



Wichita-Sedgwick County Metropolitan Area Planning Department

February 13, 2001

FILE COPY

The Warren Family, L.L.C.,
%Ray Warren
317 N. Buckner
Derby, KS 67037-1611

RE: CON2000-00060 – Conditional Use to permit an accessory apartment on property zoned “RR” Rural Residential. Generally located ¾ Mile east of Rock, south 95th Street South.

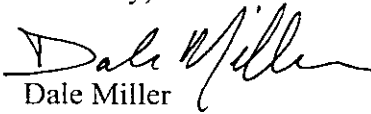
Dear Mr. Warren:

At its regular meeting on January 18, 2001, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

- A. The site shall be developed and maintained in general conformance with the approved site plan.
- B. The site shall be developed and maintained in compliance with Art. III, Sec III-D, 6.A. Accessory Apartment standards.
- C. Failure to maintain the site in compliance with conditions of approval shall result in the Conditional Use being null and void.

This action was not accompanied by valid appeals of protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution. If you have any questions concerning this case, please contact our office.

Sincerely,



Dale Miller
Chief Planner

DLM/rs

cc: The City of Mulvane Planning Commission, 211 N. Second Street,
Mulvane, KS 67110
Tim R. Norton, County Commissioner, District II, Mail Stop County Room #320
Glen Wiltse, Director, County Code Enforcement, Mail Stop, County Code
Charles A. and Pamela R. Warren, P. O. Box 384, Derby, KS 67037-0384
Carl Dean Warren, 9711 S. Webb, Derby, KS 67037
Danny R. and Alisa K. Warren, P. O. Box 622, Derby, KS 67037-0622
Curtis J. and Lori R. Warren, 317 N. Buckner, Derby, KS 67037-1611

CONDITIONAL USE RESOLUTION NO. CON-2000-00060

WHEREAS, The Warren Family, L.L.C., (Ray Warren, Managing Owner/Applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow an Accessory Apartment on 20 acres zoned "RR" Rural Residential described as:

The Northeast Quarter (NE 1/4) of Section 20, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas. EXCEPT the East 980 feet thereof. Generally located ¾ Mile east of Rock, south of 95th Street South.

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, 2001, 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 permit a conditional use to allow an Accessory Apartment on 20 acres zoned "RR" Rural Residential described as:

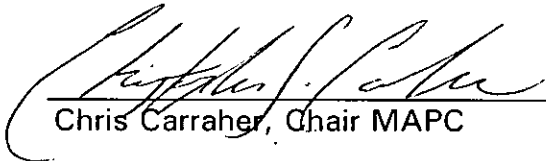
The Northeast Quarter (NE 1/4) of Section 20, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas. EXCEPT the East 980 feet thereof. Generally located ¾ Mile east of Rock, south of 95th Street South.

subject to the following conditions:

- A. The site shall be developed and maintained in general conformance with the approved site plan.
- B. The site shall be developed and maintained in compliance with Art. III, Sec III-D, 6.A. Accessory Apartment standards.
- C. Failure to maintain the site in compliance with conditions of approval shall result in the Conditional Use being null and void.

Adopted this 18th day of January, 2001. 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


Chris Carraher, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT

City of Mulvane 1-11-01
MAPC 1-18-01

CASE NUMBER: CON2000-00060

OWNER/APPLICANT: The Warren Family, L.L.C. (Ray Warren, Managing Owner/Applicant)

AGENT: Ray Warren

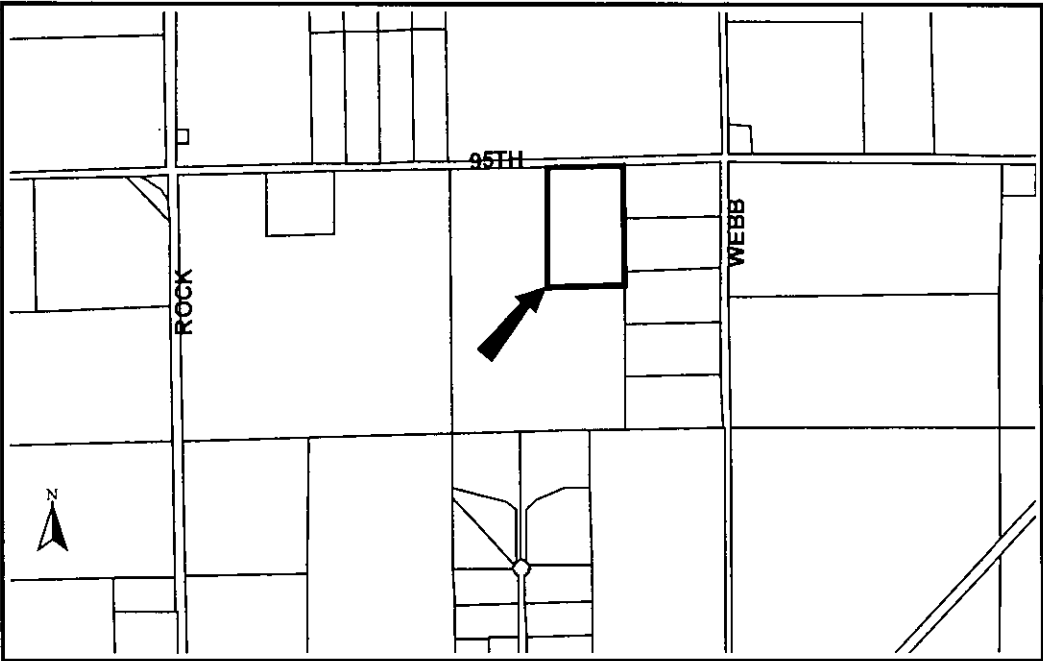
REQUEST: Conditional Use to permit an accessory apartment

