CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 4, 2007

Youth Horizons, Inc.
Attn: Donovan Karber
1601 E. Douglas
Wichita, KS 67211

RE: **CON2007-00012** - Conditional Use to permit a 32 square foot sign (county) and to permit specific accessory uses in an existing accessory structure on RR Rural Residential zoned property

Dear Ladies and Gentlemen:

At its regular meeting on **May 3, 2007**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE, subject to the following conditions:

Existing Conditions:

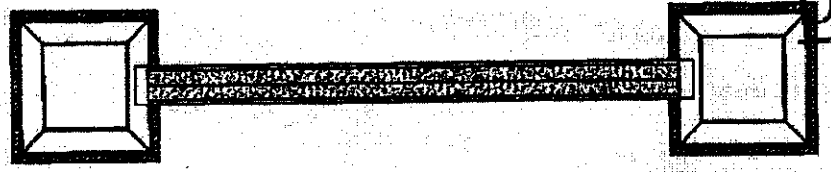
1. In addition to uses permitted by right in the RR Rural Residential district, the application area shall be approved for a "group residence, limited" use for up to eight children plus seven staff members. At least one supervisor employed by the agency operating the residence must be present at the 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.

Additional Conditions for the Amended Conditional Use Permit:

1. The accessory building is to be restricted for the following uses: ancillary storage, common meeting space and cafeteria/dining hall.
2. The accessory building shall meet all applicable building codes prior to occupancy.

APPROVED
SIGN ELEVATION CON 2007-12

Date: 6-14-07



3. The accessory building shall conform to the Unified Zoning Code definition of "Accessory Structure and Accessory Use", and shall be used for activities directly associated with the principal use as a Group Residence only.
4. Sign is to be constructed as shown on the approved sign plan.
5. Development and maintenance of the site shall be in conformance with the approved site plan.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially within 1,000 feet of the property for which the application was filed, and must be submitted to the County Clerk within 14 days of the conclusion of the MAPC hearing, **May 17, 2007, by 5:00 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 1,000 feet of the perimeter of the application area, unless the County Commission overrides such a protest and approves the application by a vote of 4 of its members.

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

Sincerely,

Derrick K. Slocum
Associatte Planner
Current Plans Division

DKS:mc

Cc: Russ Ewy Baughman Company, P.A., 315 Ellis, Wichita, KS 67211
Bill Buchanan, County Manager, Mail Stop County Rm #343
Kelly Parks, BOCC IV, Mail StopCounty Rm #320
Bob Parnacott, County Law Dept., Mail Stop County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213

(150006) Published in The Derby Reporter on 6-19-07

RESOLUTION NO. 139-07

A RESOLUTION APPROVING AN AMENDMENT TO CON2005-00051 TO PERMIT A 32 SQUARE FOOT SIGN AND TO PERMIT SPECIFIC ACCESSORY USES IN AN EXISTING ACCESSORY STRUCTURE ON "RR" RURAL RESIDENTIAL ZONED PROPERTY, 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 amendment for the land legally described herein is approved as follows:

Case No. CON2007-00012

A Conditional Use amendment to permit a 32 square foot sign and to permit specific accessory uses in an existing accessory structure, 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 EXISTING 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.

ADDITIONAL CONDITIONS FOR THE AMENDED CONDITIONAL USE PERMIT:

1. The accessory building is to be restricted for the following uses: ancillary storage, common meeting space and cafeteria/dining hall.
2. The accessory building shall meet all applicable building codes prior to occupancy.
3. The accessory building shall conform to the Unified Zoning Code definition of "Accessory Structure and Accessory Use," and shall be used for activities directly associated with the principal use as a Group Residence only.
4. Sign is to be constructed as shown on the approved sign plan.
5. Development and maintenance of the site shall be in conformance with the approved site plan.

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:

GWEN WELSHIMER	Aye
TIM R. NORTON	Aye
THOMAS G. WINTERS	Aye
KELLY PARKS	Aye
DAVID M. UNRUH	Aye

DATED this 30th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David M. Unruh, CHAIRMAN
First District

ATTEST:

DON BRACE, County Clerk

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

APPROVED AS TO FORM:

ROBERT W. PARNACOTT,
Assistant County Counselor

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC May 3, 2007

CASE NUMBER: CON2007-00012

APPLICANT/AGENT: Youth Horizons, c/o Earnest Alexander (property owner/applicant), Baughman Company P.A., c/o Russ Ewy (agent)

