CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 5, 2016

Edward and Nancy Robinson
11646 N. Greenwich Road
Valley Center, KS 67147

RE: **CON2016-00027** - County Conditional use request to allow an accessory apartment on RR Rural Residential zoned property; generally located one-fourth mile south of 117th Street North on the east side of North Greenwich Rd (11646 N. Greenwich Rd.)

Dear Applicants:

At its regular meeting on **July 7 2016**, 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 following conditions on the attached resolution per the approved site plan.

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,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: BoCC 1, Dave Unruh, Mail Stop 320
County Law, Justin Waggoner, Mail Stop 359
County Public Works, Jim Weber, 1144 South Seneca, Wichita, KS 67213
MABCD, J.R. Cox, Mail Stop
MABCD, Kelly Dixon, 1144 South Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2016-27

WHEREAS, Edward and Nancy Robinson(owners); 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 11.8 acres zoned RR Rural Residential ("RR"), described as:

BEG 770.52 FT S NW COR NW1/4 TH E 1424.20 FT TO WLY R.O.W. LI OK&T RR SW 463.31 FT W 1192.31 FT TO W LI N 400 FT TO BEG EXC FOR RD ON W SEC 10-25-2E, Sedgwick County, Kansas; generally located south of 117th Street North on the east side of North Greenwich Road (11164 N. Greenwich Road).

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 7, 2016, 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 11.8 acres zoned RR Rural Residential ("RR"), described as:

BEG 770.52 FT S NW COR NW1/4 TH E 1424.20 FT TO WLY R.O.W. LI OK&T RR SW 463.31 FT W 1192.31 FT TO W LI N 400 FT TO BEG EXC FOR RD ON W SEC 10-25-2E, Sedgwick County, Kansas; generally located south of 117th Street North on the east side of North Greenwich Road (11164 N. Greenwich Road).

Approved subject to the following conditions:

1. The site shall be developed, maintained and operated in substantial compliance with the approved site plan and in compliance with all applicable laws and regulations.
2. 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 7th day of July 2016.

METROPOLITAN AREA PLANNING COMMISSION

Carol Chapman Neugent

Carol Chapman Neugent, Chair MARC

ATTEST:

Dale Miller

Dale Miller, Secretary

AGENDA ITEM NO. 9

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC July 7, 2016

CASE NUMBER: CON2016-00027

APPLICANT/OWNER: Edward and Nancy Robinson, owners

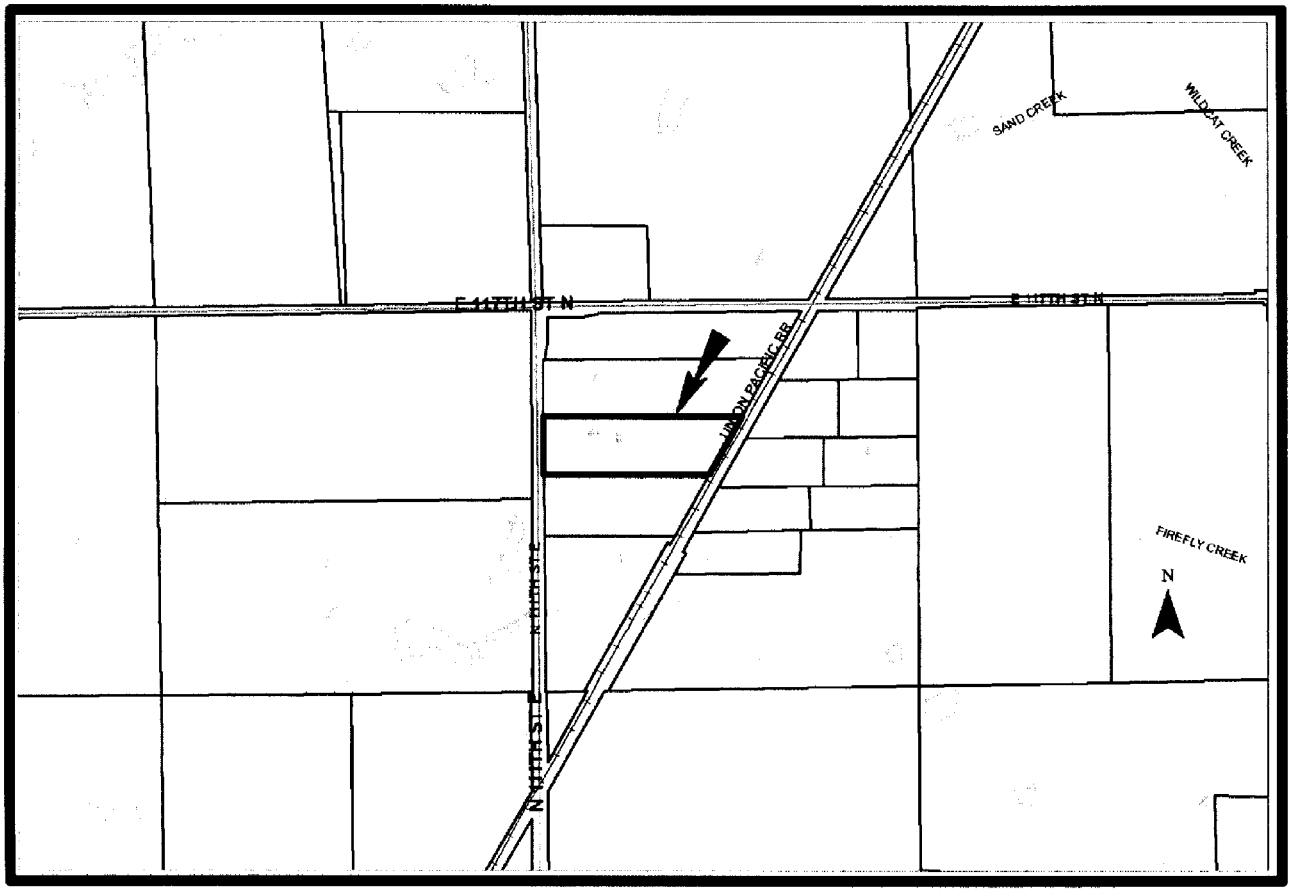
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: Approximately 11.8 acres

