CONDITIONAL USE RESOLUTION NO. CON2003-00035

WHEREAS, Linda Patrick and Donna Castaneda (Owner/Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a temporary accessory apartment and temporary accessory manufactured home dwelling on 9 plus acres zoned "SF-20" Single-family Residential described as:

> The East Half of the Northeast Quarter of the Northeast Quarter, except the North 734 feet thereof, Section 8, Township 28 South, Range 2 East of the 6th P.M. Sedgwick County, KS. Generally located south of 31st Street South approximately 1/8 mile, west of Webb Road.

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 October 9, 2003, 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 for a temporary accessory apartment and temporary accessory manufactured home dwelling on 9 plus acres zoned "SF-20" Single-family Residential described as:

> The East Half of the Northeast Quarter of the Northeast Quarter, except the North 734 feet thereof, Section 8, Township 28 South, Range 2 East of the 6th P.M. Sedgwick County, KS. Generally located south of 31st Street South approximately 1/8 mile, west of Webb Road.

subject to the following conditions:

1. The site shall be developed in general conformance with the adopted site plan and in conformance with applicable sections of Unified Zoning Code Section III-D. I. dealing with manufactured homes in the County, including III-D. I. (3) and (4).
2. In the event the applicant cannot complete the second home on time, or fails to obtain an extension of time, it is the second home that is to be removed.
3. The applicant shall obtain all applicable permits, including but not limited to building, health and zoning.
4. Any violation of these conditions shall render this Conditional Use Permit null and void.

Adopted this 9th DAY of OCTOBER, 2003. 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

Ronald L. Marnell, Chair MAPC

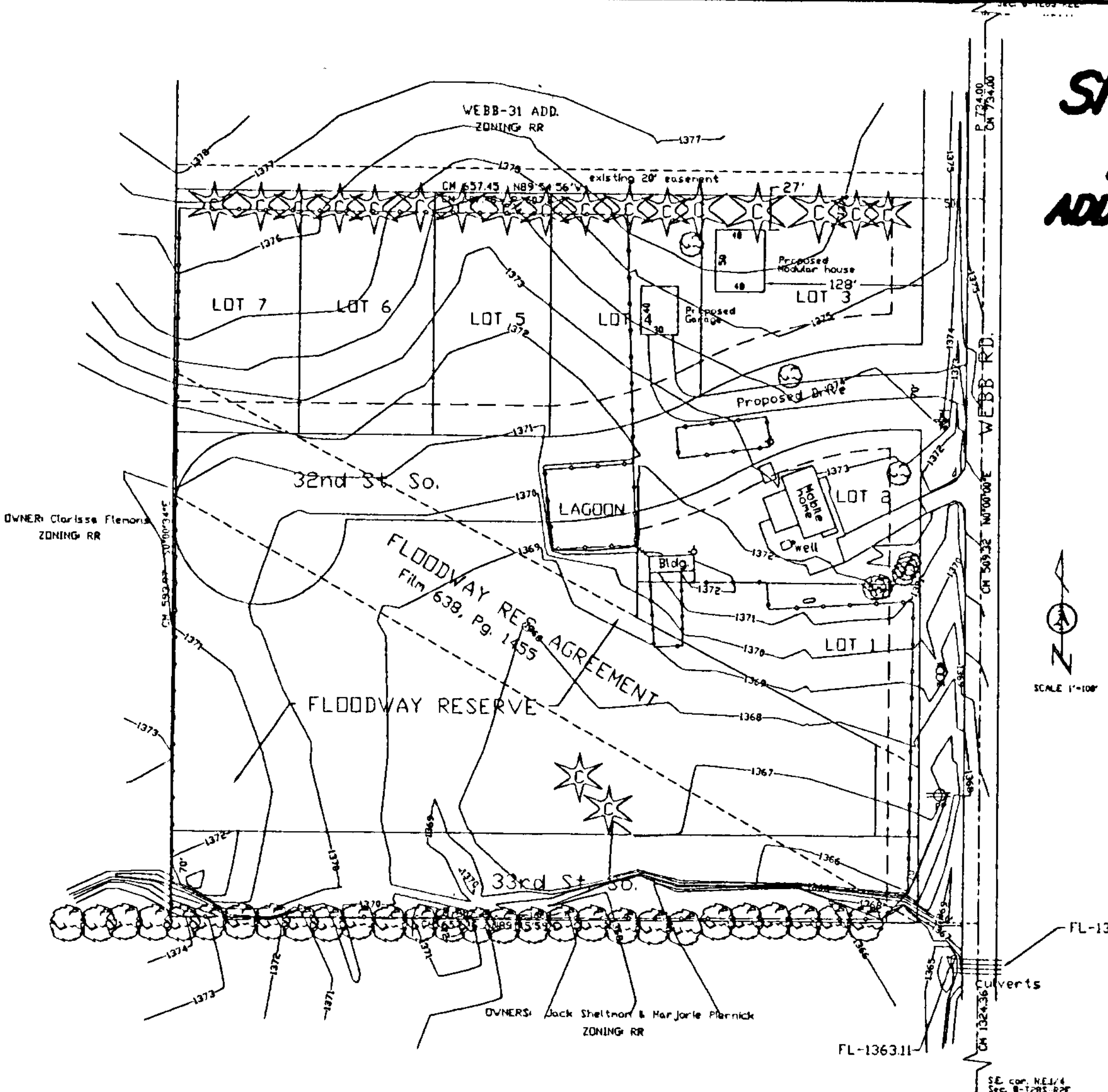
ATTEST:

John L. Schlegel, Secretary

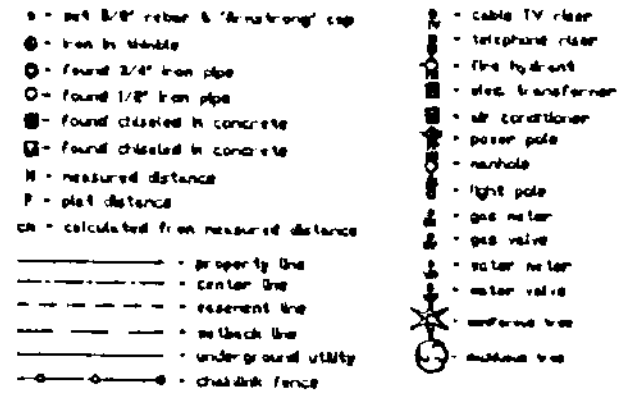
SITE PLAN OF PROPOSED HEAVEN'S ~~ACRES~~ GATE ADDITION TO SEDGWICK COUNTY, KANSAS

OWNER: Linda K. Patrick
3333 So. Webb Rd.
Wichita, KS 67210
ZONING: RR

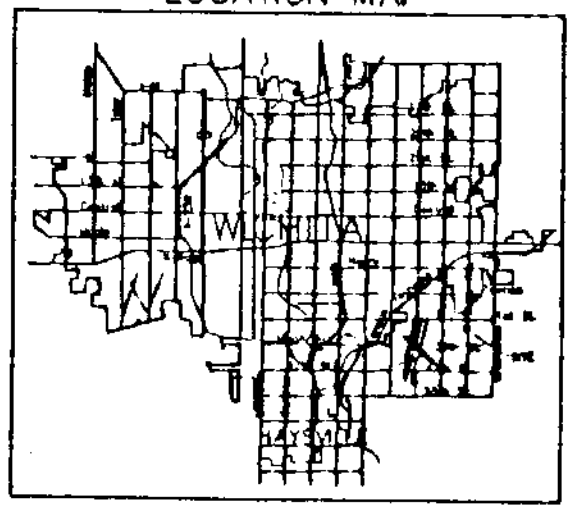
LEGAL DESC. - THE EAST HALF OF THE NORTHEAST QUARTER, EXCEPT THE NORTH 734 FEET THEREOF SECTION 8, TOWNSHIP 28 SOUTH, RANGE 2 EAST P.M., SEDGWICK COUNTY, KANSAS.



LEGEND



LOCATION MAP



ARMSTRONG LAND SURVEY, P.A.
250 N. MATHEWSON
WICHITA, KANSAS
PH - (316) 263-0082
Fax - (316) 263-0092

SITE PLAN

APPROVED 10-24-03 BY DM

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC 10 - 9 - 03

CASE NUMBER: CON2003-35

APPLICANT/AGENT: Linda Patrick and Donna Castaneda (applicants)

