



Wichita-Sedgwick County Metropolitan Area Planning Department

July 6, 2012

Barbara J. Nottingham
9809 Par Lane
Wichita, KS 67212

Dennis Lawson
230 N. Wood
Wichita, KS 67212

RE: CON2012-00028 - County Conditional Use request for a Recreational Vehicle Campground on property zoned RR Rural Residential ("RR") generally located south of West 79th Street South, 2,230 feet west of South 55th Street West (Hoover) (6391 West 79th Street South).

Dear Ladies and Gentlemen:

At its regular meeting on May 17, 2012, 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 following conditions:

1. The Conditional Use permits a recreational vehicle campground located in the northeastern corner of the applicant's ownership, as depicted on the approved site plan. The recreational vehicle campground is restricted to the parking of one recreational vehicle.
2. The recreational vehicle campground shall be developed and maintained in general compliance with the approved site plan. All improvements and the operation of the recreational vehicle campground shall be in compliance with applicable local, state or federal regulations or codes.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval 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 the Conditional Use

null and void.

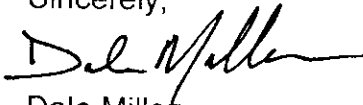
The City of Haysville Planning Commission heard this request on June 28, 2012, and recommended approval subject to the same conditions noted above.

Property owners may also file written protest petitions on zoning related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 1,000 feet of the property for which the application was filed, and must be submitted to the County Clerk within 14 days of the conclusion of the MAPC hearing, by **July 19, 2012, at 5 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 1,000 feet of the perimeter of the application area, unless the County Commission overrides such a protest and approves the application by a positive vote of 5 of its members.

If there are no valid appeals or protest petitions filed opposing this action by **July 19, 2012**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Dale Miller
Current Plans Manager

Copies to: Haysville City Hall, 200 West, P.O. Box 404, Haysville 67060-0404
BCOC #2, Tim Norton, Mail Stop County, Room 320
Bob Parnacott, County Attorney, Mail Stop County Room 359
Kelly Dixon, County Code Enforcement, 1144 S Seneca, Wichita, KS 67213
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2012-28

WHEREAS, Barbara J. Nottingham (owner/co-applicant) and Dennis H. Lawson (co-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 "recreational vehicle campground" on approximately .5 acre zoned RR Rural Residential ("RR"), described as:

A tract of land located in the West 30 acres of the N.E. ¼, Section 10, Township 29 South, Range 1 West, 6th Principle Meridian, Sedgwick County Kansas described as: Commencing at the Northeast corner of the West 30 acres of the N.E. ¼, Section 10, Township 29 South, Range 1 West, 6th Principle Meridian, Sedgwick County Kansas; thence bearing S90°00'W west along the north line of said Northeast Quarter a distance of 80.00 feet; thence bearing S0°18'19"E, a distance of 221.72 feet; thence bearing S54°17'37"E, a distance of 98.90 feet; thence bearing N0°18'19"W, a distance of 279.40 feet to the Point of Beginning; Sedgwick County, Kansas; generally located south of 79rd Street South, west of South 55th 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 July 5, 2012, 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 "recreational vehicle campground" on approximately .5 acre zoned RR Rural Residential ("RR"), described as:

A tract of land located in the West 30 acres of the N.E. ¼, Section 10, Township 29 South, Range 1 West, 6th Principle Meridian, Sedgwick County Kansas described as: Commencing at the Northeast corner of the West 30 acres of the N.E. ¼, Section 10, Township 29 South, Range 1 West, 6th Principle Meridian, Sedgwick County Kansas; thence bearing S90°00'W west along the north line of said Northeast Quarter a distance of 80.00 feet; thence bearing S0°18'19"E, a distance of 221.72 feet; thence bearing S54°17'37"E, a distance of 98.90 feet; thence bearing N0°18'19"W, a distance of 279.40 feet to the Point of Beginning; Sedgwick County, Kansas; generally located south of 79rd Street South, west of South 55th Street West.

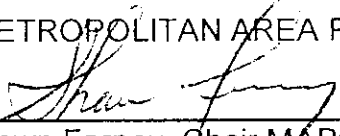
Approved subject to the following conditions:

1. The Conditional Use permits a recreational vehicle campground located in the northeastern corner of the applicant's ownership, as depicted on the approved site plan. The recreational vehicle campground is restricted to the parking of one recreational vehicle.
2. The recreational vehicle campground shall be developed and maintained in general compliance with the approved site plan. All improvements and the operation of the recreational vehicle campground shall be in compliance with applicable local, state or federal regulations or codes.

