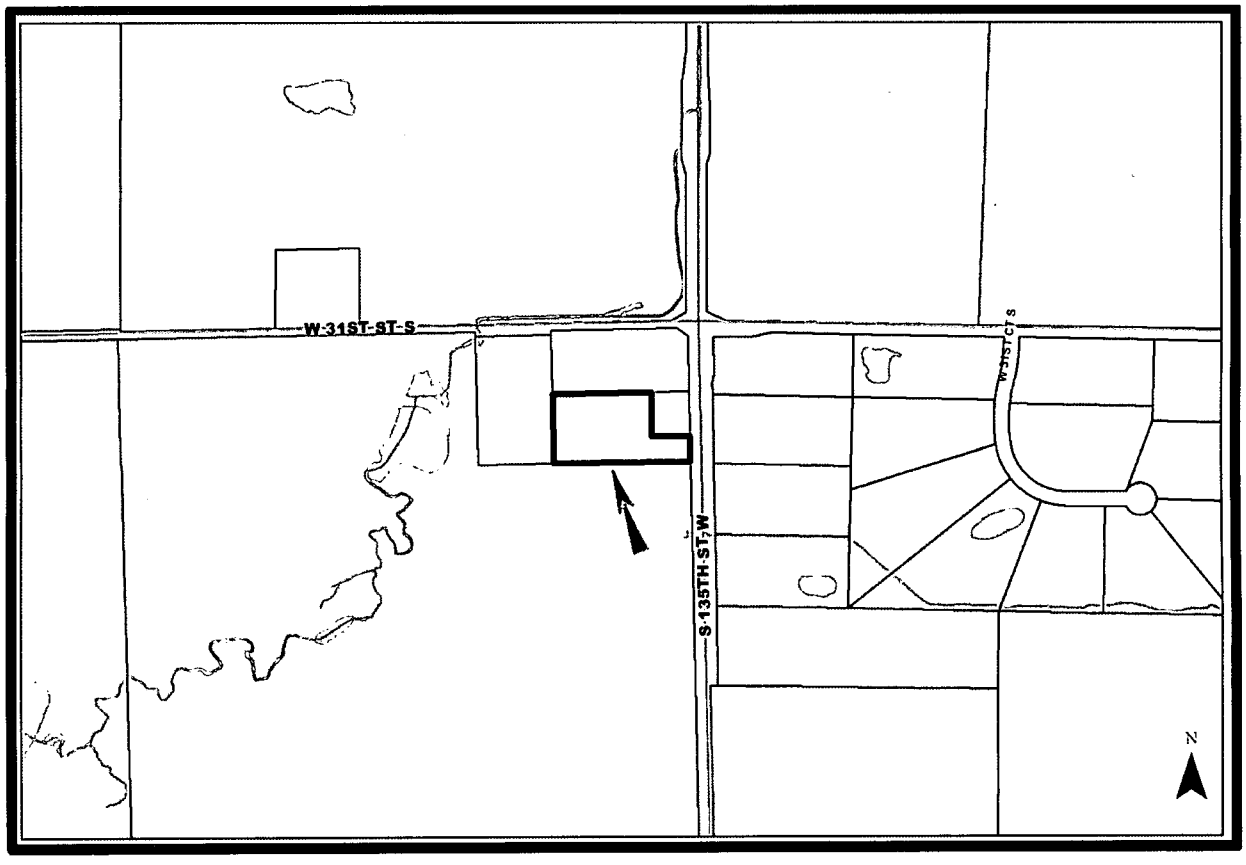
Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.4

STAFF REPORT
MAPC: July 11, 2019
CAB 3: July 29, 2019

CASE NUMBER:	CON2019-00024
APPLICANT/OWNER:	Rodney and Darla Hughes (Owners) / Abbott Land Survey, Chad Abbott (Agent)
REQUEST:	Conditional Use to permit an Accessory Apartment
CURRENT ZONING:	RR Rural Residential ("RR")
SITE SIZE:	3.89 acres
LOCATION:	Generally located one-quarter mile south of US 54/400 West 31st Street South on the west of South 135th Street West
PROPOSED USE:	Accessory Apartment



BACKGROUND: The applicant is building a new main residential structure (81-feet by 39-feet) and is requesting a Conditional Use for an existing residence/garage (60-feet by 40-feet) built in 2016 that will become a non-conforming use once the main house is completed. There is a 20-foot separation between the structures and the new residence is located in front of the 60-feet by 40-feet structure. The unplatted property is zoned RR Rural Residential and is approximately 3.89 acres. The subject site is located (3301 S. 135th Street West.) 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/garage and the new 81-feet by 39-feet residence. Not shown on the site plan is an existing lagoon in the northwest corner of the property. Platting of the property is not required. Platting of the property is not required.

CASE HISTORY: The subject property is unplatted. The existing nonconforming accessory structure was built as a residence in 2016 when the original 1910 structure was demolished. Construction of the new main residence was permitted in January 2019. Prior to completion of the new residence, the property owners were advised by Metropolitan Building and Construction Department (MABCD) that a conditional use for the 2016 residence/garage structure as an accessory structure would have to be approved before an occupancy permit will be issued for the new residence.

