CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 20, 2010

John and Judith Nowak
1660 South 343rd Street West
Cheney, Kansas 67025

PEC
Rob Hartman
303 South Topeka
Wichita, Kansas 67202

RE: CON2010-00043 - County Conditional Use for a temporary accessory apartment on property zoned:

RR Rural Residential ("RR"), generally located on the southeast corner of 343rd Street West and 15th Street South.

Dear Ladies and Gentlemen:

At its regular meeting on **December 2, 2010**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions on the attached resolution being completed within one year.

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

Sincerely,

Donna Gatty for

Dale Miller
Current Plans Manager
Current Plans Division

Attachment

CONDITIONAL USE RESOLUTION NO. CON2010-00043

WHEREAS, John and Judith Nowak (Applicant); 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 a temporary Accessory Apartment on 10.3 acres zoned RR Rural Residential ("RR") described as:

> The north 450 feet of the west 660 feet for the west half of the northwest quarter of Section 35, Township 27 South, Range 4 West, Sedgwick County, Kansas; generally located southeast of 343rd Street and 15th Street South. (1660 South 343rd 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 December 2, 2010, 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 a temporary Accessory Apartment on 10.3 acres zoned RR Rural Residential ("RR") described as:

> The north 450 feet of the west 660 feet for the west half of the northwest quarter of Section 35, Township 27 South, Range 4 West, Sedgwick County, Kansas; generally located southeast of 343rd Street and 15th Street South. (1660 South 343rd Street West)

Approved subject to the following conditions being completed within one year:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically, the requirements of Section III-D.6.I.(3) of the Unified Zoning Code shall be met.
2. The manufactured home shall meet the post 1976 42 U.S.C. 5403 HUD Code.
3. The accessory home shall remain on the site as an accessory dwelling for the applicant's parents as long as they reside on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every January, the status of the occupancy of this manufactured home.
4. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
6. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 2nd Day of December 2010

METROPOLITAN AREA PLANNING COMMISSION

Debra Miller Stevens

Debra Miller-Stevens, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

AGENDA ITEM NO. 6

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
Cheney Planning Commission: November 15, 2010
MAPC: December 2, 2010

CASE NUMBER: CON2010-00043

APPLICANT/AGENT: John and Judith Nowak (Owner)

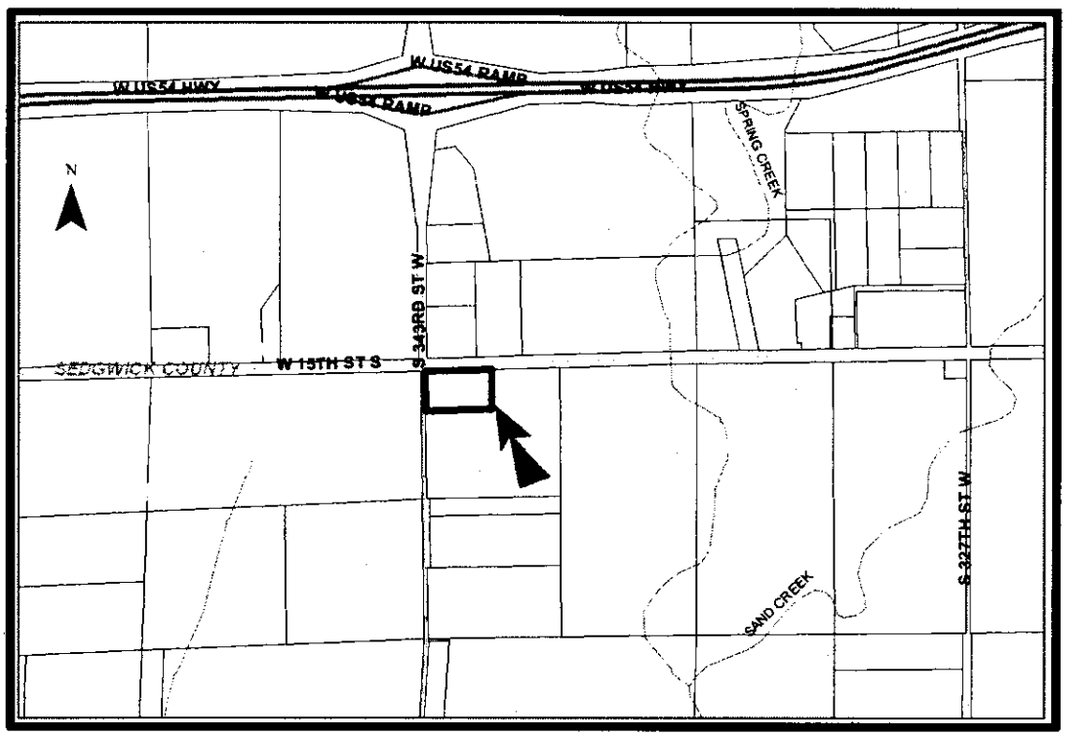
REQUEST: Conditional Use to allow a Temporary Accessory Manufactured Home

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 10.3 acres

LOCATION: Southeast corner of West 15th Street (Old Highway 54) and 343 Street West

PROPOSED USES: Temporary Accessory Manufactured Home



BACKGROUND: The applicants are requesting a Conditional Use to allow a Temporary Accessory Manufactured Home on 10.3 unplatted acres of the applicant's total ownership of 36.72 acres located at 1660 South 343rd Street West (southeast corner of 343rd Street and West 15th Street (Old U.S. Highway 54). The applicants propose to temporarily install a 14-foot by 70-foot (980 square feet) manufactured home to provide living quarters for elderly parents. The 10.3-acre subject site is zoned RR Rural Residential ("RR"). The applicant's principal residence is located approximately 460 feet southwest of the location of the proposed accessory apartment.

