

AGENDA
CITY OF AUGUSTA
PLANNING COMMISSION
October 26, 2020
8:00am

“Augusta – Where the metro’s edge meets the prairie’s serenity offering the perfect blend of opportunity and proximity for living, commerce and culture.”

A. CALL TO ORDER

B. MINUTES

1. OCTOBER 5, 2020 PLANNING COMMISSION MEETING MINUTES

Minutes for the October 5, 2020 Planning Commission meeting will be presented for approval at the next Planning Commission meeting.

C. BUSINESS

1. Z2020-12 12737 SW 97TH STREET CONDITIONAL USE PERMIT

Consider approval with conditions of the Conditional Use Permit for an accessory dwelling unit at 12737 SW 97th Street.

- a. Staff Report
- b. **Planning Commission Motion / Vote**

D. MATTERS FOR/FROM THE COMMISSION

1. AUGUSTA PRIDE AND PROGRESS COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION REGULATIONS

Brief on the status of the Comprehensive Plan and Zoning and Subdivision Regulations

2. CITY OF AUGUSTA HOUSING STUDY AND NEEDS ASSESSMENT

Brief on the status of the Housing Study and Needs Assessment commissioned by the City.

E. ADJOURN



**CITY OF AUGUSTA
PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: October 26, 2020
 Department: Community Development
 Submitted By: Anita Riley, City Planner
 Prepared By: Anita Riley, City Planner
 Agenda Title: **Z2020-12 12737 SW 97th Street Conditional Use Permit**

RECOMMENDED ACTION:

Consider approval with conditions of the Conditional Use Permit for an addition that includes an accessory dwelling unit at 12737 SW 97th Street in the City of Augusta planning area.

BACKGROUND:

The applicant is requesting approval of a Conditional Use Permit for an addition that includes an accessory dwelling unit. The addition will be attached to an existing garage on the property at 12737 SW 97th Street located in the Kellogg Heights subdivision in the City of Augusta planning area.

The proposal involves constructing two 20'x60' additions, one on each side, of an existing 30'x60' storage structure. One of the proposed additions will be used as a shop space, while the other addition will be used as an accessory dwelling unit. There is an access to the existing storage building that is approximately 32 feet wide. A concrete culvert is located beneath the access to facilitate drainage. A landscape buffer is located between the residence and the storage building as well as at the south and west property lines.

REFERRALS

Application materials were sent to the applicable referral agencies. Responses received are summarized below.

Andover Fire-Rescue: This agency has no conflicts as long as the proposed additions meet all applicable building codes.

Butler County Community Development Department: This department reviewed the application and indicated that, as the permitting agency, Butler County ensure that the structures meet all required separation requirements and will be treated as any other single-family residence.

Agencies with no conflict: Public Safety, Butler Rural Water District #5, Evergy and Kansas Gas. No response from an agency was considered no conflict with the application.

Adjacent Property Owners: Notices were sent to 52 adjacent property owners. Staff received one comment from an adjacent property owner inquiring about the project. The adjacent property owner appeared to be gathering information about the process and did not indicate whether he had a concern about the proposal. No other comments were received from adjacent property owners or other public members.

ANALYSIS:

To approve a Conditional Use Permit, the Planning Commission must find that the following criteria from Section 1103 of the Zoning Regulations have been satisfied:

1. ***That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area;***

An accessory dwelling unit is a customary accessory use to the primary residence's principal use. Additionally, the accessory dwelling unit will be required to meet all applicable building codes.

2. ***That the proposed use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area;***

The proposed use of accessory dwelling unit is a customary accessory use in Agricultural and Rural Residential zoning districts. Where it is reasonable to add an accessory dwelling unit, it is an efficient way to increase the affordable housing supply by using of land that has already been develop, thereby eliminating the need to build additional infrastructure or extend additional utilities to the site. It also provides a property owner the potential benefit to generate extra income by renting the unit.

3. ***That such use will comply with these regulations and conditions specified in these regulations for such use;***

Section 1201.2 requires that 3 parking spaces per dwelling unit be placed on the lot. With a driveway that is approximately 32 feet wide and 40 feet, is space available to park four vehicles.

In 1978, the Supreme Court of Kansas handed down a decision in *Golden v. City of Overland Park* that established the basis for considering and reaching a decision on zoning changes and Conditional Use Permits. The decision should be made based on the evidence submitted and the

factors considered. The eight *Golden Factors* emerged from this case and have become institutionalized in the consideration of zoning changes in Kansas.

The factors must be considered by the Planning Commission and Governing Body in order to determine whether granting or denying a zoning change, including a Conditional Use Permit, was reasonable. It is not necessary that findings on all of the factors be favorable to approve or be unfavorable to deny the zoning change or Conditional Use Permit. Also, not all the factors carry the same weight and the weight may vary from case to case.

1. The character of the neighborhood;

The property is located in the Kellogg Heights subdivision where the character of the neighborhood is largely residential.

