

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.

STAFF REPORT

Kechi PC 4-4-06

MAPC 4-20-06

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CASE NUMBER: CON2006-10

APPLICANT/AGENT: Lyndell Shoemaker; Brian Westerfield

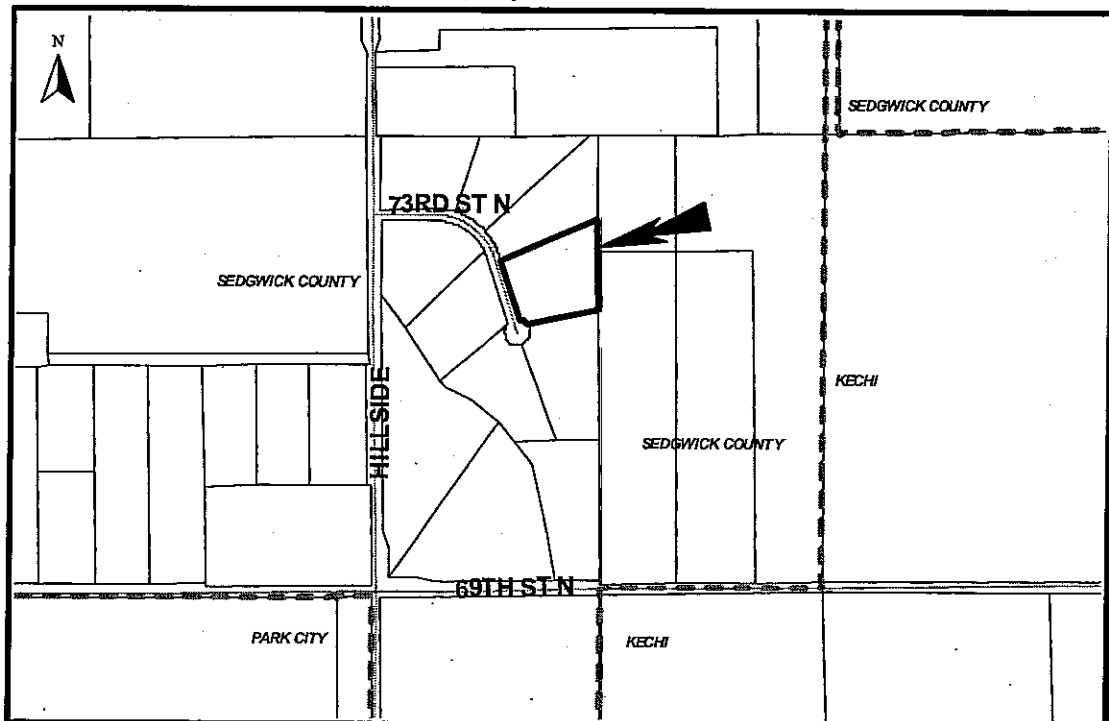
REQUEST: Accessory Apartment

CURRENT ZONING: RR Rural Residential

SITE SIZE: 5.33 acres

LOCATION: 3504 East 73rd Circle North (South of 77th Street North and east of Hillside)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant seeks a Conditional Use to permit an "accessory apartment" at 3504 East 73rd Circle North, a platted lot containing 5.33 acres. The site is developed with a residence served by a lagoon. The applicant proposes to install a 24 by 24-foot accessory apartment that will be attached to a 24 by 24-foot garage. The accessory structure is to be located to the rear of the principal structure, and complies with applicable setbacks. See the attached site plan for more details.

The application area is located in a smaller residential subdivision that is still being built out. All adjoining property is zoned "RR" Rural Residential.

CASE HISTORY: Willow Acres Addition was recorded in 1999.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential; residences or land platted for residences
SOUTH: "RR" Rural Residential; residences or land platted for residences
EAST: "RR" Rural Residential; agriculture
WEST: "RR" Rural Residential; residences or land platted for residences