The site plan submitted by the applicant shows the Temporary Accessory Manufactured Home located approximately 180-feet south of West 15th Street and approximately 460 feet northeast of the primary residence. The application area currently contains a milk barn, walk-in cooler, pole shed and lateral field. The proposed location of the Temporary Accessory Manufactured Home appears to be well screened from adjoining properties by existing trees located along the application's north, northwest and east property lines. The accessory apartment is proposed to have a separate access on to South 343rd Street West drive from the primary residence. The principal residence is, according to the CAMA file, approximately 2,325-square foot in size.

All property surrounding the subject site is zoned RR and is use for farming and agricultural operations. There are residences other than the applicant located approximately 1,080 feet (south) and 500 feet (north of 15th Street) of the proposed accessory apartment.

Section III-D.6.I.(3) of the *Wichita-Sedgwick County Unified Zoning Code* (UZC) stipulates that a Temporary Accessory Manufactured Home may be located in the unincorporated portions of Sedgwick County subject to the following requirements:

(a) The location of the manufactured home shall conform to all setback requirements.

(b) The lot area for the manufactured home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum lot area shall be determined by the County Health Department.

(c) The unit shall comply with all standards of Sections III-D.6.I(1) and III-D.6.I(2). (Those sections deal with: placing the home in accordance with manufactured home siting standards; placing the home on an enclosed foundation or be skirted; installation of handrails where required; and stairs, porches and handrails being structurally sound.)

(d) The applicant shall show due cause that a hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use.

(e) The Planning Commission shall determine a reasonable time limit for each individual case. The Manufactured Home shall be removed from the property within 90 days after any change in the circumstances used as the basis for the Conditional Use.

The site is located within the Cheney "zoning area of influence." The Cheney Planning Commission, per UZC, Sec V-B.4.d, heard this case on November 15, 2010, and recommended approval (9-0) subject to staff recommendations.

CASE HISTORY: The property is in the rural area of the County, is currently unplatted and its current zoning was likely applied in 1985 when County-wide zoning was adopted.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Residences, Farming and Ranch Operations
SOUTH:	RR	Residences, Farming and Ranch Operations
EAST:	RR	Farming and Ranch Operations
WEST:	RR	Farming and Ranch Operations

PUBLIC SERVICES: 343rd Street West is an unpaved, two-lane section line road. The 2030 Transportation Plan projects no change in its status. The site is within the Sedgwick County Rural Water District #3 and also is served by a well. The site has a septic system and private water well.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as being a "rural" area and located outside the Cheney Small City 2030 Urban Growth Area. The UZC permits a temporary, accessory manufactured home subject to Sec. III-D.6.I(3) as outlined above.

RECOMMENDATION: Based upon information available prior to the public hearing, staff recommends that the request be APPROVED subject to the following conditions being completed within a year:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically, the requirements of Section III-D.6.I.(3) of the Unified Zoning Code shall be met.
2. The manufactured home shall meet the post 1976 42 U.S.C. 5403 HUD Code.
3. The accessory home shall remain on the site as an accessory dwelling for the applicant's parents as long as they reside on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every January, the status of the occupancy of this manufactured home.
4. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
6. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

