CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

Rana Zayed
3450 N Ridgewood St. Apt 923
Wichita, KS 67220

January 10, 2020

RE: CON2019-00046- City Conditional Use to request Group Residence, Limited for 12 residents on property zoned SF-5 Single Family Residential and generally located 215 feet east of North Edgemoor Drive and one block south of East 13th Street North (5516 Polo Drive).

Dear Applicant;

At its regular meeting on **December 19, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request.

There were no protest filed for this case. Therefore, the action of the Planning Commission is final. This case is approved subject to the attached Conditional Use.

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

Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Brandon Johnson, Council Member District I
Kameelah Alexander, CSR District I
Rami Zayed, 1926 Lawrence Ct., Kansas City, KS 66103
Lambsdale- Glen Burdick, 1148 N Parkwood, Wichita, KS 67208

CONDITIONAL USE RESOLUTION NO. CON2019-00046

WHEREAS, Rami Zayed (Applicant) 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 Group Residence, Limited, on property zoned SF-5 Single Family Residential at 5516 East Polo Drive and legally described as:

Lot 9, Block 1, McEwen Estates 1st Addition, Wichita, Sedgwick County, 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 December 19, 2019, 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 Group Residence, Limited, on property zoned SF-5 Single Family Residential at 5516 East Polo Drive and legally described as:

Lot 9, Block 1, McEwen Estates 1st Addition, Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The Conditional Use approval is limited to a maximum of 12 persons needing assistance with daily activities.

2. Residents within the care of this facility are prohibited from having personal vehicles at the facility.

3. The owner or the manager of the facility shall comply with all regulations and licensing required by the Kansas Department of Aging and Disability Services.

4. No freestanding signs shall be allowed.

5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

6. 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 3rd Day of January, 2020

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair

ATTEST:

Scott Knebel, Secretary

AGENDA ITEM NO. 4.5

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: December 19, 2019
DAB I: January 6, 2020

CASE NUMBER: CON2019-00046

APPLICANTS: Rami Zayed, Rana Zayed

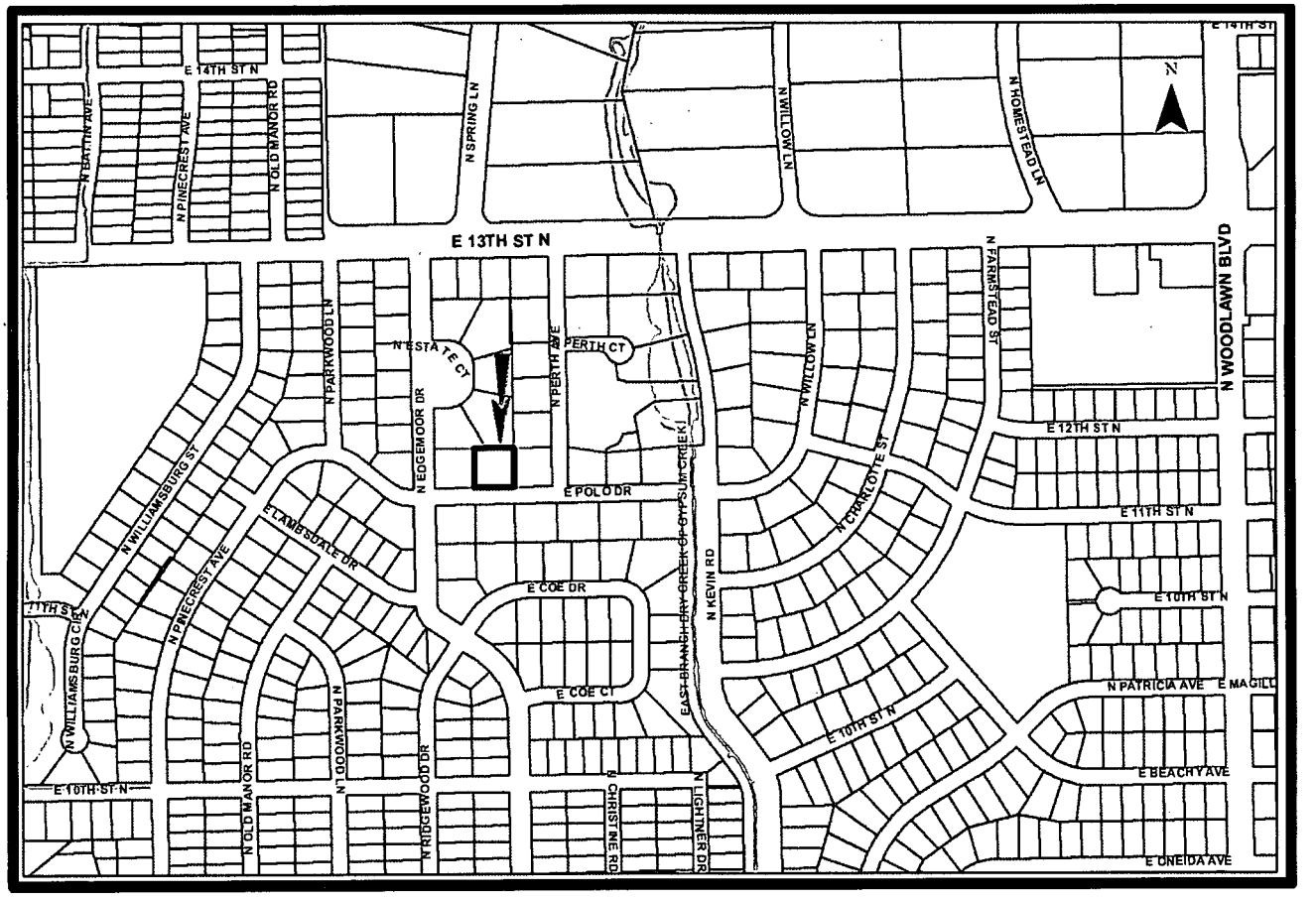
REQUEST: Conditional Use for Group Residence, Limited

