

CONDITIONAL USE RESOLUTION NO. CON2002-00026

WHEREAS, New Jerusalem Missions, Inc., c/o Penny Dugan (president) (Applicant/Owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow Group Residence, General and Recreational Vehicle parking on 14 acres zoned "RR" Rural Residential described as:

A tract of land in lying in the Southeast Quarter, Section 20, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas.

That part of the Southeast Quarter of Section 20, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as commencing at the Southeast corner of said Southeast Quarter; thence west, along the South line of said Southeast Quarter, 530 feet for a PLACE OF BEGINNING; thence continuing west, along the South line of said Southeast Quarter, 580 feet; thence north, parallel with the East line of said Southeast Quarter, 1070 feet; thence east, parallel with the South line of said Southeast Quarter, 1050 feet to a point on the West right-of-way line of U.S. Highway 81 as condemned in Case No. 92066 and being a point 60 feet west of the East line of said Southeast Quarter; thence south, along the West line of said right-of-way and parallel with the East line of said Southeast Quarter, 600 feet; thence west, parallel with the South line of said Southeast Quarter, 470 feet; thence south, parallel with the East line of said Southeast Quarter, 470 feet to the PLACE OF BEGINNING.

EXCEPT:

A tract of land lying in the Southeast Quarter, Section 20, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas; said tract more particularly described as follows:

BEGINNING at a point 30.00 feet North of the South line of said Southeast Quarter and 530.00 feet West of the East line of said Southeast Quarter; thence parallel with the South line of said Southeast Quarter on a assumed bearing of North 89 degrees 49'38" West, 580.00 feet; thence parallel with the East line of said Southeast Quarter, North 00 degrees 00'10" East, 440.00 feet; thence South 89 degrees 49'38" East, 580.00 feet; thence South 00 degrees 00'10" West, 440.00 feet to the POINT OF BEGINNING. Generally located north of 93rd Street North, west of North Broadway (9801 North Broadway), in the Valley Center Zoning Area of Influence.

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 11, 2002, 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 Group Residence, General and Recreational Vehicle Parking on 14 acres zoned "RR" Rural Residential described as:

A tract of land in lying in the Southeast Quarter, Section 20, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas.

That part of the Southeast Quarter of Section 20, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as commencing at the Southeast corner of said Southeast Quarter; thence west, along the South line of said Southeast Quarter, 530 feet for a PLACE OF BEGINNING; thence continuing west, along the South line of said Southeast Quarter, 580 feet; thence north, parallel with the East line of said Southeast Quarter, 1070 feet; thence east, parallel with the South line of said Southeast Quarter, 1050 feet to a point on the West right-of-way line of U.S. Highway 81 as condemned in Case No. 92066 and being a point 60 feet west of the East line of said Southeast Quarter; thence south, along the West line of said right-of-way and parallel with the East line of said Southeast Quarter, 600 feet; thence west, parallel with the South line of said Southeast Quarter, 470 feet; thence south, parallel with the East line of said Southeast Quarter, 470 feet to the PLACE OF BEGINNING.

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A tract of land lying in the Southeast Quarter, Section 20, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas; said tract more particularly described as follows:

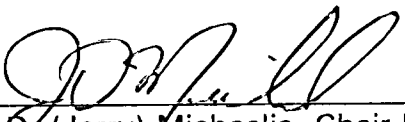
BEGINNING at a point 30.00 feet North of the South line of said Southeast Quarter and 530.00 feet West of the East line of said Southeast Quarter; thence parallel with the South line of said Southeast Quarter on a assumed bearing of North 89 degrees 49'38" West, 580.00 feet; thence parallel with the East line of said Southeast Quarter, North 00 degrees 00'10" East, 440.00 feet; thence South 89 degrees 49'38" East, 580.00 feet; thence South 00 degrees 00'10" West, 440.00 feet to the POINT OF BEGINNING. Generally located north of 93rd Street North, west of North Broadway (9801 North Broadway), in the Valley Center Zoning Area of Influence.

subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan.
3. Existing tree/hedge rows along the boundaries of the site shall be preserved and trees replaced as required, by the applicant, to ensure that present screening is maintained.
4. The Conditional Use shall be limited to a maximum of 20 persons housed in the two existing permanent structures.
5. The Conditional Use shall be limited to a maximum of six temporary Recreational Vehicles on the site; and shall be limited to a maximum of 24 persons temporarily housed in Recreational Vehicles.
6. Recreational Vehicles shall not empty sewage holding tanks into the on site lagoon, and shall not empty sewage holding tanks anywhere on the site.
7. The Group Residence, General, and Recreational Vehicle Parking on the site shall be operated for the housing of staff and volunteers working for an off-site non-profit organization, and their immediate families, and shall not be operated as a for-profit business.
8. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

