CONDITIONAL USE RESOLUTION NO. CON2002-00007

WHEREAS, Angel Dillard (owner/applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow for accessory apartment on 33 acres zoned "RR" Rural Residential described as:

> Beginning at a point on the North line and 740.00 feet East of the Northwest Corner of the Northeast Quarter of Section 5, Township 25 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence continuing along the North line of said Northeast Quarter bearing South 89 degrees 00' 32" East, a distance of 1912.29 feet to the Northeast Corner of the Northeast Quarter; thence along the East line of said Northeast Quarter bearing South 00 degrees 00' West, a distance 1305.58 feet to the Southeast Corner of the North Half of the Northeast Quarter; thence along the South line of the North Half of the Northeast Quarter bearing North 89 degrees 36' 19" West, a distance of 456.29 feet; thence bearing North 02 degrees 07' West, a distance of 687.85 feet; thence bearing North 10 degrees 48' West, a distance of 37 feet; thence bearing South 85 degrees 02' West, a distance of 929.00 feet; thence bearing South 89 degrees West, a distance of 296.00 feet; thence bearing South 43 degrees14' West, a distance of 51.00 feet; thence bearing North 86 degrees West, a distance of 100 feet; thence bearing North 03 degrees 15' West, a distance of 235 feet; thence bearing North 73 degrees West, a distance of 70 feet; thence bearing North 19 degrees 27', a distance of 127.50 feet; thence bearing South 89 degrees 00' 32" East, a distance of 42 feet; thence bearing North 02 degrees 11' 22" East, a distance of 353.24 feet to the point of beginning, except the East 50 feet of the South 474 feet thereof. Generally located on the south side of 125th Street North and west of 95th Street East.

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 April 4, 2002, 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 a Conditional Use to allow for accessory apartment on 33 acres zoned "RR" Rural Residential described as:

> Beginning at a point on the North line and 740.00 feet East of the Northwest Corner of the Northeast Quarter of Section 5, Township 25 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence continuing along the North line of said Northeast Quarter bearing South 89 degrees 00' 32" East, a distance of 1912.29

feet to the Northeast Corner of the Northeast Quarter; thence along the East line of said Northeast Quarter bearing South 00 degrees 00' West, a distance 1305.58 feet to the Southeast Corner of the North Half of the Northeast Quarter; thence along the South line of the North Half of the Northeast Quarter bearing North 89 degrees 36' 19" West, a distance of 456.29 feet; thence bearing North 02 degrees 07' West, a distance of 687.85 feet; thence bearing North 10 degrees 48' West, a distance of 37 feet; thence bearing South 85 degrees 02' West, a distance of 929.00 feet; thence bearing South 89 degrees West, a distance of 296.00 feet; thence bearing South 43 degrees14' West, a distance of 51.00 feet; thence bearing North 86 degrees West, a distance of 100 feet; thence bearing North 03 degrees 15' West, a distance of 235 feet; thence bearing North 73 degrees West, a distance of 70 feet; thence bearing North 19 degrees 27', a distance of 127.50 feet; thence bearing South 89 degrees 00' 32" East, a distance of 42 feet; thence bearing North 02 degrees 11' 22" East, a distance of 353.24 feet to the point of beginning, except the East 50 feet of the South 474 feet thereof. Generally located on the south side of 125th Street North and west of 95th Street East.

subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.

2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.

