CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 22, 2019

Sandra and Michael Green
610 East Elaine Street
Clearwater, KS 67026

Anthony M. Strunk
2600 South 183 Street West
Goddard, KS 67052

RE: CON2019-00037 - County conditional use to allow an accessory apartment on property zoned RR Rural Residential generally located on the north side of West 71st Street South and ½ mile west of South 119th Street West (12800 West 71st Street South)

Dear Applicant:

At its regular meeting on **October 24, 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. No protests were filed, so this matter is considered complete, subject to the conditions outlined in the resolution.

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

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: MABCD – Kelly Dixon
BCCC #3 David T. Dennis
Justin Waggoner

CONDITIONAL USE RESOLUTION NO. CON2019-00037

WHEREAS, Sandra and Michael Green, (Owners), and Anthony Strunk (Agent) 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 Accessory Apartment on property zoned RR, Rural Residential District, at 12800 West 71st Street South, and legally described as:

> Beginning at the Southwest corner of the Southeast Quarter of Section 36, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence North 00°03'05" East along the West line of said Southeast Quarter, a distance of 1,272.68 feet; thence North 89°52'31" East, a distance of 1,316.21 feet; thence South 05°04'51" East, a distance of 1,275.18 feet to the South line of said Southeast Quarter; thence South 89°47'05" West along the South line of said Southeast Quarter, a distance of 360.14 feet; thence North 00°03'05" West, a distance of 650 feet; thence North 89°47'05" West, a distance of 670.15 feet; thence South 00°03'05" West, a distance of 650 feet to the South line of said Southeast Quarter; thence South 89°47'05" West along said South line, a distance of 400.00 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 October 24, 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 permit an Accessory Apartment on property zoned RR, Rural Residential District, at 12800 West 71st Street South, and legally described as:

> Beginning at the Southwest corner of the Southeast Quarter of Section 36, Township 28 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence North 00°03'05" East along the West line of said Southeast Quarter, a distance of 1,272.68 feet; thence North 89°52'31" East, a distance of 1,316.21 feet; thence South 05°04'51" East, a distance of 1,275.18 feet to the South line of said Southeast Quarter; thence South 89°47'05" West along the South line of said Southeast Quarter, a distance of 360.14 feet; thence North 00°03'05" West, a distance of 650 feet; thence North 89°47'05" West, a distance of 670.15 feet; thence South 00°03'05" West, a distance of 650 feet to the South line of said Southeast Quarter; thence South 89°47'05" West along said South line, a distance of 400.00 feet to the point of beginning.

Subject to the following conditions:

1. The accessory apartment shall be completed and maintained in compliance with the provisions applicable to accessory apartments in the Unified Zoning Code, as found in Article III, Section III-D(6)(a), which states as follows:

   a. **Accessory Apartments.** Accessory Apartments shall be subject to the following standards.

(1) **Number of units.** A maximum of one Accessory Apartment may be allowed on the same Lot as a Single-Family Dwelling Unit and may be within the Main Building, within an accessory Building or constructed as an accessory Building.

(2) **Appearance.** The appearance of an Accessory Apartment shall be compatible with the main Dwelling Unit and with the character of the neighborhood.

(3) **Ownership.** 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.

(4) **Utility Service.** The water and sewer service provided to the Accessory Structure 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.

2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department. In particular, the onsite water and wastewater services will have to be brought into compliance with the Sedgwick County codes, including providing a single sanitary sewer facility for both residential structures.

3. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 24th Day of October, 2019

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair MAPC

ATTEST:

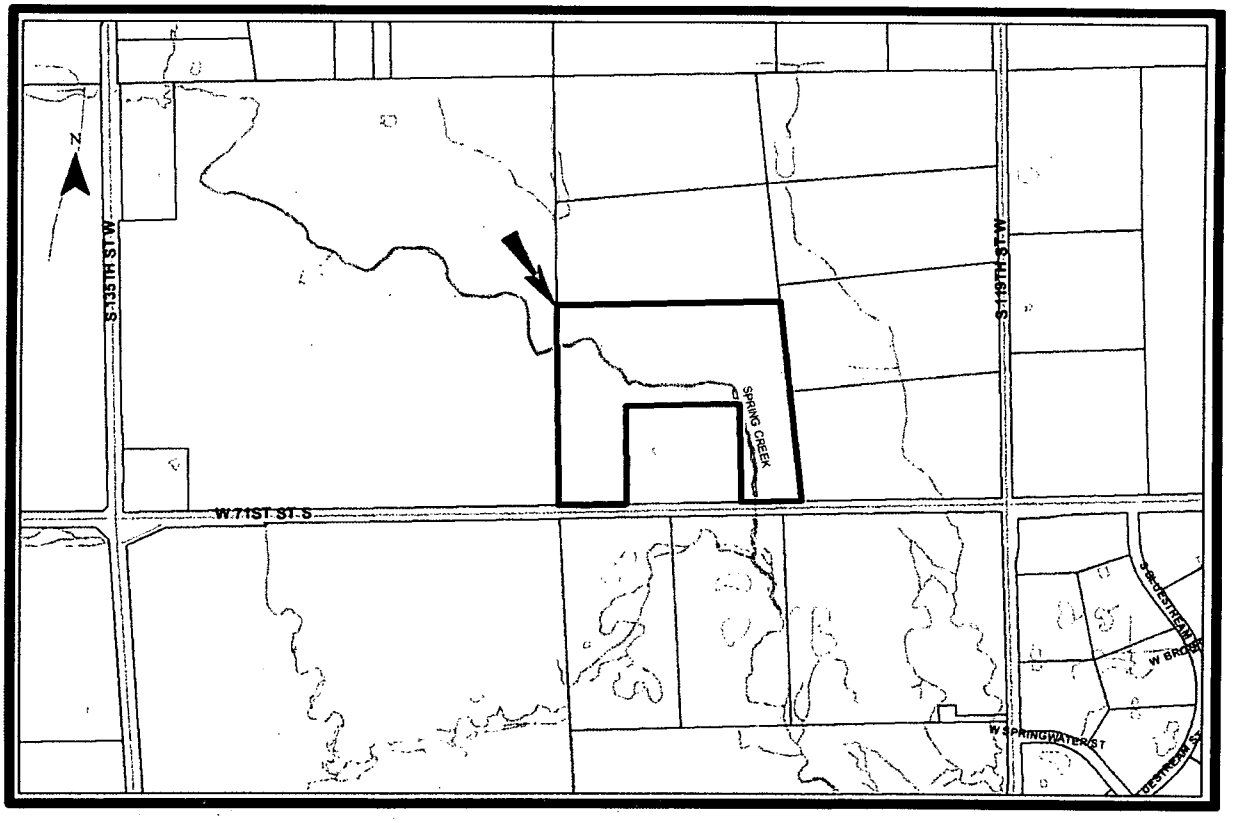
Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.2