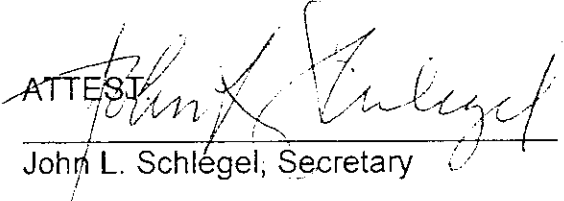
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 19th day of July 2012.

METROPOLITAN AREA PLANNING COMMISSION


Shawn Farney, Chair MAPC

ATTEST


John L. Schlegel, Secretary

STAFF REPORT
Haysville 6-28-2012
MAPC 7-5-2012

CASE NUMBER: CON2012-00028

APPLICANT/AGENT: Barbara J. Nottingham / Dennis H. Lawson

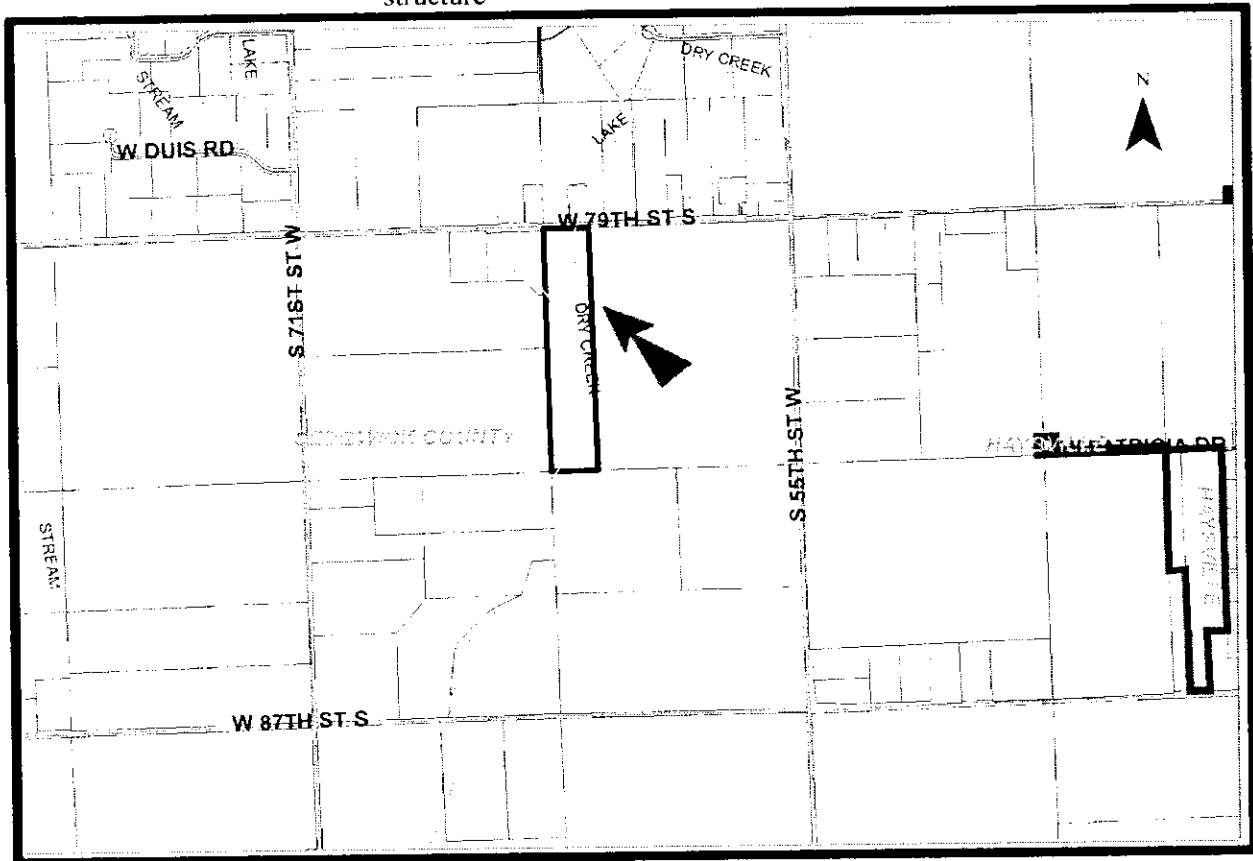
REQUEST: Conditional Use to permit a one-vehicle recreational vehicle campground

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: .5 acre

LOCATION: South of West 79th Street South, 2,230 feet west of South 55th Street
West (Hoover)

PROPOSED USE: Extended parking of a recreational vehicle on a site without a principal structure