3. Any violation of these conditions shall render this Conditional Use Permit null and void.

4. The site shall be developed in general conformance with the approved site plan.

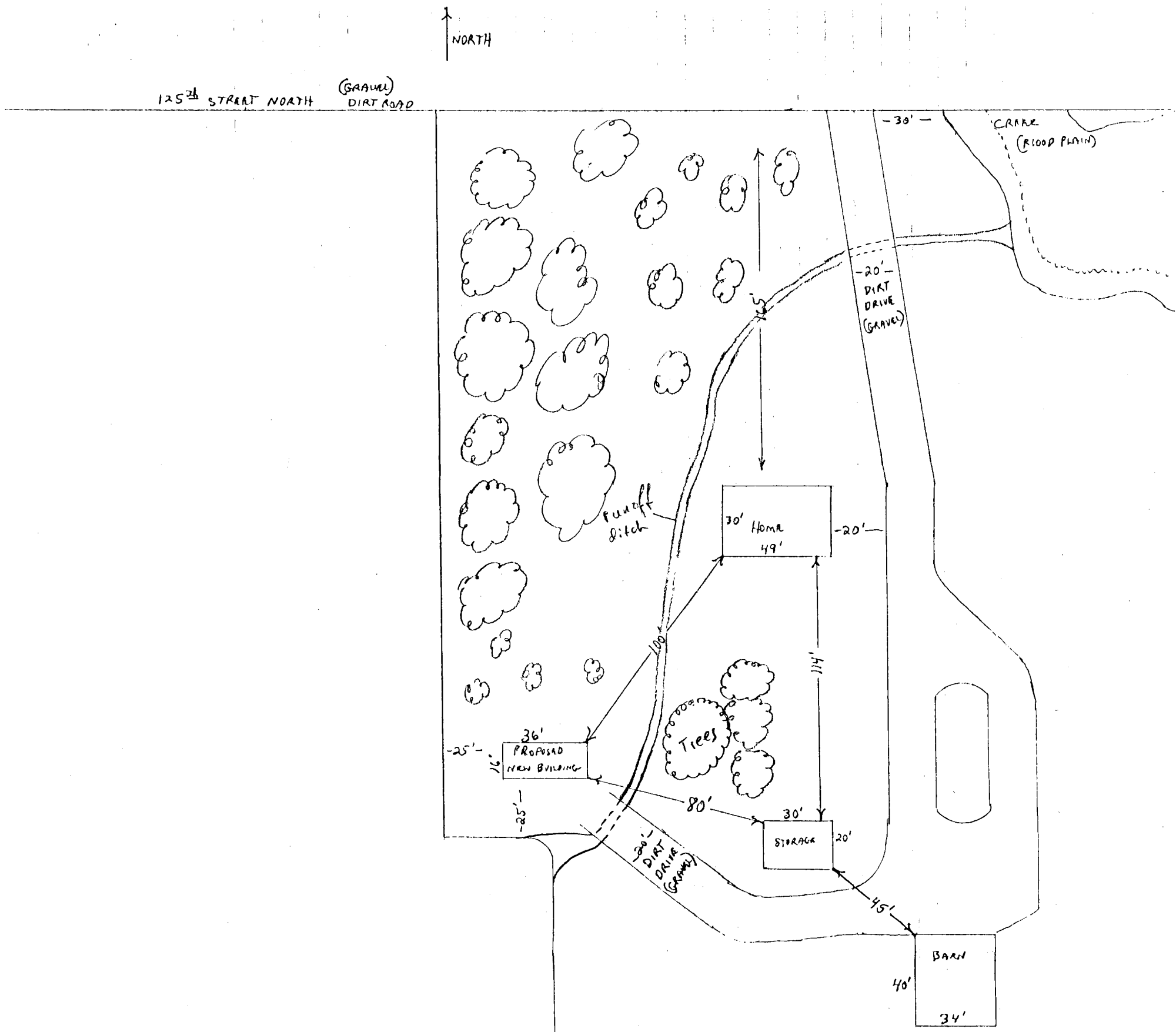
Adopted this 4th day of APRIL, 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:

Marvin S. Krout, Secretary



SITE PLAN

APPROVED 04/19/02 BY DG

1"=50'0"

