



Wichita-Sedgwick County Metropolitan Area Planning Department

September 1, 2000

Ronald G. Higgins
Rosalie D. Higgins
136 N. Gorin
Clearwater, KS 67026

FILE COPY

RE: CON2000-00024 – Conditional Use to Permit a Bed and Breakfast Inn on property zoned “RR” Rural Residential. Generally located ½ mile south of intersection 103 South and 175 West (10800 S. 175th Street West).

Dear Mr. and Mrs. Higgins:

At its regular meeting on August 17, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

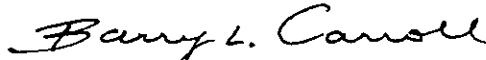
1. The site shall be developed and operated in general conformance with the MAPC approved site plan.
2. There shall be five (5) rooms designated for the bed and breakfast inn and there will be a maximum of 10 transient guests at any one time.
3. Signage shall not exceed twelve square feet in area and any lights used to illuminate the sign shall be so arranged as to reflect the light away from adjoining premises.
4. The water well and septic system must comply with conditions set forth by Sedgwick County Health Department staff.
5. The driveway must meet the requirements (20-feet wide) for emergency vehicles.
6. A Development Permit must be secured from the County's Public Works Department in order to address water-related problems within the floodplain.
7. That the above items #4, #5 and #6 be completed prior to the issuance of an “occupancy change permit.”
8. The applicants shall obtain all federal, state and local permits;

9. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office at 268-4421.

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Sincerely,



Barry L. Carroll,
Associated Planner

BLC/rs

Cc: Clearwater City Hall, P. O. Box 453, 129 E. Ross, Clearwater, KS 67026
Walter Rooney, Sedgwick County Fire Department
Tom Winter, County Commissioner District III, Mail Stop County Room #320
Rich Euson and Michelle Daise, County Legal, Mail Stop County Room #359
Glen Wiltse, County Code Enforcement
Jim Weber, County Bureau of Public Services

CONDITIONAL USE RESOLUTION NO. CON2000-00024

WHEREAS, Rosalie and Ronald Higgins (applicants), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to permit a Bed and Breakfast Inn on 5 acres zoned "RR" Rural Residential described as:

Beginning at the NW/c of the SE Quarter of Section 28, Township 29 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence South along the West line of said Southeast Quarter bearing S 0°00'00" W a distance of 40 feet; thence bearing S 87°10'43" E, a distance of 596.78 feet; thence bearing S 05°26'15" W a distance of 513.75 feet; thence bearing S 87°00'00" E a distance of 157.75 feet; thence bearing N 38°27'12" E a distance of 688.76 feet; thence bearing N 87°46'18" W along an existing fence row a distance of 53 feet; thence bearing N 86°58'51" W along an existing fence row a distance of 432.22 feet; thence bearing N 87°10'43" W a distance of 658.80 feet to the point of beginning. Generally located ½ mile south of intersection 103rd South and 175th West (10800 S. 175th Street West).

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 17, 2000, 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 permit a conditional use to Permit a Bed and Breakfast Inn on 5 acres zoned "RR" Rural Residential described as

Beginning at the NW/c of the SE Quarter of Section 28, Township 29 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence South along the West line of said Southeast Quarter bearing S 0°00'00" W a distance of 40 feet; thence bearing S 87°10'43" E, a distance of 596.78 feet; thence bearing S 05°26'15" W a distance of 513.75 feet; thence bearing S 87°00'00" E a distance of 157.75 feet; thence bearing N 38°27'12" E a distance of 688.76 feet; thence bearing N 87°46'18" W along an existing fence row a distance of 53 feet; thence bearing N 86°58'51" W along an existing fence row a distance of 432.22 feet; thence bearing N 87°10'43" W a distance of 658.80 feet to the point of beginning. Generally located ½ mile south of intersection 103rd South and 175th West (10800 S. 175th Street West).

subject to the following conditions:

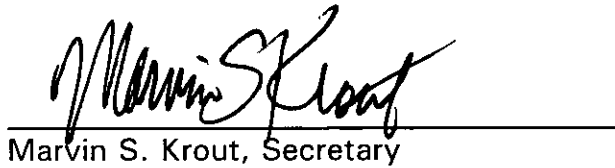
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5. The driveway must meet the requirements (20-feet wide) for emergency vehicles.
6. A Development Permit must be secured from the County's Public Works Department in order to address water-related problems within the floodplain.
7. That the above items #4, #5 and #6 be completed prior to the issuance of an "occupancy change permit" (per MAPC).
8. The applicants shall obtain all federal, state and local permits;
9. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

