



Wichita-Sedgwick County Metropolitan Area Planning Department

March 20, 2019

Randall J & Lisa K Estes
PO Box 793
Goddard KS 67052

RE: CON2018-00044 - County Conditional Use to permit an accessory apartment on property zoned RR Rural Residential with the CP-O Corridor Preservation Plan Overlay District, generally located on the north side of US 54/400 Highway approximately 1/4 mile west of 231st Street West (23500 West US 54 Highway).

Dear Applicant:

At its regular meeting on **January 10, 2019**, 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,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
David Dennis, BoCC Member District 3
Justin Waggoner, Assistant County Counselor

CONDITIONAL USE RESOLUTION NO. CON2018-44

WHEREAS, Randall J. and Lisa K. Estes (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 6 acres zoned RR Rural Residential ("RR"), described as:

Lot 1, Block B, Hedge Acres Addition, Sedgwick County, Kansas; generally located on the north side of US 54/400 Highway approximately 1.4 mile west of 231st Street West (23500 West US 54 Highway.)

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 January 10, 2019, 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:

Lot 1, Block B, Hedge Acres Addition, Sedgwick County, Kansas; generally located on the north side of US 54/400 Highway approximately 1.4 mile west of 231st Street West (23500 West US 54 Highway.)

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 23500 West US54 Highway) 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 ^{24th}~~18th~~ day of January 2019.
per

METROPOLITAN AREA PLANNING COMMISSION

Cindy Miles
Cindy Miles, Chairman MAPC

ATTEST:

Dale Miller
Dale Miller, Secretary



STAFF REPORT
MAPC: January 10, 2019
CAB 3: January 7, 2019

CASE NUMBER: CON2018-00044

APPLICANT/OWNER: Randall and Lisa Estes (Owner/Applicant)

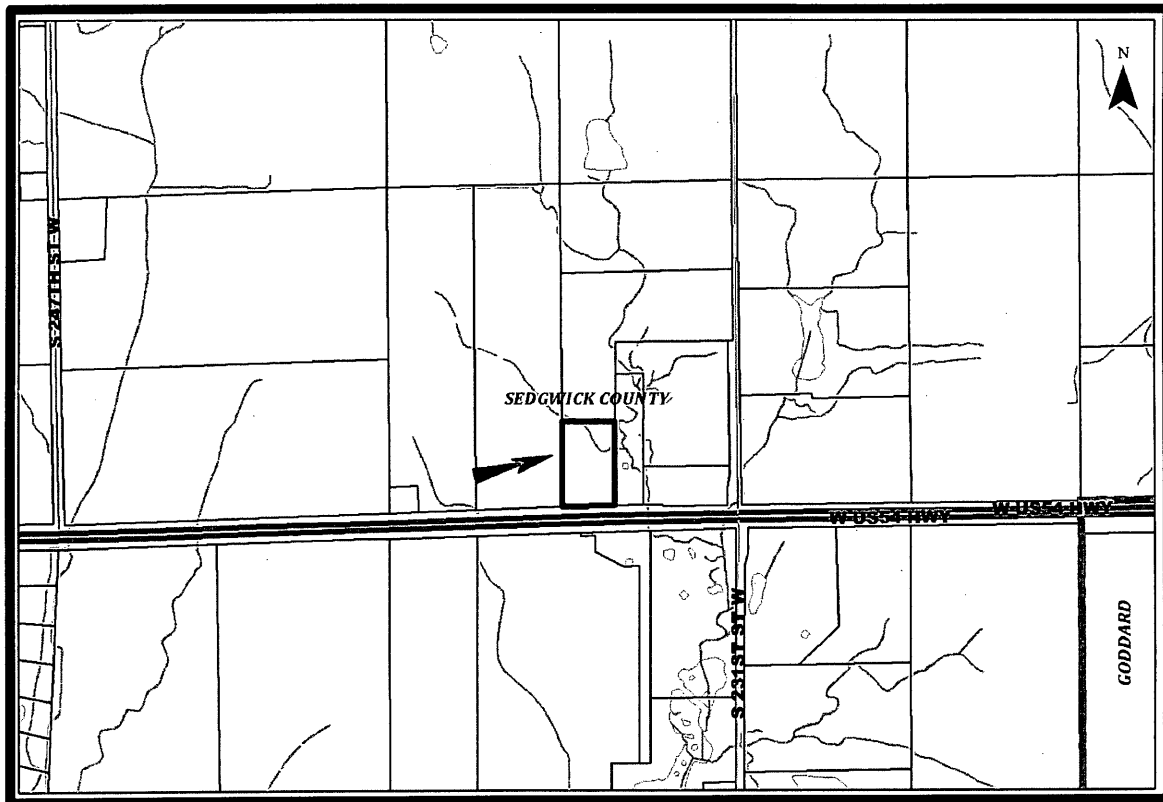
REQUEST: Conditional Use to permit an Accessory Apartment

