CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 19, 2015

Michael Boyd
3213 W. 101st Street N.
Valley Center, KS 67147

RE: **CON2015-00032** - County Conditional Use request for an Accessory Apartment on property zoned RR Rural Residential ("RR") and generally located midway between 24th and 39th Streets West on the south side of 101st Street North (3213 W. 101st St. N.)

Dear Applicant:

At its regular meeting on **November 5, 2015**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The two week protest period has expired and no protest petitions were filed on this case, thus, the action of the MAPC to **APPROVE** the request is final, subject to the conditions on the attached resolution.

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

Sincerely,

Derrick Slocum
Division Supervisor

Copies to: BoCC 4, Richard Ranzau, Mail Stop County, Room 320
City of Valley Center, P.O. Box 188, 116 South Park, Valley Center, KS 672147

CONDITIONAL USE RESOLUTION NO. CON2015-00032

WHEREAS, Michael Boyd (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 an Accessory Apartment on approximately 6 acres zoned RR Rural Residential ("RR"), described as:

The W 215 FT NW1/4 NE1/4 EXC N 50 FT FOR RD. SEC 24-25-1W, Sedgwick County, Kansas; generally located midway between 24th and 39th Streets West on the south side of 101st Street North (3213 W 101st Street N).

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 November 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 a Conditional Use for an Accessory Apartment on approximately 6 acres zoned RR Rural Residential ("RR"), described as:

The W 215 FT NW1/4 NE1/4 EXC N 50 FT FOR RD. SEC 24-25-1W, Sedgwick County, Kansas; generally located midway between 24th and 39th Streets West on the south side of 101st Street North (3213 W 101st Street N).

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.

Adopted this 5th day of November 2015.

METROPOLITAN AREA PLANNING COMMISSION

for Carol Chapman Neugent, Chair MAPC

ATTEST:

Dale Miller, Secretary

AGENDA ITEM NO. 5

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

Valley Center: October 27, 2015
MAPC: November 5, 2015
BoCC: December 9, 2015
(If protests are received)

CASE NUMBER: CON2015-00032

OWNER/APPLICANT: Michael Boyd (Owner, Applicant)

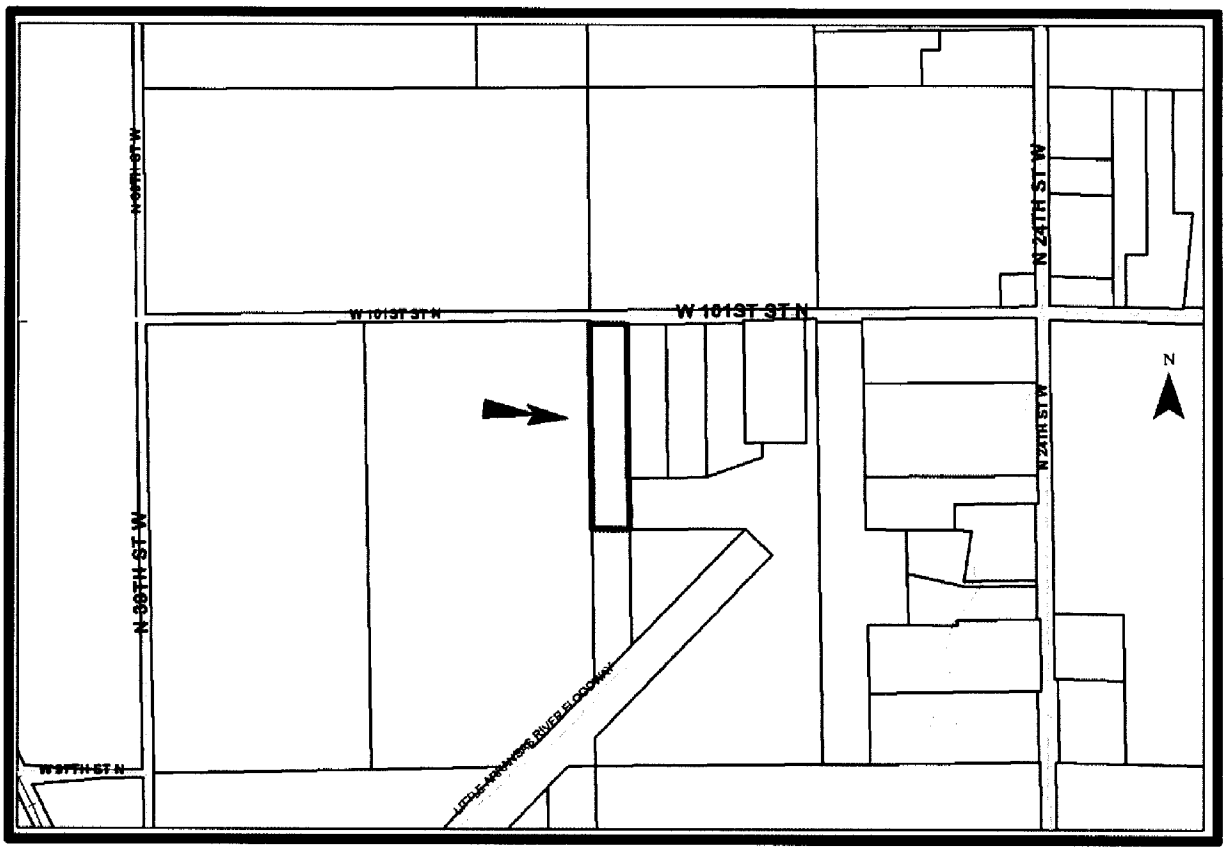
REQUEST: Conditional Use for Accessory Apartment