LOCATION: Generally located south of East 117th Street North on the east side of North Greenwich Road

PROPOSED USE: Second residence on the property



BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment to be built on the subject property. The unplatted property is zoned RR Rural Residential and is approximately 11.8 acres. It is currently developed with a single-family residence, post frame building, garden tool shed/kennel, fish pond water feature and a lagoon for the septic. The subject site is located the east side of Greenwich Road, south of East 117th Street North. The Sedgwick County site is not located within any Zoning Area of Influence.

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 also subject to supplementary use regulation 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.

The surrounding properties to the north, south, east and west are large tracts zoned RR. The uses include single-family residences, agriculture fields and farming/ranch operations with improvements.

The applicant submitted an existing site plan showing the location of existing structures and the 50-feet X 50-feet lagoon. The applicant also submitted a proposed site plan which identifies the location of the new 30-feet X 48-feet residential designed manufactured home and new 28-feet X 33-feet detached two-car garage.

CASE HISTORY: The subject property is an unplatted large lot.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Large tract, Single-family residences with associated buildings
SOUTH:	RR	Large tract, Single-family residences with associated buildings
WEST:	RR	Single-family residence, agricultural fields and associated buildings
EAST:	RR	Large tract, agricultural fields with residential and associated buildings

PUBLIC SERVICES: The subject site has access to North Greenwich Road which is an arterial paved street. The property is served by a lagoon for sewage and is located in Sedgwick County Rural Water District #01.

CONFORMANCE TO PLANS/POLICIES: The "2035 Community Investments Plan" (Plan) identifies the subject site as being in the Rural Area. This category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*. This category identifies Wichita's urban fringe

areas that are presently undeveloped but have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. 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 hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

(1) The accessory apartment (residential designed manufactured home) and detached garage shall remain accessory to and under the same ownership as the principal single-family residence (located at 11646 N. Greenwich Road) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling.

(2) The water and sewer service provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing lagoon.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the placing of the accessory apartment.

(4) Development and maintenance of the site shall be in conformance with the approved site plan.

