CONDITIONAL USE RESOLUTION NO. CON2003-00009

WHEREAS, Larry D. and Susan J. Angell (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 accessory apartment on 4.00 acres zoned "RR" Rural Residential described as:

> A tract in the N. 1/2 of the N.E. 1/4 of Section 2, Twp. 26-S, R-1-E of the 6th P.M. Sedgwick County, Kansas. Described as commencing at the S.E. corner of the N. 1/2 of said N.E. 1/4; thence West along the South line of the N. 1/2 of said N.E. 1/4, 781.20 feet to the point of beginning; thence North parallel with the East line of said N.E. 1/4, 436.62 feet; thence West parallel with the South line of the N. 1/2 of said N.E. 1/4, 399.05 feet; thence South parallel with the East line of said N.E. 1/4, 436.62 feet to the South line of the N. 1/2 of said N.E. 1/4; thence East along the South line of the N. 1/2 of said N.E. 1/4, 399.05 feet to the point of beginning. Containing 174,233.21 sq. ft. or 4.00 acres more or less. Generally located southwest of 77th Street North & Oliver Street.

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 May 22, 2003, 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 for accessory apartment on 4.00 acres zoned "RR" Rural Residential described as:

> A tract in the N. 1/2 of the N.E. 1/4 of Section 2, Twp. 26-S, R-1-E of the 6th P.M. Sedgwick County, Kansas. Described as commencing at the S.E. corner of the N. 1/2 of said N.E. 1/4; thence West along the South line of the N. 1/2 of said N.E. 1/4, 781.20 feet to the point of beginning; thence North parallel with the East line of said N.E. 1/4, 436.62 feet; thence West parallel with the South line of the N. 1/2 of said N.E. 1/4, 399.05 feet; thence South parallel with the East line of said N.E. 1/4, 436.62 feet to the South line of the N. 1/2 of said N.E. 1/4; thence East along the South line of the N. 1/2 of said N.E. 1/4, 399.05 feet to the point of beginning. Containing 174,233.21 sq. ft. or 4.00 acres more or less. Generally located southwest of 77th Street North & Oliver Street.

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, except for the architectural compatibility requirement, which shall be waived.
2. Provide an accurate metes and bounds description of the approximately 4.60 acre site prepared by a licensed surveyor.
3. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
4. The accessory apartment shall be smaller than the principal residence or 750 square feet in size as stated in the application.
5. Any violation of these conditions shall render this Conditional Use Permit null and void.

Adopted this 22nd DAY of MAY, 2003. 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

Bernard A. Hentzen

Bernard A. Hentzen, Chair MAPC

ATTEST:

John L. Schlegel

John L. Schlegel, Secretary

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING, & PLANNING
(316)-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

LEGAL DESCRIPTION

A tract in the N.1/2 of the N.E.1/4 of Section 2, Twp. 26-S. R-1-E of the 6th P.M. Sedgwick County, Kansas. described as commencing at the S.E. corner of the N.1/2 of said N.E.1/4; thence West along the South line of the N.1/2 of said N.E.1/4, 781.20 feet to the point of beginning; thence North parallel with the East line of said N.E.1/4, 436.62 feet; thence West parallel with the South line of the N.1/2 of said N.E.1/4, 399.05 feet; thence South parallel with the East line of said N.E.1/4, 436.62 feet to the South line of the N.1/2 of said N.E.1/4; thence East along the South line of the N.1/2 of said N.E.1/4, 399.05 feet to the point of beginning. Containing 174,233.21 sq. ft. or 4.00 acres more or less.