BACKGROUND: The applicant is seeking Conditional Use approval for a “recreational vehicle campground” (“RV campground”) on one-half acre of land located south of West 79th Street South and approximately 2,230 feet west of South 55th Street West that is zoned RR Rural Residential (“RR”). The applicant owns a total of thirty acres, including the one-half acre of land intended for the RV campground. Dry Creek runs north to south through the applicant’s thirty acres with another tributary to Dry Creek entering from the west, placing most of the applicant’s ownership within the 100 or 500 year floodplain. The creek bottoms are heavily forested and provide good habitat for wildlife. Recently the applicant had the property surveyed to remove one-half acre, the northeast corner, of his ownership from the floodplain. The applicant then constructed a carport on the one-half acre in order to provide protection for a recreational vehicle that the applicant wishes to park on the site and leave for extended periods of time. The applicant purchased the thirty acres with the intention of using the property for personal outdoor activities, such as hunting and fishing. It is the applicant’s intention to place a single recreational vehicle on the site and use it in lieu of a permanent structure. In short, the RV will substitute for a building and will be used as a country residence or hunting cabin. A septic system has been installed and a water well permit has been pulled.

Sec. III-D.7.b.(4) of the Wichita-Sedgwick County Unified Zoning Code (“UZC”) lists garages, carports and private parking areas as residential accessory uses; therefore, parking of motor vehicles in residential districts is an accessory use, requiring a principal use or structure. Sec. III-D.7.b.(12) indicates the parking for more than 72 hours and / or the storage of certain motor vehicles and equipment in the County is permitted: (a) The following accessory uses shall be permitted in the unincorporated area of the County when such are the personal property of the occupant of the dwelling unit and are screened as specified in Section 19-22 of the Sedgwick County Code: 1) parking and / or storage of motor vehicles whether operable or inoperable and 4) parking and / or storage of unoccupied recreational vehicles.

The parking of a non-agricultural vehicle on RR zoned property that does not have a principal structure is prohibited. The UZC recognizes the following definitions dealing with parking:

“Parking” means the temporary location of motor vehicles (except for vehicles, inoperable), boats, trailers and unoccupied recreational vehicles.

“Parking area, ancillary” means an area other than a private or commercial parking area, street or alley that is located in any district from the most restrictive through NO (neighborhood office) inclusive, and that is used for the parking of passenger vehicles as accessory parking to a principal use that requires the same or more intensive district than the district in which the ancillary parking area is located. Parking area, ancillary, requires a Conditional Use in the RR zoning district.

“Parking area commercial” means an area or structure used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal nonresidential use. Parking area, commercial is first permitted in the GO General Office zoning district.

“Parking area private” means an area, other than a street or alley, used or intended to be used for the parking of the motor vehicles, boats trailers that are exempt from motor vehicle registration by the state or are registered or are required by law to be registered with Kansas 8M license plates in the County, and unoccupied recreational vehicles, any of which shall be owned, leased, borrowed, etc. by the occupants of a dwelling unit that is located on the same zoning lot, and wherein not more than one commercial vehicle per dwelling unit is parked and the permitted commercial vehicle does not exceed 26,000 pounds gross vehicle weight rating.

“Vehicle storage yard” means the keeping outside of an enclosed building for more than 72 consecutive

hours of one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles. Vehicle storage yard is permitted in the RR district with Conditional Use approval, but is subject to supplementary use regulation mm.

Based upon the definitions noted above, the proposed placement of the applicant's occupied RV on land not having a principal structure could not be construed to be some form of parking or storage, staff concluded the most logical approach to the circumstances was to call the activity a 'recreational vehicle campground.' Recreational vehicle campground means the use of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents." A recreational vehicle campground is permitted in the RR district with Conditional Use approval.

All surrounding property is zoned RR. Property located to the north of West 79th Street South is used for large-lot residential, and/or agriculture. Land to the east is used for agriculture. The land located south and west of the proposed half-acre RV campground is owned by the applicant. Land located further south is agricultural while land located further west is used for large-lot residential.

CASE HISTORY: BZA2012-00020 approved on May 9, 2012, allowed the reduction of the front building setback from a section line road from 85 feet to 63 feet.

ADJACENT ZONING AND LAND USE:

NORTH: RR Rural Residential; large-lot single-family residences, agriculture
SOUTH: RR Rural Residential; owned by the applicant, agriculture
EAST: RR Rural Residential; agriculture
WEST: RR Rural Residential; owned by the applicant; large-lot single-family residences, agriculture

PUBLIC SERVICES: Public sewer and water service are not available. 79th Street South at this location has thirty feet of half-street right-of-way.