Adopted this 17th day of August, 2000. 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


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT

Clearwater – August 1, 2000 [4-0 to approve]
MAPC – August 17, 2000

CASE NUMBER: CON-2000-00024

APPLICANT/AGENT: Rosalie & Ronald Higgins (applicants)

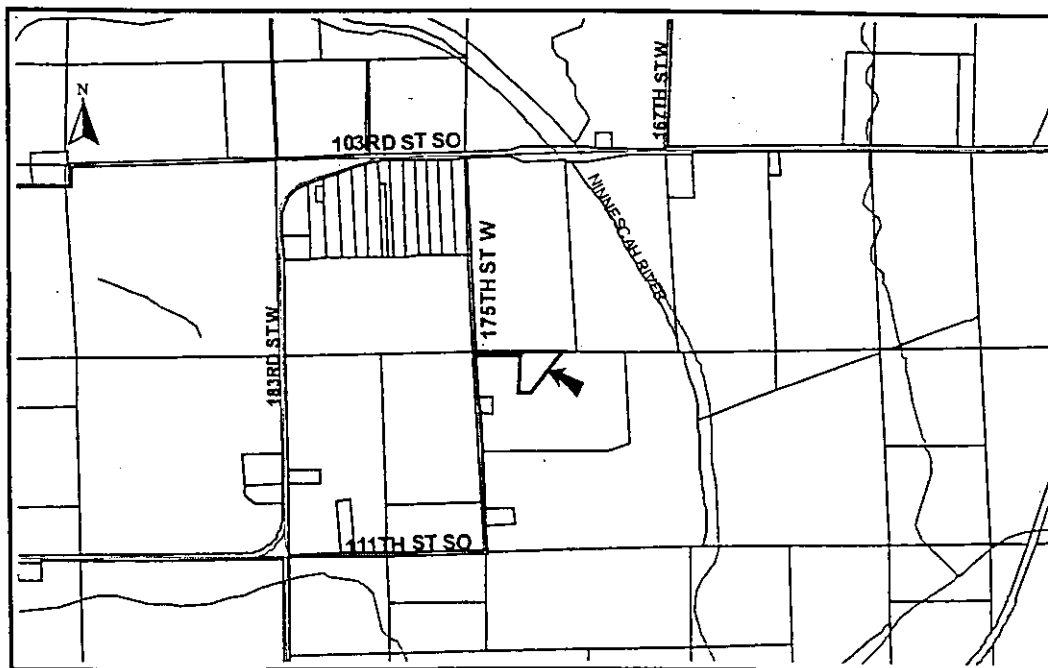
REQUEST: Conditional Use to Permit a Bed & Breakfast Inn

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: Five (5) - acres

LOCATION: ½ mile south of intersection 103rd South and
175th West (10800 S. 175th Street West)

PROPOSED USES: Bed & Breakfast Inn



According to the Unified Zoning Code (UZC), "bed and breakfast inn means the use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than 10 transient guests [a person who occupies a room for a period of less than one week at a time] on a paying basis.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Farm Ground
EAST:	"RR" Rural Residential	Farm Ground
SOUTH:	"RR" Rural Residential	Farm Ground
WEST:	"RR" Rural Residential	Farm Ground

PUBLIC SERVICES: 175th Street West is an unpaved two-lane township road. Traffic estimates are unavailable but traffic volumes are low. Well water, electricity and sewer services (septic tank) are provided on-site. The Sedgwick County Health Department may require an additional septic tank and 900 linear feet of laterals in order to meet the bed and breakfast inn requirements. The applicants must secure a new permit from the Health Department since their initial permit is no longer in effect (permits expire after one year).

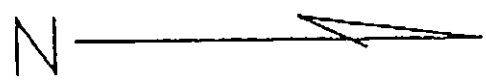
CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this property as "rural." This category encompasses land outside the 30 year Wichita urban service boundary and the small city growth areas. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services." The Unified Zoning Code (UZC) permits a bed and breakfast inn with a Conditional Use permit in the "RR" Rural Residential district.

RECOMMENDATION: The applicant has submitted a revised site plan to indicate the appropriate number of paved parking slots based upon the Unified Zoning Code (UZC) requirements. Based on the information available prior to the public hearing, MAPD staff recommends the application be conditionally APPROVED, subject to the following conditions:

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this property as "rural." This category encompasses land outside the 30 year Wichita urban service boundary and the small city growth areas. This 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."
5. Impact of the proposed development on community facilities: The applicants must secure a new permit from the Sedgwick County Health Department regarding the septic tank and lateral requirements. The initial permit expired in February 1998, according to Health Department staff. With approval of this project by the County Health and Public Works Departments, the projected impact on community facilities is minimal.

