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Wichita-Sedgwick County Metropolitan Area Planning Department

January 27, 2006

Madeline Akers-Wood
1600 N. Ridgewood Drive
Wichita, KS 67208

RE: CON2005-51 – Sedgwick County Conditional Use for Group Residence, Limited on property zoned “RR” Rural Residential. Generally located west of Woodlawn and 1/2 mile north of 109th Street North. (District IV)

Dear Ladies and Gentlemen:

At its regular meeting on **January 25, 2006**, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Earnest Alexander, Youth Horizons, 1601 E. Douglas, Wichita, KS 67211
Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211
Robert Kaplan, Kaplan, McMillan and Harris, 430 N. Market, Wichita, KS 67202-2074
Rebecca L. Burnett, County Commissioner, District IV, Mail Stop County Suite 320
Robert Parnacott, Asst. County Counselor, Mail Stop County Suite 359

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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 by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
TIM R. NORTON	<u>no</u>
THOMAS G. WINTERS	<u>aye</u>
LUCY BURTNETT	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 25th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

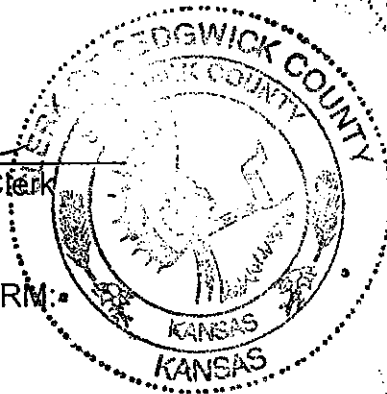
B. Sciortino
BEN SCIORTINO, CHAIRMAN
Fifth District

ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor



RESOLUTION N.O. 16-06

A RESOLUTION APPROVING A CONDITIONAL USE TO PERMIT A GROUP RESIDENCE, LIMITED ON 20 ACRES, ZONED "RR" RURAL RESIDENTIAL, LOCATED WEST OF 63RD STREET EAST (WOODLAWN), APPROXIMATELY 2,300 FEET NORTH OF 109TH STREET NORTH, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY 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 BOARD OF COUNTY COMMISSIONERS
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 V-D of the Wichita Sedgwick County Unified Zoning Code, a conditional use for the land legally described herein is approved as follows:

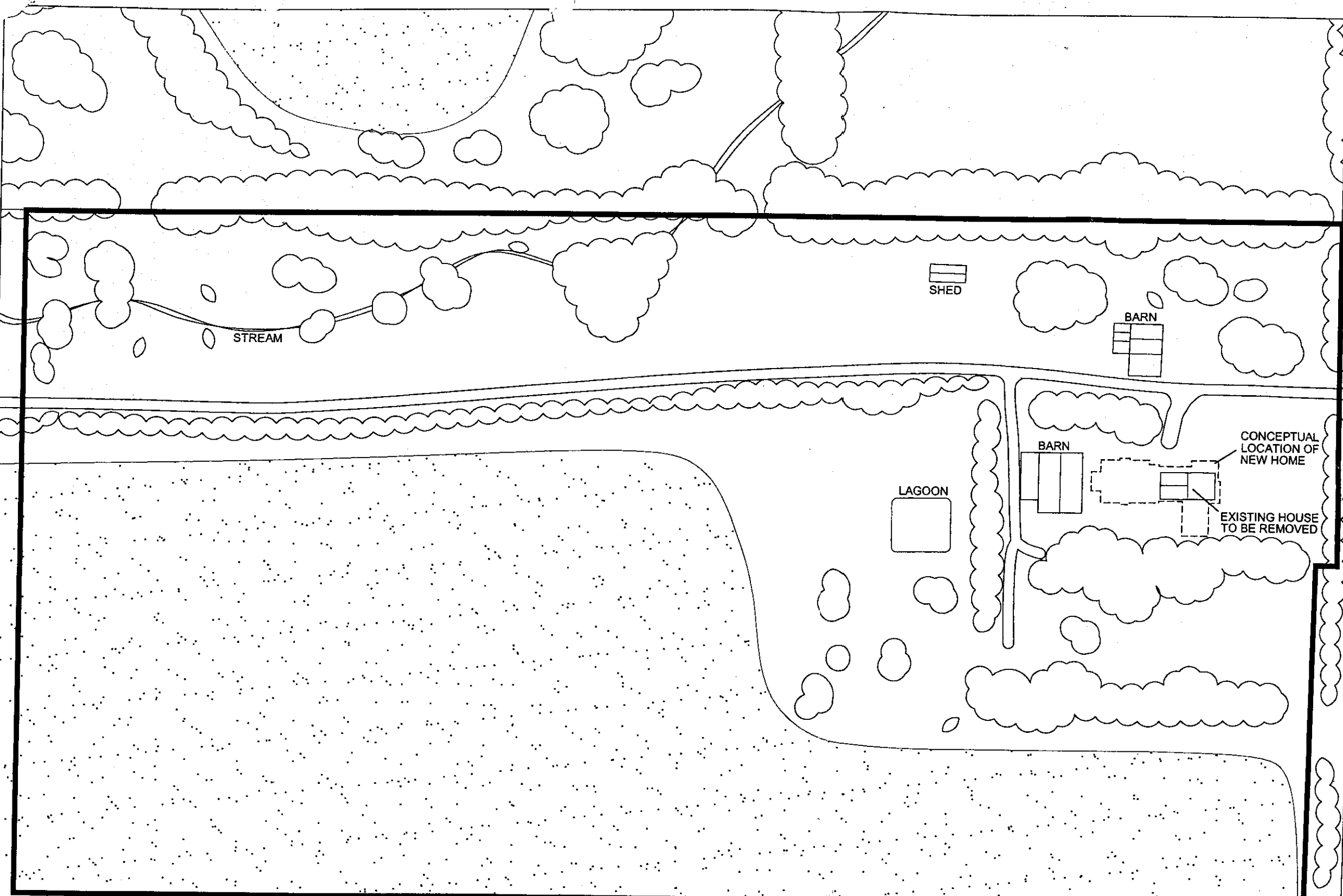
Case No. CON2005-00051

A Conditional Use to permit a "Group Residence, Limited" on property legally described as:

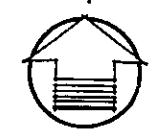
The North 1/2 of the SE 1/4 of Section 12, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part taken for road. Generally located west of 63rd Street East (Woodlawn), approximately 2,300 feet north of 109th Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. In addition to uses permitted by right in the RR Rural Residential district, the application area shall be approved for a "group residence, limited" use for up to eight children plus seven staff members. At least one supervisor employed by the agency operating the residence must be present at the home at all times when children are present at the home.
2. The site shall be developed in substantial conformance with the approved site plan, and in conformance with applicable Wichita-Sedgwick County Unified Zoning Code requirements dealing with "group residence, limited" uses, except the number of resident children shall be limited to eight.
3. The applicant shall obtain all applicable permits required to legally operate the requested use prior to commencing "group residence" activities.
4. 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 the Conditional Use null and void.



63RD STREET EAST (WOODLAWN)



SCALE: 1" = 100'

SITE PLAN

CON2005-00051
YOUTH HORIZONS
GROUP RESIDENCE



SITE PLAN

APPROVED Boce BY 1/25/06
Dcm

discussed the appropriateness of placing as a condition of approval of the Conditional Use the audit procedure suggested by the neighbors. By an 8-3 vote the MAPC approved a motion to approve the request subject to staff recommended conditions. Staff's recommendations did not include the audit requirement.

The owners of approximately 12 parcels of land filed letters of appeal. The protest for those property owners located within 1,000 feet of the perimeter of the application area is 9.67 percent, which is not sufficient to trigger the $\frac{1}{4}$ majority requirement to override their objections.

Alternatives:

- 1) Approve the Conditional Use, subject to the recommended conditions; adopt the findings of the Metropolitan Area Planning Commission and authorize the Chairman to sign the prepared resolution.
- 2) Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove.
- 3) Deny the request for the Conditional Use and override the MAPC recommendation with a 2/3rds vote.

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations:  ☒ *Approved as to form and signed by County Counselor's Office*

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AGENDA ITEM REQUEST

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Proposed Agenda Item: CON2005-00051 Sedgwick County Conditional Use for Group Residence, Limited on property zoned "RR" Rural Residential. Generally located west of Woodlawn and 1/2 mile north of 109th Street North. (District #4)