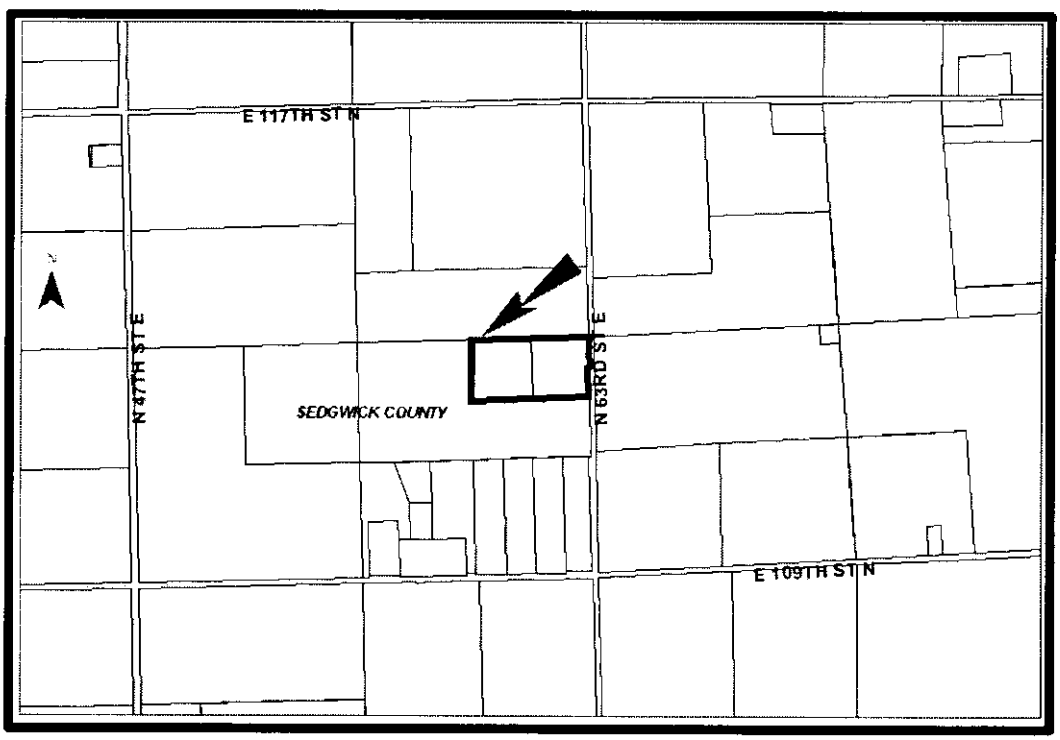
REQUEST: Conditional Use to permit a 32 square foot sign (county) and to permit specific accessory uses in an existing accessory structure on RR Rural Residential zoned property

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 20 acres

LOCATION: West of 63rd Street East (Woodlawn), approximately 2,300 feet north of 109th Street North

PROPOSED USE: Group Residence, Limited



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 to amend the existing Conditional Use permit (CON2005-00051) for this property to define the uses allowed for the accessory building and to allow the placement of a 32 square foot ground sign at the property entrance.

According to Section 6-346(g) of the Sedgwick County Sign Code *"This Article shall apply to all uses zoned by or within a Community Unit Plan, Planned Unit Development or Conditional Uses; provided that alternative or additional requirements concerning signs may be established on specific sites upon the approval of the Community Unit Plan, Planned Unit Development or Conditional Use by the Governing Body."* The final approval of the Conditional Use for group residence, limited, in RR zoning in the planning commission case was after the adoption of the 2004 Sign Code. The Sign Code gives only the Metropolitan Area Planning Commission (MAPC) and the County Commission (BoCC) the authority to determine appropriate sign standards within Conditional Uses.

The applicant is proposing a 32 square foot sign made of formed cast concrete with a letter height of 10" with the square footage for the letters being 12 square feet. The proposed sign is to be lit indirectly with the overall height of the sign structure at eight feet and the sign itself being seven feet. The County Sign Code only allows for business signs to be eight square feet, a maximum height of six feet, lighted indirectly with white incandescent lights in a RR zone (Section 6-346.) The code does allow for business signs for churches, schools, mining or quarrying uses to be 32 square feet, but this particular use does not fall under those uses listed. This proposed sign exceeds all the standards set forth in the County Sign Code for a business sign in a RR zone.

The other amendment to the Conditional Use is for the assigning of uses for the accessory structure currently on site. Once the primary structure is completed and operational, the applicant proposes to utilize the accessory structure for ancillary storage, common meeting space and as a cafeteria/dining hall.

The site plan submitted with the application depicts the primary group residence structure, an accessory structure, a lagoon and the proposed location of the new sign. 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.

CASE HISTORY: Conditional Use for a group residence, limited, approved on January 25, 2006. Platting was not required since there is only one residence on the site.

ADJACENT ZONING AND LAND USE:

NORTH:	RR Rural Residential; farmstead
SOUTH:	RR Rural Residential; agricultural
EAST:	RR Rural Residential; agricultural
WEST:	RR Rural Residential; agricultural

PUBLIC SERVICES: On-site services will be used, as publicly supplied sewer and water are not available.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan's "2030 Urban Growth Areas Map" depicts this site as appropriate for "rural" uses. Rural areas are primarily intended for agricultural uses, resource based uses and other non-agricultural uses having no impact greater than typical agricultural uses, and do not require publicly supplied services. This site is outside of any projected urban growth boundaries.

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

Existing 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.
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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.

Additional Conditions for the Amended Conditional Use Permit:

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3. The accessory building shall conform to the Unified Zoning Code definition of "Accessory Structure and Accessory Use", and shall be used for activities directly associated with the principal use as a Group Residence only.
4. Sign is to be constructed as shown on the approved sign plan.
5. Development and maintenance of the site shall be in conformance with the approved site plan.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding properties are all zoned RR Rural Residential and used for agriculture and farmsteads. This is a rural

area.

