CONDITIONAL USE RESOLUTION NO. CU-487

WHEREAS, Ellen Caskey, 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 manufactured home on 10 acres zoned "RR" Rural Residential described as:

> A tract of land described as beginning at the the Northwest Quarter of Section 21, Township 29 South, Range 1 East, Sedgwick County, Kansas; thence E along the North line of said Quarter Section, a distance of 45 rods; thence South parallel with the West line of the East half of the Northwest Quarter, a distance of 814.5 feet, more or less, to the Northerly line of the Cowskin Drainage Ditch Right of Way, thence Northwesterly along the Northerly line of said Right of Way to the point where said line intersects the West line of the East half of the said Northwest Quarter; thence North along the West line of the East half of said Quarter Section a distance of 663.5 feet, more or less, to the point of beginning, EXCEPT the East 198 feet of said tract. Generally located south of 95th Street South, one-quarter mile west of Kansas Turnpike.

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 July 30, 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 a temporary accessory manufactured home on 10 acres zoned "RR" Rural Residential described as:

> A tract of land described as beginning at the the Northwest Quarter of Section 21, Township 29 South, Range 1 East, Sedgwick County, Kansas; thence E along the North line of said Quarter Section, a distance of 45 rods; thence South parallel with the West line of the East half of the Northwest Quarter, a distance of 814.5 feet, more or less, to the Northerly line of the Cowskin Drainage Ditch Right of Way, thence Northwesterly along the Northerly line of said Right of Way to the point where said line intersects the West line of the East half of the said Northwest Quarter; thence North along the West line of the East half of said Quarter Section a distance of 663.5 feet, more or less, to the point of beginning, EXCEPT the East 198 feet of said tract. Generally located south of 95th Street South, one-quarter mile west of Kansas Turnpike.

subject to the following conditions:

A. The applicant shall obtain all applicable permits, including but not limited to: building, health and zoning. Specifically the requirements contained in Section III-D.6.I.(2) of the Unified Zoning Code shall be met.

B. The accessory home shall remain on the site as an accessory dwelling for Mrs. Casky's parents only as long they reside on the site in the accessory structure. Mrs. Casky shall report on the status of her parent's occupancy of the accessory dwelling to the Sedgwick County Code Enforcement Department on a yearly basis, beginning in July of 1999.

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

D. The manufactured home 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 Mrs. Casky's parents no longer reside in the manufactured home.

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

Adopted this 30th day of July, 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

95th STREET SOUTH
N
50'
544.5'
50'
Well
Existing House & Septic
2 car Garage
Trailor
70'
A Tract in the NW¼. Sec. 21. TWP 29 S. RIE.
Bore hole
WICHITA-SEDGWICK COUNTY DEPT. OF
6-18-98
COMMUNITY
HEALTH
KANSAS
Ka
1 Bore hole
724.21'
263.5'
Floodway Reserve Agreement
Film 672 Pg. 754
North

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 9

STAFF REPORT

Haysville July 23, 1998
MAPC July 30, 1998

CASE NUMBER: CU-487

APPLICANT/AGENT: Ellen Caskey (owner/agent)

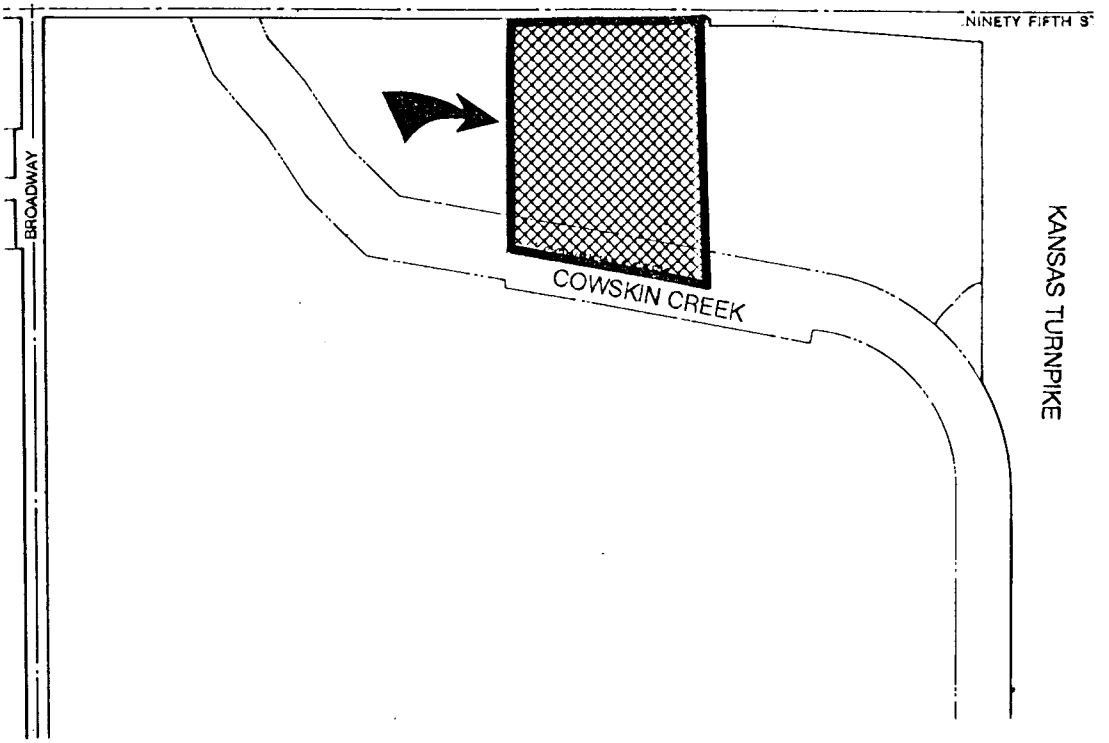
REQUEST: Conditional Use to allow a temporary accessory manufactured home

