CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 27, 2005

Bradley Anderson
Elizabeth Anderson
13820 W. 45th N.
Colwich, KS 67030

RE: CON2005-14 – Sedgwick County Conditional Use for accessory apartment on property zoned "RR" Rural Residential. Generally located approximately 1/4 mile west of 135th Street West on the north side of 45th Street North. (District III)

Dear Ladies and Gentlemen:

At its regular meeting on **May 12, 2005**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Bill Longnecker, Senior Planner
Current Plans Division

WL/rms

Cc: Orville Anderson, Lola Anderson, P O Box 13111, Wichita, KS 67213
Diana Brooks, Colwich City Hall, 310 S. 2nd, Colwich, KS 67030-0158
Tom Winters, County Commissioner District III, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

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; including appearance of the accessory apartment shall be compatible with the primary residence.
2. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
3. Per the recommendation of the Sedgwick County Department of Code Enforcement, Water Quality Specialist, the site's septic tank will have a pump tank with an alarm to get the effluent to the existing lateral field.
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 12th DAY of MAY, 2005. 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

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00014

WHEREAS, Bradley and Elizabeth Anderson, Orville and Lola Anderson (Owner/Applicant); 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 8.36 acres zoned "RR" Rural Residential described as:

> A tract in the S/2 of the of the SE/4 of Section 23, Township 26 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the Southeast corner of said SE/4; thence N 90 degrees W on an assumed bearing, 462.45 feet to the point of beginning; thence continuing N 90 degrees W, 744.71 feet; thence N 1 degree 47'04" E, 453.21 feet; thence N 20 degrees 41'59" E, 80.59 feet; thence N 36 degrees 55'55" E, 100.68 feet; thence N 54 degrees 35'42" E, 134.17 feet; thence S 82 degrees 14'24" E, 104.09 feet; thence S 48 degrees 24'02" E, 196.13 feet; thence S 32 degrees 02'25" E, 255.09 feet; thence S 24 degrees 17'00" E, 357.75 feet to the point of beginning. Generally located approximately 1/4 mile west of 135th Street West on the north side of 45th Street North.

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 May 12, 2005, 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 for accessory apartment on 8.36 acres zoned "RR" Rural Residential described as:

> A tract in the S/2 of the of the SE/4 of Section 23, Township 26 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the Southeast corner of said SE/4; thence N 90 degrees W on an assumed bearing, 462.45 feet to the point of beginning; thence continuing N 90 degrees W, 744.71 feet; thence N 1 degree 47'04" E, 453.21 feet; thence N 20 degrees 41'59" E, 80.59 feet; thence N 36 degrees 55'55" E, 100.68 feet; thence N 54 degrees 35'42" E, 134.17 feet; thence S 82 degrees 14'24" E, 104.09 feet; thence S 48 degrees 24'02" E, 196.13 feet; thence S 32 degrees 02'25" E, 255.09 feet; thence S 24 degrees 17'00" E, 357.75 feet to the point of beginning. Generally located approximately 1/4 mile west of 135th Street West on the north side of 45th Street North.

State of Kansas)
) SS
County of Sedgwick)

Armstrong Land Survey, P.A. registered and authorized to practice Land Surveying in said state and county hereby certifies that it caused the following described tract to be surveyed:
A TRACT IN THE SOUTH HALF OF SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 26 SOUTH, RANGE 2 WEST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS, DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N 90 DEGREES W ON AN ASSUMED BEARING, 462.45 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING N 90 DEGREES W, 744.71 FEET; THENCE N 1 DEGREE 47'04" E, 453.21 FEET; THENCE N 20 DEGREES 41'59"E, 80.59 FEET; THENCE N 36 DEGREES 55'51"E, 100.68 FEET; THENCE N 54 DEGREES 35'42" E, 134.17 FEET; THENCE S 82 DEGREES 14'24" E, 104.09 FEET; THENCE S 48 DEGREES 24'02" E, 196.13 FEET; THENCE S 32 DEGREES 02'25" E, 255.09 FEET; THENCE S 24 DEGREES 17'00" E, 357.75 FEET TO THE POINT OF BEGINNING.

The accompanying sketch is a true and correct exhibit of said survey.

Date of survey: February 8, 2000

Donald C. Armstrong, LS#780

C. ARMSTRONG REGISTERED LS-780 LAND SURVEYOR 2-7-2000

SCALE 1"=150'
W.O.# 26678-5
page 2 of 2

● - 5/8" 'Armstrong LS 780' capped rebar set
O - 3/4" iron pipe found
□ - stone found
CM - calculated from measurements

SITE PLAN

APPROVED BY

CENTER OF SEC 23 T26S, R2W

CM 2630.88 S89°55'15"E

E/4 CORNER

CM 2659.04 N00°37'34"E

C 2641.08 S89°57'38"E

CM 2655.44 S0°18'51"E

North

72.35 ACRES±

167 FT from Mobile Home To Barn

S82°14'24"E CM 104.09

128 FT

S48°24'02"E CM 196.13

N54°35'42"E CM 134.17

N36°55'51"E CM 100.68

N20°41'59"E CM 80.59

240 FT

101 FT

Home 28+60

87 FT

101 FT

292 ft from back of MAIN House TO FRONT of Mobile Home

Accessory Apartment

GROUND BINS

Road

CM 255.09 S32°02'25"E

86 ft from MAIN House TO Pole Barn

143 ft from MAIN House to Pole Barn

C 1327.72

C 1329.52

West

167 FT

64 FT wide

Barn

81 FT

Long

8.36 ACRES±

292 FT

86 ft

101 FT

30 FT wide

N1°47'04"E

93 FT

CM 463.21

Pole Barn

80 FT Long

Dry Run

240 FT

CM 357.75 S24°17'00"E

East

135th ST. WEST

684 FT

House

26 FT

41 FT

216 FT

S/4 CORNER

C 1444.16

287 FT

30' ROAD R/W

CM 730.24

C 744.71 N90°W

C 462.45 SE COR

CM 2651.29 (ASSUMED) N90°W

South

45th ST. NORTH

ARMSTRONG LAND SURVEY, P.A.

250 MATHEWSON
WICHITA, KS 67214
PH. (316) 263-0082
FX. (316) 263-0092

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area's character is rural with agricultural fields and scattered farmsteads. The site sits over the Equus Beds.

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 application and the site appear to meet these criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the conditions for accessory apartments by the UZC and the conditional use.

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 at this time. The site is outside any rural water district.

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4

STAFF REPORT

FILE COPY

Colwich Planning Commission April 26, 2005
MAPC May 12, 2005

CASE NUMBER: CON2005-00014

OWNER/APPLICANT: Bradley & Elizabeth Anderson Orville & Lola Anderson

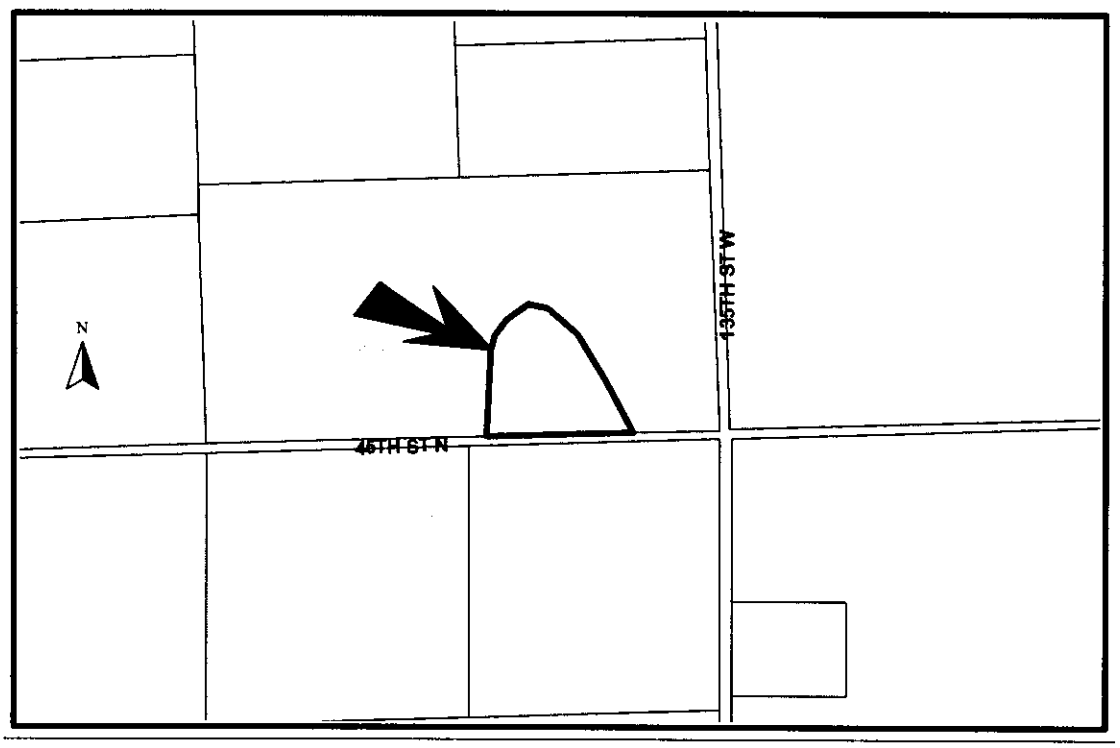
REQUEST: Conditional Use for accessory apartment

