



Wichita-Sedgwick County Metropolitan Area Planning Department

December 20, 2007

Jeffery Miller
1325 E. Glocker
Sedgwick, KS 67135

RE: CON2007-00035 – Conditional Use to permit an accessory apartment in a “RR” Rural Residential Zone, approximately 950 feet West of North Hydraulic Avenue (1325 E. Glocker.)

Dear Ladies and Gentlemen:

At its regular meeting on **October 18, 2007**, 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,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum', written over a horizontal line.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Enclosure

Copies to: Kelly Parks, County Commissioner District IV, Mail Stop, County Room 320
Bill Buchanan, County Manager, Mail Stop County Room 343
Bob Parnacott, County Law Dept., Mail Stop County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213
Sedgwick City Hall, PO Box 131, Sedgwick, KS 67135
Jack Perrin, Grant Township, 2722 E. 101st. St. N. Valley Center, KS 67147

CONDITIONAL USE RESOLUTION NO. CON2007-00035

WHEREAS, Jeffery Miller; 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 an Accessory Apartment on 5 acres zoned "RR" Rural Residential described as:

A tract of land located in the Northeast Quarter of Section 4, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at a point 1957.95 feet due North (assumed) and 991.77 feet West of the Southeast Corner of said Northeast Quarter; thence due South for 665 feet; thence South 53 degrees 08 minutes 20 seconds West for 120 feet; thence North 50 degrees 38 minutes 27 seconds West for 519.10 feet; thence North 41 degrees 25 minutes 50 seconds East for 501.28 feet; thence along a curve to the right for 86.87 feet with a central angle of 49 degrees 46 minutes 35 seconds and a radius of 100 feet; thence South 88 degrees 47 minutes 35 seconds East for 88.61 feet to the point of beginning. Generally located about 950 feet West of North Hydraulic Avenue (1325 E. Glocker.)

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 October 18, 2007, 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 an Accessory Apartment on 5 acres zoned "RR" Rural Residential described as:

A tract of land located in the Northeast Quarter of Section 4, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at a point 1957.95 feet due North (assumed) and 991.77 feet West of the Southeast Corner of said Northeast Quarter; thence due South for 665 feet; thence South 53 degrees 08 minutes 20 seconds West for 120 feet; thence North 50 degrees 38 minutes 27 seconds West for 519.10 feet; thence North 41 degrees 25 minutes 50 seconds East for 501.28 feet; thence along a curve to the right for 86.87 feet with a central angle of 49 degrees 46 minutes 35 seconds and a radius of 100 feet; thence South 88 degrees 47 minutes 35 seconds East for 88.61 feet to the point of beginning. Generally located about 950 feet West of North Hydraulic Avenue (1325 E. Glocker.)

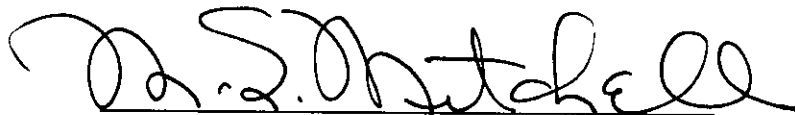
Approved subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan and Unified Zoning Code Standards.

3. 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.

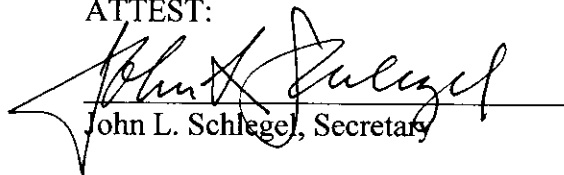
Adopted this 18th Day of October 2007.

METROPOLITAN AREA PLANNING COMMISSION

A large, stylized handwritten signature in black ink, appearing to read "M.S. Mitchell".