CURRENT ZONING: RR Rural Residential ("RR") with CP-O Corridor Preservation Plan Overlay District

SITE SIZE: 6 acres

LOCATION: Generally located on the north side of US 54/400 and one-quarter mile west of South 231st Street West

PROPOSED USE: Accessory Apartment



BACKGROUND: The owner of the platted 6-acre site located north of US 54 and one-quarter mile west of 231st Street West (23500 West US Hwy 54/400) seeks a Conditional Use to allow an accessory apartment in a detached dwelling unit in front of the main structure. The applicant proposes to locate a 30 – foot by 56 – foot residentially designed manufactured home in front of the main structure on the subject site. The site is currently zoned RR Rural Residential (“RR”). “Accessory Apartment” is permitted in the RR district with an approved Conditional Use. The Sedgwick County site is not located within any Urban Area of Influence.

The width of the transportation CP-O on at this location is approximately 380 feet wide, making the centerline 190 feet. According to the Unified Zoning Code (UZC), “in areas where the right-of-way of a proposed transportation corridor has been identified on an adopted map, whether or not that right-of-way has been acquired, minimum setbacks shall be measured from the proposed right-of-way line. In no event shall any building be erected, enlarged, moved in or reconstructed so as to be closer to the centerline of a proposed transportation corridor than 150 feet.” Approximately 170 feet of the north end of the platted lot is located within the CP-O Corridor Preservation Plan Overlay. The attached site plan indicates the platted lot measures approximately 406 feet wide at the north property line, 397 feet wide at the south property line and 658 feet along the east and west property lines. According to the attached site plan, the proposed structure would be located 340 feet from the centerline of the CP-O and 190 feet behind the 30-foot building setback; and approximately 15 feet in front of the existing residential structure.

All property surrounding the site is zoned RR. Property to the north, east and west is used for agricultural purposes/farmland. One residence exists southwest of the site, at the northwest corner of 231st Street West and US 54. Several residences exist south of the site, south of US 54. The application area is outside of the Goddard Zoning Area of Influence, and is approximately 2/3 mile west of the Goddard City Limit.

CASE HISTORY: The property is zoned RR and was platted as the Hedge Acres Addition in April 2015. The transportation CP-O (DR2007-09) was adopted in October 2007 to provide access from the Northwest By-Pass (DR2005-35) to US 54/400 west of Goddard.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|----|--------------------------------------|
| NORTH: | RR | Agriculture |
| SOUTH: | RR | Agriculture, single-family residence |
| EAST: | RR | Single-Family residence |
| WEST: | RR | Agriculture |

PUBLIC SERVICES: The site is served by a water well and lagoon. US 54/400 is a four-lane divided highway with 200 feet of right-of-way. The subject property has direct access to west bound and east bound US 54/400.

CONFORMANCE TO PLANS/POLICIES: The 2035 *Community Investments Plan* Wichita Future Growth Concept map indicates the application area is located in the Rural Growth 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 and should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*.

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

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 23500 West US Hwy 54/400) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory apartment 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.