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 0.49 acres

LOCATION: 250 feet east of North Edgemoor Drive and 1 block south of East 13th Street North

PROPOSED USE: Group Residence, Limited



BACKGROUND: The applicant submitted a Conditional Use request for Group Residence, Limited on property zoned SF-5 Single Family residential generally located 250 feet east of North Edgemoor Drive and one-block south of East 13th Street North (5516 Polo Dr.). The applicants currently operate the Rosewood Cottage which is a Home Plus Group Home on the property and house up to 8 residents in addition to two staff. The request for Group Residence, Limited would allow the facility to house up to 12 residents in addition to staff. The Kansas Department for Aging and Disability Services (KDADS) generally defines Home Plus as "any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage...who...need personal care or supervised nursing care to help with limitations in activities of daily living" (see attached full definition).

The Unified Zoning Code defines Group Residence as "a residential facility providing cooking, sleeping, and sanitary accommodations for a group of people, not defined as a "family, on weekly or longer basis." It defines Group Residence, Limited as "a Group Residence that is occupied by more than 15 persons, including staff members who reside in the facility." Group Residence Limited is permitted within the SF-5 zoning district by Conditional Use.

The facility is an existing single family home located in a single family neighborhood. The house was built in 1954, has 6 bedrooms and 3,084 square feet of furnished living space. The two-car garage has been converted to living space accounted for in the stated description. The facility is licensed by KDADS to have up to 12 residents and has met all necessary requirements of the Kansas State Fire Marshall and National Fire Protection Association (NFPA) Life Safety Code 101 for such a facility. The applicants state that the purpose of a Home Plus facility is to provide a small retirement care home located in a residential area so that residents can live in a traditional home environment near their families. They facility will not require any modifications (interior or exterior) in order to accommodate the additional residents.

The off-street parking requirement for Group Residence, Limited is one per bedroom. The facility has 6 bedrooms. The applicants indicate that all residents do no drive or own vehicles as they are care-dependent. Therefore the only vehicles parked on site will be for staff (maximum of two at any given time) in addition to visiting family members. The facility's driveway can only satisfy a portion of the parking requirement. Therefore, the applicant has filed a Variance application (BZA2019-0049) to reduce the parking requirement down to two spaces. This case is being heard concurrently.

Properties north, south, east, and west are zoned SF-5 and are single family residences.

CASE HISTORY: The site is platted as Lot 9, Block 1, McEwen Estates 1st Addition in 1952.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single Family Residence
SOUTH:	SF-5	Single Family Residence
EAST:	SF-5	Single Family Residence
WEST:	SF-5	Single Family Residence

PUBLIC SERVICES: Access to the property is off of East Polo Drive, a paved local street with on-street parking. North Edgemoor Drive is classified as a paved, two-lane local street at this location. Municipal water and sewer services currently serve the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area as Residential, which reflects the full diversity of residential

development densities and types typically found in an urban municipality. The Plan discusses that the range of housing densities and types include anywhere from single-family detached homes to multifamily units, condominiums, and special residential accommodations for the elderly (assisted living, congregate care, and nursing homes).

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED** subject to the following conditions.

1) The Conditional Use approval is limited to a maximum of 12 persons needing assistance with daily activities.
2) Residents within the care of this facility are prohibited from having personal vehicles at the facility.
3) The owner or the manager of the facility shall comply with all regulations and licensing required by the Kansas Department of Aging and Disability Services.
4) No freestanding signs shall be allowed.
5) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
6) 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.

The staff's recommendation is based on the following findings:

1. *The zoning, uses and character of the neighborhood:* Properties north, south, east, and west are zoned SF-5 and are single family residences.

