

B#151-1995

Published in The Daily Reporter on 1-17-96, 1995

RESOLUTION NO. 151-1995

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN ASSISTED LIVING FACILITY IN THE ONE-FAMILY DWELLING DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to allow an assisted living facility on property zoned 'AA' One-Family Dwelling District, legally described below:

Case No. CU-382

Conditional use permit request to allow an assisted living facility on property zoned 'AA' One-Family Dwelling District

Beginning at the southwest corner of Section 14, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence North 0°58'09" West, 930.00 feet along the west line of said Section 14; thence North 89°01'51" East, 630.00 feet to the Monument 33A; thence South 38°57'05" East, 155.15 feet to Monument 33; thence South 07°38'38" East, 321.36 feet to Monument 34; thence South 76°56'27" West, 59.71 feet along the north line of Crestview Country Club Estates, Southern Village Addition; thence South 01°11'13" East, 473.18 feet along the west line of said Southern Village Addition to the south line of said Section 14; thence South 88°48'47" West, 705.82 feet along the south line of said Section 14; to the point of beginning, containing 15.25 acres more or less. Monuments referred to in this description are taken from the Crestview Country Club Boundary Survey dated November 6, 1969. The bearing of the south

Sedgwick County Clerk
1-16-96

line of the southwest quarter of said Section 14 is assumed to be South 88°48'47" West, except Right-of-Way Agreement Film 1000, Pg. 420 for K-96. Generally located in an area northeast of Central and 127th Street East (northeast of the K-96 Expressway).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Conditional Use Permit shall be in general conformance with the NE Corner Central / 127th Street East Conditional Use Plan approved by the Board of County Commissioners and shall allow an assisted living facility in Parcel 1 (a place which has individual living units, 24-hour staff services, and scheduled programs which provide daily living care. Such daily living care may be for those who, by choice or due to functional impairments, need personal attention or even supervised nursing care on an intermittent or limited term basis). Multiple family dwellings without 24-hour daily care and elderly clients (such as garden apartments, townhomes, tri-plexes, and four-plexes) shall not be permitted.
2. A maximum of 50 assisted living dwelling units shall be permitted and all units must be located in Parcel 1. Future development in Parcel 2 will be allowed only by an amendment to the conditional use permit after a formal public hearing before the MAPC and the Board of County Commissioners.
3. The architectural facade on the assisted living facility shall be designed with a residential architectural character, and shall share similar color, and texture, and the same predominate exterior building material as the surrounding residential areas. The majority of the roof on the facility shall be pitched.
4. The maximum building height shall be 35 feet.
5. All mechanical equipment and service areas shall be shielded from view from the property lines.
6. The minimum building setbacks shall be 25 feet as indicated on the site plan.
7. Off-street parking for the assisted living facility shall not be less than 0.75 parking spaces per dwelling unit.
8. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent residential property.
9. Complete access control directly to or through Parcel 2 to Parcel 1 shall be

maintained from the private residential street along the east property line.

10. A minimum of 50 shrubs and 30 trees shall be planted and maintained between the parking area for the assisted living facility and the residentially zoned property to the north of Parcel 1.
11. All property included within this Conditional Use Permit shall be platted within 1-year after approval of this Conditional Use Permit by the Board of County Commissioners or the provisions of this Conditional Use Permit shall become null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

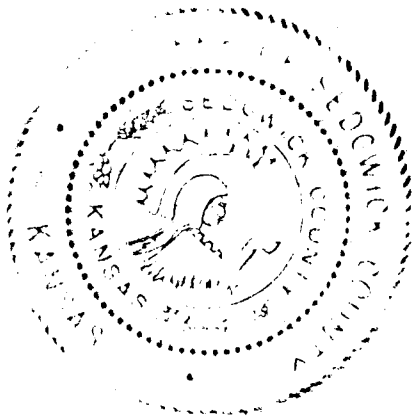
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

PAUL W. HANCOCK
THOMAS G. WINTERS
MELODY C. MILLER
MARK F. SCHROEDER
BETSY GWIN

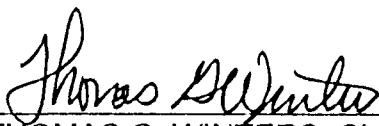
Aye
Aye
Aye
Aye
Aye

DATED this 21st day of June, 1995.



