



Wichita-Sedgwick County Metropolitan Area Planning Department

May 11, 2000

FILE COPY

Galen and Georgiana Morris
360 N. 167th Street West
Goddard, KS 67052

RE: CON2000-00006 – Conditional Use to Allow a Temporary Accessory Manufacturing Home on property zoned “RR” Rural Residential. Generally located on the eastside of 167th Street West and ½ Mile South of Central, Goddard, Kansas.

Dear Galen and Georgiana Morris:

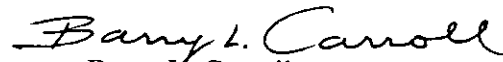
At its regular meeting on April 27, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Commission was to APPROVE, the request subject to following conditions:

1. The applicant shall obtain all applicable permits including, but no limited to: building, health and zoning. Specifically, the requirements of Section III-D 6.1. (3) of the Unified Zoning Code shall be met.
2. The accessory home shall remain on the site as an accessory dwelling for the applicant and his family, for a period of one year, while the existing site-built home is being remodeled.
3. The temporary manufactured home shall be removed within 90-days of the completion of the remodeling of the existing home; however in no case shall the temporary manufactured home remain on the property more than one-year from the date of approval of this Conditional Use. If additional time is needed, the applicants may file for an extension of the Conditional Use permit.
4. The temporary manufactured home shall be placed on the site as indicated on the site plan (see attachment).

5. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This action was not accompanied by valid appeals or 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,


Barry L. Carroll
Associate Planner

BC/rs

cc: Harold M. and Marilyn J. Patry, 103 S. Pinegrove, Wichita, KS 67209
Goddard City Hall, 122 N. Main, Box 667, Goddard KS 67052
County Commissioner, Tom Winters District III
Attica Township, Andrew P. Selenke, 15202 W. 19th Street, Goddard, KS 67052
Glen Wiltse, Sedgwick County Code Enforcement
Yolanda Anderson (Resolution Only)

WHEREAS, Galen & Georgiana Morris (Owners/Applicants) 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 a Temporary Accessory Manufacturing Home described as:

The South 726 feet of the West 311.14 feet of the South Half of the Northwest Quarter (NW 1/4) of Section 22, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the eastside of 167th Street West and ½ Mile South of Central, Goddard, Kansas.

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 27, 2000, 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 Temporary Accessory Manufacturing Home described as:

The South 726 feet of the West 311.14 feet of the South Half of the Northwest Quarter (NW 1/4) of Section 22, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the eastside of 167th Street West and ½ Mile South of Central, Goddard, Kansas.

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subject to the following conditions:

1. The applicant shall obtain all applicable permits including, but no limited to: building, health and zoning. Specifically, the requirements of Section III-D 6.1. (3) of the Unified Zoning Code shall be met.
2. The accessory home shall remain on the site as an accessory dwelling for the applicant and his family, for a period of one year, while the existing site-built home is being remodeled.
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4. The temporary manufactured home shall be placed on the site as indicated on the site plan (see attachment).
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Adopted this 27th day of April, 2000. 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


Frank Garofalo, Chair

ATTEST:


Marvin S. Krout, Secretary

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STAFF REPORT

Goddard – April 20, 2000

MAPC – April 27, 2000

CASE NUMBER: CON2000-00006

APPLICANT/AGENT: Galen & Georgiana Morris (Owners/Applicants)

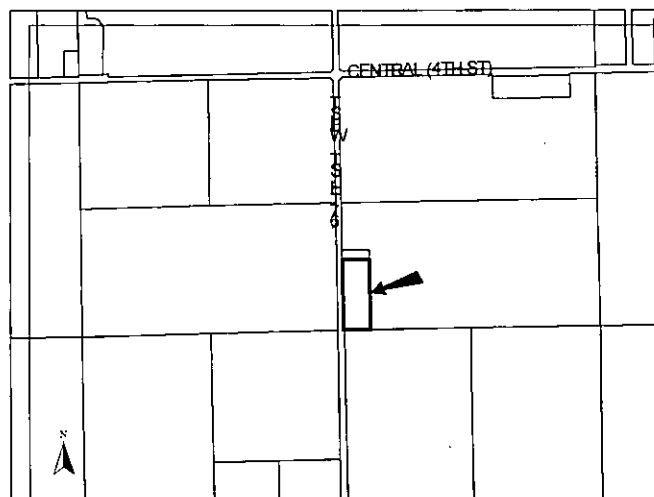
REQUEST: *Conditional Use* to Allow a Temporary Accessory Manufacturing Home

CURRENT ZONING: *"RR" Rural Residential*

SITE SIZE: 4.769 acres

LOCATION: Eastside of 167th Street West and ½ Mile South of Central, Goddard, Kansas

PROPOSED USES: Remodeling Existing Site-Built Home



BACKGROUND: The applicants are requesting a *Conditional Use* permit to allow a temporary accessory manufactured home on an unplatted 4.8-acre tract of land. This property is zoned "*RR*" *Rural Residential* and is located on the eastside of 167th Street West and a half-mile south of Central. The applicants state that they need a place to live while they remodel their existing site built home. Currently, the applicants are living in a doublewide manufactured home east of the site built home. The applicants reported that they have spoken to their neighbors to the north about this request. The neighbors have no objections, according to the applicants. There are two neighbors, however, who have written letters of opposition (see attachment). The applicants anticipate the remodeling project to be completed within one year.