2. *The suitability of the subject property for the uses to which it has been restricted*: The property is zoned SF-5 currently operates and a Group Home for up to 8 residents and two staff. Group Home is permitted by right in SF-5. It could also continue to be used and a single family dwelling.

3. *Extent to which removal of the restrictions will detrimentally affect nearby property*: Group Residence, Limited is permitted as a Conditional Use within the SF-5 district. The property is currently being used as a Group Home for up to 8 residents and two staff. The request for Group Residence, Limited is to expand the use to up to 12 residents and two staff, but the type of care is not changing. In addition, the facility does not require any modifications in order to accommodate that additional residents. Therefore, negative impacts to surrounding properties should be minimal.

4. *Conformance of the requested change to adopted or recognized Plans/Policies*: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area as Residential, which reflects the full diversity of residential development densities and types typically found in an urban municipality. The Plan discusses that the range of housing densities and types include anywhere from single-family detached homes to multifamily units, condominiums, and special residential accommodations for the elderly (assisted living, congregate care, and nursing homes).

PROJECT INFORMATION

1. PROJECT DESCRIPTION:
THIS HOME IS A HOME PLUS AS REGULATED BY THE KANSAS DEPARTMENT OF AGEING AND DISABILITIES SERVICES (KDADS) AND HAS BEEN REVIEWED AS MEETING ALL REQUIREMENTS OF THE OFFICE OF THE KANSAS STATE FIRE MARSHAL (OSFM) AND THE NFPA LIFE SAFETY CODE 101 FOR AN R-4 OCCUPANCY ALLOWING UP TO 12 RESIDENTS IN A SINGLE HOME. THE HOME HAS BEEN LICENSED BY KDADS TO HAVE UP TO 12 RESIDENTS.

2. CONTACT AND APPLICANT INFO:

ARCHITECT:	OWNER:
DAVID STAUTH	RANA ZAYED
KANSAS CODE PLANS	ROSEWOOD COTTAGE
2627 N BEACON HILL CT	5516 POLO DR.
WICHITA, KS 67220	WICHITA, KS 67206
PH (316) 262-4700	PH (316) 737-6596

3. LEGAL DESCRIPTION:
LOT 9, BLOCK 1, FIRST ADDITION TO MCEWEN ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS

THE REAL PROPERTY OR ITS ADDRESS IS COMMONLY KNOWN AS 5516 E POLO DRIVE, WICHITA, KS 67208-2752.

4. EXISTING CONDITIONS AND DIMENSIONS:
ALL STRUCTURES AND FEATURES OF THE SITE AS THEY EXIST ARE SHOWN ON THE SITE PLAN ALONG WITH CRITICAL DIMENSIONS FOR KEY FEATURES.

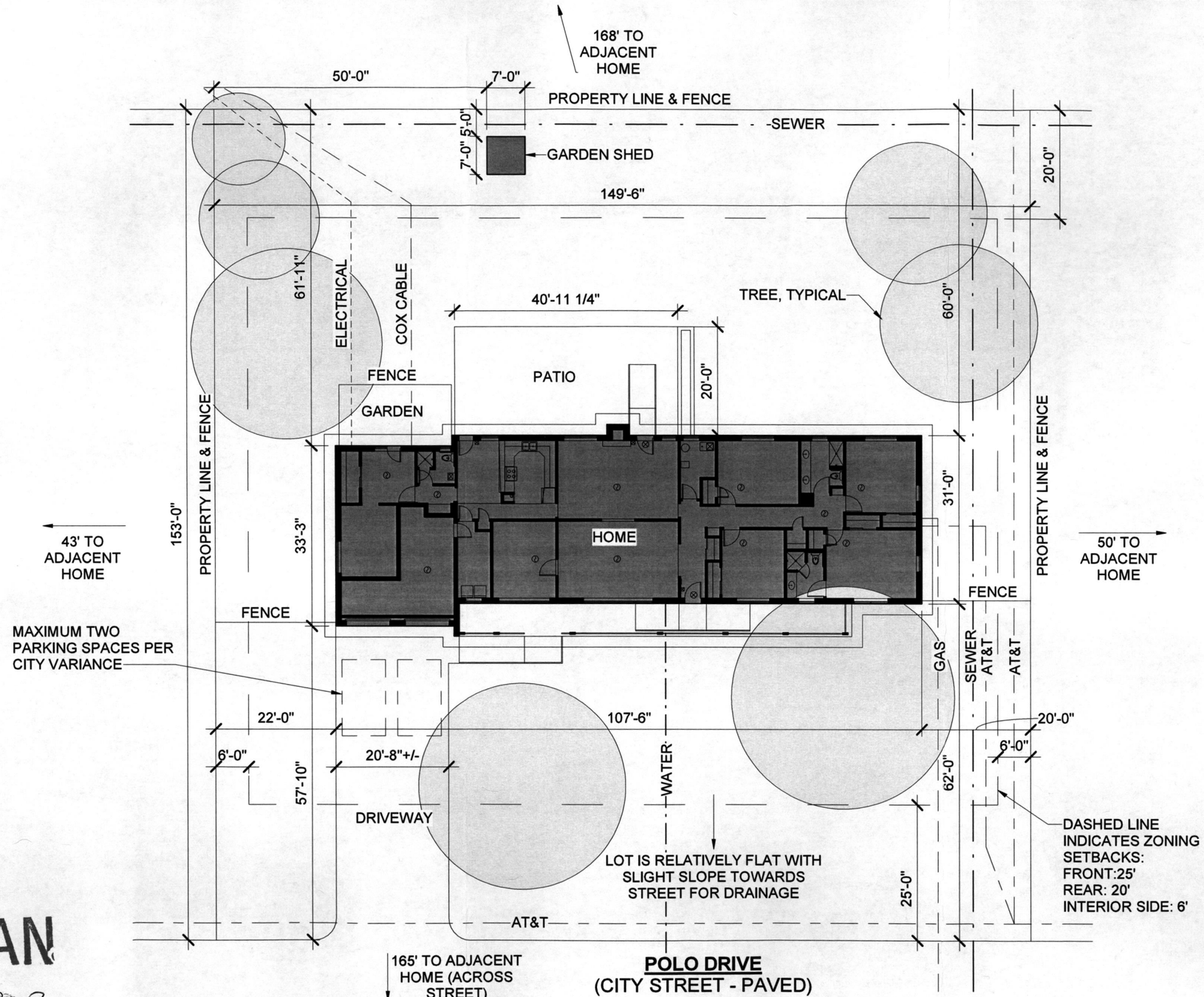
THE BUILDING IS NOT LOCATED IN A FLOOD PLAIN.