CURRENT ZONING: "RR", Rural Residential

SITE SIZE: 10 acres

LOCATION: South of 95th Street South, one-quarter mile west of Kansas Turnpike

PROPOSED USE: Temporary manufactured home for elderly parents



BACKGROUND: The applicant requests a conditional use to permit the temporary placement of a manufactured home on ten acres of unplatted property zoned "RR", Rural Residential. The property is located south of 95th Street South, about one-quarter mile west of the Kansas Turnpike. The home would be used to house the applicant's invalid parents on the same property occupied by the applicant. As indicated on the site plan, the applicant's home is located in the eastern half of the application area. The proposed temporary manufactured home would be located 70 feet west of the applicant's home. The closest home off-site home to the proposed temporary home is approximately 400 feet. On-site sewer and water services are being utilized.

The site has large lot residential uses located to the east and west. There are at least two manufactured homes located east of the site. Agricultural uses are located to the north and south. All of the adjoining properties are zoned "RR", Rural Residential. A polo field is located to the north of the site and has recently received approval of a conditional use to permit the outdoor recreation use.

County code permits the placement of an accessory manufactured home on a temporary basis on residentially zoned property in the unincorporated area of the county provided: all setbacks are observed; the home is connected to a public water supply and municipal sewer system or obtains approval from the City-County Health Department for on-site systems; obtains documentation proving the medical hardship exists and that the hardship would not be alleviated without the granting of the conditional use; the Planning Commission shall establish a reasonable time limit for the home to remain on the site and the home is to be removed within 90 days after a change in the circumstances used as a basis for the conditional use.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"RR", Rural Residential; agricultural, polo field
SOUTH:	"RR", Rural Residential; agricultural
EAST:	"RR", Rural Residential; single-family residences
WEST:	"RR", Rural Residential; single-family home

PUBLIC SERVICES: No public sewer or water services are available. The applicant has contacted the Wichita-Sedgwick County Department of Community Health to start review processes. 95th Street is a two-lane paved county road.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide depicts this area as appropriate for "suburban" uses. The suburban category provides for large-lot residential living areas where a full range of municipal services are not available. Recommended lot size ranges up to 20 acres.

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 applicant shall obtain all applicable permits, including but not limited to: building, health and zoning. Specifically the requirements contained in Section III-D.6.I.(2) of the Unified Zoning Code shall be met.

B. The accessory home shall remain on the site as an accessory dwelling for Mrs. Casky's parents only as long they reside on the site in the accessory structure. Mrs. Casky shall report on the status of her parent's occupancy of the accessory dwelling to the Sedgwick County Code Enforcement Department on a yearly basis, beginning in July of 1999.

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

D. The manufactured home 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 Mrs. Casky's parents no longer reside in the manufactured home.

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 site has large lot residential uses located to the east and west. There are at least two manufactured homes located east of the site. Agricultural uses are located to the north and south. All of the adjoining properties and the application area are zoned "RR", Rural Residential. A polo field is located to the north of the site and has recently received approval of a conditional use to permit the outdoor recreation use. This area is a mix of large-lot residential uses and agricultural activities.

2. The suitability of the subject property for the uses to which it has been restricted: The code permits a temporary, accessory manufactured home 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 large lots sizes and agricultural uses in the surrounding area, it is difficult to think the placement of a temporary manufactured home on ten acres would significantly detrimental impact surrounding properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The plan does not speak specifically to accessory homes in the rural areas of the county. The zoning code anticipated theses uses and makes specific provision for this type of land use. The site appears to comply with all of the provisions outlined in the code for a temporary accessory manufactured home. Approval of this request will not harm any Comprehensive Plan policies or guidelines.

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