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 8.36-acres

LOCATION: Generally located approximately ¼-mile west of 135th Street West on the north side of 45th Street North (BoCC District #3)

PROPOSED USE: Accessory Apartment for parent



BACKGROUND: The applicants are requesting a "Conditional Use" to allow an accessory apartment on an 8.36-acre tract, located at 13820 West 45th Street North. The applicants' parents will live in the accessory apartment. The subject site is zoned "RR" Rural Residential. Because the proposed additional structure will contain a kitchen and sleeping quarters, it is classified as dwelling unit and thus requires "Conditional Use" approval for an accessory apartment. The site is in Sedgwick County and within the City of Colwich's area of zoning influence. The applicants have provided a site plan.

The site plan submitted by the applicant shows the apartment sitting behind the primary residence on the north side of the site. The site plan also shows the primary residence, two barns, grain bins and the driveways. The primary structure was built in 1927, is a two-story frame house with lap siding and is approximately 1,859-square feet in size. The proposed accessory apartment is shown as approximately 1,680-square feet in size. The accessory apartment shares the same drive onto 45th Street North as the primary residence. The site plan shows distances between structures and the size of some of the structures.

The subject site is located in a rural portion of Sedgwick County, with scattered farmsteads and agricultural fields. There is a mature hedge of trees around the subject site. There are agricultural fields located on all sides of the subject site, with the nearest neighbor located over a quarter of a mile to the southeast. There are a series of communication towers west of the site. The site is located approximately 1 ½ - miles southeast of the City of Colwich.

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 subject site is an unplatted tract. The Colwich Planning Commission considered this case at their April 26, 2005 meeting and recommended approval with Staff's recommended conditions.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agricultural fields
SOUTH:	"RR" Rural Residential	Agricultural fields
EAST:	"RR" Rural Residential	Agricultural fields
WEST:	"RR" Rural Residential	Agricultural fields

PUBLIC SERVICES: 45th Street North and 135th Street West are both unimproved Union Township roads. The 2030 Transportation Plan projects no change in 135th Street West's status, but shows 45th Street North to become a two-lane arterial. The site is outside any rural water districts and is served by a well. The site has no access to public sewer and is served by a septic system.

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. The policies of the Unified Zoning Code allow one accessory apartment to be associated with a principle dwelling as a "Conditional Use" if the proposed use is compatible with the principle dwelling, is in character with the surrounding residential development, is accessory to the main structure, remains in a single ownership, and obtains water and sewer service from the main dwelling hook-up.

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; including appearance of the accessory apartment shall be compatible with the primary residence.
2. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
3. Per the recommendation of the Sedgwick County Department of Code Enforcement, Water Quality Specialist, the site's septic tank will have a pump tank with an alarm to get the effluent to the existing lateral field.
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.