ROB & ANGEL DILLARD
9221 E. 125th ST. NORTH
VALLEY CENTER, KS 67147

CON 2002-00007
ACCESSORY APARTMENT

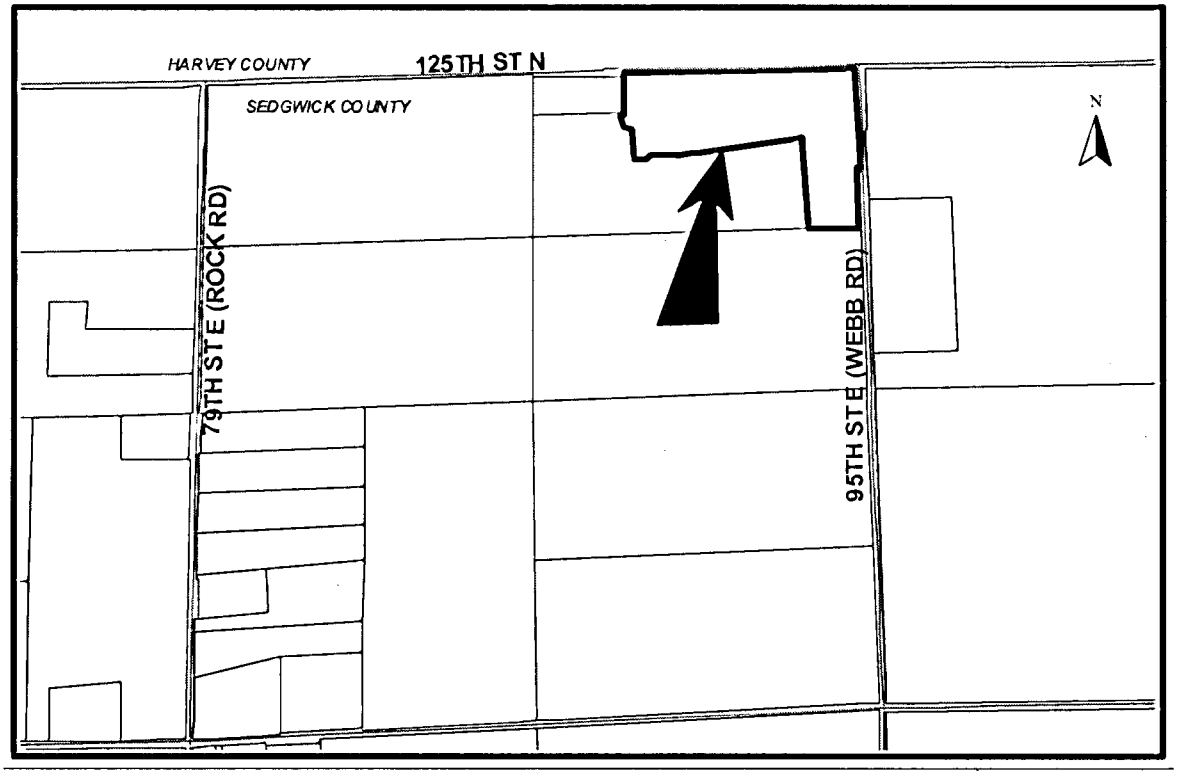
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

MAPC April 4, 2002

CASE NUMBER:	CON2002-00007
APPLICANT/AGENT:	Angel Dillard (owner)
REQUEST:	Conditional Use for accessory apartment
CURRENT ZONING:	"RR" Rural Residential
SITE SIZE:	33 acres
LOCATION:	South side of 125th Street North and west of 95th Street East
PROPOSED USE:	Accessory apartment



BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment on a 33-acre tract located on the south side of 125th Street North and west of 95th Street East, located on the Harvey County line. The property is zoned "RR" Rural Residential. The request is being made for construction of a separate office to be used by applicant's husband as a home office. Since the office will contain kitchen and sleeping quarters, it is classified as dwelling unit and thus requires "Conditional Use" approval for an accessory apartment.

The existing home is located near the front of the property. It is an old homestead that is situated in a heavily wooded site and there are several outbuildings on the property.

The surrounding area is rural in character, mostly agricultural fields and pastures.

As per the Unified Zoning Code, the "Conditional Use" requirements for accessory apartments stipulate the following:

(a) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;

(b) the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;

(c) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium; and

(d) the water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"A-1" Agricultural	Agricultural
SOUTH:	"RR" Rural Residential	Agricultural
EAST:	"RR" Rural Residential	Agricultural
WEST:	"RR" Rural Residential	Agricultural

PUBLIC SERVICES: The property is located along an unpaved township road.

CONFORMANCE TO PLANS/POLICIES: The 2001 Sedgwick County Development Guide Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as "rural".

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.

2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.

3. Any violation of these conditions shall render this Conditional Use Permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is rural in character. No other homes are near the farmstead (original home) and the site. The area is most accurately characterized as rural agricultural and pasture land. The farmstead is located within a wooded site.

2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in "RR" provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size of the parcel (33 acres), which is more than ample to maintain a rural character to the farm.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "RR". This application appears to comply with all the provisions outlined in the UZC for accessory apartments.

5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.