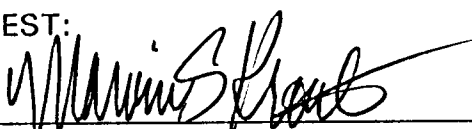
Adopted this 11th DAY of JULY, 2002. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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



J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

S 89°49'32" E
1050'

CON 2002-26

60'

FUTURE
RV SITE
(6 STALLS)

GARDEN

FOUNDATION

CHICKEN
COOP

GARAGE

MAIN HOUSE
(6 BR)

BARN

BARN

OFFICE

PAVILION

ACCESSORY
APT.
(2 BR)

BARN

FUTURE
LAGOON SITE

GROSS SIZE
14 ACRES

CREEK

N 00° S
600'

CONDEMNATION CASE #2066

US HIGHWAY 87 (BROADWAY AVE)

470
N 89°49'32" E
APPROVED

Date: 7-25-02



AGENDA ITEM NO. 6

STAFF REPORT

MAPC 7-11-02

CASE NUMBER: CON2002-00026

APPLICANT/AGENT: New Jerusalem Missions, Inc. (owners); Penny Dugan (president)

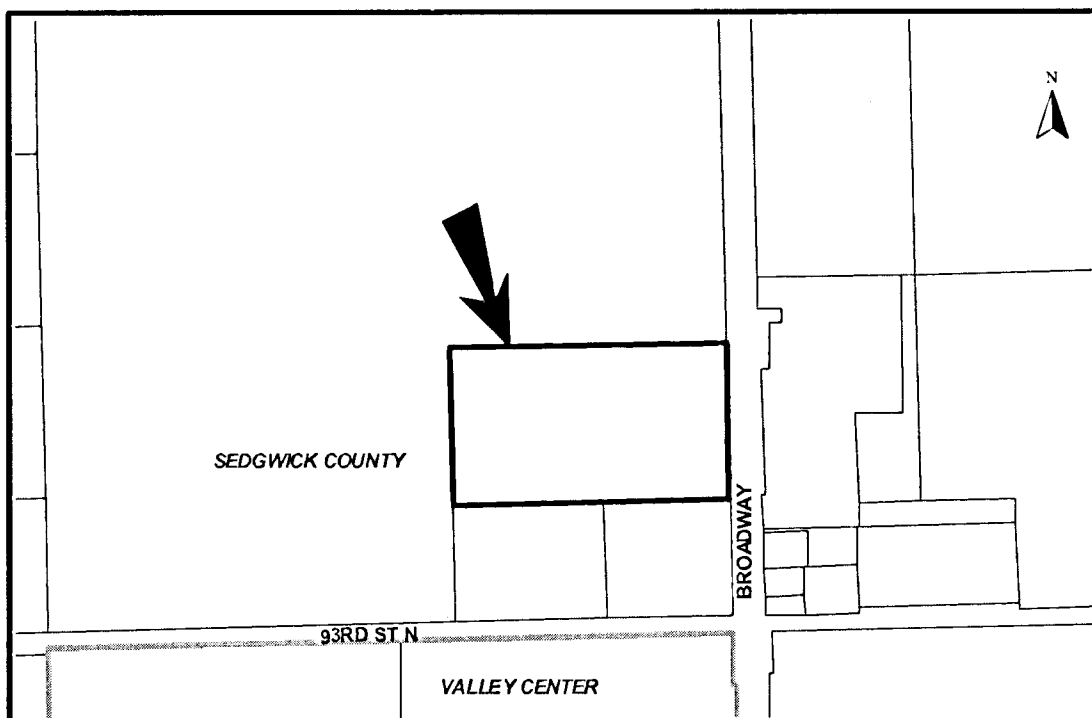
REQUEST: Conditional Use to allow Group Residence, General and Recreational Vehicle parking

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 14 acres

LOCATION: North of 93rd Street North, west of North Broadway (9801 North Broadway), in the Valley Center Zoning Area of Influence

PROPOSED USE: Lodging for Newton, KS facility staff, and temporary lodging for short term volunteers



BACKGROUND: The applicant is requesting a Conditional Use for a Group Residence, Limited and Recreational Vehicle parking in the County. The application area is a 14-acre un-platted parcel located north of 93rd Street North and west of North Broadway. Valley Center's city limits are approximately 500 feet from the application area, just south of 93rd Street North. Agricultural fields surround the application area, neighboring residences all lie over 600 feet from the proposed use sites, and the application area is screened in all directions with existing tree hedgerows. The property is zoned "RR" Rural Residential and developed with a primary single-family residence with six bedrooms, an accessory apartment with two bedrooms, and several barns and other outbuildings. The application area is served by a private well, and septic tank / leech field sewage systems. The applicant is working with County Code Enforcement and Health Department to size and develop a lagoon sewage system to serve the proposed use.

