



**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 26, 2012

Dennis and Julie L. Rhoads  
1331 Hilltop Road  
Derby, KS 67037

**RE: CON2012-00020** - County Conditional Use request for an Accessory Apartment on property zoned RR Rural Residential ("RR") located at 7500 South 103<sup>rd</sup> Street West, Clearwater, KS 67206.

Dear Ladies and Gentlemen:

At its regular meeting on **June 20, 2012**, the Sedgwick County Commission considered the above captioned request. The action of the Commission was to **APPROVE** the request, subject to the conditions on 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 that reads 'Dale Miller'.

Dale Miller  
Current Plans Manager

Attachment

Copies to: BoCC 2, Tim Norton, Mail Stop County, Room 320  
City of Clearwater, Atten: Kent Brown, P.O. Box 453, 129 E. Ross,  
Clearwater, KS 67206  
Bob Parnacott, County Attorney, Mail Stop County Room 359  
Ohio Township, c/o Robert D. Hay, 9171 S. West Street, Haysville, KS  
67060  
Kelly Dixon, County Code Enforcement, 1144 S Seneca, Wichita, KS 67213  
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213

RESOLUTION NO 105-2012

A RESOLUTION FOR A CONDITIONAL USE TO PERMIT AN ACCESSORY APARTMENT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY RESOLUTION NO. 84-01, AS SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

**SECTION I.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita Sedgwick County Unified Zoning Code, for a Conditional Use for an accessory apartment, on approximately 8.737-acres of property zoned RR Rural Residential ("RR").

Case No. CON 2011-00020

Legally described below:

A Tract of land lying in the Northwest Quarter of Section 5, Township 29 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas: Beginning at the West quarter corner of Sec. 5, thence going northerly along the west side of said quarter of Sec. 5, a distance of 1100 feet; thence turning right and going easterly parallel to the Half section line a distance of 396 feet, thence turning right and going Southerly Parallel to the West section line a distance of 1100 feet to the half section line, thence turning right and going Westerly on the half section line a distance of 396 feet to the point of Beginning; located at 7500 South Maize Road, Clearwater, KS.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The accessory apartment structure shall be limited to one single-family residential unit and shall be subject to all requirements of Art III, Sec III-D.6.a of the Unified Zoning Code (UZC) for accessory apartments, except Supplementary Use Regulation 4 requiring both units to have the same water and sanitary sewer service shall be waived.
2. The site will be generally developed as shown on an approved site plan. Construction of the accessory apartment shall not begin without first obtaining all applicable permits, including but not limited to building, health, sanitation and zoning, and shall be maintained in general conformance with the approved site plan.
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.



Come & Approve 10-0



AGENDA ITEM NO. 11

## STAFF REPORT

Clearwater 5-15-12  
MAPC 5-17-12

CASE NUMBER: CON2012-00020

APPLICANT/AGENT: Dennis L. and Julie L. Rhoads

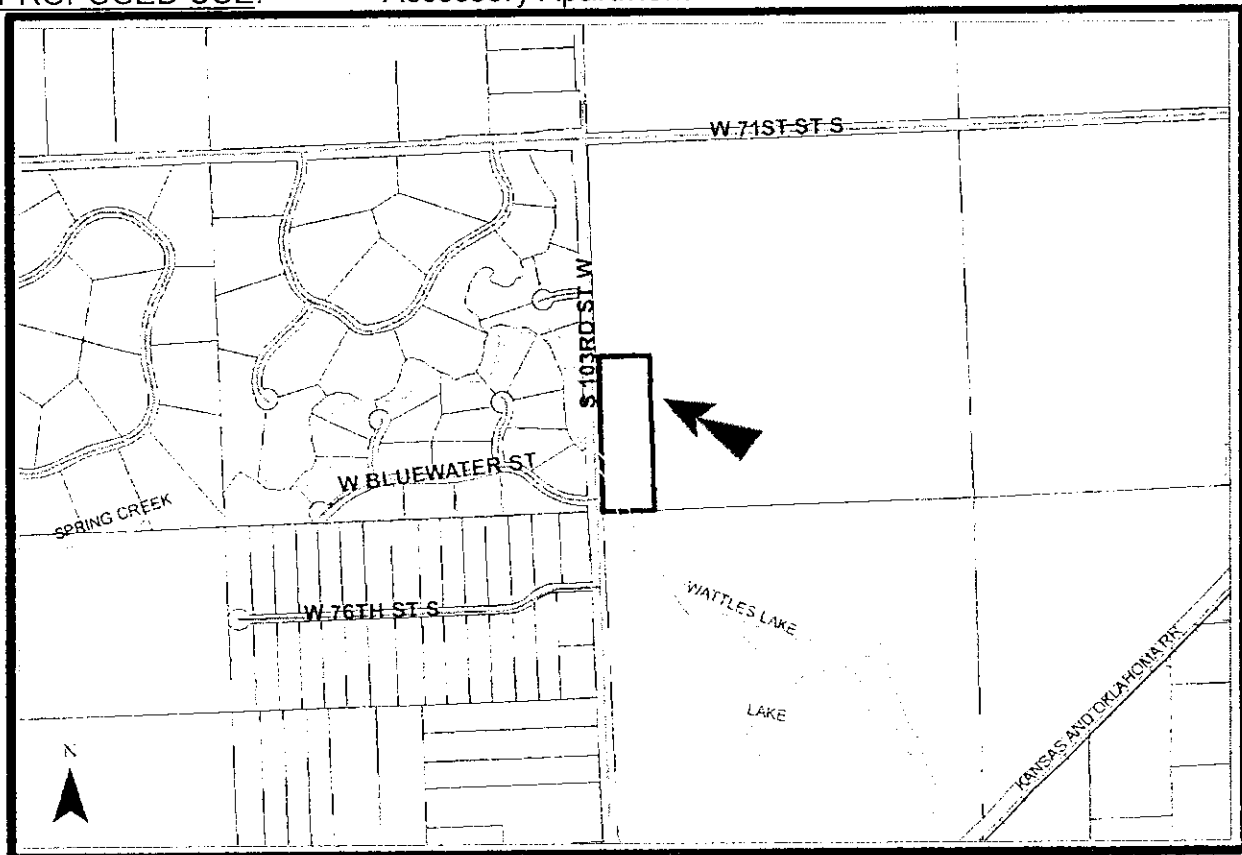
REQUEST: Conditional Use to permit an Accessory Apartment

