CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 4, 2012

Kerwin and Julie Thiessen
13111 E. 21st St. N.
Wichita, KS 67230

RE: **CON2012-00007** - County conditional use request to allow an accessory apartment; generally located midway between 69th Street North and 77 Street North, along the east side of Webb Road (7200 N. Oliver).

Dear Applicants:

At its regular meeting on **April 19, 2012**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution. There have been no protests on the case during the two-week protest period, thus the decision of the MAPC is considered final.

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

Sincerely,

Derrick K. Slocum
Acting Division Supervisor
Metropolitan Area Planning Department

DKS:mc
Attachment

Copies to: City of Kechi, c/o Chris Morlan, 200 W. Kechi Road, Kechi, KS 67067
County Law, Bob Parnacott, Mail Room Stop 359
County Manager, Bill Buchanan, Mail Room Stop 343
County Public Works, Jim Weber, 1144 S. Seneca St., Wichita, KS 67213
County Code Enforcement, Bud Lett, 1144 S. Seneca St,. Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2012-00007

WHEREAS, Kerwin D. and Julie V. Thiessen, Trustees (Owner, Applicant, 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 an Accessory Apartment on 10 acres zoned RR Rural Residential ("RR") described as:

> The Northwest quarter of the Northwest quarter of the Southwest quarter of Section 1, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, generally located midway between 69th Street North and 77 Street North, along the east side of Oliver Road (7200 N. Oliver)

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 19, 2012, 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 10 acres zoned RR Rural Residential ("RR") described as:

> The Northwest quarter of the Northwest quarter of the Southwest quarter of Section 1, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, generally located midway between 69th Street North and 77 Street North, along the east side of Oliver Road (7200 N. Oliver)

Approved subject to the following conditions:

1) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling.
2) The appearance of an accessory apartment shall be compatible with the main dwelling 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, including that it shall not be subdivided or sold as a condominium.
4) The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.
5) All principle and accessory buildings will not exceed a height of 35 feet, except for silos and grain elevators.
6) Any wind energy conversion systems for private use shall not exceed 80 feet for the height of the turbine, and will be setback from all lot lines at a distance equal to or more than the height of the turbine.

Adopted this 7th Day of April 2012

METROPOLITAN AREA PLANNING COMMISSION

Shawn Farney, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 5

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

Kechi: April 18, 2012
MAPC: April 19, 2012
BoCC: May 23, 2012 (If protests are received)

CASE NUMBER: CON2012-00007

OWNER/APPLICANT: Kerwin D. and Julie V. Thiessen, Trustees (Owner, Applicant, Agent)

REQUEST: Conditional Use for Accessory Apartment

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 10 acres

LOCATION: Located midway between 69th Street North and 77th Street North, along the east side of North Oliver Street (7200 N. Oliver Street)

PROPOSED USE: Residential, Accessory Apartment

BACKGROUND: The applicants are requesting a Conditional Use to allow an accessory apartment on unplatted property located at 7200 North Oliver (47th) Street. The applicant plans to construct a single-family residence with additional attached living quarters for a family member. The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an accessory apartment as a dwelling unit that may be wholly within, or may be detached from, a principal single-family dwelling unit. The 10-acre subject site is zoned RR Rural Residential ("RR"), and is located in the Kechi zoning area of influence.

The site plan submitted by the applicant shows the location of the residential structure that is proposed to have both the primary living unit and the accessory apartment. With the accessory apartment being attached to the primary structure, the units will share the same proposed circle access drive onto North Oliver. No square footage, no building materials, and no garage are shown for the residential structure; however, in order to be considered an accessory apartment the requested apartment must have less square footage than the principal structure/unit. Property to the north, south and east is zoned RR and is use for farming and agricultural operations. Property west of the subject site, across North Oliver, is in the Kechi city limits.

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.
(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 in the rural area of the county and is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Farming and Ranch Operations
SOUTH:	RR	Farming and Ranch Operations
EAST:	RR	Farming and Ranch Operations
WEST:	Kechi	

PUBLIC SERVICES: North Oliver (North 47th Street East) is a paved, two-lane arterial/section line road. The 2030 Transportation Plan projects no change in its status. The site is within Sedgwick County Rural Water District #1 and also is served by a well. The site appears to be served by a septic system, as it currently has no access to public sewer.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as being within the Small City 2030 Urban Growth Area for Kechi. The designated small cities' urban growth area is generally located adjacent to their existing municipal boundaries, and indicates the reasonable direction and magnitude of growth these communities can expect to experience out to the year 2030. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of

municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

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 Art III, Sec III-D.6.a of the Unified Zoning Code (UZC) for accessory apartments.
2. The site will be generally developed as shown on an approved site plan, obtaining and conforming to all applicable permits, including but not limited to building, health, and zoning, including connection to water and sewer. The site shall utilize existing driveway approaches.
3. 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 VII hereof, may, 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:** Property to the north, south and east of the subject site is zoned RR, and is use for farming and agricultural operations. Property west of the subject site, across North Oliver, is in the Kechi city limits.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR, which accommodates agricultural uses, low-density single-family residential development and complementary land uses. The site is developed with a single-family residence and two accessory buildings, and could continue to be used as currently zoned.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Provided that the proposed accessory apartment meets all applicable codes, the proposed accessory use should have no affect on the surrounding properties.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as being within the Small City 2030 Urban Growth Area for Kechi. The designated small cities' urban growth area is generally located adjacent to their existing municipal boundaries, and indicates the reasonable direction and magnitude of growth these communities can expect to experience out to the year 2030. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

5. **Impact of the proposed development on community facilities:** If developed in compliance with the recommended conditions of approval, existing facilities are adequate.

SITE PLAN

APPROVED [illegible] BY [illegible]

SITE PLAN
KERWIN D. THIESSEN
Conditional Use App.
Owner would like to build residence with attached living quarters for family member.
(Possible duplex style)

scale = 1" = 138.88 ft.

A = Existing Driveway
B = Existing Garage Bldg
C = Existing Metal Barn
D = Proposed Residence
(60'x80' footprint)