



Wichita-Sedgwick County Metropolitan Area Planning Department

August 24, 2016

John and Kathy Wills
9400 S. Greenwich Road
Derby, KS 67037

RE: CON2016-00036 – County Conditional Use request for a “Bed and Breakfast” on RR Rural Residential zoned property generally located north of 95th Street South and South Greenwich Road.

Dear Ladies and Gentlemen:

At its regular meeting on **August 4, 2015**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan.
2. The applicant shall obtain all inspections, permits and licenses from the County, prior to operating the bed and breakfast inn.
3. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.
4. There shall be four rooms designated for the bed and breakfast business. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.
5. All signage shall conform to the Sedgwick County Sign Code.
6. Parking spaces shall be provided onsite as indicated on the approved site plan. The parking area shall be in compliance with Sedgwick County requirements.
7. If the Zoning Administrator finds that there is a violation of any of the conditions 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 that the Conditional Use is null and void.

No appeals or protest petitions were filed opposing this action. The action of the MAPC is final. Attached please find a copy of the signed resolution approving the conditional use for a Bed and Breakfast Inn.

Sincerely,



Kathy L. Morgan
Senior Planner
Current Plans Division

Copies to: Denise and William Evans, 11420 E. 95th St. South, Derby, KS 67037
Robert and Connie Kennedy, 9240 S. Greenwich Rd., Derby, KS 67037
BoCC 5, James Howell, Mail Stop 320
County Law, Justin Waggoner, Mail Stop 359
County Public Works, Jim Weber, 1144 South Seneca, Wichita, KS 67213
County Code Enforcement, Kelly Dixon, 1144 South Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2016-00036

WHEREAS, John and Kathy Wills, (Owners/Applicants), 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 Bed and Breakfast Inn on 9 acres zoned RR Rural Residential described as:

N 630 FT S 1290 FT W 660 FT SW1/4 EXC W 40 FT FOR RD. SEC 15-29-2E, Sedgwick County, Kansas; generally located north of East 95th Street South and South Greenwich Road (9400 Greenwich Rd.)

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 August 4, 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 Bed and Breakfast Inn on 9 acres zoned RR Rural Residential described as:

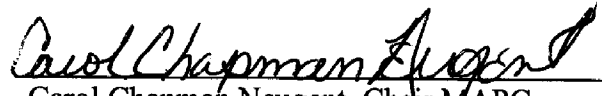
N 630 FT S 1290 FT W 660 FT SW1/4 EXC W 40 FT FOR RD. SEC 15-29-2E, Sedgwick County, Kansas; generally located north of East 95th Street South and South Greenwich Road (9400 Greenwich Rd.)

Approved subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan.
2. The applicant shall obtain all inspections, permits and licenses from the County, prior to operating the bed and breakfast inn.
3. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.
4. There shall be four rooms designated for the bed and breakfast business. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.
5. All signage shall conform to the Sedgwick County Sign Code.
6. Parking spaces shall be provided onsite as indicated on the approved site plan. The parking area shall be in compliance with Sedgwick County requirements.
7. If the Zoning Administrator finds that there is a violation of any of the conditions 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 that the Conditional Use is null and void.

Adopted this 4th Day of August 2016

METROPOLITAN AREA PLANNING COMMISSION


Carol Chapman Neugent, Chair MAPC

ATTEST:


Dale Miller, Secretary



AGENDA ITEM NO. 10

STAFF REPORT

MAPC: August 4, 2016

Derby Planning Commission: August 4, 2016

CASE NUMBER:

CON2016-00036

APPLICANT/AGENT:

John and Kathy Wills (Owner/Applicant)

REQUEST:

Conditional Use to permit a Bed and Breakfast Inn

CURRENT ZONING:

RR Rural Residential

SITE SIZE:

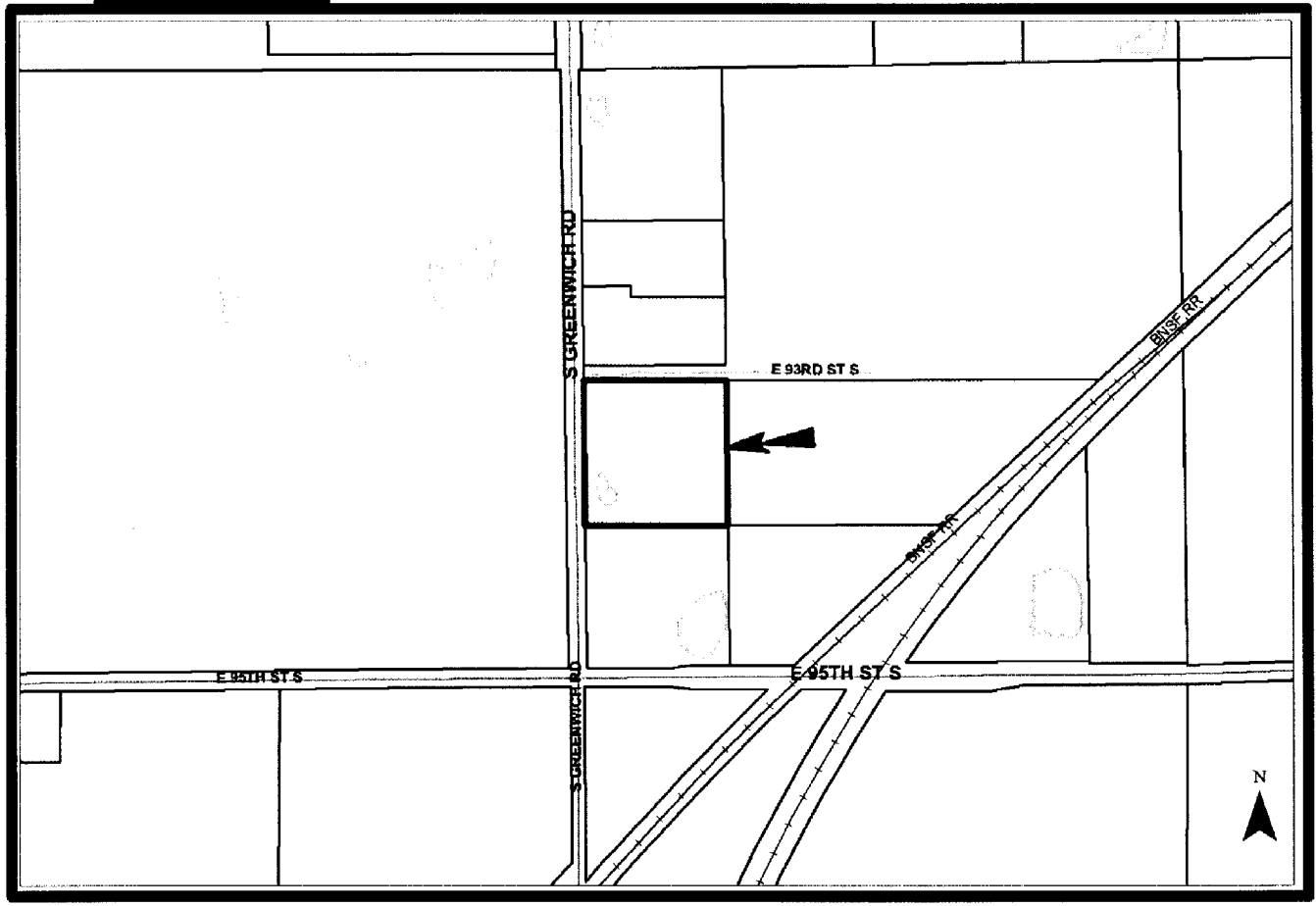
9 acres

LOCATION:

Generally located north of 95th Street and S. Greenwich Rd (9400 Greenwich Rd.)

