CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 6, 2015

Vincent McMullen
11240 S. 143rd Road
Mulvane, KS 67110

RE: CON2015-00001 - County Conditional Use request for a temporary accessory apartment on property zoned RR Rural Residential generally located south and east of the intersection of 111th Street South and 143rd Street East (11240 S. 143rd St. E.)

Dear Applicant

At its regular meeting on **March 5, 2015**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the following conditions:

1. The Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.l; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.
2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.l(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed within

11240 S 143rd St E



Sedgwick County GIS

Geographic Information Services
Division of Information & Operations
www.sedgwickcounty.org/gis
525 N. Main, Suite 212, Wichita, KS 67203
Tel: 316.660.9290 Fax: 316.262.1174

Mon Dec 29 11:16:00 GMT-0600 2014

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CONDITIONAL USE RESOLUTION NO. CON2015-00001

WHEREAS, Vincent McMullen (Owner/Applicant); 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 a temporary "accessory apartment" on approximately 9.78 acres zoned RR Rural Residential ("RR"), described as:

> Beginning 331.96 feet South, Northwest Corner, West ½, Northwest Quarter, East 1321.93 feet, South 331.42 feet, West 1323.74 feet, North 331.43 feet to the beginning, except West 30 feet for the Road, Section 36, Township 29 South, Range 2 East, in Sedgwick County, Kansas.

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 March 5, 2015, 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 for a temporary "accessory apartment" on approximately 9.78 acres zoned RR Rural Residential ("RR"), described as:

> Beginning 331.96 feet South, Northwest Corner, West ½, Northwest Quarter, East 1321.93 feet, South 331.42 feet, West 1323.74 feet, North 331.43 feet to the beginning, except West 30 feet for the Road, Section 36, Township 29 South, Range 2 East, in Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.I; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.
2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.I(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed

within 90 days after any change in the circumstances used as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.

4. 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.

Adopted this 5th day of March 2015.

METROPOLITAN AREA PLANNING COMMISSION

~~Matthew Gulesby~~, Chair MAPC
Carol Chapman Neugent

ATTEST:

John L. Schlegel, Secretary

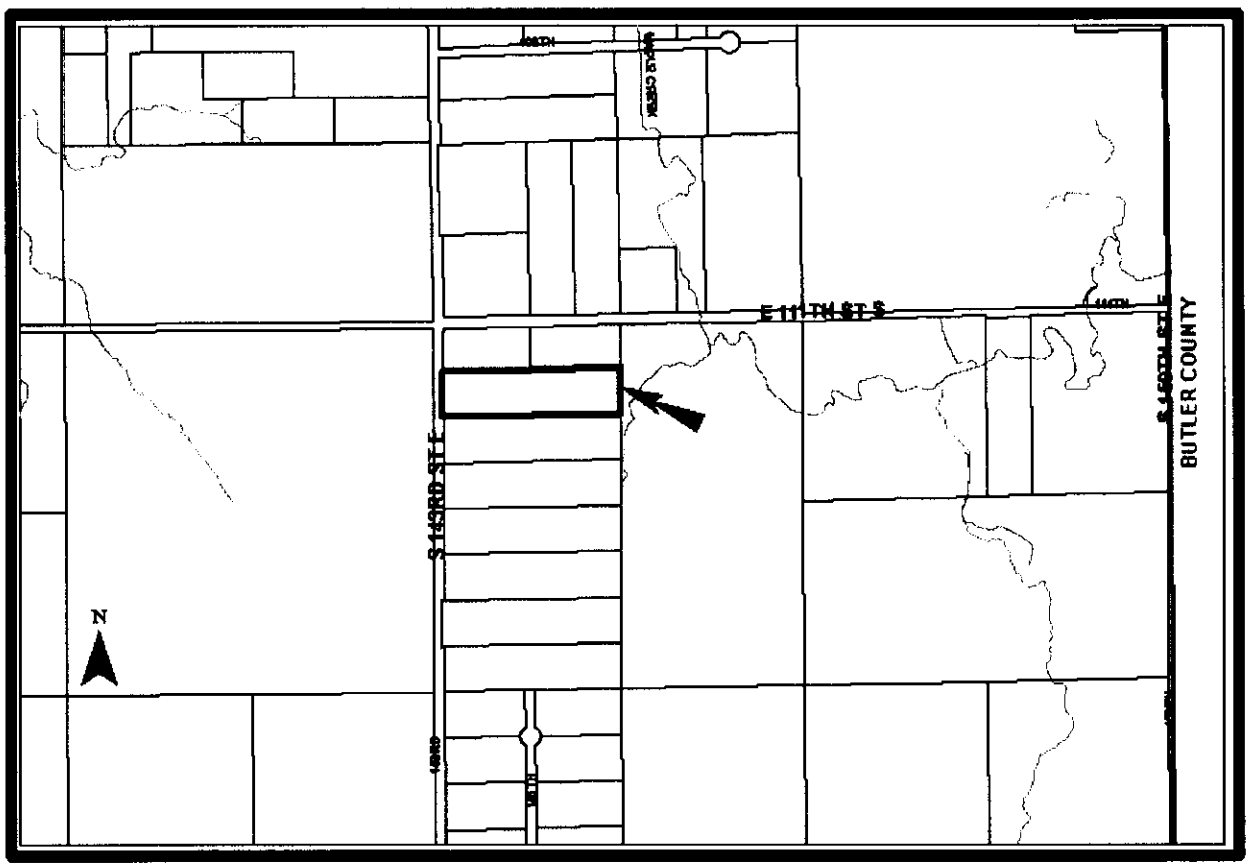
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