Presented By: John L. Schlegel, Planning Director *JLS*

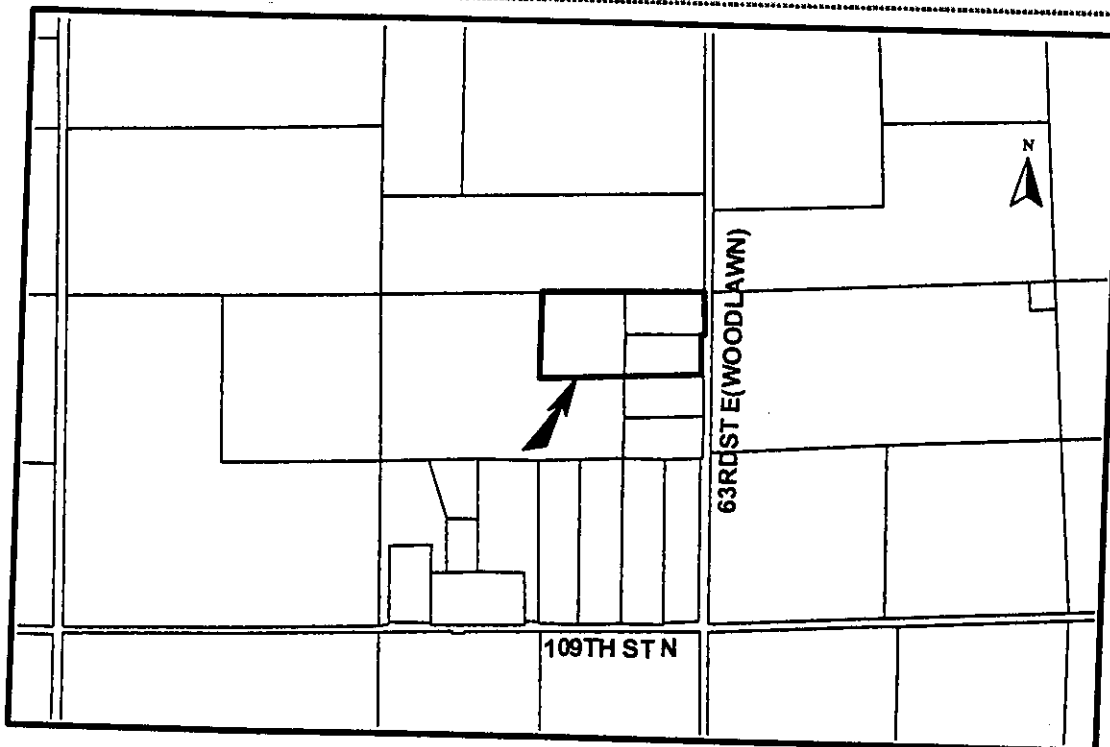
Recommended Action: Approve, subject to recommended conditions.

Proposed Agenda Date: January 25, 2006

Outside Attendees: Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211
Robert Kaplan, Kaplan, McMillan and Harris, 430 N. Market, Wichita, KS 67202

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The application area is 20 acres zoned RR Rural Residential located west of 63rd Street East (Woodlawn), approximately 2,300 feet north of 109th Street North. The applicant is seeking a Conditional Use to permit a "group residence" for up to eight boys who meet the definition of "children in need of care." Children in need of care are children who have been removed from their homes due to circumstances not of their own making. These children are not delinquents, and have not been placed in another residential setting by the courts due to violations they have committed. For whatever reason, the intended residents of this project have been removed from the care of their parents or guardians, and they cannot be quickly returned to their original residence. Therefore the request is not for a "correctional placement residence" but is for a "group residence, limited." Youth Horizons is the entity that will operate the home. They expect to purchase the 20 acres and construct a new home for up to eight boys at this location. The age range of children expected to be cared for at a residence like this is typically eight to 18.

The "Unified Zoning Code" permits up to five unrelated individuals to live in a single residence as a "family." Individuals living together in numbers greater than five are classified as "group residence, limited" six to 15 unrelated individuals to reside in a single home.

The site plan submitted with the application depicts a house, barn, a lagoon and three unidentified structures. Access is to 63rd Street East (Woodlawn), which is a sand and gravel road.

Surrounding properties are zoned RR Rural Residential and are mainly farmsteads and large agricultural or residential tracts.

Analysis: The Metropolitan Area Planning Commission (MAPC) reviewed this application on December 8, 2005. A number of citizens spoke in opposition. In their opinion the group residence request was out of character with the agricultural and large-lot single-family residential uses currently existing in the larger area; could generate increased traffic; was too remote with respect to quick response times for fire, EMS or sheriff's patrol and farming operations could be threatened. The MAPC deferred action, and directed the applicant to meet with neighbors.

A neighborhood meeting was held on December 19, 2005. Several of the neighbors were present as was the applicant. A number of issues were discussed ranging from: how Youth Horizons was governed; how children who are allowed to reside in Youth Horizon facilities are screened and selected; what supervision is provided; who gets to visit residents and how are the children educated. The primary issue that surfaced for neighbors was the need for some mechanism to be assured that the children housed at the facility are not juvenile offenders. The applicant stated that they do not accept children who are juvenile offenders, except when the offense is truancy. They will consider children who have been truant, but will not accept children with a record of more serious offenses. A lengthy discussion occurred with the most promising approach being one where the applicant could hire someone legally able to review juvenile records to review the files of children residing in the home, and verify that none were offenders except for truancy. The two sides departed the meeting indicating they would attempt to come up with an agreement and implementation procedure before MAPC was to take the item up again.

The MAPC considered the application again on December 22, 2005. At the meeting counsel for the neighbors and agent for the applicant indicated that they had not reached an agreement. The MAPC