2. The zoning and uses of property nearby;

Surrounding properties are zoned rural residential and have residential uses associated with them.

3. The suitability of the subject property for the uses to which it has been restricted under its existing zoning;

The property is zoned R-6A Rural Residential which allow the uses of single-family dwelling, manufactured housing, group homes, and farming operations. All other uses require a conditional use permit.

While group homes are allowed in the Rural Residential zoning district, accessory dwelling units have not been identified as an allowable use. However, the proposed use of accessory dwelling unit is a customary accessory use in Agricultural and Rural Residential zoning districts in many areas and would be an acceptable use on the subject property.

4. Extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed use will meet all zoning, building, trade, and sanitation codes. Additionally, the increase in traffic will be nominal, thereby, minimizing the negative impact of the proposal.

5. Length of time the subject property has remained vacant as zoned;

The property is not vacant.

6. *Relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;*

The City anticipates no measurable negative impact to the community as a result of the proposed accessory dwelling unit.

7. *Recommendation of professional staff;*

Professional staff recommends approval of the Conditional Use Permit with the following conditions and restrictions:

1. PERMITTED USE. The use permitted for this Conditional Use Permit shall be limited to one accessory dwelling unit in conjunction with the accompanying shop addition and the existing uses.
2. HAZARDOUS MATERIALS HANDLING, STORAGE AND USE. The use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning in all R-6 zoning districts.
3. PARKING. Three parking spaces per dwelling unit shall be provided on the property at 12737 SW 97th Street.
4. DRAINAGE. The effect of runoff from the tract of land must be mitigated.
5. PERMITS. No construction or other activities shall commence on any portion of the property without the proper permits from the County or other appropriate governmental unit. The accessory dwelling unit and accompanying addition must meet all applicable building, trade, and sanitation codes.
6. REVOCATION & EXPIRATION. This Conditional Use Permit shall qualify for expiration and/or revocation as follows:
 - a. The Conditional Use Permit shall be come null and void within 180 days of the date of approval if not exercised. The Conditional Use Permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.
 - b. If the building permit or use is abandoned or discontinued for a period of 180 days, it may not be re-established unless authorized by the Board upon appeal.

- c. A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions and safeguards imposed herein.

8. *Conformance with the Comprehensive Plan;*

The site will continue to hold a Rural Residential zoning classification, as specified in the Comprehensive Plan.

RECOMMENDATION

Staff finds that the proposal can meet the required criteria, as discussed above. Therefore, staff recommends that the Planning Commission approve docket Z2020-12 12737 SW 97th Street Conditional Use Permit with the conditions noted under #7 of the *Golden Factors*.

Zoning Administrator Approval Date: October 22, 2020
City Planner Approval Date: October 22, 2020
Attachments (*list in packet assembly order*):
1. *Site Plan*

Site Plan

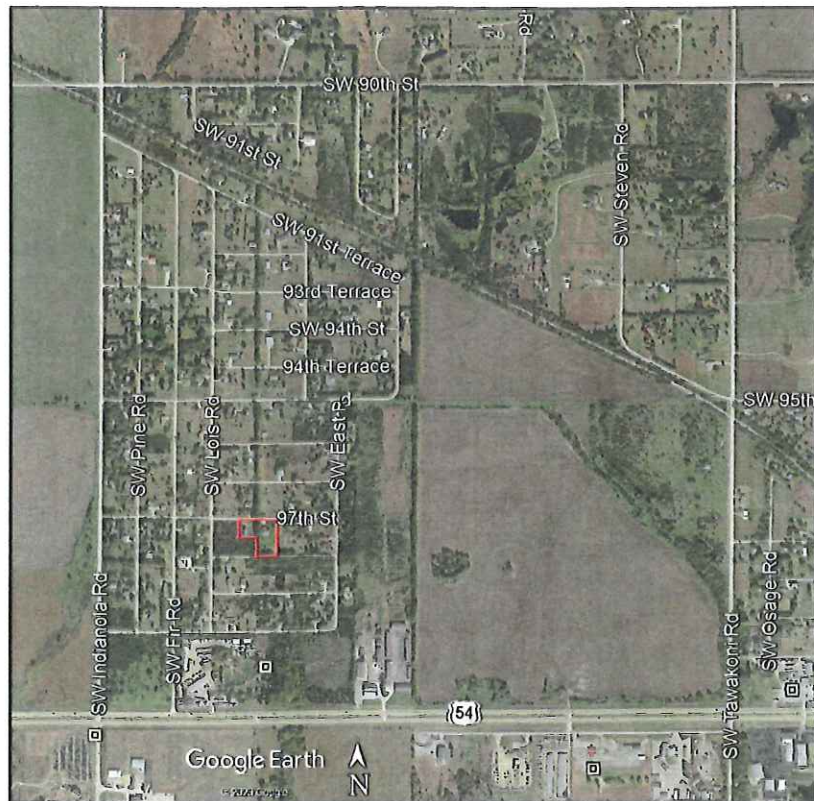
Accessory Building Addition
 12737 SouthWest 97th Street
 Andover, Kansas 67002-8357