MAPC: March 5, 2015

CASE NUMBER:	CON2015-00001
APPLICANT/AGENT:	Vincent and Quinnda McMullen (Owner/Applicant)
REQUEST:	Conditional Use for an Accessory Apartment
CURRENT ZONING:	RR Rural Residential ("RR")
SITE SIZE:	9.8 acres
LOCATION:	South of East 111th Street South and East of South 143rd Street East (11240 S. 143rd St. E.)
PROPOSED USE:	Accessory Apartment



BACKGROUND: The applicant is seeking Conditional Use approval for a temporary "accessory apartment" on approximately 9.8 acres zoned RR Rural Residential ("RR") that are located South of East 111th Street South and East of South 143rd Street East (11240 S. 143rd St. E.). The subject tract is an unplatted, rectangular-shaped tract that is currently developed with a double-wide modular type single-family residence and a shed. The property utilizes a lagoon for its on-site sanitary sewer service. The residence is served by an on-site water well for its water service. The applicants are seeking approval to temporarily place a single-wide manufactured home east of the existing residence to allow a family member to reside on-site due to a medical hardship.

Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and east are developed with single-family residences located on tracts ranging in size from 4.65 acres to 10.5 acres. The RR zoned tracts located south, southwest and west of the application area are approximately eighty-acre tracts used for agriculture.

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 subject to supplementary use regulations found at UZC 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.

Unified Zoning Code, Article III, Sections III-D.6.l(3)(a)-(e) of the UZC permits a temporary, accessory manufactured home dwelling unit in the County with Conditional Use approval and subject to the following additional requirements: (a) The location of the manufactured home shall conform to all setback requirements of the district in which it is located. (b) The lot area for the manufactured home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal-type sewer system, the minimum lot area shall be determined by County Health Department (County Code Enforcement). (c) The unit shall comply with all of the standards of Secs. III-D.6.l(1) and II-D.6.l(2). (d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably by alleviated without the granting of the Conditional Use. (e) The Planning Commission shall determine a reasonable time limit for each individual case. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.

Applicable sections of UZC Sec. III-D.6.l state that in the unincorporated County, only

residential-designed manufactured homes may be placed on individual lots or tracts unless the site meets one of the exemption described in Secs. III-D.6.l(2-4). Section III-D.6.l(2)(b) states a single-wide manufactured home is permitted if the tract of land is a buildable lot under this code and the applicable Subdivision Regulations and has received a Conditional Use in accordance with Section V-D for the temporary placement of an accessory manufactured home under hardship conditions as provided in Sec. III-D.6.l(3).

Unified Zoning Code Sections III-D.6.l(1)(a)1)-3) state that all manufactured homes installed in the unincorporated portion of Sedgwick County shall: be place in accordance with the manufactured home siting standards of Sedgwick County, and amendments thereto; provided said standards have been adopted. In the event such standards are not adopted or until such standards, the following shall apply: 1) the manufactured home shall be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home, within 45 days of the placement of the home, by solid concrete or masonry walls or a material designed to be used as mobile home skirting that does not have a flame spread rating in excess of 25. (The rest of this section provides technical standards regarding skirting and its installation.) 2) The manufactured home shall be provided with handrails on all outside stairs that have a rise of more than 30 inches from grade to finished floor elevation; and 3) the manufactured home shall have any stairs, porches and handrails constructed so as to be structurally sound.

CASE HISTORY: None. The subject site is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR; large-lot single-family residences
SOUTH:	RR; large-lot single-family residences
EAST:	RR; agriculture
WEST:	RR; agriculture

PUBLIC SERVICES: The property is connected to the Sedgwick County Rural Water District No. 3 and utilizes a lagoon. 111th Street South and 143rd Street East are sand and gravel roads. Along the applicant's frontage, 143rd Street has only thirty feet of half-street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompass land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential

designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.l; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.

2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.l(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed within 90 days after any change in the circumstances used as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.
4. 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: Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and south are developed with single-family residences located on tracts ranging in size from 4.4 acres to 9.7 acres. The RR zoned tracts located east and west of the application area are approximately 80 acres (east) and 159 acres (west) tracts used for agriculture. Properties located in the larger area surrounding the application area are predominantly used for agriculture and for large-lot rural homes.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR, which permits by-right one single-family residence per two acres (or 4.5 acres if a lagoon is used). A single-family residence currently exists on the property. As currently zoned, the property could continue to be used as currently developed; however, the site contains ten acres that could potentially be subdivided to create another residential building site. The Unified Zoning Code allows a second accessory residential unit with Conditional Use approval.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. A second dwelling unit could potentially be installed without Conditional Use approval but would require platting. The conditions of approval and the size of the site should minimize any anticipated detrimental impacts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompass land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.

5. Impact of the proposed development on community facilities: Existing community facilities are more than able to meet projected demand.

90 days after any change in the circumstances used as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.

4. 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 case received no protests during the two-week period, therefore the MAPC decision is final. If you have any questions concerning this application, please contact out office at 268-4421.

Sincerely,

Derrick Slocum
Division Supervisor

Copies to: Jim Howell, BoCC #5, Mailstop Room 320
Jim Weber, 1144 South Seneca, Wichita, KS 67202
Kelly Dixon, 1144 South Seneca, Wichita, KS 67202
Robert Parnacott, Mailstop Room 359