



Wichita-Sedgwick County Metropolitan Area Planning Department

June 20, 2016

William and Sue Hartman
2213 Carriage Dr.
Derby KS 67037

RE: CON2016-00011 - City Conditional use request to permit a one-vehicle recreational vehicle campground in RR Rural Residential zoning generally located west of K-15 Highway, south of 71st Street South on the East side of the Arkansas River.

Dear Applicants:

At its regular meeting on **June 2, 2016**, 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.

No appeals or protest petitions were filed opposing this action. The action of the MAPC is final.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker'.

Bill Longnecker
Senior Planner
Current Plans Division

GL/mc
Attachment

Copies to: Jim Howell, BoCC 5, County Mail Stop Rm 320
Justin Waggoner, County Law, County Mail Stop Rm 349
Kelly Dixon, MABCD, 1144 S. Seneca, Wichita, KS 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2016-00011

WHEREAS, William H. & Sue E. Hartman (owners); 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 “one-vehicle recreational vehicle campground,” on approximately 9.81-acres zoned RR Rural Residential (“RR”), described as:

A tract in Government Lot 1, Section 2, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Northeast corner of said Government Lot 1; thence West on the North line of said Government Lot 1, 765 feet; thence South with a deflection angle to the left of 89 degrees 43' a distance of 764 feet to the point of beginning; thence continuing South a distance of 572.09 feet to a point on the South line of said Government Lot 1, 672 West of the Southwest corner of Sleepy Hollow Farm Addition, Sedgwick County, Kansas; thence West on the South line of Government Lot 1, 570 feet more or less, to the left high bank line of the Arkansas River; thence Northwesterly along said left high bank to a point 764 feet South of the North line of said Government Lot 1; thence East 922 feet, more or less, to the point of beginning, Sedgwick County, Kansas; generally located west of K-15 Highway, south of 71st Street South on the east side of the Arkansas River.

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 June 2, 2016, 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 “one-vehicle recreational vehicle campground,” on approximately 9.81-acres zoned RR Rural Residential (“RR”), described as:

A tract in Government Lot 1, Section 2, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Northeast corner of said Government Lot 1; thence West on the North line of said Government Lot 1, 765 feet; thence South with a deflection angle to the left of 89 degrees 43' a distance of 764 feet to the point of beginning; thence continuing South a distance of 572.09 feet to a point on the South line of said Government Lot 1, 672 West of the Southwest corner of Sleepy Hollow Farm Addition, Sedgwick County, Kansas; thence West on the South line of Government Lot 1, 570 feet more or less, to the left high bank line of the Arkansas River; thence Northwesterly along said left high bank to a point 764 feet South of the North line of said Government Lot 1; thence East 922 feet, more or less, to the point of beginning, Sedgwick County, Kansas; generally located west of K-15 Highway, south of 71st Street South on the east side of the Arkansas River.

Approved subject to the following conditions:

1. The Conditional Use permits a recreational vehicle campground for one recreational vehicle. The recreational vehicle must be moved every 6-months, per FEMA regulations, and the owner must notify the Metropolitan Area Building and Construction Department when the recreational vehicle is ready to be moved.

2. No waste disposal on site. Water can be provided by well, per Sedgwick County Code.
3. Legal access to the site has to meet service drive code requirements.
4. 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 and codes, including FEMA Floodplain requirements for uses within the 100-year floodplain.
5. The Conditional Use for a recreational vehicle campground for one recreational vehicle shall be declared null and void upon issuance of a certificate of occupancy for a permanent structure on the approved site; or, after a period of five (5) years from the date said Conditional Use is approved by the appropriate Governing Body, subject to the granting of additional extensions following appropriate review and approval.
6. 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 16th day of June 2016.

METROPOLITAN AREA PLANNING COMMISSION

Carol Chapman Neugent
Carol Chapman Neugent, Chair MAPC

ATTEST:

Dale Miller
Dale Miller, Secretary

CASE NUMBER: CON2016-00011

APPLICANT/AGENT: William & Sue Hartman

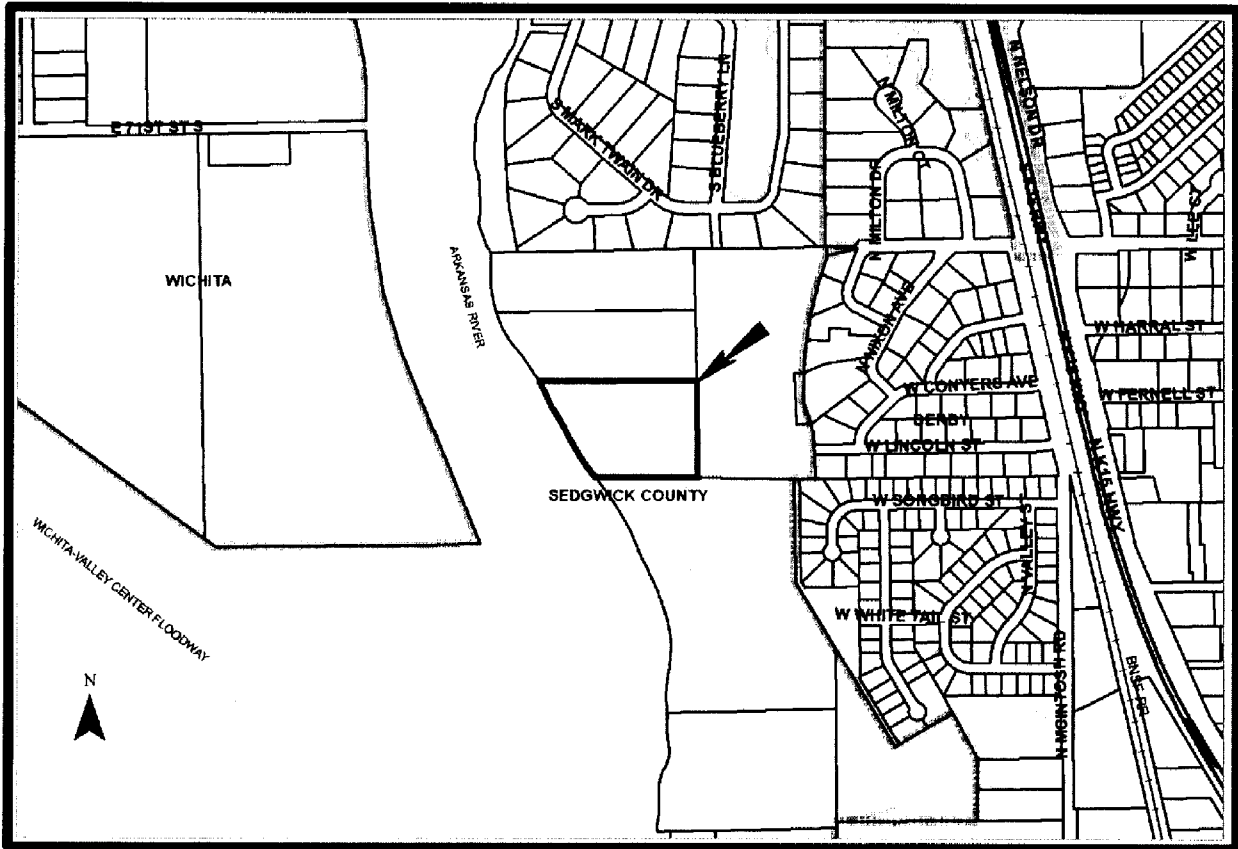
REQUEST: Conditional Use to permit a one-vehicle recreational vehicle campground

CURRENT ZONING: RR Rural Residential (RR)

SITE SIZE: Approximately 9.81-acres

LOCATION: Generally located west of K-15 Highway, south of 71st Street South on the east side of the Arkansas River

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



BACKGROUND: The applicant is seeking a Conditional Use approval for a “recreational vehicle campground” (RV campground) on the approximately 9.81-acre, RR Rural Residential (RR) zoned unplatted subject site. 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.

Sec. II-B.14.e. of the Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines a “recreational vehicle”, as a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a “motor vehicle.” Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, houseboats or other similar units as determined by the Zoning Administrator. A recreational vehicle may or may not include individual toilet and bath.

The UZC Sec. III-D.7.b.(4) 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 regulations.

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.

The site is located a half-mile southwest of the Kansas Highway K-15 – East 71st Street South/Meadow Lark Boulevard intersection. Access to the site is off of the intersection and then through a small, older (generally built 1950s-1970s) mostly single-family residential neighborhood located approximately 600 feet east of the site and in the City of Derby. RR zoned county properties abut the site's north, east and south sides. Google Earth shows what appears to be two accessory structures located on the north abutting property, which the Sedgwick County Appraiser's Office identifies an "accessory residential unit." The other abutting properties appear not to be developed. The County suburban scale SF-20 Single-Family Residential (SF-20) zoned Huckleberry Addition (recorded October 15, 1989) is located approximately 770 feet north of the site. The Arkansas River abuts the west side of the site. The City of Wichita's SF-5 zoned South Arkansas Greenway Park is located west, across the Arkansas River from the site. The site and all of the abutting properties are located within the 100-year Floodplain.

CASE HISTORY: Access to the site is through the abutting east private properties and is provided by a dedication of a private right-of-way that was never recorded; dated May 28, 1971. However, a "ratification of dedication private right-of-way" was recorded with the Sedgwick County Register of Deeds February 29, (cannot make out the year), Film 2019 – Page 0233.