RONALD C. & ROSALE D. HILGINS
CLEARWATER, FL.

3" STONE
W Cor, NE 1/4
Sec 28, T29S, R2W
(ROW IN THIMBLE)

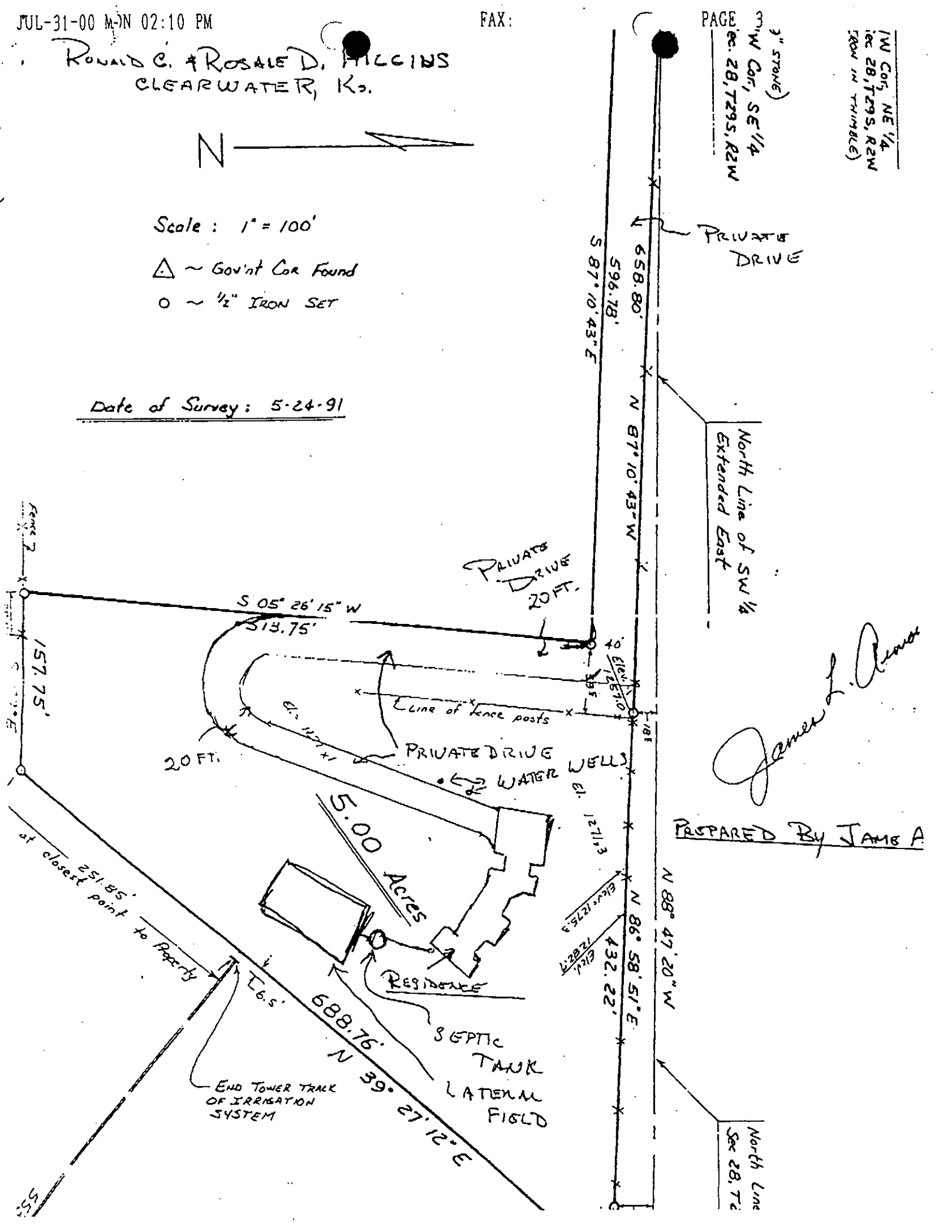


Scale: 1" = 100'

△ ~ Gov't Cor Found

○ ~ 1/2" IRON SET

Date of Survey: 5-24-91



James L. Amos

PREPARED BY JAMES A.

North Line
Sec 28, T29S, R2W