



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2007

James and Rachelle Vander
11649 S. Greenwich
Mulvane, KS 67210

RE: CON2006-00056 - Accessory Apartment, generally located 11649 South Greenwich Road, approximately a half mile north of the intersection of South 111th St. East (Greenwich Road) and East 119th St. South.

Dear Mr. And Mrs. Vander:

At its regular meeting on January 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,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Enclosure

cc: Gwen Welshimer, County Commissioner District V, 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
Kurt Schroeder, Office of Central Inspection, Mail Stop #1-72

CONDITIONAL USE RESOLUTION NO. CON2006-00056

WHEREAS, James Vander (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 for an Accessory Apartment on 10 acres zoned “RR” Rural Residential described as:

Sedgwick County, Kansas. Generally located a half-mile north of the intersection of South 111th St. East (Greenwich Road) and East 119th St. South (11649 South Greenwich 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 January 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 10 acres zoned “RR” Rural Residential described as:

Sedgwick County, Kansas. Generally located a half-mile north of the intersection of South 111th St. East (Greenwich Road) and East 119th St. South (11649 South Greenwich Road).

Approved subject to the following conditions:

1. The subject property shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
3. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

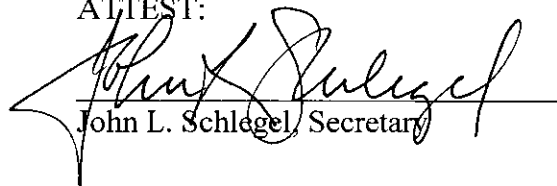
Adopted this 18th day of January, 2007.

METROPOLITAN AREA PLANNING COMMISSION



Darrell Downing, Chair MAPC

ATTEST:

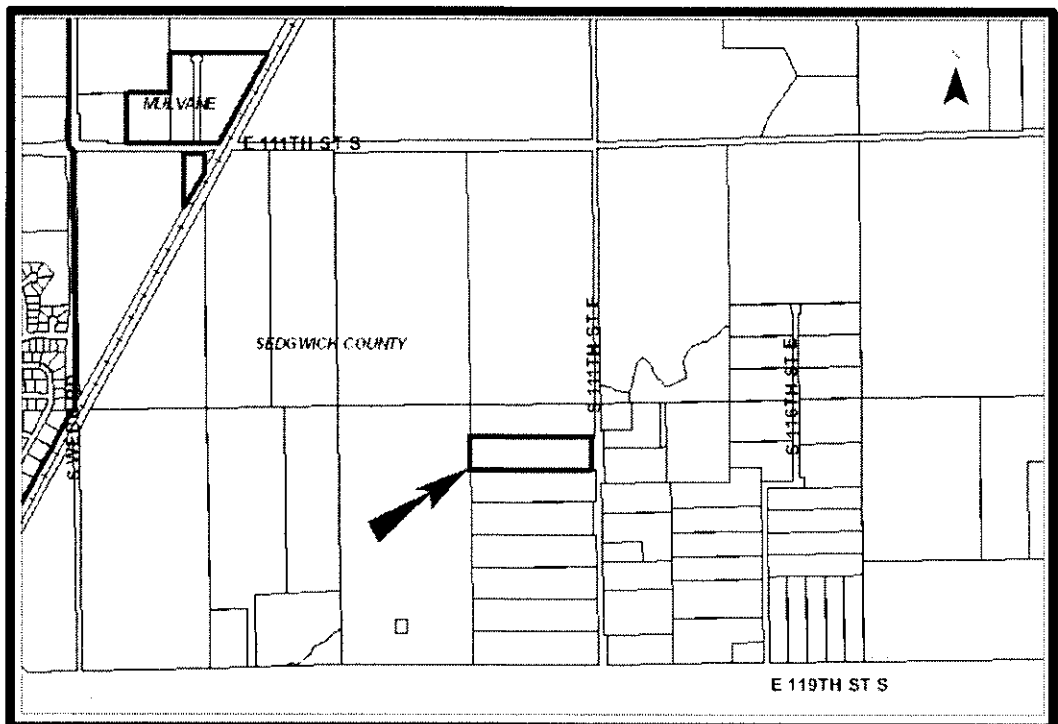


John L. Schlegel, Secretary

Mulvane PC 1-11-07

MAPC 1-18-07

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant seeks a Conditional Use to permit an “accessory apartment” at 11649 South Greenwich Road, an unplatted lot containing 10 acres. The site is developed with a residence served by a lagoon. The applicant proposes to use the existing 80’ x 26’ accessory structure, with an attached garage, as an accessory apartment for his aging mother and other visiting family members. The accessory structure is to be located to the front of the principal structure, and complies with applicable setbacks. See the attached site plan for more details. 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	Single Family Residence
SOUTH:	“RR” Rural Residential	Single Family Residence
EAST:	“RR” Rural Residential	Single Family Residence
WEST:	“RR” Rural Residential	Single Family Residence and Agriculture

PUBLIC SERVICES: The property is located on South Greenwich Road, a two-lane local road with 35 feet of half-width right of way. South Greenwich Road connects to East 119th Street South, which is a paved county/section line road, to the south and East 111th Street South, which is a gravel section line road, to the north. 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 a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit and may be within the main building, within an accessory building or constructed as an accessory building, the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood, the accessory apartment shall remain accessory to and under the same ownership as the principle single-family dwelling unit, and the ownership shall not be divided or sold as a condominium, and that water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The Comprehensive Plan depicts this site being just to the east of the Mulvane urban growth area, but is located in Mulvane’s 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.

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.

FLNOC

ROCK DRIVE

OVERHEAD ELECTRIC

BUBBLE FENCE

40
PUMP BATTERY

16' GATE

CONCRETE

WAVE
GAS LINE

WATER LINE

WAVE
GAS LINE

HOUSE
48'
41'
41'

CHAIN LINK FENCE

238' DRIVEWAY

WATER LINE

80
26
ADDITION

NEW
SEWER LINES

LAGOON

APPROVED

CON20016-56

Date: 1/18/07

PASTURE

North