ADJACENT ZONING AND LAND USE:

NORTH: RR Single-family residence
SOUTH: RR Vacant 145 acre tract
WEST: RR Single-family residence on 5.2 acres
EAST: RR Single-family residence

PUBLIC SERVICES: South 135th Street West is a two-lane paved section line road with a 75-foot right-of-way and unpaved shoulders. The subject site has direct access to South 135th Street West and is approximately two miles south of West Kellogg. 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 Wichita Urban Growth Area. This category encompasses land within 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 3301 South 135th Street West) and the ownership shall not be divided or sold as a condominium.

(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 located at the northwest corner of the property. 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 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 one acre to 145 acres. Development in the area consists of large lot single-family residential and unimproved agricultural parcels.

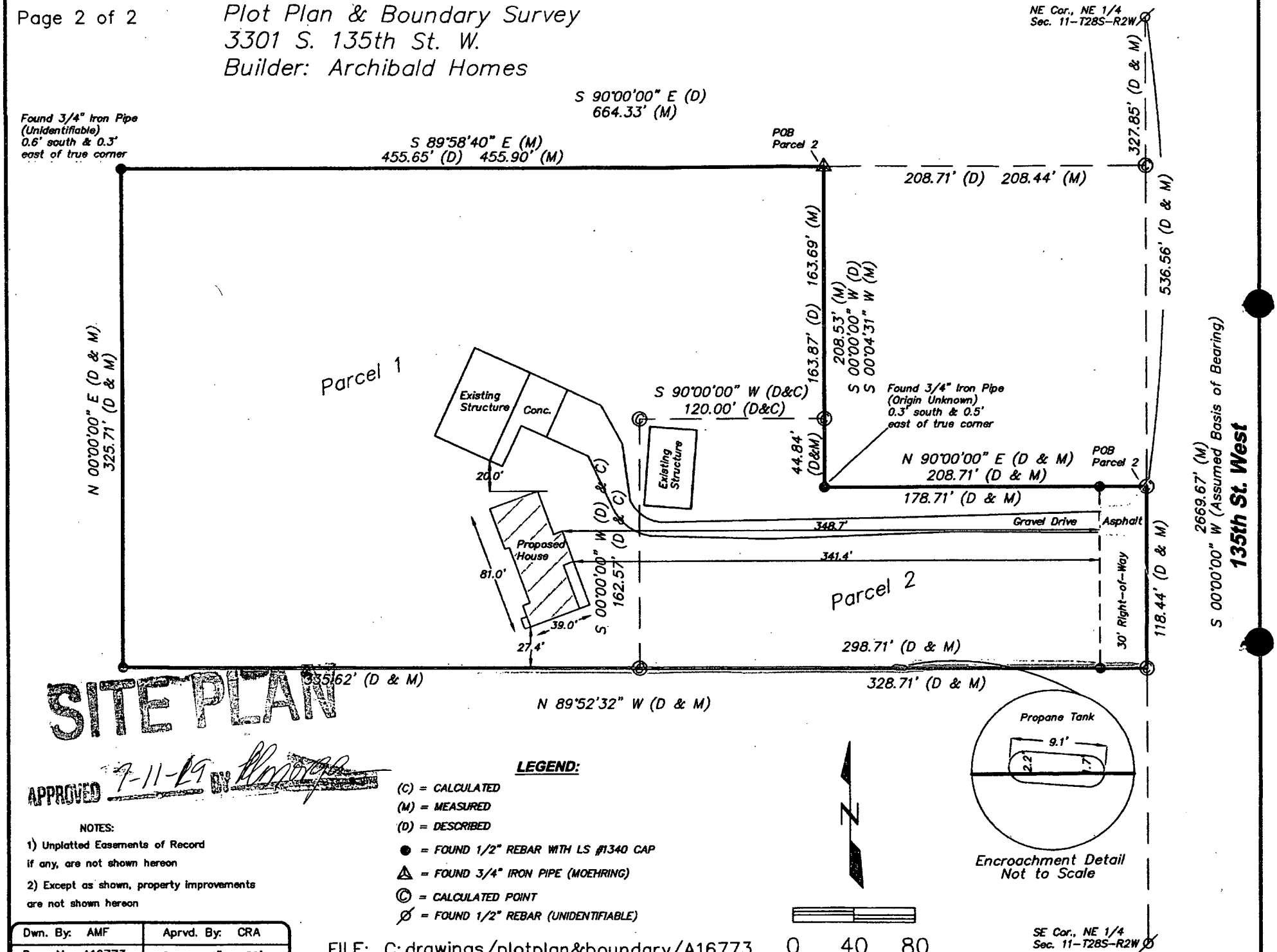
(2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned RR which permits the existing single-family residence. The property will continue to be used for one single-family residence; the size of the property easily accommodates 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 Wichita Urban Growth Area. This category encompasses land within 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.

Plot Plan & Boundary Survey
3301 S. 135th St. W.
Builder: Archibald Homes



SITE PLAN

APPROVED 7-11-19 BY

LEGEND:

- (C) = CALCULATED
- (M) = MEASURED
- (D) = DESCRIBED
- ● = FOUND 1/2" REBAR WITH LS #1340 CAP
- △ = FOUND 3/4" IRON PIPE (MOEHRING)
- © = CALCULATED POINT
- Ø = FOUND 1/2" REBAR (UNIDENTIFIABLE)

NOTES:

1) Unplatted Easements of Record if any, are not shown hereon

2) Except as shown, property improvements are not shown hereon

Dwn. By: AMF	Aprvd. By: CRA
Dwg. No. A16773	Scale: 1" = 80'

FILE: C:drawings/plotplan&boundary/A16773

0 40 80