



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

July 15, 2005

Don R. Williams
Donna S. Williams
10101 E. 103rd Street S
Mulvane, KS 67110

RE: CON2005-00022 –Conditional Use to allow an accessory apartment in “RR” Rural Residential. Generally located south of 103rd Street South and west of Webb Road. (District V)

Dear Ladies and Gentlemen:

At its regular meeting on June 23, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Jess McNeely, Associate Planner
Current Plans Division

JMC/rms

Cc: Mulvane City Hall, Planning Dept., 211 N. 2nd, Mulvane, KS 67110
Ben Sciortino, BOCC V, Mail Stop County Suite 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

Adopted this 23rd DAY of JUNE, 2005. 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



Morris K. Dunlap, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00022

WHEREAS, Don and Donna Williams (Owners/Applicants); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for accessory apartment on 10 acres zoned "RR" Rural Residential described as:

Block 4, Mulberry Hill, Sedgwick County, Kansas. Generally located south of 103rd Street South and west of Webb Road.

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 23, 2005, consider said application; and

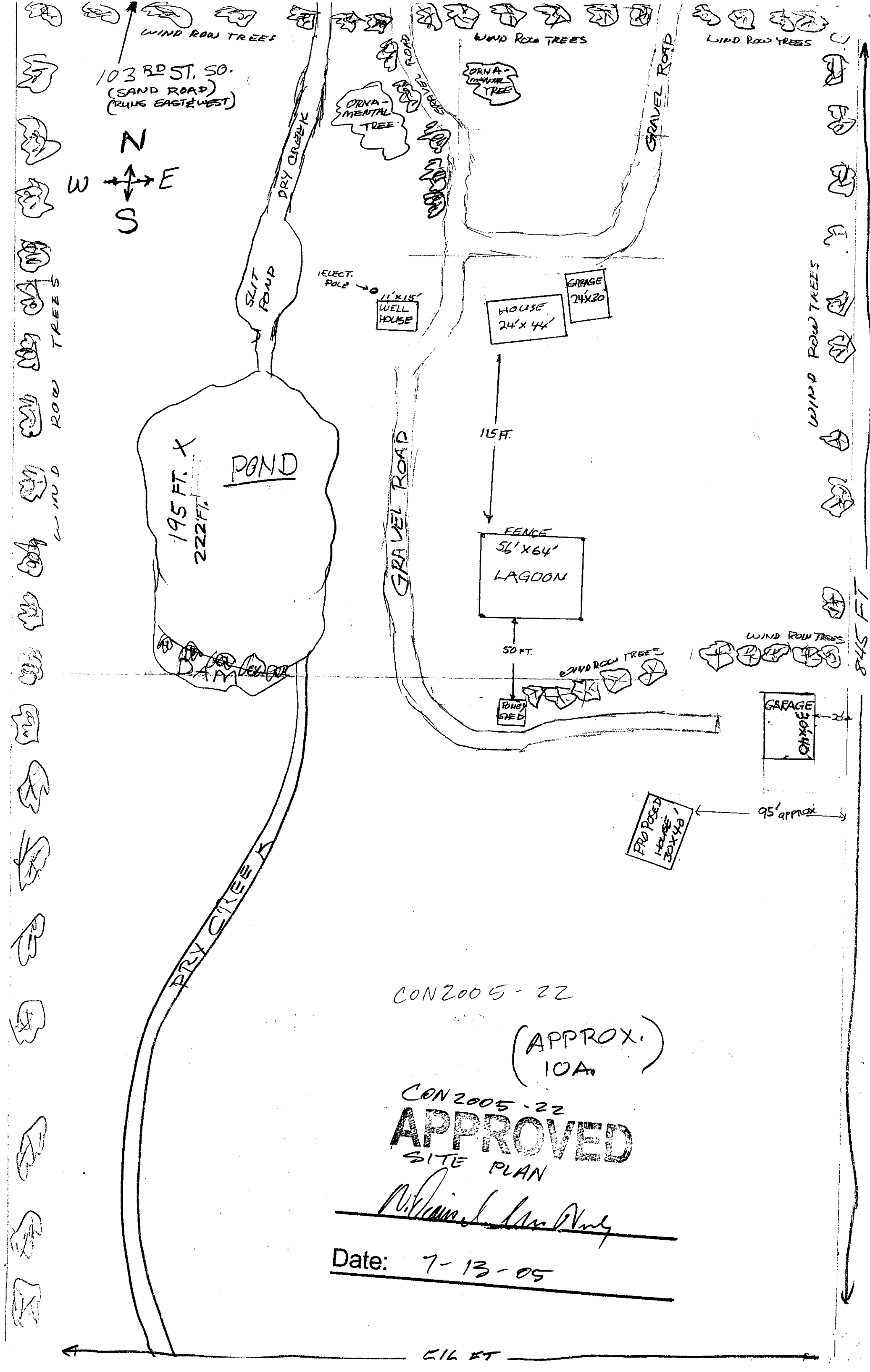
WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved for accessory apartment on 10 acres zoned "RR" Rural Residential described as:

Block 4, Mulberry Hill, Sedgwick County, Kansas. Generally located south of 103rd Street South and west of Webb Road.

APPROVED, subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. The accessory apartment shall be subject to all requirements of Section III-D.6.a. of the Unified Zoning Code.
3. Development and maintenance of the site shall be in conformance with the approved site plan.
4. 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.



CON2005-22

(APPROX.)
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CON2005-22
APPROVED
SITE PLAN

[Signature]

Date: 7-13-05

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building, health and zoning.