STAFF REPORT
MAPC: October 24, 2019
CAB III: November 4, 2019

CASE NUMBER:	CON2019-00037
APPLICANT/OWNER:	Michael and Sandra Green (Owner/Applicant)/ Anthony Strunk (Agent)
REQUEST:	Conditional Use to permit an Accessory Apartment
CURRENT ZONING:	RR Rural Residential (RR)
SITE SIZE:	29.38 acres
LOCATION:	Generally on the north side of West 71st Street South and ½ mile west of 119th Street West (12800 West 71st Street South)
PROPOSED USE:	Accessory Apartment for relative



BACKGROUND: The applicant is requesting a Conditional Use to allow the installation of an accessory apartment structure as a dwelling for a relative on the subject property. The unplatted property is zoned RR Rural Residential and is 29.38 acres in size. It is currently developed with a single-family home. The subject site is located one-half mile east of South 119th Street West on the north side of West 71st Street South (12800 West 71st Street South.)

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 which states:

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 parcel which the subject property surrounds is occupied by a single-family home that shares the driveway from West 71st Street. There are residences on the south side of 71st Street on large lots.

The applicant submitted the attached site plan showing the location of the existing residence and the new structure to be just to the east of that. The site plan proposed another sewage lagoon for the new residence.

CASE HISTORY: The subject property is unplatted. According to the information from the Sedgwick County Appraiser's Office, the existing single-family residence was built in 1900. There are no other zoning actions shown applicable to this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural
SOUTH:	RR	Single-family residence
WEST:	RR	Agricultural
EAST:	RR	Single-family residence

PUBLIC SERVICES: West 71st Street South is a two-lane, paved, section-line road. 71st Street is a major east/west road in the County. The subject property is served by on-site water and sanitary sewer facilities. All other utilities are available to the property.

CONFORMANCE TO PLANS/POLICIES: The Wichita-Sedgwick County Comprehensive Plan, the *2035 Community Investments Plan*, identifies the site as "Rural" on the Future Growth Map Concept Map. While no specific future development of this area is envisioned, the overall intent of the Plan for these areas is to recognize and support uses that enhance and support the continued expansion and prosperity of the rural area. This use is consistent with the intent of the Comprehensive Plan.

Based upon the information available at the time the staff report, staff recommends the request be **APPROVED**, subject to the following conditions:

1. The accessory apartment shall be completed and maintained in compliance with the provisions applicable to accessory apartments in the Unified Zoning Code, as found in Article III, Section III-D(6)(a), which states as follows:

   a. Accessory Apartments. Accessory Apartments shall be subject to the following standards.

   (1) Number of units. A maximum of one Accessory Apartment may be allowed on the same Lot as a Single-Family Dwelling Unit and may be within the Main Building, within an accessory Building or constructed as an accessory Building.

   (2) Appearance. The appearance of an Accessory Apartment shall be compatible with the main Dwelling Unit and with the character of the neighborhood.

   (3) Ownership. 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.

   (4) Utility Service. The water and sewer service provided to the Accessory Structure 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.

2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department. In particular, the onsite water and wastewater services will have to be brought into compliance with the Sedgwick County codes, including providing a single sanitary sewer facility for both residential structures.

3. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and 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: The surrounding properties to the north, east, west and south are zoned RR. The uses include single-family residences and unimproved large lots. The parcel which the subject property surrounds is occupied by a single-family home that shares the driveway from West 71st Street. There are residences on the south side of 71st Street on large lots.

2. The suitability of the subject property for the uses to which it has been restricted: The property is already being used as permitted for its Rural Residential classification. This activity will simply add an amenity to the property for the use and enjoyment of the owners.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested authorization to permit the accessory apartment should have no impact on nearby properties, which are also on large lots with very low density or agriculturally used.

4. Length of time the property has been vacant as currently zoned: The property has been used residentially for years. The Conditional Use Permit for the addition of the accessory apartment will have no harm to the subject property.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: There are no impacts evident under either situation. The requested use is reasonable and will enhance value of the land.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita-Sedgwick County Comprehensive Plan, the *2035 Community Investments Plan*, identifies the site as "Rural" on the Future Growth Map Concept Map. While no specific future development of this area is envisioned, the overall intent of the Plan for these areas is to recognize and support uses that enhance and support the continued expansion and prosperity of the rural area. This use is consistent with the intent of the Comprehensive Plan.

7. Impact of the proposed development on community facilities: The proposed use will have no detrimental impact on community facilities.

Staff Report Attachments:

Site Plan