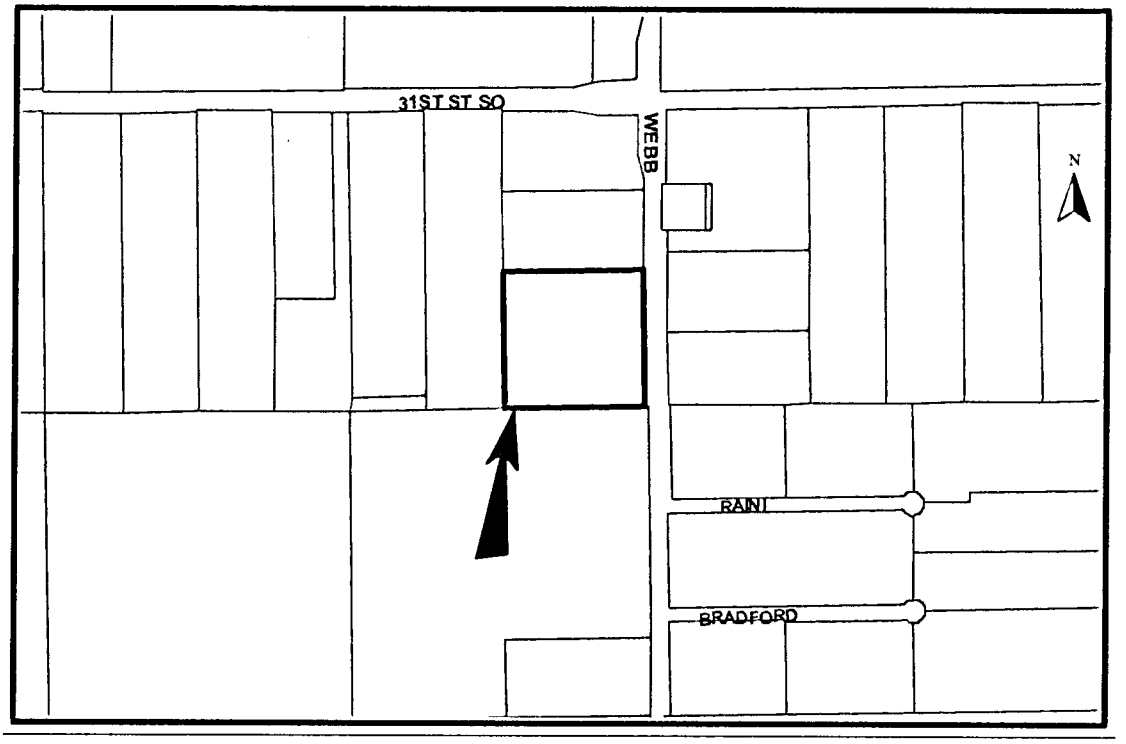
REQUEST: Temporary manufactured home and Temporary accessory manufactured home dwelling

CURRENT ZONING: "SF-20" Single-family Residential

SITE SIZE: 9 plus acres

LOCATION: South of 31st Street South approximately 1/8 mile, west of Webb

PROPOSED USE: temporary accessory apartment and temporary accessory manufactured home dwelling



BACKGROUND: The applicant is seeking a Conditional Use to permit a "temporary manufactured home" and a "temporary accessory manufactured home dwelling" on eight plus acres located 1/8 mile south of 31st Street South and west of Webb Road. The application area is developed with a doublewide manufactured home occupied by one of the applicants. Due to a medical condition, the applicant currently living onsite requires assistance with daily living activities. The other applicant intends to locate a second home on the property, and provide the needed medical assistance. When there is no longer a need for both homes on the site, the existing manufactured (original) home will be removed. The attached site plan depicts the second home is to be located north of the existing home. A plat has been submitted for this site.

The Unified Zoning Code permits a second unit on the same lot as a "temporary manufactured home," and allows for the construction of a second unit on the same lot provided the second home is constructed within one year from the date of approval and the first home is removed within 90 days of the completion of the second structure.

In this instance, the second home would need to be removed in the event the applicant is unable to complete the project on-time or obtain a time extension.

Nearby land is used for a variety of land uses ranging from: vacant, agricultural, large lot residential and funeral home. All surrounding land is zoned "LC" Limited Commercial or "SF-20" Single-family Residential.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "SF-20" Single-family Residential and "LC Limited Commercial; vacant, funeral home
SOUTH: "SF-20" Single-family Residential; agriculture
EAST: "SF-20" Single-family Residential; residences, vacant, church
WEST: 'SF-20" Single-family Residential; vacant, residential

PUBLIC SERVICES: The applicant intends to utilize existing onsite facilities. City of Wichita sewer and water services are not available at this location. Webb Road is a paved two-lane road.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide Map depicts this site as appropriate for "low density residential" uses that are defined as 1-6 dwellings units per acre. The site is also located within the 2030 urban service delivery area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with the adopted site plan and in conformance with applicable sections of Unified Zoning Code Section III-D. I. dealing with manufactured homes in the County, including III-D. I. (3) and (4).
2. In the event the applicant cannot complete the second home on time, or fails to obtain an extension of time, it is the second home that is to be removed.
3. The applicant shall obtain all applicable permits, including but not limited to building, health and zoning.
4. Any violation of these conditions shall render this Conditional Use Permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Nearby land is used for a variety of land uses ranging from: vacant, agricultural, large lot residential and funeral home. All surrounding land is zoned "LC" Limited Commercial or "SF-20" Single-family Residential. This area does not have municipal services. As municipal services are extended closer, this area will see increasing development pressures. At this point in time, the character of the area is primarily large-lot residential uses.

2. The suitability of the subject property for the uses to which it has been restricted: The site could continued to be used as zoned, however the medical needs of one of the applicants could not be addressed in the manner desired.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request should not detrimentally affect nearby property as long as the site is developed in general conformance with the site plan, and the fact that all land abutting the site is vacant, agricultural or residential.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this request will not diminish the public's welfare whereas denial of the request would make it difficult or impossible for the applicant to receive the assistance she seeks in the manner proposed.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with adopted plans as the Land Use Guide Map depicts this site as appropriate for "low density residential" uses that are defined as 1-6 dwellings units per acre. The site is also located within the 2030 urban service delivery area.

6. Impact of the proposed development on community facilities: Community facilities will not be impacted to any significant degree.