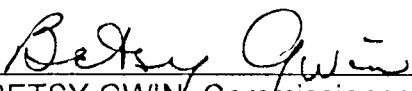
BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS


MARK F. SCHROEDER, Chairman

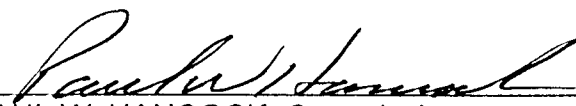

THOMAS G. WINTERS, Chairman Pro Tem

ATTEST:

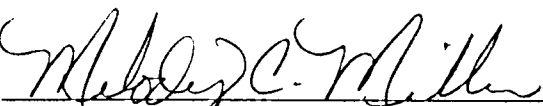

SUSAN CROCKETT-SPOON
County Clerk


BETSY GWIN, Commissioner

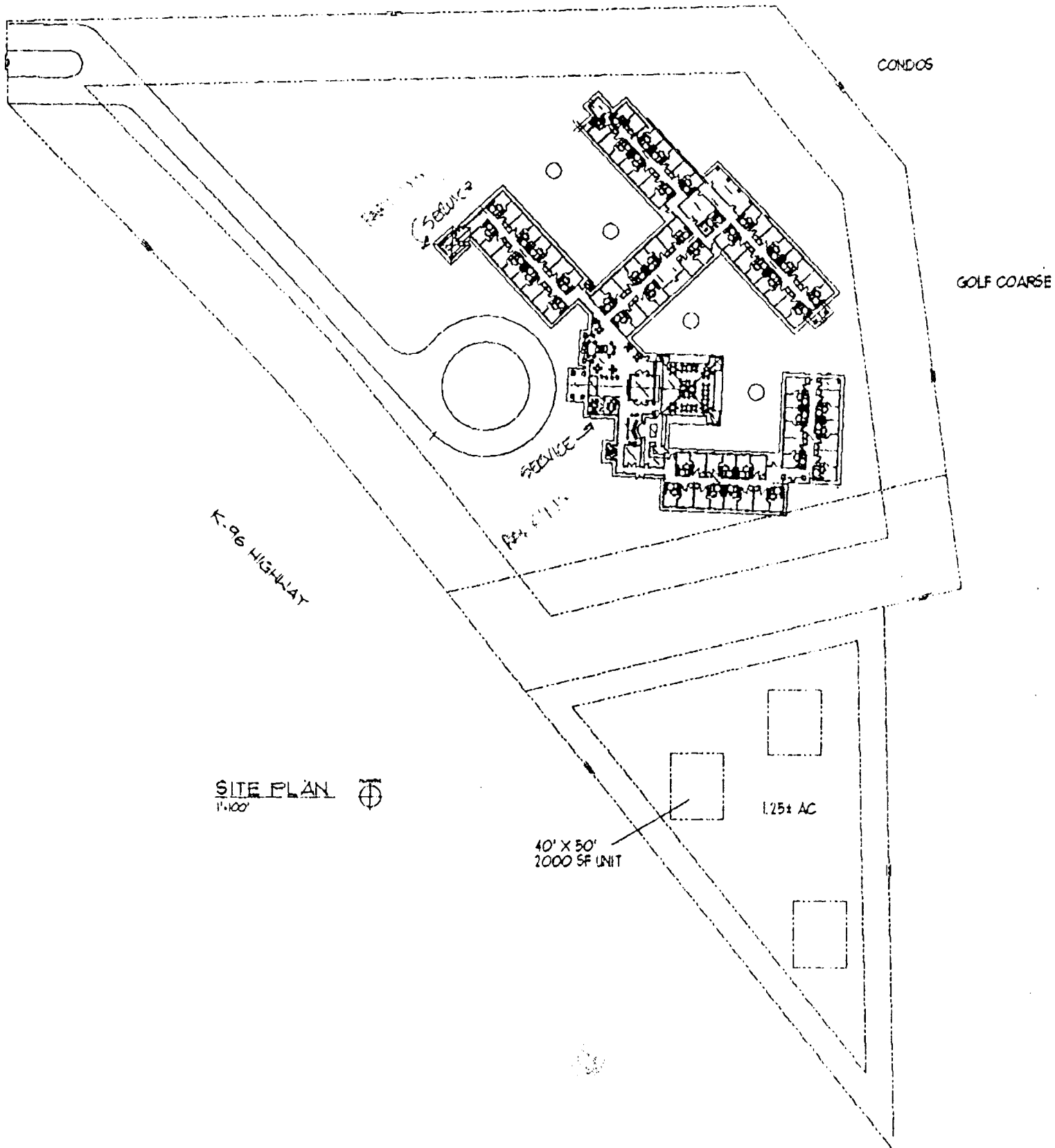
APPROVED AS TO FORM ONLY:


PAUL W. HANCOCK, Commissioner


County Counselor/Assistant


MELODY C. MILLER, Commissioner

SNODGRASS DEVELOPMENT



STAFF REPORT

May 25, 1995

CASE NUMBER: SCZ-0690 & CU-382

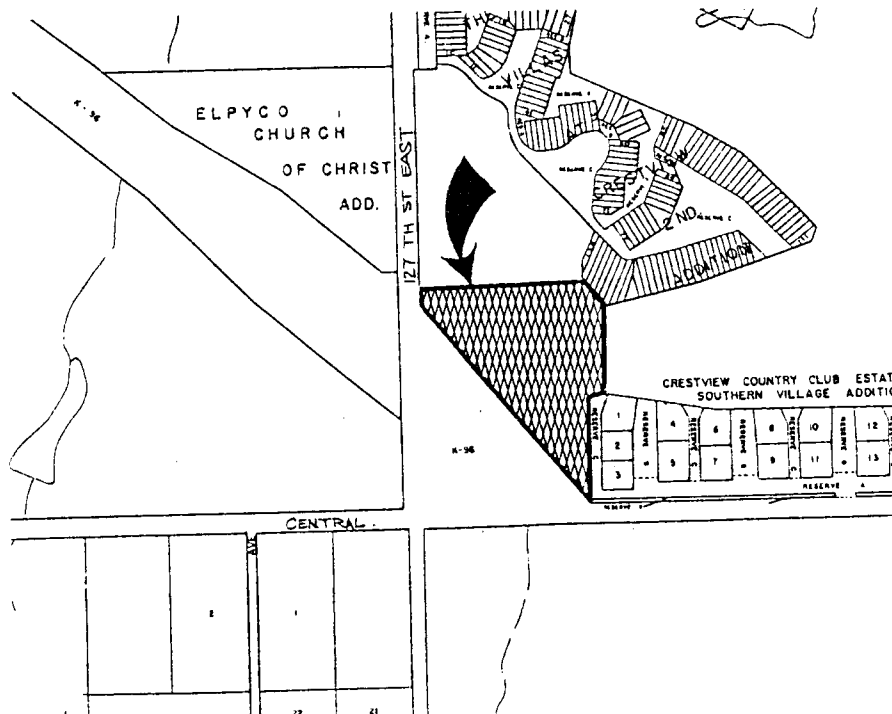
APPLICANT/AGENT: Crestview Development Co. II, The Vyne Corporation c/o Jim Lew / Mid-Kansas Engineering Consultants c/o Ken Kallenbach

REQUEST: Zone change to 'AA' One-Family Dwelling District; AND a Conditional Use Permit for an assisted living facility

CURRENT ZONING: 'R-1' Suburban Residential and 'LC' Light Commercial

SITE SIZE: 7 acres

LOCATION: An area located northeast of Central and 127th Street East (northeast of the K-96 Expressway).



BACKGROUND: The applicant requests a zone change from the 'R-1' Suburban Residential District and the 'LC' Light Commercial District to the 'AA' One-Family Dwelling District for a 7 acre unplatted site located in an area located northeast of Central and 127th Street East (northeast of the K-96 Expressway). The applicant also requests a Conditional Use Permit for an assisted living facility on the same property proposed for 'AA' zoning. The applicant defines an assisted living facility as a "place which has individual living units, 24-hour staff services, and scheduled programs which provide daily living care. Such daily living care may be for those who, by choice or due to functional impairments, need personal attention or even supervised nursing care on an intermittent or limited term basis."

Prior to the MAPC public hearing, the applicant held informational meetings with nearby residents to introduce and explain the proposed assisted living facility. In order to address potential concerns of area residents, the applicant volunteered a number of restrictions for architectural design, building height, landscaping, access controls, and parking lot lighting for the proposed facility. The parking lot for the facility would be buffered with a minimum of 50 shrubs and 40 trees to be located north of the parking area for the proposed facility.

The triangular shaped property is currently undeveloped and surrounded by the K-96 Expressway to the southwest, duplex dwellings and the Crestview Golf Course to the east, residential dwellings to the northeast, and a 8.9 acre tract to the north that was rezoned to 'AA' and platted for single family homes. The application area is located in a region identified as a "new growth" area by the Comprehensive Plan and it can be served by both water and sewer services.