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 8.737 acres

LOCATION: Approximately 1,600 feet south of West 71<sup>st</sup> Street South, east of South 103<sup>rd</sup> Street West (Maize Road); 7500 South Maize Road

PROPOSED USE: Accessory Apartment



Supplementary Use Regulations. If a request has been made to waive one of the Supplementary Use Regulations then the application is to be forwarded to the governing body for final action. Therefore, if the MAPC recommends waiver of the requirement to share water and sewer service, the case will be forwarded to the Board of County Commissioners for final action. The reason the code requires the same sanitary sewer and water service for both structures is to minimize the risk one of the homes will be sold off separately.

All surrounding property is zoned RR. Land to the north and east is farmland. Property to the south is developed with a Girl Scout campground. Land to the west is developed with a multitude of large-lot single-family residences; some with site-built structures, others with manufactured homes.

**CASE HISTORY:** The RR zoning was probably assigned in 1985 when county-wide zoning was adopted.

**ADJACENT ZONING AND LAND USE:**

NORTH: RR; farmland  
SOUTH: RR; Girl Scout campground  
EAST: RR; farmland  
WEST: RR; large-lot residential

**PUBLIC SERVICES:** Along the 103<sup>rd</sup> Street frontage of the subject tract there is 50 feet of half-street right-of-way. Sewer and water services are provided on-site.

**CONFORMANCE TO PLANS/POLICIES:** The "2030 Wichita Functional Land Use Guide, Map as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area to be appropriate as "Rural Areas." The purpose of this category is "to accommodate agricultural uses and rural based uses that are not more offensive than those agricultural uses commonly found in Sedgwick County." The site lies beyond the identified "Small City 2030 Urban Growth Area" for Clearwater.