5. SURROUNDING STRUCTURES AND USES:
THE HOME IS LOCATED IN A NEIGHBORHOOD OF SINGLE-FAMILY HOMES, THE ADJACENT HOMES ARE INDICATED ON THE SITE PLAN (BY NOTE - SCALE OF THE PLAN IS TOO SMALL TO SHOW). THIS WAS A SINGLE FAMILY HOME AND WAS CONVERTED TO A "HOME PLUS" AS REGULATED BY KDADS, WHICH IS A SMALL RETIREMENT CARE HOME LOCATED IN A RESIDENTIAL AREA SO THAT RESIDENTS CAN LIVE IN A TRADITIONAL HOME ENVIRONMENT NEAR THEIR FAMILIES.

6. MODIFICATIONS BY THE CONDITIONAL USE:
NO MODIFICATIONS OR NEW STRUCTURES OR FEATURES WILL BE BUILT OR MADE TO THE EXISTING HOME OR ON THE LOT IF THE CONDITIONAL USE IS GRATED, NONE OF THE FEATURES OF THE HOME WILL CHANGE AS VISIBLE FROM THE STREET OR ADJACENT LOTS.

ADDITIONALLY, ALL RESIDENTS DO NOT DRIVE OR OWN VEHICLES AS THEY ARE CARE-DEPENDENT. THE ONLY CARS THAT WILL BE PARKED AT THE HOUSE ARE THOSE OF THE CARE-GIVERS (MAX 2) AND THE OCCASIONAL VISITING FAMILY MEMBER.

7. UTILITIES AND EASEMENTS:
ALL SITE UTILITIES INCLUDING WATER, SEWER, TELEPHONE, CABLE TV, ELECTRIC, AND GAS ARE SHOWN ON THE SITE PLAN.
THE REAL ESTATE TRANSACTION DOCUMENTS AND PROPERTY APPRAISAL INDICATE THAT THERE ARE NO ADDITIONAL EASEMENTS ON THE SITE/PROPERTY.



SITE PLAN

APPROVED 1/10/202 BY

NORTH

1 **SITE PLAN**
1" = 20'-0"

0' 10' 20 40'

DAVID JAMES STAUTH LICENSED 8504 KANSAS ARCHITECT
Oct 5, 2019

Kansas Code Plans LLC.
2627 N Beacon Hill Ct
Wichita, KS 67220
T 316.393.8576
KansasCodePlans.com

ROSEWOOD COTTAGE CONDITIONAL USE SITE PLAN
5516 POLO DRIVE
WICHITA, KS 67206

PRINTS ISSUED
OCTOBER 13, 2019

NO.	DATE	DESC.

KCP No. 19013
drawn: STAUTH
checked STAUTH

SITE PLAN
PROJECT INFO

SP.1

©copyright 2019 Kansas Code Plans LLC.