No hydric soils commonly associated with wetlands are located on the site, according to the Soil Survey of Sedgwick County. Also, no portion of the application area is located within a 100-year floodplain, according to the FEMA maps.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	'AA'	Undeveloped
SOUTH:	'R-1', 'LC'	K-96 Expressway
EAST:	'R-1', 'LC'	Duplex dwellings, golf course
WEST:	'R-1', 'LC'	K-96 Expressway, undeveloped

PUBLIC SERVICES: Municipal water is available from a 16-inch water line along 127th Street East. The application area is located within the County's Four-Mile Creek Sewer Service Area. The County Bureau of Public Services indicates that the

proposed development area can be served with sewer services.

The site has access to 127th Street East, a 2-lane paved arterial (maintained by Sedgwick County) with 50 feet of existing half street right-of-way. The site would not have access to Central and the applicant indicates that access is not planned for the assisted living facility from the private street along the eastern property line.

Traffic counts are not available for 127th Street East. However, traffic volumes on Central range from approximately 5,300 average daily trips (ADT) west of 127th Street East to approximately 5,400 ADT east of 127th Street East.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan identifies the application area as a "new growth" area. According to the Guide, these areas are readily accessible, and growth patterns are cost-effective from the standpoint of community facility and service provision.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends the following:

- A. **APPROVE** the zone change request (SCZ-0690) for the "AA" One Family Dwelling District.
- B. **APPROVE** the request of a Conditional Use Permit (CU-382). If the Planning Commission determines that the Conditional Use Permit is appropriate, the following are recommended conditions of approval:
 - 1. The Conditional Use Permit shall be in general conformance with the NE Corner Central / 127th Street East Conditional Use Plan approved by the Board of County Commissioners and shall allow an assisted living facility in Parcel 1 (a place which has individual living units, 24-hour staff services, and scheduled programs which provide daily living care. Such daily living care may be for those who, by choice or due to functional impairments, need personal attention or even supervised nursing care on an intermittent or limited term basis). Multiple family dwellings without 24-hour daily care and elderly clients (such as garden apartments, townhomes, tri-plexes, and four-plexes) shall not be permitted.
 - 2. A maximum of 50 assisted living dwelling units shall be permitted and all units must be located in Parcel 1. Future development in Parcel 2 will be allowed only by an amendment to the conditional use permit after a formal public hearing before the MAPC and the Board of County Commissioners.

3. The architectural facade on the assisted living facility shall be designed with a residential architectural character, and shall share similar color, and texture, and the same predominate exterior building material as the surrounding residential areas. The facility shall have a pitched roof.
4. The maximum building height shall be 35 feet.
5. All mechanical equipment and service areas shall be shielded from view from the property lines.
6. The minimum building setbacks shall be 25 feet as indicated on the site plan.
7. Off-street parking for the assisted living facility shall not be less than 0.75 parking spaces per dwelling unit.
8. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent residential property.
9. Complete access control directly to or through Parcel 2 to Parcel 1 shall be maintained from the private residential street along the east property line.
10. A minimum of 50 shrubs and 30 trees shall be planted and maintained between the parking area for the assisted living facility and the residentially zoned property to the north of Parcel 1.
11. All property included within this Conditional Use Permit shall be platted within 1-year after approval of this Conditional Use Permit by the Board of County Commissioners or the provisions of this Conditional Use Permit shall become null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by single family homes at low densities. The restrictions of the Conditional Use Permit would place use and architectural restrictions on the site, as well as limit the number of dwelling units to levels that are not substantially above what could be developed on the site under the existing zoning. Therefore, the proposed development on this site appears to be reasonably consistent with the character of the surrounding neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: Due to the awkward configuration of the parcel, this site may be somewhat more difficult to develop with a traditional single family residential subdivision. Therefore, it seems logical that the site would develop with other forms of residential dwellings that are consistent with the character of the surrounding area.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the suggested restrictions of the Conditional Use Permit, the subject property would be limited to a living facility designed with a residential character similar in materials, styles, and textures to the surrounding neighborhood. Therefore, the proposed zone change should not significantly impact nearby properties.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Sedgwick County Development Guide of the Comprehensive Plan identifies the application area as a "new growth" area. These areas are generally expected to develop by the year 2001. The Land Use Guide of the Comprehensive Plan identifies this area for low density residential uses, typically areas with 1 to 6 dwelling units per acre, but recognizes that some higher density developments are appropriate in such areas. The Conditional Use Permit would limit the number of dwelling units in the assisted living facility to 7.1 units/acre, and the location of this use near a major intersection, make this proposed development consistent with the Plan.

5. Impact of the proposed development on community facilities: Municipal water services are nearby and the development area can be served by the County's Four-Mile Creek Sewer District. The proposed assisted living facility should have a minimal impact upon traffic volumes on the nearby arterial roadways.