Property Owner

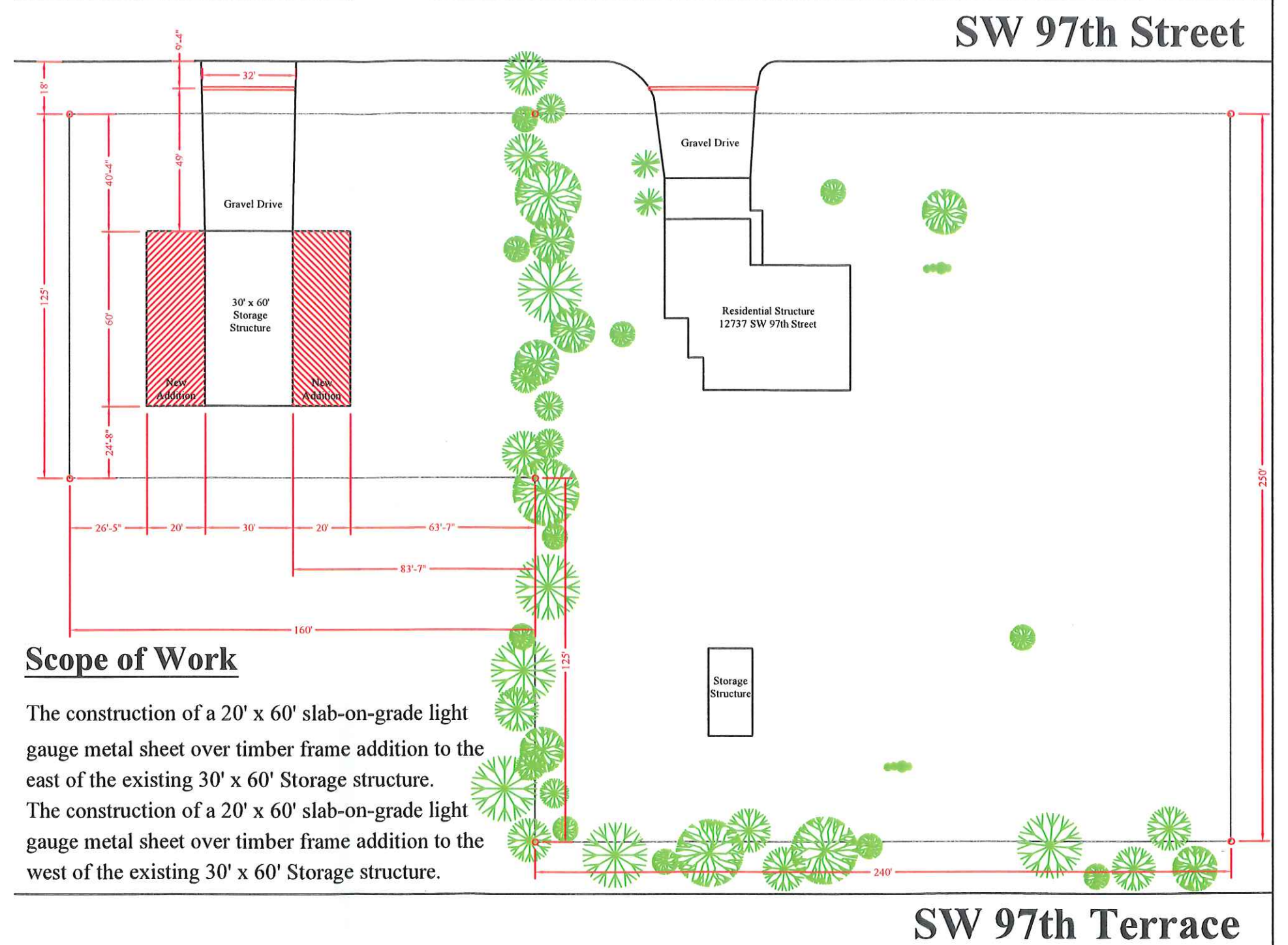
David L. Craddock
 12737 SouthWest 97th Street
 Andover, Kansas 67002-8357

Legal Description

Kellogg Heights Subdivision
 Section 23, Township 27, Range 03E
 Lots 3-7, 18-20 Block 10
 Total Site Acres = 1.7

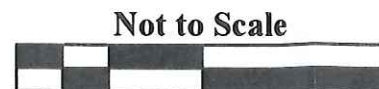


General Site Location



Scope of Work

The construction of a 20' x 60' slab-on-grade light gauge metal sheet over timber frame addition to the east of the existing 30' x 60' Storage structure.
 The construction of a 20' x 60' slab-on-grade light gauge metal sheet over timber frame addition to the west of the existing 30' x 60' Storage structure.



DATE:	15 Sep 2020	Craddock Storage Building Addition
Drawn By:	NKS	