The staff's recommendation is based on the following findings:

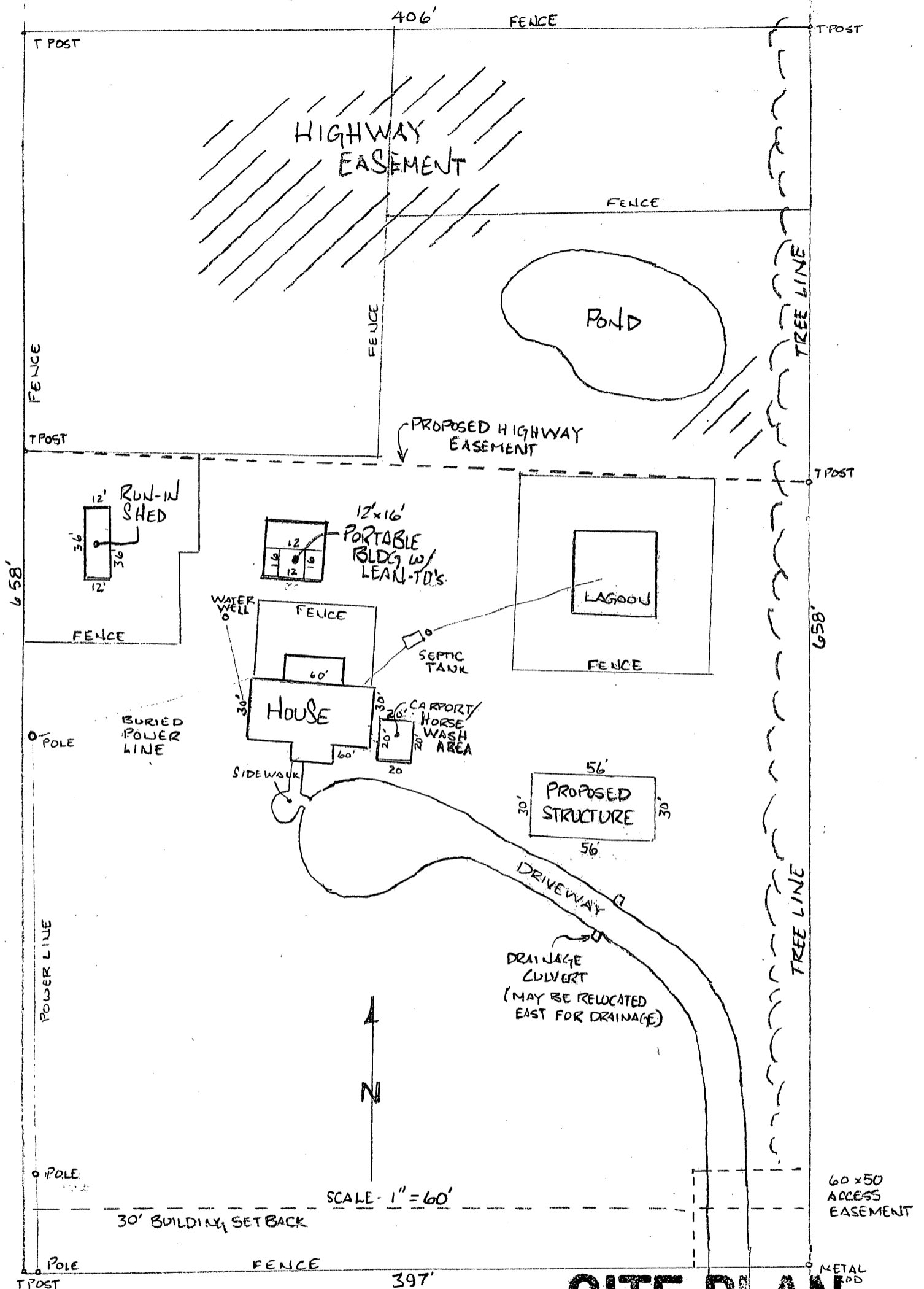
1. **The zoning, uses and character of the neighborhood:** All property surrounding the site is zoned RR. Property to the north, east and west is used for agricultural purposes/farmland. One residence exists southwest of the site, at the northwest corner of 231st Street West and US 54. Several residences exist south of the site, south of US 54. The application area is outside of the Goddard Zoning Area of Influence, and is approximately 2/3 mile west of the Goddard City Limit.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR Rural Residential, which permits primarily large-lot residential and agricultural uses by-right. The property will continue to be used for one single-family residence; the depth of the property easily accommodates an accessory structure 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* Wichita Future Growth Concept map indicates the application area is located in the Rural Growth 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 and should occur in accordance with the *Urban Fringe Development Standards for Wichita and Sedgwick County*.
5. **Impact of the proposed development on community facilities:** There will be minimal impact

5. **Impact of the proposed development on community facilities:** There will be minimal impact on public roads and no impact to water and sewer service.