The applicant is a faith-based mission organization which operates a non-profit hospice facility in Newton, KS. The applicant states that the Conditional Use request is to allow for staff housing and temporary volunteer housing facilities. The applicant proposes six Recreational Vehicle parking spaces to accommodate some of the temporary housing facilities. The applicant anticipates retired volunteers visiting the site with RVs.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	agricultural fields
SOUTH:	"RR"	agricultural fields
EAST:	"RR"	agricultural fields, residences
WEST:	"RR"	agricultural fields, residence

PUBLIC SERVICES: The property is located along North Broadway Ave., a paved four-lane section line road with a half-width right of way of 65 feet. A July 2000 traffic count on Broadway at the application area showed 2105 daily vehicle trips, the 2030 traffic projection for this section of Broadway is 3709 trips. The property has one drive entrance onto Broadway. The application area is within Rural Water District #2, but is served by an onsite well. Municipal sewer is not expected to reach the application area according to the *Valley Center Comprehensive Development Plan 2000-2010*. To reach the application area with municipal sewer would require a lift station, which is not economically feasible.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "rural". However, the January 2002 amended "Wichita Land Use Guide"

identifies part of the application area as public/institutional, reflecting its current tax-exempt status as a faith based organization. The January 2002 amended "Wichita Land Use Guide" identifies the remainder of the application area as within the Valley Center Growth Area.

The *Valley Center Comprehensive Development Plan 2000-2010* identifies the application area's current land use as "vacant/agricultural" with a single-family residence. The *Valley Center Comprehensive Development Plan 2000-2010* designates the future land use of the application area as "vacant/agricultural", and as remaining unincorporated.

The *Wichita-Sedgwick County Unified Zoning Code* lists "Group Residence, General" and "Recreational Vehicle Campground" as Conditional Uses in the "RR" district. The applicant proposes that RV parking be used for temporary volunteers, as stated above. The Zoning Code does not provide specific conditions for either of these Conditional Uses.

The *Wichita-Sedgwick County Unified Zoning Code* defines "Group Residence" as "A residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, and emergency shelters for the homeless and for victims of crime, abuse or neglect. The term "group residence" does not include "group homes" or "correctional placement residences." The Group Residence, General use allows for more than 15 persons, including staff members who reside in the facility.

RECOMMENDATION: Planning staff finds that the proposed use is consistent with the Zoning Code intent of allowing for Group Residence facilities in the "RR" district where the Conditional Use would be in character with the surrounding area, and would not have negative effects on surrounding residential neighbors. Planning staff has worked with County Code enforcement to determine appropriate conditions which would meet building and sanitation codes. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions.

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan.
3. Existing tree/hedge rows along the boundaries of the site shall be preserved and trees replaced as required.
4. The Conditional Use shall be limited to a maximum of 20 persons housed in the two existing permanent structures.

5. The Conditional Use shall be limited to a maximum of six temporary Recreational Vehicles on the site; and shall be limited to a maximum of 24 persons temporarily housed in Recreational Vehicles.
6. Recreational Vehicles shall not empty sewage holding tanks into the on site lagoon, and shall not empty sewage holding tanks anywhere on the site.
7. The Group Residence, General, and Recreational Vehicle Parking on the site shall be operated for the housing of staff and volunteers working for an off-site non-profit organization, and their immediate families, and shall not be operated as a for-profit business.
8. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: All property surrounding the application area is used for agricultural purposes, the nearest residential neighbors are over 600 feet from the proposed use areas. Existing hedgerows will screen the proposed RV parking area from all directions, protecting the character of the surrounding area. The 44 maximum residents on the 14-acre site does not exceed the density of typical urban single-family development lots.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which primarily permits large lot residential uses. The site could continue to be used as a residence without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Permanent Structures are not proposed to change on the 14-acre site. Provided that the proposed conditions are met, the proposed Conditional Use should have no affect on surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in conformance with the *Wichita-Sedgwick County Comprehensive Plan*, the *Valley Center Comprehensive Development Plan 2000-2010*, and the *Wichita-Sedgwick County Unified Zoning Code*.
5. Impact of the proposed development on community facilities: An increase in residents, and temporary visitors to the application area will increase traffic on

North Broadway Avenue. However, Broadway was developed to four lanes at this location in anticipation of increased traffic; the relatively small amount of traffic generated by the application area should affect the capacity of North Broadway Avenue.