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

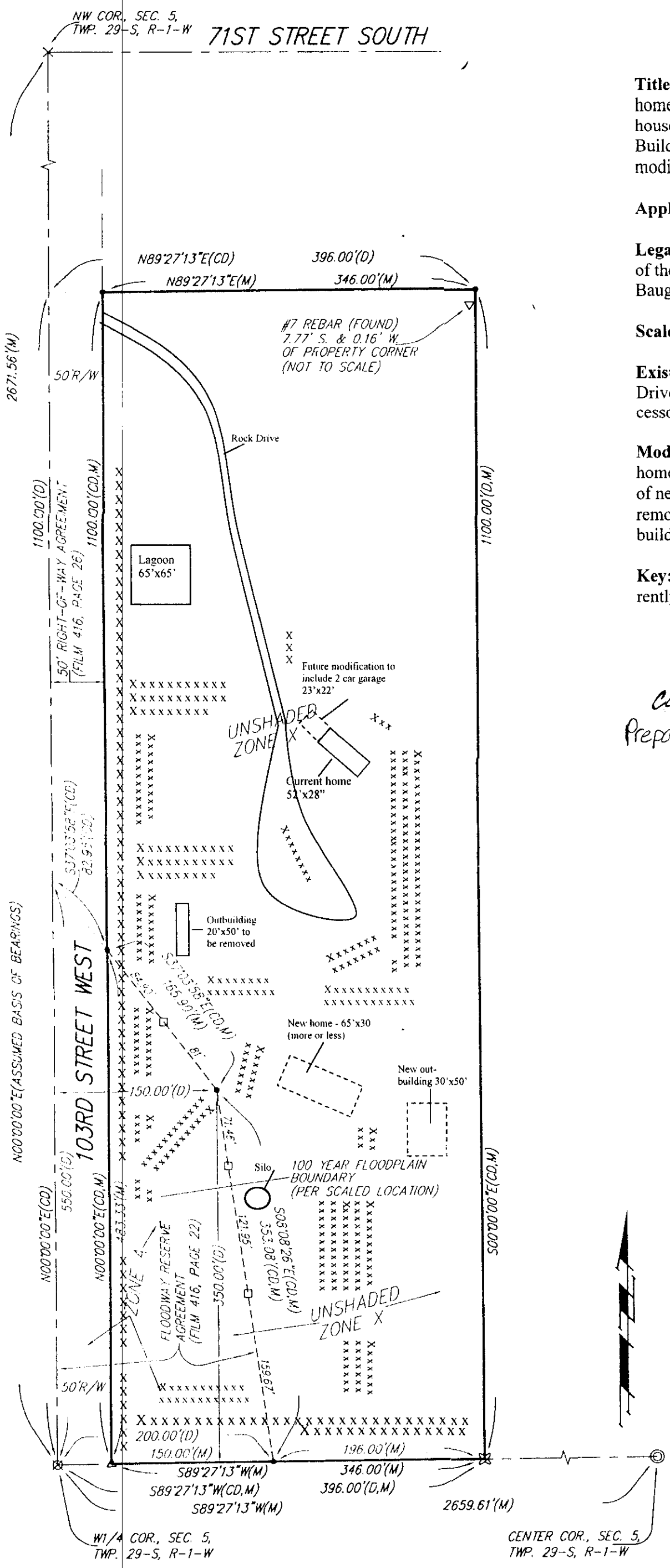
1. The accessory apartment structure shall be limited to one single-family residential unit and shall be subject to all requirements of Art III, Sec III-D.6.a of the Unified Zoning Code (UZC) for accessory apartments, except Supplementary Use Regulation 4 requiring both units to have the same water and sanitary sewer service shall be waived.
2. The site will be generally developed as shown on an approved site plan. Construction of the accessory apartment shall not begin without first obtaining all applicable permits, including but not limited to building, health, sanitation and

zoning, and shall be maintained in general conformance with the approved site plan.

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: The application area is surrounded by property that is zoned RR and developed with large-lot single-family residences, Girl Scout campground or farmland.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR which primarily permits single-family residential, manufactured home, group home and a few non-residential uses such as a golf course, park or agriculture uses are permitted by right. The site is in use today as currently zoned, and could continue to be economically viable as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby property provided the site is developed and maintained in conformance with the recommended conditions of approval.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial presumably would represent a hardship to the applicant in that they would increase the value of the property with the construction of an additional structure. The public's health and safety should not be compromised if the request is approved.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide, Map as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area to be appropriate as "Rural Areas." The purpose of this category is "to accommodate agricultural uses and rural based uses that are not more offensive than those agricultural uses commonly found in Sedgwick County." The site lies beyond the identified "Small City 2030 Urban Growth Area" for Clearwater. The UZC permits an accessory apartment in the RR district with Conditional Use approval.
6. Impact of the proposed development on community facilities: Existing improvements are in place or can be provided to accommodate the proposed development.



**Title:** Conditional Use Application to maintain two homes on one property. New home to be considered main house with second home listed as Apartment Accessory Building for use as mother-in-law or guest house (with modifications to include a 2 car garage).

**Applicant Name(s):** Dennis L & Julie L Rhoads

**Legal Description:** NW Cor., Sec. 5, TWP. 29-S, R-1-W of the 6th P.M.—See official survey completed by Baughman Company include.

**Scale:** 1" = 100'

**Existing Conditions:** Structures include a Lagoon, Rock Driveway, Existing home (to be used as Apartment Accessory Building, outbuilding, and silo

**Modifications Include:** Addition of garage on current home (future Apartment Accessory Building), Addition of new home toward the southern end of the property, removal of existing outbuilding, addition of new outbuilding to replace old one.

**Key:** XXXs indicate approximate treeline structures currently standing. See aerial view/map included

*20 CLEARWATER 5-15-12  
 CON-12-12, MMPC 5-17-12  
 Prepared by: Julie Rhoads (applicant)  
 & Baughman Co.  
 (See official land survey included)*