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 6 acres

LOCATION: Located midway between 24th and 39th Street West, on the south side of 101st Street North (3213 W. 101st Street N.)

PROPOSED USE: Residential, Accessory Apartment



BACKGROUND: The applicants are requesting a Conditional Use to allow an accessory apartment on unplatted property located at 3213 W. 101st Street North. The applicant plans to demolish the existing single-family residence on the site and rebuild the residence. During the time of construction, the applicant and his family will be living in the existing accessory structure and utilize the structure as an accessory apartment. After the principal structure is completed, the applicant plans to keep the accessory apartment on the property. 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 6-acre subject site is zoned RR Rural Residential ("RR"), and is located in the Valley Center zoning area of influence.

The site plan submitted by the applicant shows the location of the existing structure that is proposed to be the accessory apartment. With the accessory apartment being located to the south and west of the existing/proposed principal residence, the units will share the same proposed circle access drive onto West 101st St. North. The accessory apartment and new principal residence will be served by well water and a new septic system. The applicant has been working with the Metropolitan Area Building and Construction Department to ensure that both structures and all utilities are to code.

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.

Property to the north, south and west are zoned RR and is used for farming and agricultural operations. Property east of the subject site is also zoned RR and is utilized for a single-family residence.

CASE HISTORY: The property is in the rural area of the county, north of Valley Center and within Valley Center's Zoning Area of Influence. The property is currently unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Farming and Ranch Operations
SOUTH:	RR	Farming and Ranch Operations
EAST:	RR	Single-family Residence
WEST:	RR	Farming and Ranch Operations

PUBLIC SERVICES: North 101st Street is an un-paved, two-lane section line road. The 2030 Transportation Plan projects no change in its status. The site is not within any rural water districts and is served by a well. The site is currently served by a lagoon, but with the additional residential structure, the applicant will be required to install a new septic system.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as being within the Small City 2030 Urban Growth Area for Valley Center. 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 west of the subject site is zoned RR, and is use for farming and agricultural operations. Property east of the subject site is developed with a single-family residence on a large lot.

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 effect 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 Valley Center. 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 would be adequate.

↑N

3213 W. 101st St N
Accessory Apt. Site Plan



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

Thu Sep 3 11:23:51 GMT-0500 2015

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