CONDITIONAL USE RESOLUTION NO. CU-492

WHEREAS, Ken and Julie Endicott, 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 temporary accessory dwelling unit on 5 acres zoned "RR" Rural Residential described as:

> Beginning at the southwest corner of the Northeast Quarter of Section 32, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, thence north 660 feet, thence east 342.10 feet, thence south 660 feet, thence west 340.36 feet to the place of beginning, except the north 35 feet and the east 35 feet for road. Generally located south of 82nd Street North approximately ½ mile west of Tyler Road (9525 W. 82nd Street North).

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 August 27, 1998, 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 temporary accessory dwelling unit on 5 acres zoned "RR" Rural Residential described as:

> Beginning at the southwest corner of the Northeast Quarter of Section 32, Township 25 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, thence north 660 feet, thence east 342.10 feet, thence south 660 feet, thence west 340.36 feet to the place of beginning, except the north 35 feet and the east 35 feet for road. Generally located south of 82nd Street North approximately ½ mile west of Tyler Road (9525 W. 82nd Street North).

subject to the following conditions:

A. The applicant shall have obtained all applicable permits, including but not limited to, building, health and zoning. In particular, the applicant shall submit verification to the County Zoning Administrator from the Health Department that the improvements needed now are completed prior to issuance of a Certificate of Occupancy.

B. The accessory apartment is limited to a residence for the applicant's mother and shall remain only as long as she resides on the site in the accessory structure. The applicant shall report on the status of his mother's occupancy of the accessory dwelling to the Sedgwick County Code Office on a yearly basis, beginning in August of 1999, with a copy provided to the Valley Center Planning Commission.

C. The site shall be developed in general compliance with the submitted site plan.

D. The accessory apartment shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use or if the applicant's father no longer resides on the accessory apartment.

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

Adopted this 27th day of August, 1998. 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

Richard E. Lopez, Chairman

ATTEST:

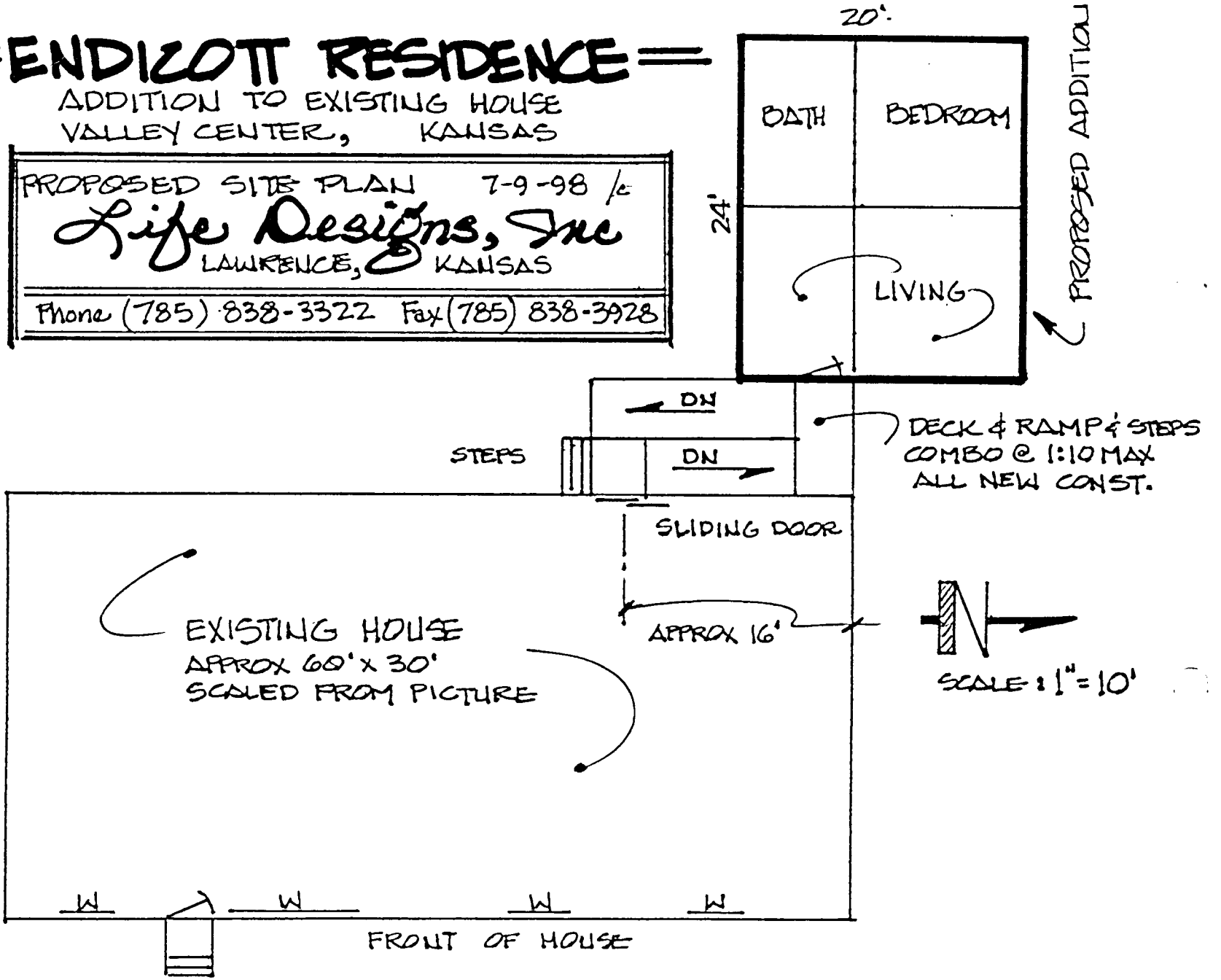
Marvin S. Krout, Secretary

ENDICOTT RESIDENCE

ADDITION TO EXISTING HOUSE
VALLEY CENTER, KANSAS

PROPOSED SITE PLAN 7-9-98 /c

Life Designs, Inc
LAWRENCE, KANSAS
Phone (785) 838-3322 Fax (785) 838-3928



WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

Valley Center PC August 25, 1998
MAPC August 27, 1998

CASE NUMBER: CU-492

OWNER/APPLICANT: Ken and Julie Endicott

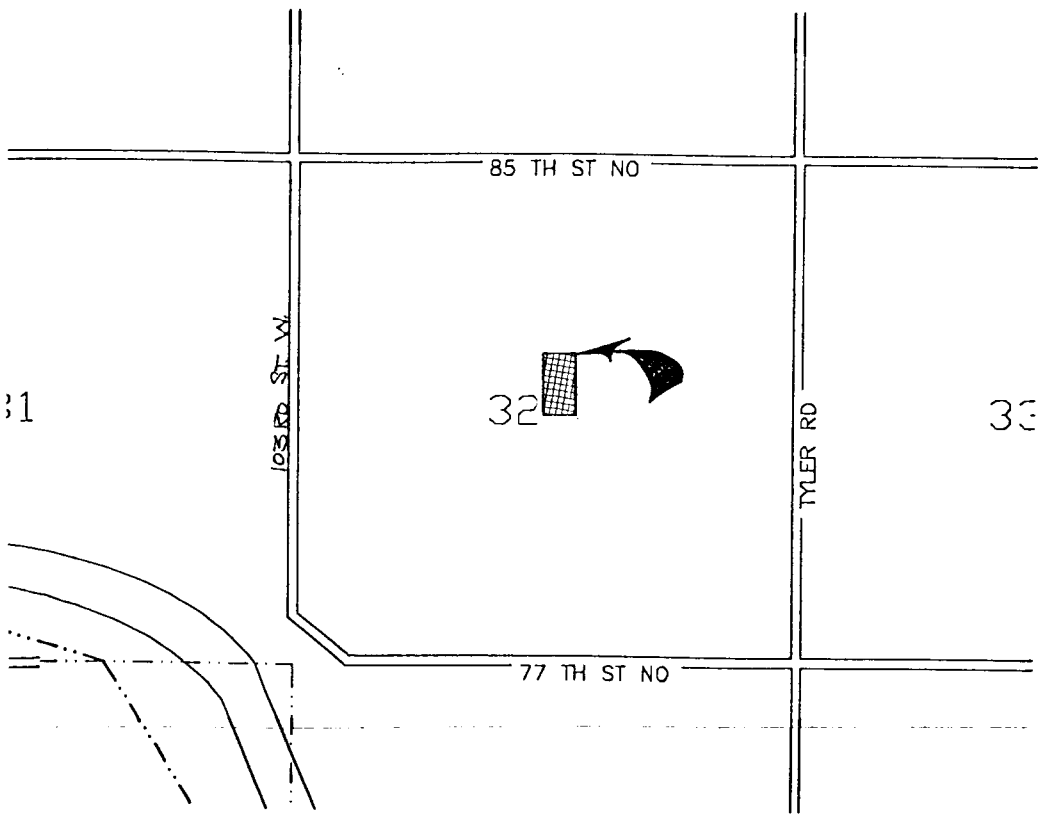
REQUEST: Conditional Use Permit to allow an temporary accessory dwelling unit.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: Approximately 5 acres

LOCATION: South of 82nd Street North approximately ½ mile west of Tyler Road. (9525 West 82nd Street North).