CONFORMANCE TO PLANS/POLICIES: The applicant's thirty acres are designated by the Wichita and Small Cities 2030 Urban Growth Areas map a rural area, which encompasses land outside the 2030 urban growth area for Wichita and the small cities. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

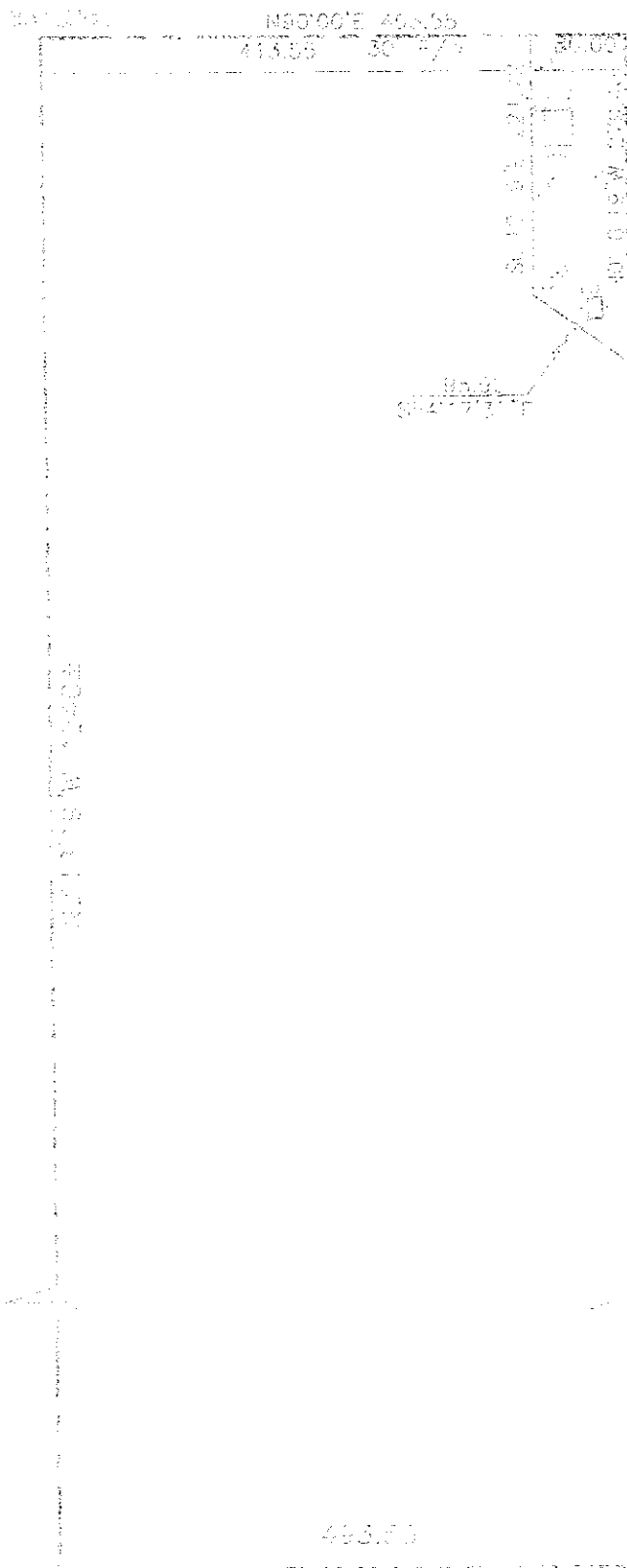
RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use permits a recreational vehicle campground located in the northeastern corner of the applicant's ownership, as depicted on the approved site plan. The recreational vehicle campground is restricted the parking of one recreational vehicle.
2. The recreational vehicle campground shall be developed and maintained in general compliance with the approved site plan. All improvements and the operation of the recreational vehicle campground shall be in compliance with applicable local, state or federal regulations or codes.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval 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 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 located in a rural portion of Sedgwick County and is surrounded by property that is zoned RR, some of which is developed with large-lot residences and some of which is used for agriculture.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR which permits, by right, single-family residences, manufactured home, group home and a few non-residential uses such as day care, limited, parks, golf course and agriculture. The site could be used as currently zoned, just not as conveniently or inexpensively as proposed.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will introduce a use that is not currently in the area; however, the scale requested and the recommended conditions of approval should mitigate any detrimental impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The public's health and safety should not be impacted by the request. Denial of the request could represent a loss in use and enjoyment to the applicant's property.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The applicant's thirty acres are designated by the Wichita and Small Cities 2030 Urban Growth Areas map a rural area, which encompasses land outside the 2030 urban growth area for Wichita and the small cities. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.
6. Impact of the proposed development on community facilities: None identified.

L.O. 1/4
B.F.E. = 1/4 Sec 10



79ft. 57" South

LEGAL DESC.
The West 30 Acres of 1/4
N.E. 1/4, Sec 10, T29N R1W,
St. Paul, Sedgewick Co., KS

CON 12-28
MAPC 7-5-12