PROPOSED USE:

Bed and Breakfast Inn



Patrick Baer - no

BACKGROUND: The applicants are requesting a Conditional Use on a site zoned RR Rural Residential to allow a Bed and Breakfast Inn to be operated at their current residence at 9400 S. Greenwich Road. The lot is 9 acres in size and is located on the east side of Greenwich Road 1,080 north of 95th Street South. The residence has four available bedrooms (suites) and the applicants wish to utilize them for the Bed and Breakfast.

The site plan indicates the primary structure built in 1975 and a barn. There is a half-circle gravel drive off Greenwich Road to the front entrance that accesses 93rd Street South. The site has an existing two-car attached garage, a concrete parking apron and an all-weather surface drive that can accommodate parking. According to the UZC, a Bed and Breakfast is an owner-occupied or manager-occupied residential structure that provides rooms for temporary lodging or lodging and meals for not more than 15 transient guests on a paying basis. A transient guest is a person who occupies a room for a period of less than one week at a time.

The surrounding properties are all zoned RR and have single family residential with associated agricultural land.

CASE HISTORY: The property is an unplatted nine acre tract described as N 630 FT S 1290 FT W 660 FT SW1/4 EXC W 40 FT FOR RD. SEC 15-29-2E along the north edge of the property has been vacated. The property to the north at 9330 S. Greenwich Road had a Conditional Use approved for an accessory apartment (CON2008-00014).

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-family residence, 4.5 acres
SOUTH:	RR	Single-family residences, 8.8 acres
EAST:	RR	Single-family residences, 81.9 acres
WEST:	RR	Agricultural land, 154.4 acres

PUBLIC SERVICES: Access to the site is from S. Greenwich Road and E. 93rd Street. South Greenwich Road is a two-lane arterial with 80 feet of right-of-way and 25 feet of paved width. East 93rd Street is a private, 20-foot wide gravel road. Neither road has recent traffic counts. The site is served by a sewage lagoon and located in Sedgwick County Rural Water District 03.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Small City Urban Growth Area. The Plan's *2035 Urban Growth Areas Map* indicates the likely direction and magnitude of growth these communities can expect to experience out the year 2035. Determination of growth direction and amount is based upon municipal political considerations, anticipated population growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

The Unified Zoning Code ("UZC") allows Bed and Breakfast as a Conditional Use in the residential zoning districts in compliance with UZC site requirements for parking, screening, lighting, and compatibility setback standards and with Landscape Ordinance requirements. No specific requirements are specified for Bed and Breakfast Inn other than the stipulation that it

be an owner-occupied or manager-occupied structure.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a five suite Bed and Breakfast be **APPROVED**, subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan.
2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.
3. The applicant shall obtain all inspections, permits and licenses from the County, prior to operating the bed and breakfast inn.
4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.
5. There shall be four rooms designated for the bed and breakfast business. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.
6. All signage shall conform to the Sedgwick County Sign Code.
7. Parking spaces shall be provided onsite as indicated on the approved site plan. The parking area shall be in compliance with Sedgwick County requirements.
8. If the Zoning Administrator finds that there is a violation of any of the conditions 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 that the Conditional Use is null and void.

This recommendation is based on the following findings:

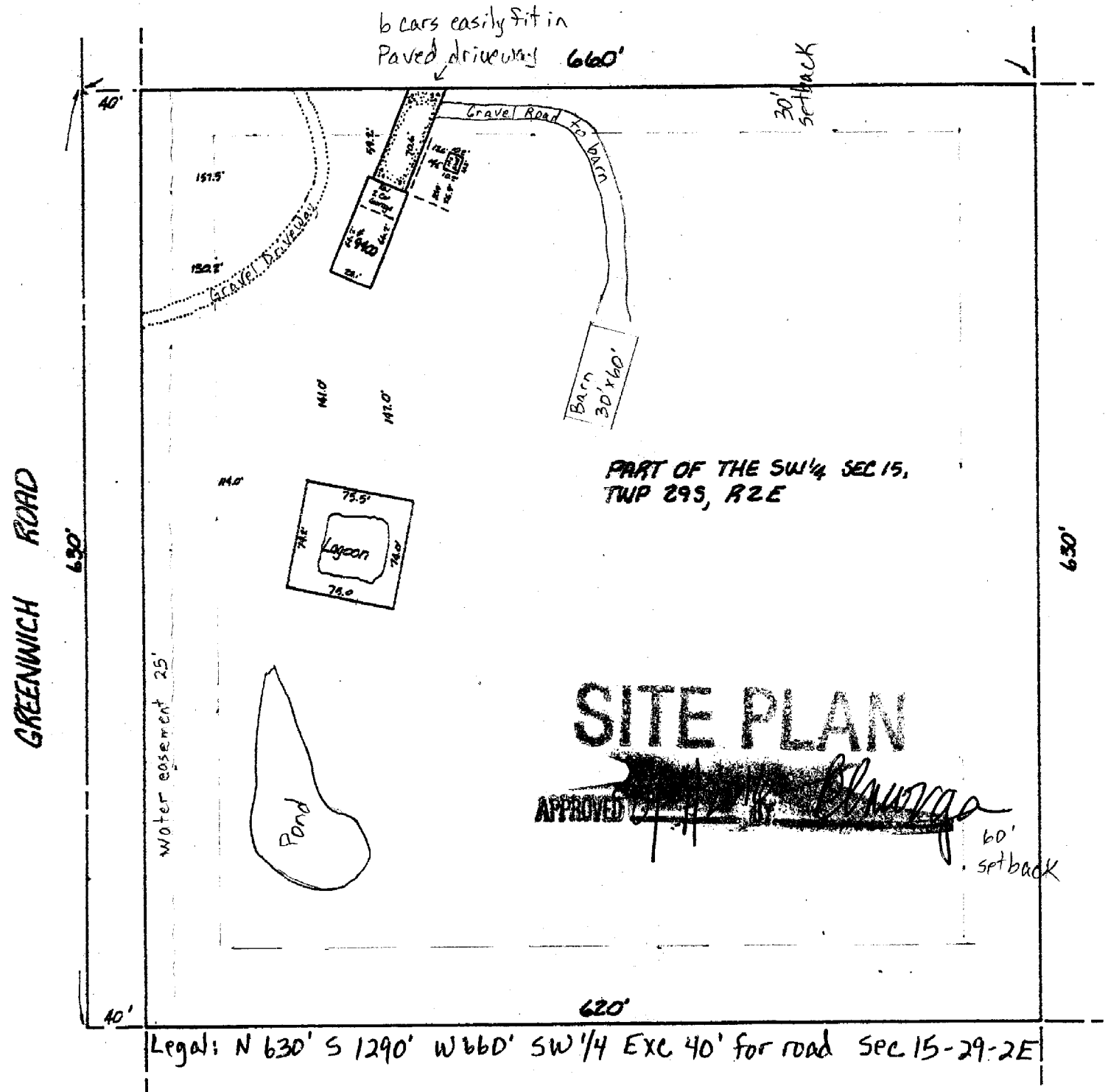
1. **The zoning, uses and character of the neighborhood:** The surrounding properties are zoned RR Rural Residential. Large acre lots with single family residences and agricultural land.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR and is developed with a single-family residence. It could continue to be used as a single-family dwelling.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The Conditional Use for a bed and breakfast will encourage continued maintenance of the current structure.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as "Small City Urban Growth Area." The Unified Zoning Code permits bed and breakfast inn as a Conditional Use when it is determined to be an appropriate site for this type of use and when the bed and breakfast inn can meet site development requirements of the Conditional Use and UZC. The conditions of approval are designed to meet these criteria.
5. **Impact of the proposed development on community facilities:** The impact on community facilities should be minimal so long as all required parking is onsite and is adequately paved. No impact is anticipated on other utilities.

9400 S. Greenwich
Derby, KS 67037

CONVENTIONAL USE APPLICATION
d n Breakfast

Subject property is determined to be in Flood Zone C, as shown on Sedgwick County
FIRM Map, Community Panel #200321 0300 A, dated June 3, 1986.



1" = 120'

FILE #P811274
24 APRIL 1987

CON 2616-00036