PROPOSED USE: Apartment to care for aging mother.



BACKGROUND: The applicants are requesting approval of the placement of a temporary accessory apartment, known as an ECHO housing unit, to provide care and supervision to an aging mother. As specified in the agreement with the not-for-profit entity providing the temporary apartment, when the father no longer needs the apartment, it will be removed.

This property is occupied by a manufactured home and is at the southwest "corner" of the subdivided lots in this area. A loop road system serves the lots and the home is situated such that most of the balance of the improvements on the property are to the south and west of the home and away from all the adjoining properties. The proposal is to construct the 20-foot by 24-foot "apartment" behind the existing home. This will make if virtually invisible to the surrounding homes and only visible from the adjoining fields to the west and south.

There are rural residential uses to the east and north of this site, with agricultural uses to the south and west. The residential uses north and east are on similar sized lots. Most of the residences are manufactured homes on individual lots.

According to the applicant's agent, ECHO housing units are temporary, handicapped-accessible, living units constructed adjacent to the home of the relative and designed for individuals who, because of a handicap or mental incapacity, are unable to stay at home alone but are not in need of the services of a nursing home.

The accessory apartment is being provided through a special HUD demonstration program. The funding has been approved to a not-for-profit housing organization known as Contemporary Housing Alternatives of Kansas. Under this program, income-eligible candidates will rent the home addition from the not-for-profit organization. When the person no longer needs the unit it will be disassembled and relocated to another individual eligible under the program.

Some important considerations of this program are: the unit is medically necessary; built in architectural harmony with the neighborhood; and will be removed when it is no longer necessary. Further, the unit meets appropriate local building standards.

The Unified Zoning Code has Supplementary Use Regulations for accessory apartments and for the temporary placement of manufactured homes under hardship conditions. This proposal is a "hybrid" of both these situations and is a relatively new approach to meeting the housing needs of our aging population. While the specific conditions found in the Unified Zoning Code do not fit the situation on this site with this request, the spirit and intent of the Unified Zoning Code is being met.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Rural Residential
SOUTH:	"RR"	Rural Residential
EAST:	"RR"	Rural Residential
WEST:	"RR"	Rural Residential

PUBLIC SERVICES: The site uses on-site wastewater services (lagoon) and a water well. A letter from the Health Department advises to present lagoon can be used for this dwelling unit; however some maintenance needs to be done and there may some potential for overloading the lagoon if a heavy water usage occurs.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide Plan identifies this area as Agricultural. It is approximately three miles west of Valley Center in an area predominately agricultural. The rural residential development in the area occurred when the County's rules permitted such activity without platting.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for placement of a temporary accessory apartment be APPROVED, subject to the following conditions:

A. The applicant shall have obtained all applicable permits, including but not limited to, building, health and zoning. In particular, the applicant shall submit verification to the County Zoning Administrator from the Health Department that the improvements needed now are completed prior to issuance of a Certificate of Occupancy.

B. The accessory apartment is limited to a residence for the applicant's mother and shall remain only as long as she resides on the site in the accessory structure. The applicant shall report on the status of his mother's occupancy of the accessory dwelling to the Sedgwick County Code Office on a yearly basis, beginning in August of 1999.

C. The site shall be developed in general compliance with the submitted site plan.

D. The accessory apartment shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use or if the applicant's ~~father~~ mother no longer resides on the accessory apartment.

E. Any violation of the conditions approved as 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 surrounding zoning is "RR" Rural Residential. The low density of existing development is not harmed by the placement of this unit. The temporary accessory apartment is totally hidden from view from the residences to the north and east, and there is no other negative impacts from the placement of the unit.

2. Suitability of the subject property for the uses to which it has already been restricted: The code permits a temporary accessory structure provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet those criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the very limited use and its location on the site, the placement of the temporary accessory apartment has no detrimental impact on surrounding properties.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code anticipated these uses and makes specific provision for this type of land use. The site appears to comply with all of provisions outlined in the code for a temporary accessory apartment. Approval of this request will not be contrary to any Comprehensive Plan policies or guidelines.

5. Impact of the proposed development on community facilities: None identified.