

Wichita-Sedgwick County Metropolitan Area Planning Department

September 7, 2017

Christy Family Trust
Attn: Vicky L. Lee
8560 S 129th W
Clearwater, KS 67026

Baughman Company, P. A.
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

RE: CON2017-00031 – County Conditional Use request for an “accessory apartment” on RR Rural Residential zoned property generally located one-third mile east of South 135th Street West and one-quarter mile north of West 87th Street South (8560 S. 129th Street)

Dear Ladies and Gentlemen:

At its regular meeting on August 10, 2017, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request in accordance with the attached resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Miller'.

Kathy L. Morgan, Senior Planner
Current Plans Division

KLM/al

Copies to: MABCD
BoCC 2, Michael O'Donnell, Mail Stop 320
County Law, Justin Waggoner, Mail Stop 349
County Public Works, Jim Weber, 1144 South Seneca, Wichita, KS 67213
Brad C & Janice E Oliver, 8601 S 129th W., Clearwater, KS 67026
William E & Katheryn E Potenski, 8602 S 133rd W., Clearwater, KS 6702

CONDITIONAL USE RESOLUTION NO. CON2017-31

WHEREAS, Christy Family Trust, Vicky L. Lee (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 4.74 acres zoned RR Rural Residential ("RR"); generally located at 8560 South 129th Street West, described as:

A tract of land in the Southwest 1/4 of Section 12-Township 29-Range 2W of the 6th PM, Sedgwick County, Kansas more particularly described as follows: Beginning 1382 feet North of the Southeast Corner of the Southwest 1/4; thence North to a point 914.96 feet South of the Northeast Corner of said Southwest 1/4; thence West 630.9 feet; thence South to a point West of beginning; thence East 630.9 feet to the Point of Beginning; EXCEPT for all road rights-of-way.

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 August 10, 2017, 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 4.74 acres zoned RR Rural Residential (RR), described as:

A tract of land in the Southwest 1/4 of Section 12-Township 29-Range 2W of the 6th PM, Sedgwick County, Kansas more particularly described as follows: Beginning 1382 feet North of the Southeast Corner of the Southwest 1/4; thence North to a point 914.96 feet South of the Northeast Corner of said Southwest 1/4; thence West 630.9 feet; thence South to a point West of beginning; thence East 630.9 feet to the Point of Beginning; EXCEPT for all road rights-of-way.

Approved subject to the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 8560 South 129th Street West) 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 provided to the accessory apartment shall not be provided as separate services from the main dwelling. Sewer will be provided by the on-site lagoon. The applicant shall have the MABCD review the status of the existing lagoon system. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (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 construction 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.

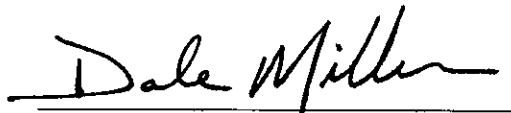
Adopted this 10 day of August 2017.

METROPOLITAN AREA PLANNING COMMISSION



David W. Foster, Chairman MAPC

ATTEST:

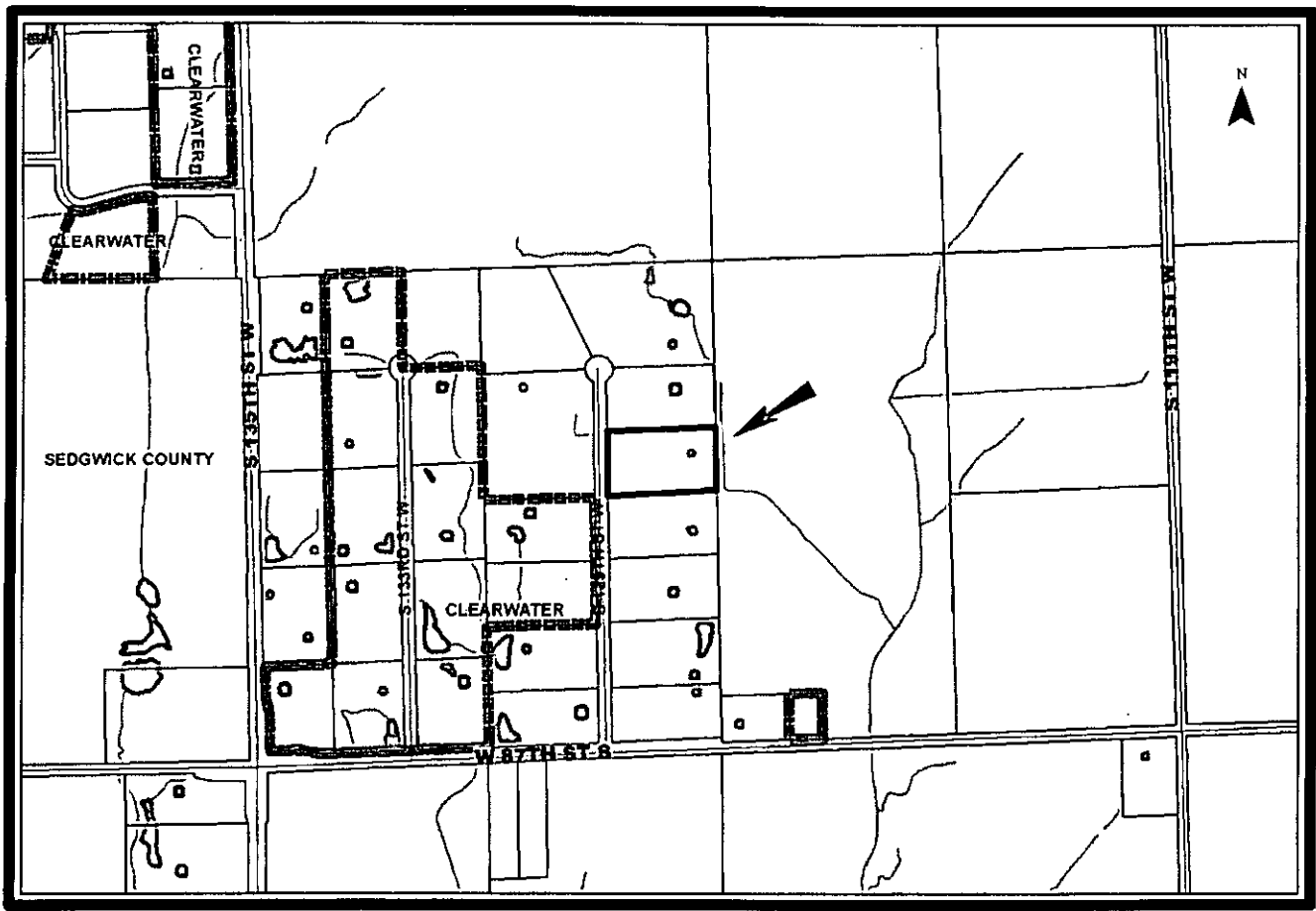


Dale Miller, Secretary



STAFF REPORT
MAPC August 10, 2017

- CASE NUMBER:** CON2017-00031
- APPLICANT/OWNER:** Christie Family Trust (Vicky L. Lee) / Baughman Company (Russ Ewy)
- REQUEST:** Conditional Use request for an accessory apartment
- CURRENT ZONING:** RR Rural Residential
- SITE SIZE:** Approximately 4.74 acres
- LOCATION:** Generally located one-third mile east of South 135th Street West and one-quarter mile north of West 87th Street South (8560 S. 129th Street)
- PROPOSED USE:** Accessory Structure on the property



BACKGROUND: The applicant is requesting a Conditional Use for a 1,250 square foot accessory apartment to be built on the site. The unplatted property is zoned RR Rural Residential (RR) and is approximately 4.74 acres. It is currently developed with a single family residence built in 1997.

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, west, east and south are zoned RR, developed with large lot single-family residences. The site is serviced by a septic system. The subject site is located one-third mile east of South 135th Street West and one-quarter mile north of West 87th Street South (8560 S. 129th Street). The Sedgwick County site is not located within any Urban Area of Influence.

The applicant submitted the attached site plan showing the location of the existing residential structure and the lagoon. The site plan also identifies the location of the new 1,250 square foot accessory apartment.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: RR	Single-family residences on large lots
SOUTH: RR	Single-family residence on large lots
WEST: RR	Single-family residences on large lots
EAST: RR	Farming/Ranch land 72 acres, no improvements

PUBLIC SERVICES: South 129th Street West is a local gravel road cul-de-sac with a 70-foot right-of-way. The subject site has access to 135th Street West and 119th Street West, which are county paved arterial from West 87th Street South. West 87th Street South is a gravel, secondary arterial street with an 80-foot right-of-way. The site is serviced by a lagoon and Clearwater Rural Water District.

CONFORMANCE TO PLANS/POLICIES: The “2035 Community Investments Plan” (Plan) identifies the subject site as being in the rural area. The property is not located in 2035 Future Growth Concept.

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 shall remain accessory to and under the same ownership as the principal single-family residence (located at 8560 S. 129th Street West) 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 County subject site is located in an RR zoned area with lots ranging from +/- 5 acres to 72 acres. Development is a mix of large lot single-family residential and agricultural land.
- (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 parcel configuration of the property easily accommodates an accessory apartment and the additional required parking space.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** 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. The property is not located in 2035 Future Growth Concept. A Conditional Use application/request is required for consideration of an accessory apartment in the RR zoning district.
- (5) **Impact of the proposed development on community facilities:** Community facilities are the public streets in the neighborhood, 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 neighborhood.

Attachment: Site Plan; applicant narrative



SITE PLAN

APPROVED

ON

a/7/2017

RLM