The Planning Commission for Goddard, Kansas considered this request on April 20, 2000. The Commissioners voted 6-0 to recommend *approval* subject to MAPD staff comments. There were no citizens present to address this request.

The applicants have presented a site plan for review (see attachment) with the location for the temporary manufactured home. Access to the temporary manufactured home is along the existing driveway and east of the existing site built home. The property to the north has a manufactured home and is zoned "*RR*" *Rural Residential*. The properties to the south, east and west are undeveloped farm fields that are zoned "*RR*" *Rural Residential*. The *Unified Zoning Code* (UZC) allows the placement of a temporary doublewide manufactured home while a "single-family dwelling is being constructed on the same lot" without a *Conditional Use* permit. County Code Enforcement has taken the literal interpretation of the *Code* and excludes home remodeling as an allowable condition for the temporary use without a *Conditional Use*. This condition triggers the need for this application for a *Conditional Use* under Section III-D.6.1. (3) of the *Unified Zoning Code*.

Section III-D.6.1.(3) of the *Unified Zoning Code* permits manufactured homes as accessory structures provided:

- a) *The location of the manufactured home shall conform to all setback requirements of the district in which located;*
- b) *The lot area of the manufactured home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal-type sewer system, the minimum lot size shall be determined by the County Health Department;*
- c) *The unit shall comply with all the standards of Section III-D.6.1.(2);*
- d) *The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviate without the granting of the Conditional Use; and*

- e) *The Planning Commission shall determine a reasonable time limit for each individual case. The manufactured/mobile home shall be removed from the property within 90-days after any change in the circumstances used as a basis for the Conditional Use.*

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	<i>"RR" Rural Residential</i>	Single-Family Residence
EAST:	<i>"RR" Rural Residential</i>	Undeveloped Farm Field
SOUTH:	<i>"RR" Rural Residential</i>	Undeveloped Farm Field
WEST:	<i>"RR" Rural Residential</i>	Undeveloped Farm Field

PUBLIC SERVICES: There is a water well and septic system on site that services the main structure; these services are being used for the temporary manufactured home. The site has access to a private driveway, which is to be maintained by the property owners. The private road feeds onto 167th Street West; this street is approximately a half-mile south of Central. 167th Street West is a township road with no traffic data available.

CONFORMANCE TO PLANS/POLICIES: The *Land Use Guide* of the *Comprehensive Plan* identifies this area as appropriate for "agricultural" use. This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage. This category can allow other uses common in rural areas, which are no more offensive than normal agricultural uses.

RECOMMENDATION: The property will be developed in general conformance with the site plan approved by the MAPC or County Commission. Based on the information available prior to the public hearing, and a site plan showing the location of the manufactured home, MAPD staff recommends the application be **APPROVED**, subject to the following conditions:

1. The applicant shall obtain all applicable permits including, but no limited to: building, health and zoning. Specifically, the requirements of Section III-D 6.1. (3) of the *Unified Zoning Code* shall be met.

2. The accessory home shall remain on the site as an accessory dwelling for the applicant and his family, for a period of one year, while the existing site-built home is being remodeled.
3. The temporary manufactured home shall be removed within 90-days of the completion of the remodeling of the existing home; however in no case shall the temporary manufactured home remain on the property more than one-year from the date of approval of this *Conditional Use*. If additional time is needed, the applicants may file for an extension of the *Conditional Use* permit.
4. The temporary manufactured home shall be placed on the site as indicated on the site plan (see attachment).
5. Any violation of the conditions approved, as a part of this request, shall render the *Conditional Use* null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area, and all property adjoining it, is zoned "*RR*" *Rural Residential*. Large lot single-family homes and agricultural uses characterize the area.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. Given the rural nature of the application area and temporary nature of the use, there should not be any detrimental effects on nearby properties.
3. Conformance of the requested change to the adopted or recognized *Comprehensive Plan and Policies*: The *Land Use Map* of the *Comprehensive Plan* identifies this area as appropriate for "agricultural" use. The category can allow other uses common in rural areas, which are no more offensive than normal agricultural uses. Given the rural nature of the application area and the temporary nature of the use, there should not be any detrimental effects on nearby property.
4. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "*RR*" and is developed with a single-family home. The site could continue to be used as currently zoned, but the applicant would not be able to remodel his home and live in it at the same time.
5. Impact of the proposed development on community facilities. None identified.