EXHIBIT

SITE PLAN

APPROVED Bill Jay BY SEPT 4, 2003



August 20, 2003
Project No. 03-08-G014
DWG FILE: F:\MT1\0308\0308014-LDW

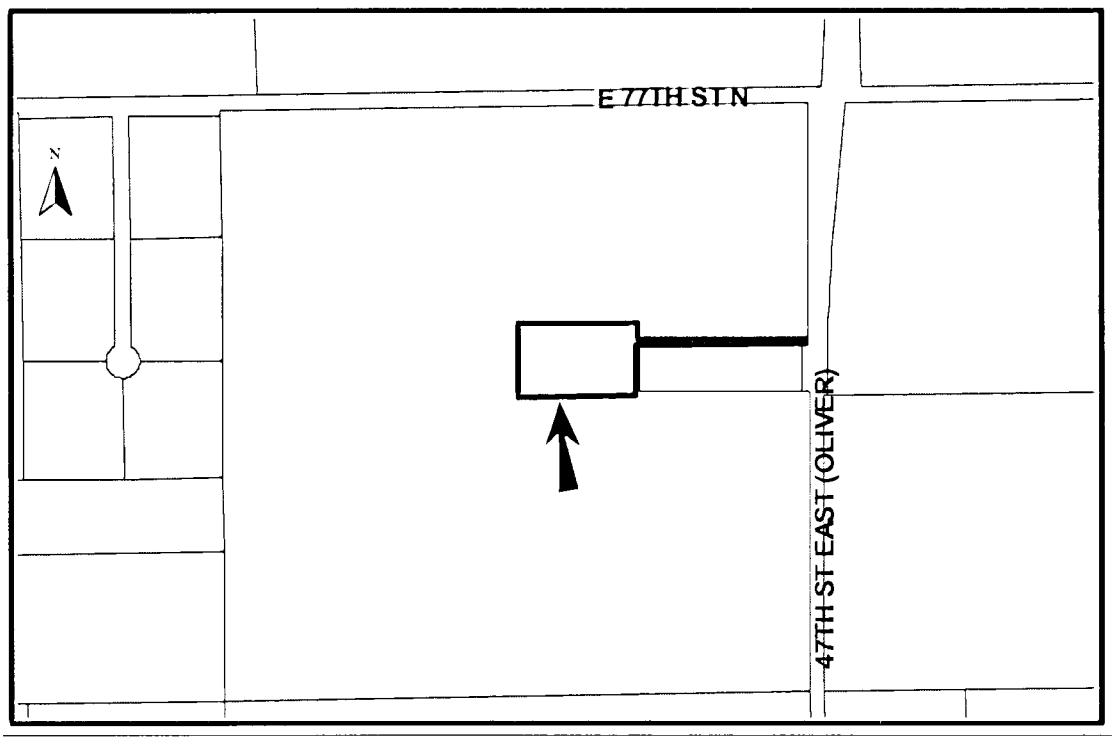
WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC May 22, 2002
Kechi Planning Commission May 13, 2003

CASE NUMBER:	CON2003-00009
APPLICANT/AGENT:	Larry Angel (owner)
REQUEST:	Conditional Use for accessory apartment
CURRENT ZONING:	"RR" Rural Residential
SITE SIZE:	4.60 acres (approximately)
LOCATION:	Southwest of 77th Street North & Oliver Street
PROPOSED USE:	Accessory apartment



BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment on an approximately 4.60-acre site located on the southwest of 77th Street North – Oliver intersection, 7633 North Oliver Street. The property is zoned "RR" Rural Residential. The applicant proposes to convert a portion (750 square feet) of a 30-foot (x) 70-foot existing metal outbuilding into living quarters with one bedroom, kitchen, bath and living area for a parent. Since the living area 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 approximately 800 feet west off of Oliver and approximately 200 feet northwest from another single-family residence. The applicant owns the approximately 152-acres surrounding the site, with exception being the 3.71 acres around the single-family residence 200-feet from the site. The applicant's site and the neighbor share a common drive. The surrounding area is rural in character, mostly agricultural fields and pastures with scattered single-family residences on acreage. The exception is a large lot subdivision (six 5-acre lots) approximately ¼ mile west of the site. The proposed site is 1 ½ mile north of Kechi and in its area of zoning influence

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. The Kechi Planning Commission approved the request for a conditional use for an accessory apartment, per Staff's recommendation, 6-0, at their May 13, 2003 meeting.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agricultural
SOUTH:	"RR" Rural Residential	Agricultural
EAST:	"RR" Rural Residential	Agricultural

WEST: "RR" Rural Residential Agricultural

PUBLIC SERVICES: Oliver is currently a paved 2 lane arterial and 77th Street north is an unimproved township road. The 2030 transportation plan projects neither road's status to change. There are no traffic counts at this location and no CIP projects. The site is in Rural Water District #2. The site has septic; there is no access to public sewer.

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". The Rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services.

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

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code, except for the architectural compatibility requirement, which shall be waived.
2. Provide an accurate metes and bounds description of the approximately 4.60 acre site prepared by a licensed surveyor.
3. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
4. The accessory apartment shall be smaller than the principal residence or 750 square feet in size as stated in the application.
5. 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 agricultural and pastureland in character, with scattered single-family residences on acreage. The closest single-family residence is 200-feet southeast of the site, with all other residences over ¼ mile away.

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 except for the architectural compatibility requirement.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size (152 acres) of the applicant's property around the approximately 4.60-acre site, which is more than ample to maintain a rural character.

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, except for the architectural compatibility requirement, 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.