M.S. Mitchell, Chair MAPC

ATTEST:

A handwritten signature in black ink, appearing to read "John L. Schlegel".
John L. Schlegel, Secretary

STAFF REPORT
MAPC 10-18-07

CASE NUMBER: CON2007-00035

APPLICANT/AGENT: Jeffrey Miller, Owner

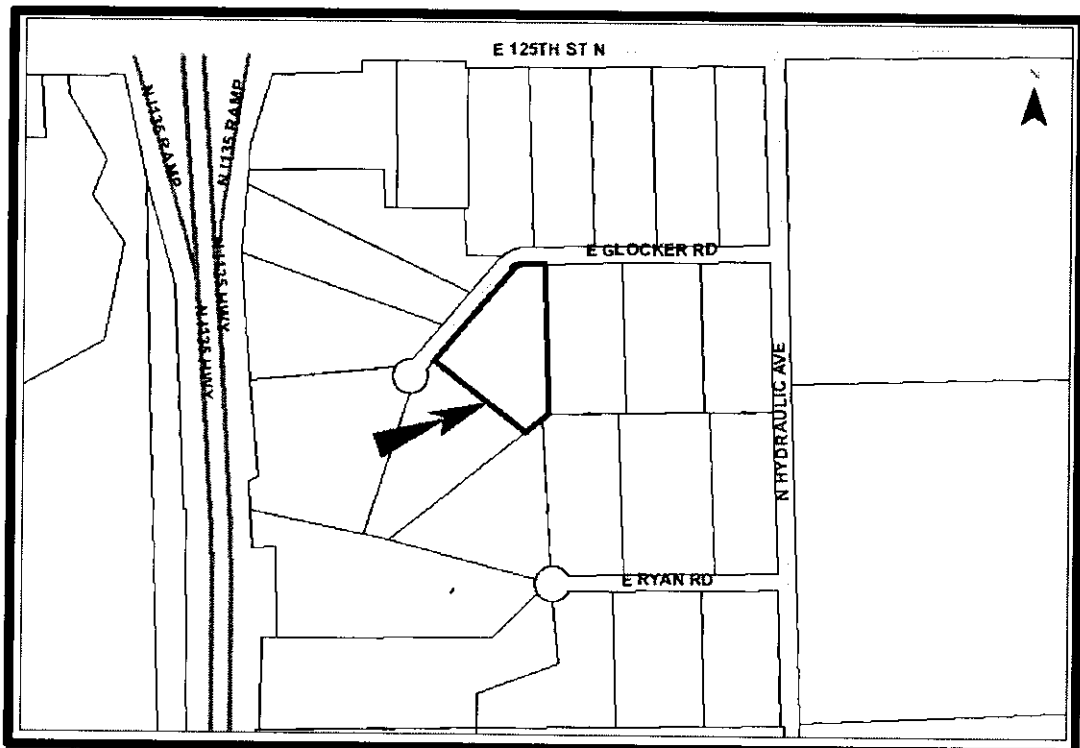
REQUEST: Accessory Apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: 5 acres

LOCATION: 1325 E. Glocker (Approximately 950 feet West of North Hydraulic Avenue)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant seeks a Conditional Use to permit an “accessory apartment” at 1325 E. Glocker Road, an unplatted lot containing 5 acres. The site is developed with a residence served by lagoon and well water. The applicant proposes to install an accessory apartment that will be tied into the same water and septic system as the primary structure. The accessory structure is to be located behind the principal structure, which is approximately 2,000 square feet in size, and complies with applicable setbacks. See the attached site plan for more details.

The application area is located north of the city, in the county, less than 1,000 feet south of the Sedgwick County / Harvey County line. The site is surrounded by large lot residential/agricultural uses. All adjoining property is zoned “RR” Rural Residential.

CASE HISTORY: The site’s current zoning was probably granted in 1985 with the adoption of countywide zoning.

ADJACENT ZONING AND LAND USE:

NORTH: “RR” Rural Residential; residential structure/agriculture
SOUTH: “RR” Rural Residential; residential structure/agriculture
EAST: “RR” Rural Residential; residential structure/agriculture
WEST: “RR” Rural Residential; residential structure/agriculture

PUBLIC SERVICES: The property is located on East Glocker Road, a two-lane residential road, off of North Hydraulic Road, a section line road with 80 feet of right of way. The property utilizes an existing lagoon for sewage and an existing well for water.

CONFORMANCE TO PLANS/POLICIES: 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: 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: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan and Unified Zoning Code Standards.
3. 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 application area is zoned RR and intended or developed for single-family residential use. The area is rural in character with large-lot residential uses.
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 *Wichita-Sedgwick County Comprehensive Plan* goals of efficiently using land and providing affordable housing options, and the *Wichita-Sedgwick County Unified Zoning Code* Supplementary Use Regulations
5. Impact of the proposed development on community facilities: Approval will not impact community facilities to any significant degree.

1325 E Glocker Road



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