CONDITI(AL USE RESOLUTION NO. CON2 '3-00025

WHEREAS, Connie B. Nordstedt (owner); Vernon E. and Linda K. (Nordstedt) Schroeder (applicant/agent); 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 3.10 acres zoned "RR" Rural Residential described as:

> Commencing at the northwest corner of the S/2 of the SW/4, Section 16, Township 25 - Range 1 West, thence south 194-ft to the point of beginning, thence continuing south 470-ft, thence east 340-ft, thence north 470-ft, thence west 340-ft to the point of beginning. Generally located northeast of 87th Street West and 101st Street North, (10312 N. 87th Street West.)

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 24, 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 3.10 acres zoned "RR" Rural Residential described as:

> Commencing at the northwest corner of the S/2 of the SW/4, Section 16, Township 25 - Range 1 West, thence south 194-ft to the point of beginning, thence continuing south 470-ft, thence east 340-ft, thence north 470-ft, thence west 340-ft to the point of beginning. Generally located northeast of 87th Street West and 101st Street North, (10312 N. 87th Street West.)

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. Provide an accurate description of the approximately 3.10 acre site within 30-days of approval of this request.
3. Provide a revised site plan showing the location of the accessory apartment within 30 days of approval of this request.
4. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
5. The accessory apartment shall be smaller than the principal residence or 1,260 square feet in size as stated in the application.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

Adopted this 24th DAY of JULY, 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

- CASE # CAN2003-00025
- APPLICANT: CONNIE NORDSTEDT
- CO-APPLICANTS: VERNON E. & LINDA K. SCHROEDER
- 1/4" = 10 FT.
- LEGAL: S½ SW¼ EXC BEG NW COR S½ SW¼
  E 310 FT S 194 FT W 310 FT N 194 FT TO BEG
  & EXC ROADS SEC 16-25-1W

- ⊛ = DRIVEWAY ENTRANCE PLANNED (21"x15"x24' CULVERT TO BE INSTALLED PER SEDG. CO. REQUIREMENTS)

Legal Description For Conditional Use ON BACK

RS/CONDITIONAL USE

TEDT
..& LINDA K. SCHROEDER

TRIC
NW COR S½ SW¼
T N 194 FT TO BEG
5-1W

194'
78'
97'
87'
316'
232'
42'
32'
ACCESSORY APARTMENT
RON NORDSTEDT PROPERTY LINE
FENCE
PASTURE
46'
65'
46'6"
MACHINE SHED
40'
FENCE
FARMYARD
FENCE
FARMLAND
113'
94'
24'
13'
DOG RUN
KENNEL
12'
15'
CHICKEN HOUSE
PEN
33'
40'
34'6"
SHOP
LEAN-TO
32'
68'6"
49'
BARN
56'6"
CORRAL
30'
GARDEN FENCE
GARDEN
SHELTERBELT
GARDEN BLDG.
13'8"
22'6"
21'6"
CONCRETE SLAB
18'
DRIVEWAY
12'
15'
SHEDS
HOUSE
42'
27'
GARDEN FENCE
YARD
81'
DRIVEWAY
200'
SHELTERBELT
YARD
YARD
FARMLAND
196'
352'
DRAINAGE
89'
DRAINAGE
DRAINAGE
DRAINAGE
ROAD: 87TH ST. WEST (TYLER)
ROAD: 87TH ST. WEST (TYLER)

SITE PLAN
APPROVED SEPT 4 2003

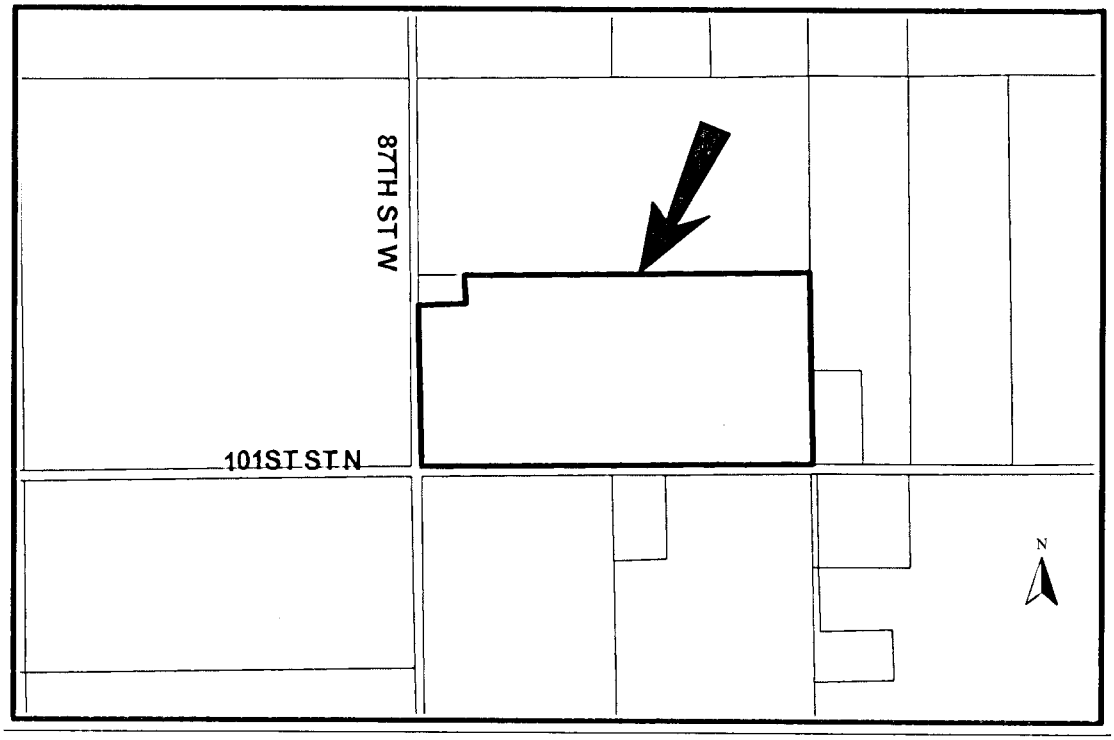
WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC July 24, 2003
Sedgwick Planning Commission July 15, 2003

CASE NUMBER:	CON2003-00025
OWNER:	Connie B Nordstedt
APPLICANT/AGENT:	Vernon E & Linda K (Nordstedt) Schroeder
REQUEST:	Conditional Use for accessory apartment
CURRENT ZONING:	"RR" Rural Residential
SITE SIZE:	3.10 acres (approximately)
LOCATION:	Northeast of 87th Street West & 101st Street North, 10312 North 87th Street West
PROPOSED USE:	Accessory apartment



BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment on an approximately 3.10-acre site located on 80-acres northeast of the 87th Street West – 101st Street North intersection, 10312 North 87th Street West. The property is zoned "RR" Rural Residential. The applicant proposes to build a 1,260 square foot building with one bedroom, kitchen, utility room, bathroom and a living room. The building will be on the same site as the applicant's parent's home (approximately 1,500 square-feet) and will allow them to assist the parent. Since the building will contain kitchen and sleeping quarters, it is classified as dwelling unit and thus requires "Conditional Use" approval for an accessory apartment.

The applicant's mother owns the approximately 80-acres surrounding the site. Mature shelterbelts will separate the accessory apartment from the primary residence located on the south side of the site and another residence north of the site. The site has numerous outbuildings, built of metal or wood, that are used for farming purposes. The applicant originally proposed converting a portion of one of the out buildings to the accessory apartment, but found the cost prohibitive. The applicant now proposes a metal building, with brick, synthetic stucco or a similar material for siding on part of the exterior wall. The location of that building is not shown on the site plan, but is north of it and a revised site plan is required. The applicant has contacted Sedgwick County and obtained approval for hook up to the lagoon on the site.

The surrounding area is rural in character, mostly agricultural fields and pastures with scattered single-family residences on acreage. The exceptions are a large lot subdivision (fifeteen1.95-4.00-acre lots) approximately 1 mile west of the site and an unplatted 16 lot (approximately 4.98-acre lots) manufactured home site. The proposed site is 2 ¼ miles southwest of Sedgwick 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 Sedgwick Planning Commission

considered the request for a Conditional Use for an accessory apartment, and recommended approval (6-0) per Staff's recommendation at their July 15, 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: 87th Street West and 101st Street North are unimproved township roads. 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 not in a Rural Water District. The site has a lagoon; 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.
2. Provide an accurate description of the approximately 3.10 acre site within 30-days of approval of this request.
3. Provide a revised site plan showing the location of the accessory apartment within 30 days of approval of this request.
4. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
5. The accessory apartment shall be smaller than the principal residence or 1,260 square feet in size as stated in the application.
6. 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 in character, with scattered single-family residences on acreage. The closest single-family residence is 100-feet north of the site, with all other residences over ¼ mile away. Types of residential housing and their building materials in the area includes both single and two story housing with wood frame, brick, a mix of brick with some type composite or wood siding and some manufactured housing.

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" zoning provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these. While the accessory apartment's proposed building materials of metal and a non-metal siding are not the same building materials of the primary structure (a composite lap siding), they are not out of character with the area and as such meet the criteria of 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 (80 acres) of the applicant's property around the approximately 3.10 -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" zoning. 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; there is no public water or sewer available, the site is not in a Rural Water District and an accessory apartment will have minimal impact on the unimproved township roads.