Attachments:

Site Plan

CP-O Corridor Preservation Plan Overlay District excerpt from UZC



SITE PLAN

APPROVED 1/24/19 BY *[Signature]*

← US 54 HIGHWAY →

TITLE: SECONDARY STRUCTURE-RESIDENCE FOR CONDITIONAL USE.
 LEGAL DEC: LOT 1, BLOCK B OF HEDGE ACRES, E/2 OF SE/4 OF SEC 26-T27S-R3W, SEDGWICK CO
 APPLICANT: RANDY ESTES AND LISA ESTES

Section III – C Special Purpose Overlay Zoning Districts (pg. 127-128 UZC)

CP-O Corridor Preservation Plan Overlay District (“CP-O”)

a. Purpose. The CP-O Corridor Preservation Plan Overlay District recognizes the impact transportation corridor improvement projects can have on private and public land use expectations. New transportation improvements can lead to requests for more intense zoning and Development applications before public services required to support the more intense Development can be effectively planned and efficiently installed. The Development review provisions applicable within the CP-O District are intended to assure a comprehensive review of the impact of proposed land Uses on the anticipated character of neighborhoods immediately surrounding proposed transportation corridor improvement projects. This District is established to ensure that land use or Development decisions that could result in the need for further public improvements or public investments consider the viability and prudence such investments in light of changes expected to occur as a result of anticipated corridor improvements. Properties located within the CP-O District shall comply with the regulations contained within the Overlay District and the standards contained in the Underlying or base zoning District. In case of a conflict between the regulations in this section and those of the Underlying zoning District, the regulations in this section shall prevail.

b. Use regulations. No property within the CP-O District shall be devoted to any Use, including any agricultural Use, requiring a Building Permit, other than those Uses existing at the time the CP-O District was established. Any new Use, whether allowed by right by the Underlying zoning, by Conditional Use, or as an Accessory Use in the Underlying zoning District, shall be allowed only after the proposed new Use has been approved as provided for in this section.

c. Review procedures. Requests requiring CP-O District zoning approval shall follow the same review procedures as required by Conditional Use applications contained in Article V-D of the Wichita-Sedgwick County Unified Zoning Code, except that in all cases final approval shall rest with the appropriate Governing Body. The action of the Metropolitan Area Planning Commission shall be advisory to the Governing Body.

d. Review criteria. In addition to the review criteria contained in Article V-C.8, the following criteria shall be used to evaluate CP-O District requests:

- (1) the duration of the proposed Use;
- (2) the anticipated start and completion dates of the planned transportation corridor improvement project;
- (3) the compatibility of the proposed use with the expected character of the neighborhood following the completion of the planned transportation corridor improvement project;
- (4) the extent to which the proposed Use will detrimentally affect the public benefits otherwise arising from the transportation corridor improvement project; and
- (5) the extent to which the proposed Use will require public improvements or investments that may be altered or eliminated by the planned transportation corridor improvement project.

e. Property development standards. Each site in the CP-O District shall be subject to the property development standards of the Underlying zoning District except the following:

- (1) Setbacks. In areas where the right-of-way of a proposed transportation corridor has been identified on an adopted map, whether or not that right-of-way has been acquired, minimum Setbacks shall be measured

from the proposed right-of-way line. In no event shall any Building be erected, enlarged, moved in or reconstructed so as to be closer to the centerline of a proposed transportation corridor than 150 feet.

f. Administrative approvals. The Zoning Administrator shall have the authority to waive application of the requirements of this section for Building Permits that do not increase the Floor Area by 1,000 square feet, or ten percent, whichever is less; or the appraised value of the property by more than \$10,000, or ten percent, whichever is less. The Zoning Administrator may also terminate any conditions imposed under this section if the property involved is no longer contained within the designated District.

g. Corridor Preservation Plan Overlay District designation. The Governing Body may adopt, and amend from time to time, maps designating a CP-O District. Any such adoption or amendment shall be shown on the Official Zoning District Map.