CITY OF WICHITA

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Wichita-Sedgwick County Metropolitan Area Planning Department

December 19, 2019

Juston and Amy Bradley
3201 W. 101st Street North
Valley Center, KS 67247

RE: CON2019-00050 - County Conditional Use to permit an accessory apartment on property zoned RR Rural Residential generally located on the south side of West 101st Street North and west of North Meridian Avenue (3201 W. 101st North)

Dear Applicant:

At its regular meeting on **December 19, 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 County 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 **January 2, 2020.** 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 **January 2, 2020 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 February 5, 2020.

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, January 2, 2020**, 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
Lacey Cruse, BoCC Member District 4
Kate Flavin
Ryan Schrack, Valley Center

CONDITIONAL USE RESOLUTION NO. CON2019-50

WHEREAS, Juston D. and Amy Bradley (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 5 acres zoned RR Rural Residential ("RR"), generally located on the south side of West 101st Street North and west of North Meridian Avenue (3201 W. 101st Street N), legally described as:

> A tract in the Northeast Quarter of Section 24, Township 25 South, Range 1 West of the 6th P.M., described as: Beginning 215 feet east of the northwest corner of the Northeast Quarter; thence East 228.13 feet; thence S 954.71 feet; thence W 228.13 feet; thence North to beginning except the north 50 feet for road.

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 acres zoned RR Rural Residential ("RR"), generally located on the south side of West 101st Street North and west of North Meridian Avenue (3201 W. 101st Street N), legally described as:

> A tract in the Northeast Quarter of Section 24, Township 25 South, Range 1 West of the 6th P.M., described as: Beginning 215 feet east of the northwest corner of the Northeast Quarter; thence East 228.13 feet; thence S 954.71 feet; thence W 228.13 feet; thence North to beginning except the north 50 feet for road.

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 3201 West 101st Street North) 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 property will have to be platted prior to issuance of a building permit.

(4) The accessory apartment shall be compatible with the main structure and an elevation drawing submitted for approval by the Planning Director prior to issuance of permit.

(5) 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.

(6) Development and maintenance of the site shall be in conformance with the approved site plan.

(7) 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 19th day of December, 2019.

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chairman MAPC

ATTEST:

Scott Knebel, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.8

STAFF REPORT
MAPC: December 19, 2019
Valley Center Planning Commission: December 19, 2019

CASE NUMBER: CON2019-00050

APPLICANT/OWNER: Juston and Amy Bradley (Owners)

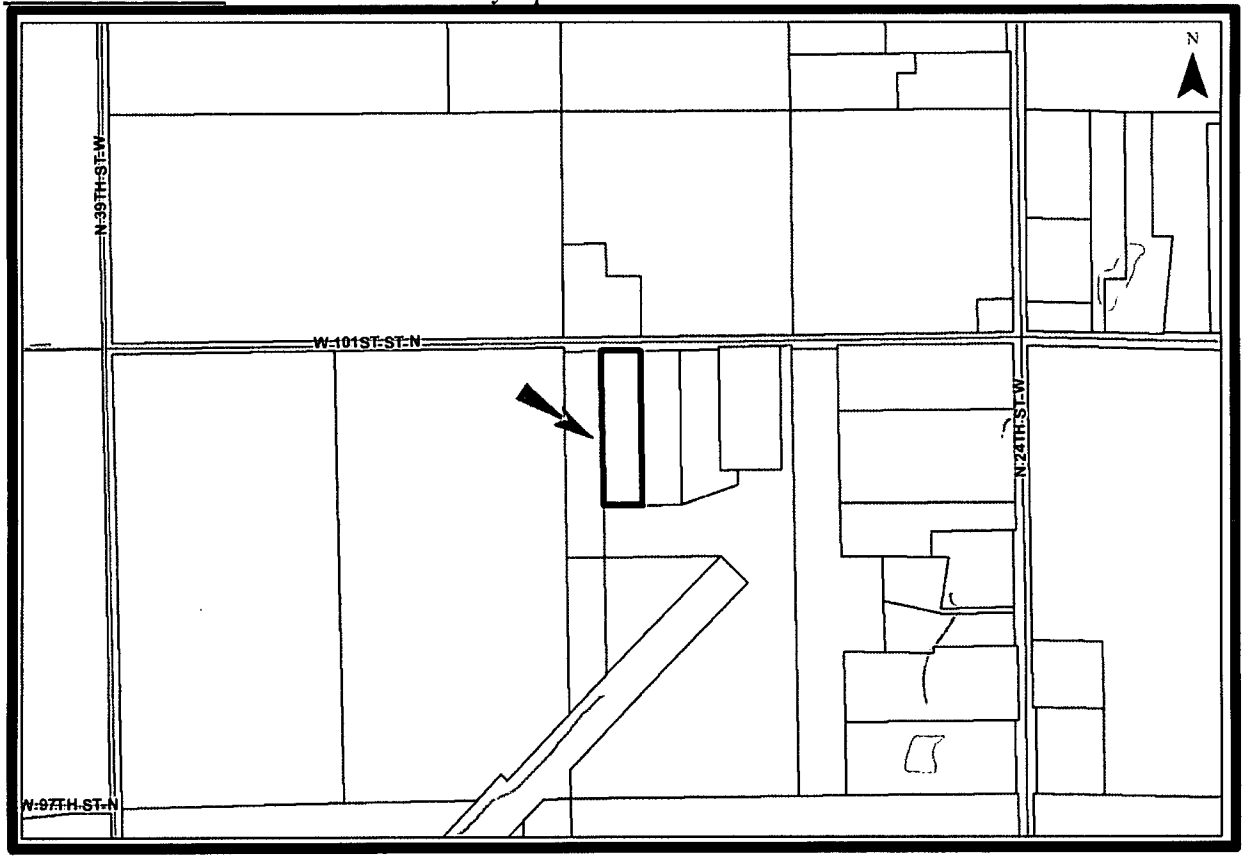
REQUEST: Conditional Use to permit an Accessory Apartment

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 4.7 acres

LOCATION: Generally located on the south side of West 101st Street North and west of North Meridian Avenue (3201 West 101st Street North).

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to allow an accessory apartment (approximately 30 feet by 60 feet). The unplatted property is zoned RR Rural Residential and is approximately 4.7 acres. The subject site is located within the Valley Center Urban Area of Influence in the unincorporated area of Sedgwick County.

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 agricultural land. Platting of the property is not required.

CASE HISTORY: The subject property is unplatted and no other planning cases have been filed for this site.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: West 101st Street North is an unpaved two-lane section line road with a 75-foot right-of-way and unpaved shoulders. The road dead ends at the Burlington Northern Santa Fe Rail Road right-of-way approximately 3/4 mile west of the subject property. The subject site has access to North Meridian (North 24thth Street West) and is approximately 2/3 mile north of Valley Center. 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 Small City Urban Growth Area. This category encompasses land within the 2035 urban growth areas for 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 3201 West 101st Street North) 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 property will have to be platted prior to issuance of a building permit.

(4) The accessory apartment shall be compatible with the main structure and an elevation drawing submitted for approval by the Planning Director prior to issuance of permit.

(5) 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.

(6) Development and maintenance of the site shall be in conformance with the approved site plan.

(7) 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.

Attached: Site Plan 3201 West 101st Street North