2. The accessory apartment shall be subject to all requirements of Section III-D.6.a. of the Unified Zoning Code.
3. Development and maintenance of the site shall be in conformance with the approved site plan.
4. 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 surrounding area: All property surrounding the application area is zoned RR and used for agricultural purposes or single-family residences. Existing landscaping and the size of lots in this area should ensure that an accessory apartment is not visually out of character with the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture and large lot residential uses. The site could continue to be used without the Conditional Use.
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 requested Conditional Use is in conformance with the *Wichita-Sedgwick County Comprehensive Plan* and the *Wichita-Sedgwick County Unified Zoning Code*.
5. Impact of the proposed development on community facilities: None identified.

STAFF REPORT

Mulvane Planning Commission June 9, 2005
MAPC June 23, 2005

CASE NUMBER: CON2005-00022

APPLICANT/AGENT: Don and Donna Williams (owners)

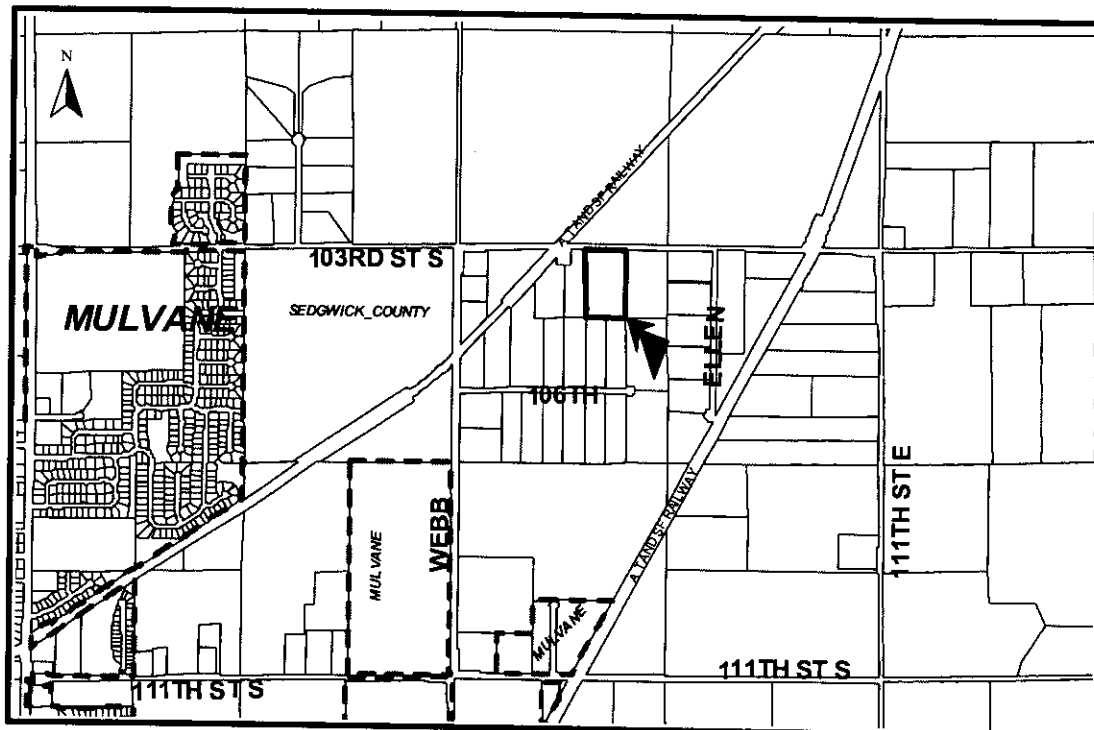
REQUEST: Conditional Use to allow an accessory apartment in "RR" Rural Residential zoning

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 acres

LOCATION: South of 103rd Street South and west of Webb Road in the Mulvane Zoning Area of Influence

PROPOSED USE: Accessory residence in existing manufactured home for son, primary residence to be built on the site



BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment in the County. The application area is a 10-acre platted lot located south of 103rd Street South and west of Webb Road, approximately ¾ of a mile east of the Mulvane City limit. The site is developed with a single-family residence (a manufactured home which meets the county residential design manufactured home standards), a garage, a pond, and several outbuildings. The applicants propose to use the existing residence as an accessory apartment for their son, and build a larger primary structure on the property. Sedgwick County Code Enforcement requires building and sanitary sewage system approval for the proposed use. All surrounding property is zoned RR. Agricultural properties lie to the north; single-family residences on lots ranging from five to ten acres exist to the south, east and west. Active railroad tracks lie approximately 260 feet west of the site.

CASE HISTORY: The property was platted as Block 4 of the Mulberry Hill Addition in 1971.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	agricultural fields
SOUTH:	"RR"	single-family residence
EAST:	"RR"	single-family residence
WEST:	"RR"	single-family residence

PUBLIC SERVICES: The property is located on 103rd Street South, an unpaved two-lane section line road with a 50-foot half-width right of way. The property utilizes an existing lagoon for sewage.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "rural."

The *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.a states that accessory apartments are required to be under the same ownership as the primary residence, compatible in appearance with the primary residence, and utilize the same water and sewer service as the primary residence.

RECOMMENDATION: Planning staff finds that the application meets the conditions of the Unified Zoning Code. The site is heavily landscaped; existing buildings are not visible from 103rd Street South. Likewise, the size of this lot, and surrounding lots, should minimize any impact on surrounding residential neighbors. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions.

1. The applicants shall obtain all applicable permits including, but not limited to: