

CONDITIONAL USE RESOLUTION NO. CU-490

WHEREAS, Robert and Shirley Davis, 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 an temporary accessory dwelling unit on 2 acres zoned "RR" Rural Residential described as:

The east 306 feet of the west 700 feet of the south 285 feet of the Southwest Quarter of Section 29, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located east of Seneca and north of 85th Street North (916 W. 85th Street North).

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 August 27, 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 an temporary accessory dwelling unit on 2 acres zoned "RR" Rural Residential described as:

The east 306 feet of the west 700 feet of the south 285 feet of the Southwest Quarter of Section 29, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located east of Seneca and north of 85th Street North (916 W. 85th Street North).

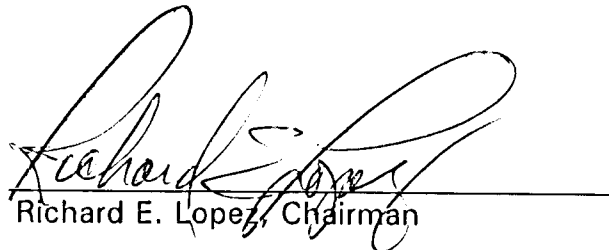
subject to the following conditions:

- A. The applicant shall have obtained all applicable permits, including but not limited to, building, health and zoning.
- B. The accessory apartment is limited to a residence for the applicant's father and shall remain only as long as he resides on the site in the accessory structure. The applicant shall report on the status of his father's occupancy of the accessory dwelling to the Sedgwick County Code Office on a yearly basis, beginning in August of 1999, with a copy provided to the Valley Center Planning Commission.
- C. The site shall be developed in general compliance with the submitted site plan.

- D. The accessory apartment 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 the applicant's father no longer resides on the accessory apartment.
- E. Any violation of the conditions approved as part of this request shall render the Conditional Use null and void.

Adopted this 27th day of August, 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



AGENDA ITEM NO. 5

STAFF REPORT

Valley Center PC August 25, 1998
MAPC August 27, 1998

CASE NUMBER: CU-490

OWNER/APPLICANT: Robert and Shirley Davis

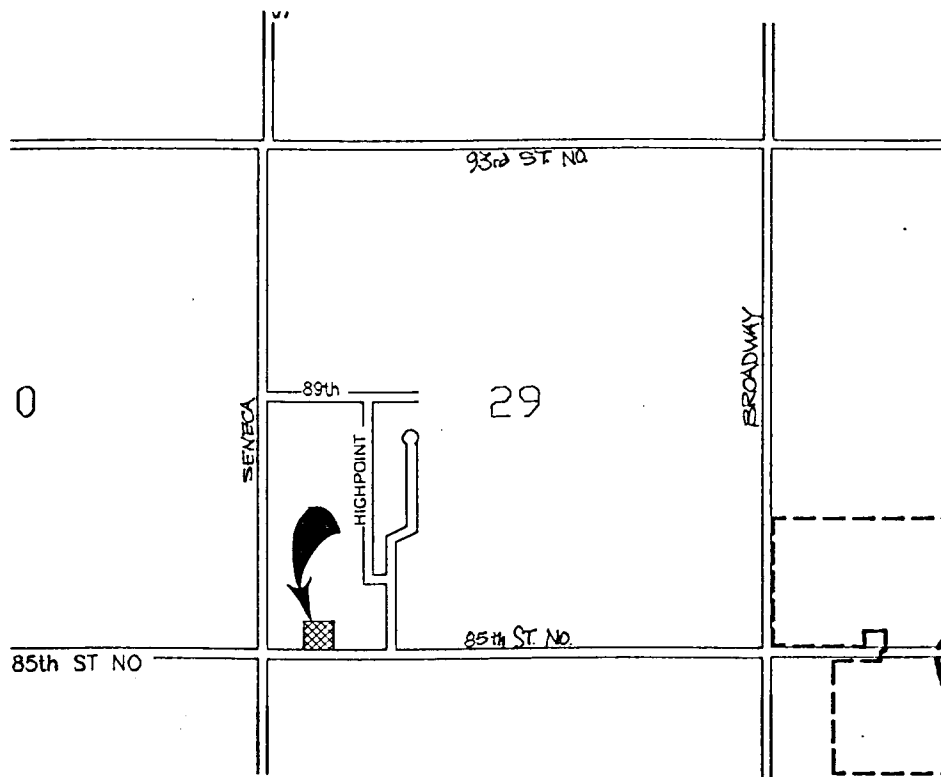
REQUEST: Conditional Use Permit to allow an temporary accessory dwelling unit.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: Approximately 2 acres

LOCATION: East of Seneca and north of 85th Street North (916 West 85th Street North).