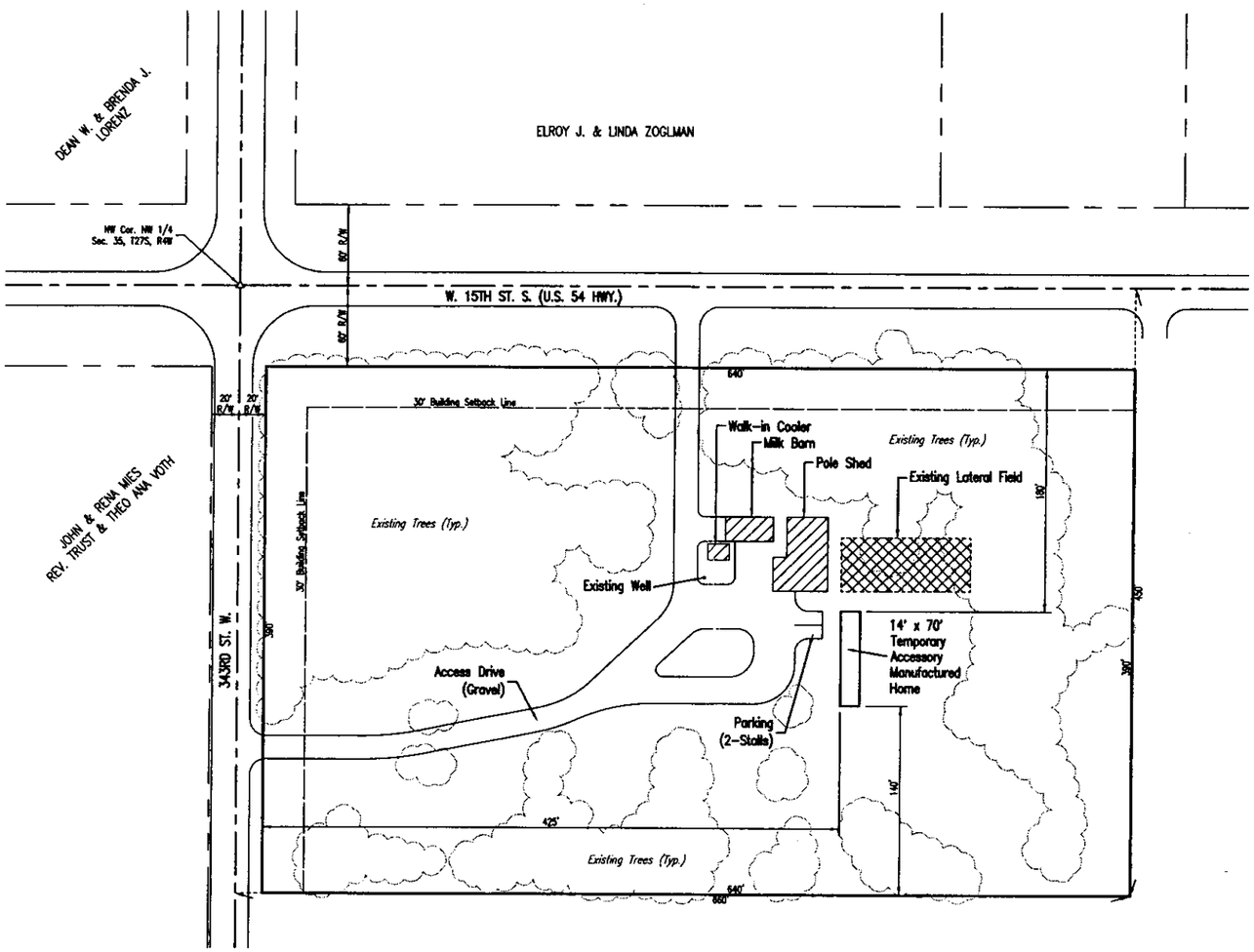
1. The zoning, uses and character of the neighborhood: All property surrounding the subject site is zoned RR and is use for farming and agricultural operations or large lot residential.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which accommodates agricultural uses, low-density single-family residential development and complementary land uses. The site is developed with a single-family residence and accessory buildings, and could continue to be used as it is.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided that the proposed accessory apartment meets all applicable codes, the proposed accessory use should have no affect on the surrounding properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan identifies this property as being a "rural" area and located outside the Cheney Small City 2030 Urban Growth Area. The UZC permits a temporary, accessory manufactured home subject to Sec. III-D.6.I.(3) as outlined above.

5. Impact of the proposed development on community facilities: If developed in compliance with the recommended conditions of approval, existing facilities are adequate.



SCALE: 1" = 50'

0 50 100

LEGEND

= EXISTING BUILDING

LEGAL DESCRIPTION

THE NORTH 450 FEET OF THE WEST 660 FEET OF THE WEST ½ HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 27 SOUTH, RANGE 4 WEST, SEDGWICK COUNTY, KANSAS.

PROPOSED USE

TEMPORARY, ACCESSORY MANUFACTURED HOME AS PER WICHITA-SEDGWICK COUNTY U.Z.C. ARTICLE III, SEC. III D., I. (3)

EXISTING ZONING

RURAL RESIDENTIAL (R.R.)

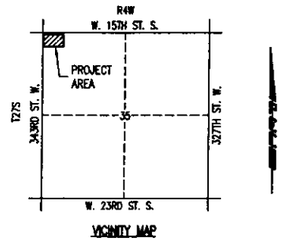
TOTAL AREA

6.8 ACRES

SERVICES

EXISTING WELL & SEPTIC SYSTEM

OWNER: JOHN & JUDITH NOWAK
1660 S. 343RD ST. W.
CHENEY, KANSAS 67025



VICINITY MAP

Approved per MAPC action
Dale Miller December 20, 2010

No.	Revision	By	Date

CONDITIONAL USE SITE PLAN
NOWAK PROPERTY
CHENEY, SEDGWICK COUNTY, KANSAS

Professional Engineering Consultants, P.A.
303 S. TOPEKA • WICHITA, KANSAS 67202
316-262-2691 • FAX 316-262-3003

Design by	RMH	Checked by	RMH	
Drawn by	AEE	Date	10/20/10	Job No. 10447

Saved 10-21-2010 8:01:36 AM by AEE
Plot Scale 1:109.0009 10-21-2010 8:02:12 AM by ARRON E. EARLYWINE
Q:\2010\10447\10447 Conditional Use Plan