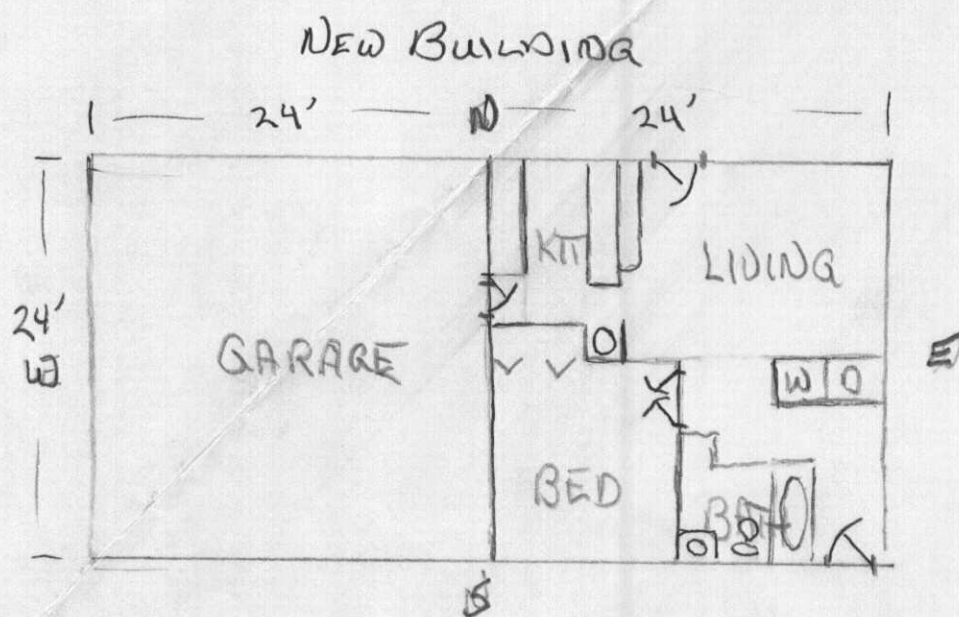
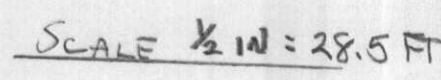
PUBLIC SERVICES: The property is located on 73rd Circle North, a two-lane local road with 35 feet of half-width right of way. 73rd Circle North connects to Hillside, which is a paved section line road. The property utilizes an existing lagoon for sewage.

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. The Comprehensive Plan depicts this site within Kechi's urban growth area and their Zoning Area of Influence.

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

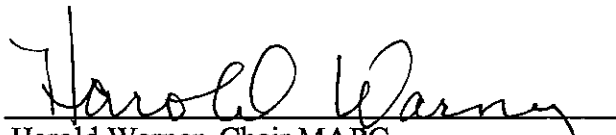
1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan.
3. If operations have not begun within one year of approval, or if the Zoning Administrator 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.

CONDITIONAL USE
GARAGE & APARTMENT IN REAR
FOR FATHER
BUILDING TO CONFORM TO EXISTING HOUSE
MAPC 4-20-06

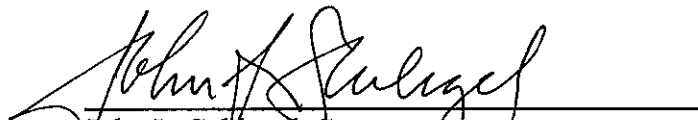


Adopted this 5th DAY of MAY, 2006. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, 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


Harold Warner, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2006-00010

WHEREAS, Lyndell A. and Patricia I. Shoemaker (Owner/Co-Applicant) and Brian Westerfield (Co-Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow an accessory apartment on 5 acres zoned “RR” Rural Residential described as:

Lot 10, Wildwood Acres. Generally located north of 69th Street North and east of Hillside.

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 April 20, 2006, 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 an accessory apartment on 5 acres zoned “RR” Rural Residential described as:

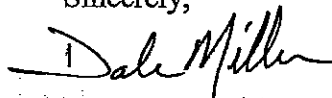
Lot 10, Wildwood Acres. Generally located north of 69th Street North and east of Hillside.

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.
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.

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

Sincerely,

A handwritten signature in black ink that reads "Dale Miller". The signature is fluid and cursive, with a large initial "D" and "M".

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Brian Westerfield, 3504 E. 73rd Circle North, Valley Center, KS 67147
Chris Morlan, Kechi City Hall, P O Box 88, Kechi, KS 67067
Dave Unruh, County Commissioner District I, Mail Stop, County Room 320
Bob Parnacott, County Law Dept., Mail Stop County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 24, 2006

Lyndell A. Shoemaker
Patricia I. Shoemaker
4520 N. Westlake Ct.
Bel Aire, KS 67220

RE: CON2006-10 – Conditional Use for Accessory Apartment on property zoned “RR” Rural Residential. Generally located 3504 East 73rd Circle North (South of 77th Street North and east of Hillside). (District I)

Dear Ladies and Gentlemen:

At its regular meeting on April 20, 2006, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE, 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.
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.

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, May 4, 2006, by 5:00 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 vote of 4 of its members.