CURRENT ZONING: RR, Rural Residential

SITE SIZE: 20 acres

LOCATION: ¼ Mile east of Rock, south of 95th Street South

PROPOSED USE: Accessory apartment



BACKGROUND: The applicant is requesting a Conditional Use to permit an accessory apartment on a 20-acre unplatted tract located south of 95th Street South and ¾ mile east of Rock Road. The accessory apartment would be located in a proposed residential building that will look somewhat like a duplex from the outside, and will replace an existing manufactured home that is to be removed from the property. The purpose for the accessory apartment is to provide a residence for a caregiver in the event that Mr. or Mrs. Warren would need such assistance. Access to the site would be off of an existing private drive. The site plan submitted with the application indicates the home would be setback approximately 170 feet from the centerline of 95th Street. There is an existing sewage lagoon located south of the unit's proposed location. The site has access to rural water service. The City-County Health Department will need to approve the use of any on-site services.

The application area is part of a quarter-section section of ground owned by the applicant. In addition to the application area, this quarter section contains home sites, a recreational complex and farm ground. All of Mr. and Mrs. Warren's children have home sites located along Webb Road. The applicant's family uses the recreational complex, located south of the application area. That part of their ownership that is not used for homesteads or recreational purposes is planted to crop production.

All land adjoining or abutting the application area is zoned "RR" Rural Residential, and is either used for residential or agricultural purposes.

The property is located in the City of Mulvane's zoning area of influence and platting jurisdiction. Residential uses located on tracts 20 acres or larger are exempt from platting under Sedgwick County Subdivision Regulations. The Unified Zoning Code permits "accessory apartments" as a Conditional Use in the "RR" Rural Residential districts, subject to the following standards:

1. One accessory apartment is permitted on the same lot as a single-family unit. The accessory apartment may be within the main building or as an accessory building.
2. The appearance of the apartment shall be compatible with the main dwelling and with the character of the neighborhood.
3. The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold.
4. The water and sewer service provided to the accessory structure shall not be provided as a separate service.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential; crop land
SOUTH: "RR" Rural Residential; private recreation area
EAST: "RR" Rural Residential; residence
WEST: "RR" Rural Residential; crop land and residences

PUBLIC SERVICES: 95th Street South is a paved two-lane county highway. The site has access to rural water district service. No public sewer service is available.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" depicts this area as "rural." The "rural" area is land that is located outside any projected urban service boundary. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services.

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

- A. The site shall be developed and maintained in general conformance with the approved site plan.
- B. The site shall be developed and maintained in compliance with Art. III, Sec III-D, 6. A. Accessory Apartment standards.
- C. Failure to maintain the site in compliance with conditions of approval shall result in the Conditional Use being null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. All the land in the area is used for large lot residential or crop land. All surrounding land is zoned "RR" Rural Residential. The character of the area is rural.
2. The suitability of the subject property for the uses to which it has been restricted. The site is zoned "RR" Rural Residential. This district is primarily set aside for large lot residential uses and agricultural uses. The site could be developed as zoned. However, to accomplish this applicant's goal, additional acreage and another separate unit would need to be built. That approach would not be an efficient use of land and service facilities.
3. Extent to which removal of the restrictions will detrimentally affect

nearby property: No detrimental impacts should be felt by adjoining and abutting property owners as the applicant owns the land on three sides of the application area, and the building is designed to look like a single-family home.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The "Sedgwick County Development Guide" depicts this area as "rural." The "rural" area is land that is located outside any projected urban service boundary. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services.

5. Impact of the proposed development on community facilities: A negligible increase in traffic.

TRACT A

PASTURE
Grass

POND

745' SPIRIT WAY

PASTURE
Grass

SITE PLAN

APPROVED 2/2/01 BY DM

~~APPROVED CUP~~

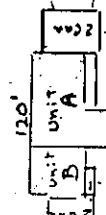
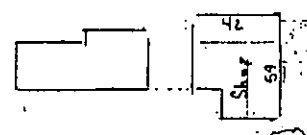
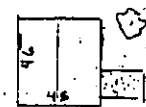
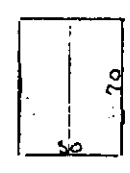
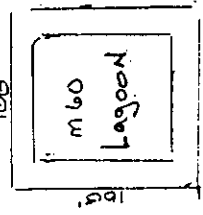
MAPC

1210'

1210'

WHEAT FIELD

DRAINAGE WAY



TRACT A
20 AC.



40' Right Way

745'

248'

95TH ST. SD.

SCALE 1" = 100'