PROPOSED USE: Apartment to care for aging father.



BACKGROUND: The applicants are requesting approval of the placement of a temporary accessory apartment, known as an ECHO housing unit, to provide care and supervision to an aging father. As specified in the agreement with the not-for-profit entity providing the temporary apartment, when the father no longer needs the apartment, it will be removed.

All of the improvements are located on the western half of the lot, which is 285 feet north/south and 306 feet east/west. The accessory apartment is 20 feet by 30 feet, is located to the north and west of the existing home, and connected to the home by a new deck. The applicants own the land that adjoins the property to the north and also own west to Seneca.

There is rural residential uses to the east and north of this site, with agricultural uses to the south and west. The residential uses north and east are on similar sized lots. A private airstrip adjoins the lot to the east and is "jointly" owned by the residents along the airstrip. Most of the homes have private hangers built along the airstrip for their private planes. 85th Street North is a paved road in front of this property. Seneca is a gravel road. Access to the lot is from 85th Street.

According to the applicant's agent, ECHO housing units are temporary, handicapped-accessible, living units constructed adjacent to the home of the relative and designed for individuals who, because of a handicap or mental incapacity, are unable to stay at home alone but are not in need of the services of a nursing home.

The accessory apartment is being provided through a special HUD demonstration program. The funding has been approved to a not-for-profit housing organization known as Contemporary Housing Alternatives of Kansas. Under this program, income-eligible candidates will rent the home addition from the not-for-profit organization. When the person no longer needs the unit it will be disassembled and relocated to another individual eligible under the program.

Some important considerations of this program are: the unit is medically necessary; built in architectural harmony with the neighborhood; and will be removed when it is no longer necessary. Further, the unit meets appropriate local building standards.

The Unified Zoning Code has Supplementary Use Regulations for accessory apartments and for the temporary placement of manufactured homes under hardship conditions. This proposal is a "hybrid" of both these situations and is a relatively new approach to meeting the housing needs of our aging population. While the specific conditions found in the Unified Zoning Code do not fit the situation on this site with this request, the spirit and intent of the Unified Zoning Code is being met.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Rural Residential
SOUTH:	"RR"	Rural Residential
EAST:	"RR"	Rural Residential
WEST:	"RR"	Rural Residential

PUBLIC SERVICES: Water service from Sedgwick County Rural Water District # 2. The site uses on-site wastewater services.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide Plan identifies this area as Agricultural. It is approximately one mile east of Valley Center city limits, but generally falls into a drainage basin that is away from the natural growth pattern for Valley Center. However, 85th Street is a primary connection to I-135 and the Kansas Coliseum approximately one mile east, and the anticipated future growth and development of the lands near that facility. Pressure will continue to grow for more suburban development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for placement of a temporary accessory apartment be APPROVED, subject to the following conditions:

- A. The applicant shall have obtained all applicable permits, including but not limited to, building, health and zoning.
- B. The accessory apartment is limited to a residence for the applicant's father and shall remain only as long as he resides on the site in the accessory structure. The applicant shall report on the status of his father's occupancy of the accessory dwelling to the Sedgwick County Code Office on a yearly basis, beginning in August of 1999.
- C. The site shall be developed in general compliance with the submitted site plan.
- D. The accessory apartment 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 the applicant's father no longer resides on the accessory apartment.
- 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 surrounding zoning is "RR" Rural Residential. The low density of existing development is not harmed by the placement of this unit. The temporary accessory apartment is totally hidden from view from 85th Street and, while visible from Seneca, there is no negative impact from the placement of the unit. It appears to be another accessory structure that fits well on the site, so it does not present a concern in terms of compatibility of appearance.
2. Suitability of the subject property for the uses to which it has already been restricted: The code permits a temporary accessory structure 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 very limited use and its location on the site, the placement of the temporary accessory apartment has no detrimental impact on surrounding properties.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code anticipated these uses and makes specific provision for this type of land use. The site appears to comply with all of provisions outlined in the code for a temporary accessory apartment. Approval of this request will not be contrary to any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: None identified.