ADJACENT ZONING AND LAND USE:

NORTH:	RR, SF-20 Accessory building(s) undeveloped/agriculture, suburban scale single-family residential development
SOUTH:	RR Undeveloped/agriculture
EAST:	RR Undeveloped/agriculture, residential neighborhood located in the City of Derby
WEST:	SF-5 Arkansas River, Public Park

PUBLIC SERVICES: No public sewer is available to the site. The site is located within Sedgwick County Rural Water District #3. There does not appear to any franchised utilities available to the site. As already noted access to the site is through the abutting east private properties and is provided by a dedication of a private right-of-way

CONFORMANCE TO PLANS/POLICIES: The site is located in the City of Derby's Urban Area of Influence, which allows Derby 30 days to make a recommendation on the request upon notification of the request. The 30 days begins on the early warning notices generated by the Metropolitan Area Planning Department (MAPD), which is sent to the small cities, the Sedgwick County Board of County Commissioners and the Wichita City Council Districts. The City of Derby has not placed this request on their May 19, 2016 Planning Commission agenda, but the MAPD has sent out notices to those properties located within 1,000 feet of the site and did attend the Derby meeting to answer any questions on the off-agenda item. No one attended the Derby Planning Commission with questions regarding the request and no recommendation was made by the Derby Planning Commission.

The City of Derby's 2006 Comprehensive Plan projects the site and the area around the site as future park open space and outside of the near and future growth areas of Derby. Park open space land is identified as woodlands, land within floodplains and golf courses. The site and all of the abutting properties are located

within the 100-year Floodplain. The Derby Plan also shows the site as potentially part of a regional park along the Arkansas River, which compliments the City of Wichita's South Arkansas Greenway Park located west of the site across the Arkansas River.

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

1. The Conditional Use permits a recreational vehicle campground for one recreational vehicle. The recreational vehicle must be moved every 6-months, per FEMA regulations, and the owner must notify the Metropolitan Area Building and Construction Department when the recreational vehicle is ready to be moved.
2. No waste disposal on site. Water can be provided by well, per Sedgwick County Code.
3. Legal access to the site has to meet service drive code requirements.
4. 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 and codes, including FEMA Floodplain requirements for uses within the 100-year floodplain.
5. The Conditional Use for a recreational vehicle campground for one recreational vehicle shall be declared null and void upon issuance of a certificate of occupancy for a permanent structure on the approved site; or, after a period of five (5) years from the date said Conditional Use is approved by the appropriate Governing Body, subject to the granting of additional extensions following appropriate review and approval.
6. 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 site is located a half-mile southwest of the Kansas Highway K-15 – East 71st Street South/Meadow Lark Boulevard intersection. Access to the site is off of the intersection and then through a small, older (generally built 1950s-1970s) mostly single-family residential neighborhood located approximately 600 feet east of the site and in the City of Derby. RR zoned county properties abut the site's north, east and south sides. Google Earth shows what appears to be two accessory structures located on the north abutting property, which the Sedgwick County Appraiser's Office identifies an "accessory residential unit." The other abutting properties appear not to be developed. The County suburban scale SF-20 zoned Huckleberry Addition (recorded October 15, 1989) is located approximately 770 feet north of the site. The Arkansas River abuts the west side of the site. The City of Wichita's SF-5 zoned South Arkansas Greenway Park is located west, across the Arkansas River from the site. The site and all of the abutting properties are located within the 100-year Floodplain.
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.

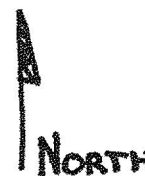
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The public's health and safety should not be impacted by the request. Denial of the request could represent a loss in use and enjoyment to the applicant's property.

7. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The City of Derby's 2006 Comprehensive Plan projects the site and the area around the site as future park open space and outside of the near and future growth areas of Derby. Park open space land is identified as woodlands, land within floodplains and golf courses. The site and all of the abutting properties are located within the 100-year Floodplain. The Derby Plan also shows the site as potentially part of a regional park along the Arkansas River, which compliments the City of Wichita's South Arkansas Greenway Park located west of the site across the Arkansas River.

The site is located in the City of Derby's Urban Area of Influence, which allows Derby 30 days to make a recommendation on the request upon notification of the request. The 30 days begins on the early warning notices generated by the Metropolitan Area Planning Department (MAPD), which is sent to the small cities, the Sedgwick County Board of County Commissioners and the Wichita City Council Districts.

8. Impact of the proposed development on community facilities: None identified.

Bill + Sue Hartman Site plan



SITE PLAN

APPROVED June 16, 2016 BY Bill Longnee/Ka

* ACCESS POINT
..... ACCESS ROAD