(5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

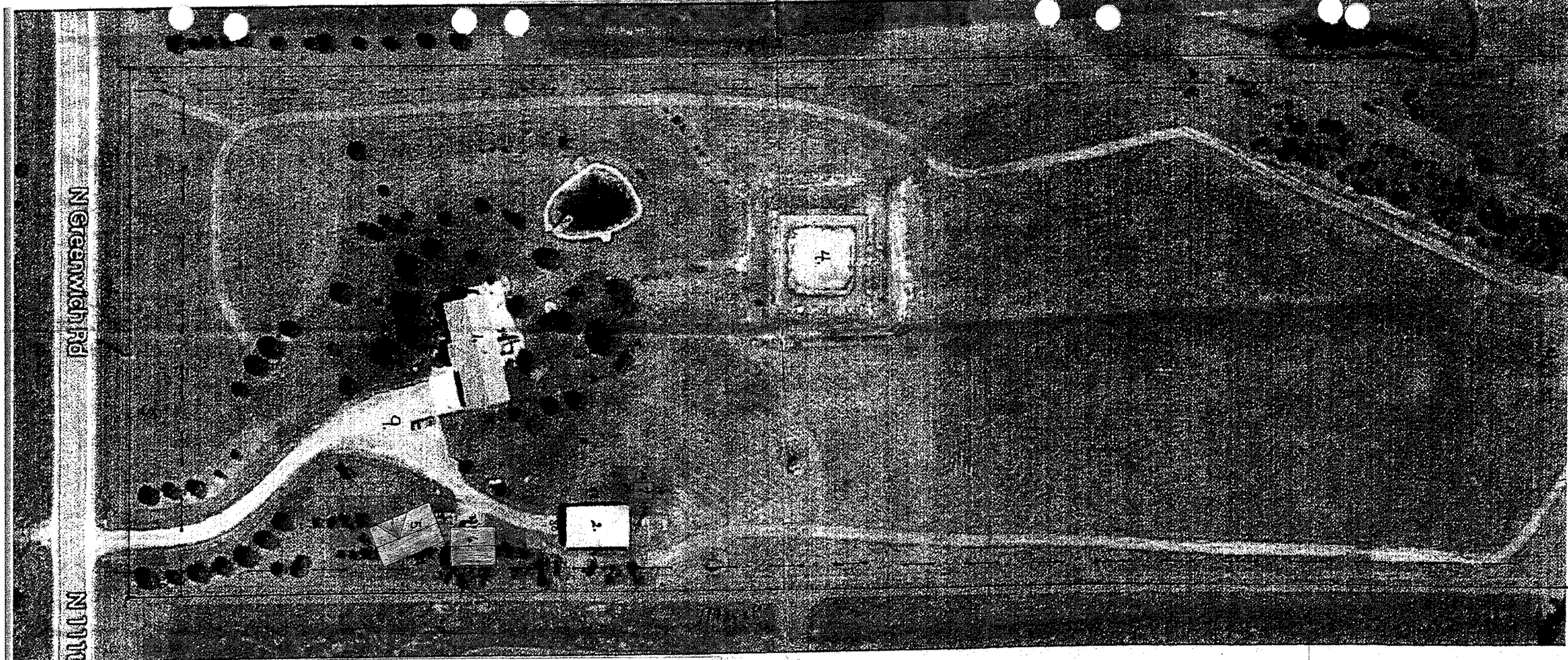
(1) The zoning, uses and character of the neighborhood: The subject site is located in Sedgwick County in an RR zoned area with lots ranging from -/+ 5 acres to 80 acres. Development is a mix of large lot single-family residential and farming/ranching operations.

(2) The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned RR which permits the existing single-family residence. The property could continue to be used for one single-family residence; the depth of the property easily accommodates an accessory apartment and the detached garage and additional required parking space. The neighbor at 11501 E. 117th Street has e-mailed his objection to allowing a "double-wide" to be placed on the property. Residential designed manufactured homes are allowed in RR zoning districts.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** This appears to be the first request for an accessory apartment in this neighborhood. Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2035 Community Investments Plan" (Plan) identifies the subject site as being in the Rural Area. This category encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural-based businesses, and larger lot residential exurban subdivisions likely will be developed in this area. Such development should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*. This category identifies Wichita's urban fringe areas that are presently undeveloped but have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. 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:** Community facilities are the public streets in the area, police and fire services, none of which will be noticeably impacted by another residence being built on the site. There is no public water or sewer service available to the unplatted area.



TITLE: CONDITIONAL USE FOR ACCESSORY APARTMENT – FOR RETIRED PARENTS TO LIVE IN.

APPLICANT NAME: EDWARD G. AND NANCY ROBINSON, 11646 N. GREENWICH ROAD, VALLEY CENTER, KANSAS 67147
11.8 ACRES

LEGAL DESCRIPTION: BEGIN 770.52' S OF THE NW COR OF THE NW/4; TH E 1424.20' TO THE WLY R/W LINE OF THE OK & TRR; TH SW 463.31'; TH W 1192.31' TO THE W LINE; TH N 400' TO BEG EXC ROAD ON W 10-25-2E.

KEY

1. PRIMARY RESIDENCE 28' X 80'
2. POST FRAME BUILDING 30' X 48'
3. WATER FEATURE (FISH POND)
4. LAGOON
5. ACCESSORY APARTMENT/MANUFACTURED HOME 30' X 48'
6. GARAGE FOR ACCESSORY APARTMENT 33' X 28'
7. GARDEN TOOL SHED & DOG KENNEL ON SMALL MAP (TO BE RELOCATED)
8. TREES TO BE REMOVED ON SMALL MAP
9. DRIVEWAY & PARKING

SITE PLAN

APPROVED 7/21/2016 Rmorgan