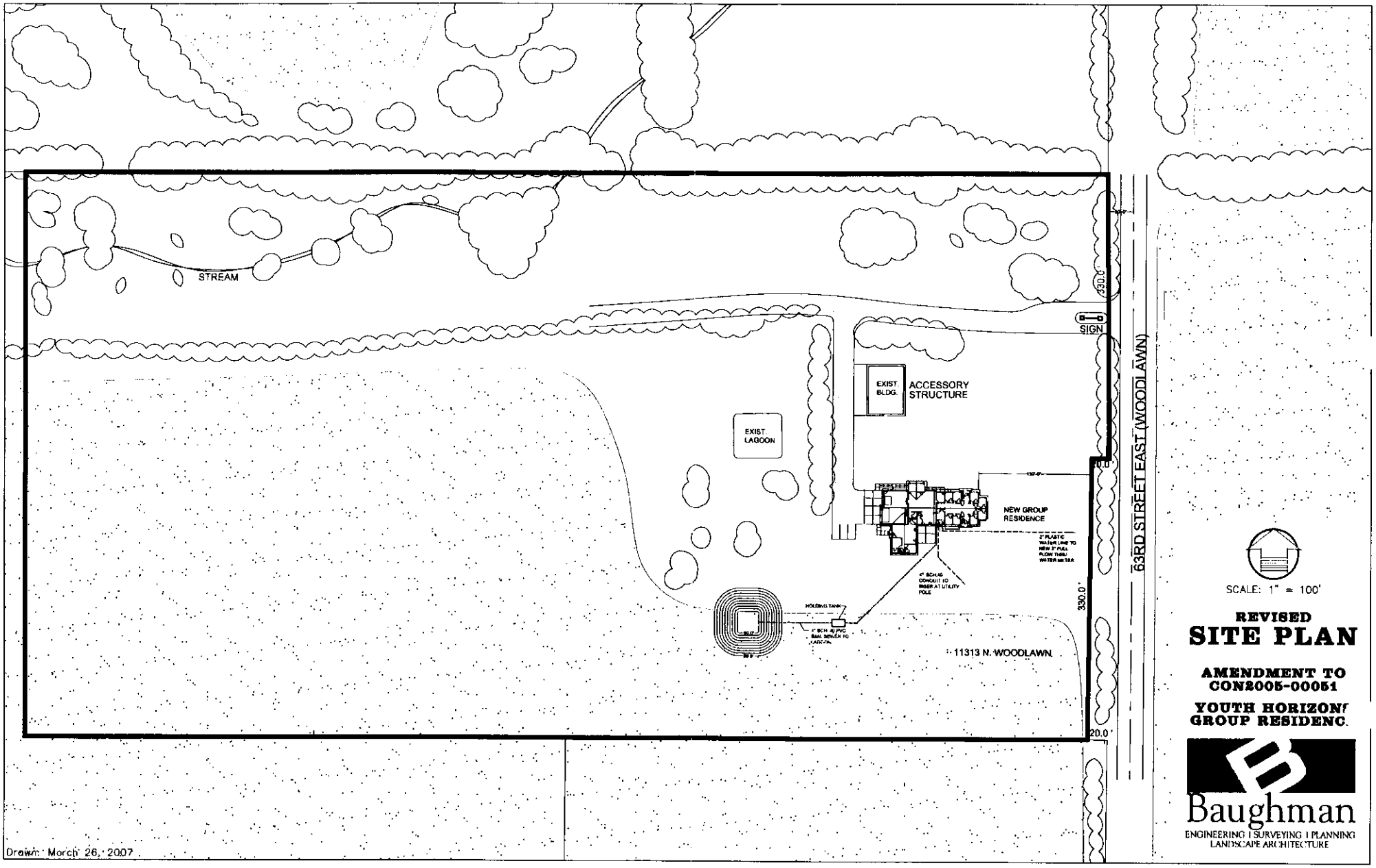
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR Rural Residential which permits a rather limited range of uses which are primarily residential, agricultural and institutional uses typically found in low density residential settings. The site could be used as currently zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request subject to the recommended conditions should limit anticipated negative effects to nearby properties.

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 would provide the applicant additional space to properly serve the children in need of care. Denial would force the applicant to amend his plan in order to fit the accessory uses within the primary structure. The limitation on the number of children and the types of uses allowed in the accessory structure should protect the public's health, safety and welfare.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The plan does not contain policies specific to this request however, the proposed 20-acre site is consistent with the property's "rural" designation, and large lot residential uses found in rural areas.

6. Impact of the proposed development on community facilities: The proposed use should not impact community facilities to any greater degree than individual residences located on 5-acre lots. The 20-acre site could be platted into at least four five-acre home sites, which could generate up to 40 daily vehicle trips.



SCALE: 1" = 100'

REVISED

SITE PLAN

AMENDMENT TO CON2005-00051

YOUTH HORIZONS GROUP RESIDENCE

Baughman

ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

Drawn: March 26, 2007