



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 22, 2005

David & Sharon Dore
5519 E. 125th Street North
Valley Center, KS 67147


RE: CON2005-48– Sedgwick County Conditional Use to allow a temporary, accessory manufactured home dwelling in the County. Generally located midway between 47th Street East & 63rd Street East, on the south side of 125th Street North. (District #4)

Dear Ladies and Gentlemen:

At its regular meeting on December 8, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

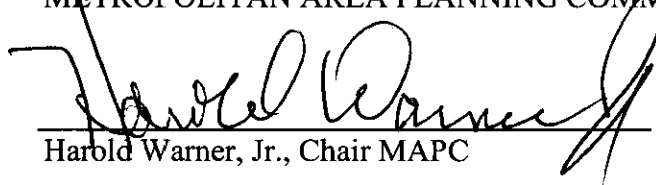

Bill Longnecker, Senior Planner
Current Plans Division

WLM/rms

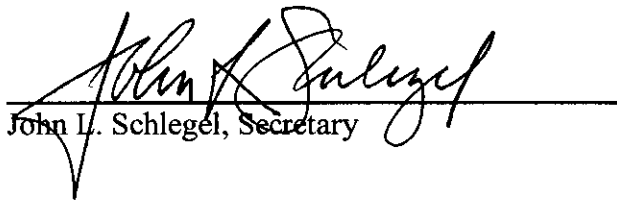
Cc: Rebecca Burtnett, County Commissioner District IV, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

Adopted this 8TH DAY of DECEMBER, 2005. 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


Harold Warner, Jr., Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00048

WHEREAS, David L. Dore and Sharon K. Dore (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 to allow a temporary, accessory manufactured home dwelling on 12.4 acres zoned "RR" Rural Residential described as:

The East Half of the Northeast Quarter of the Northwest Quarter of Section 1, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part platted as Dore Addition, and except the North 50 feet for road. Generally located midway between 47th Street East and 63rd Street East, on the south side of 125th 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 December 8, 2005, consider said application; and

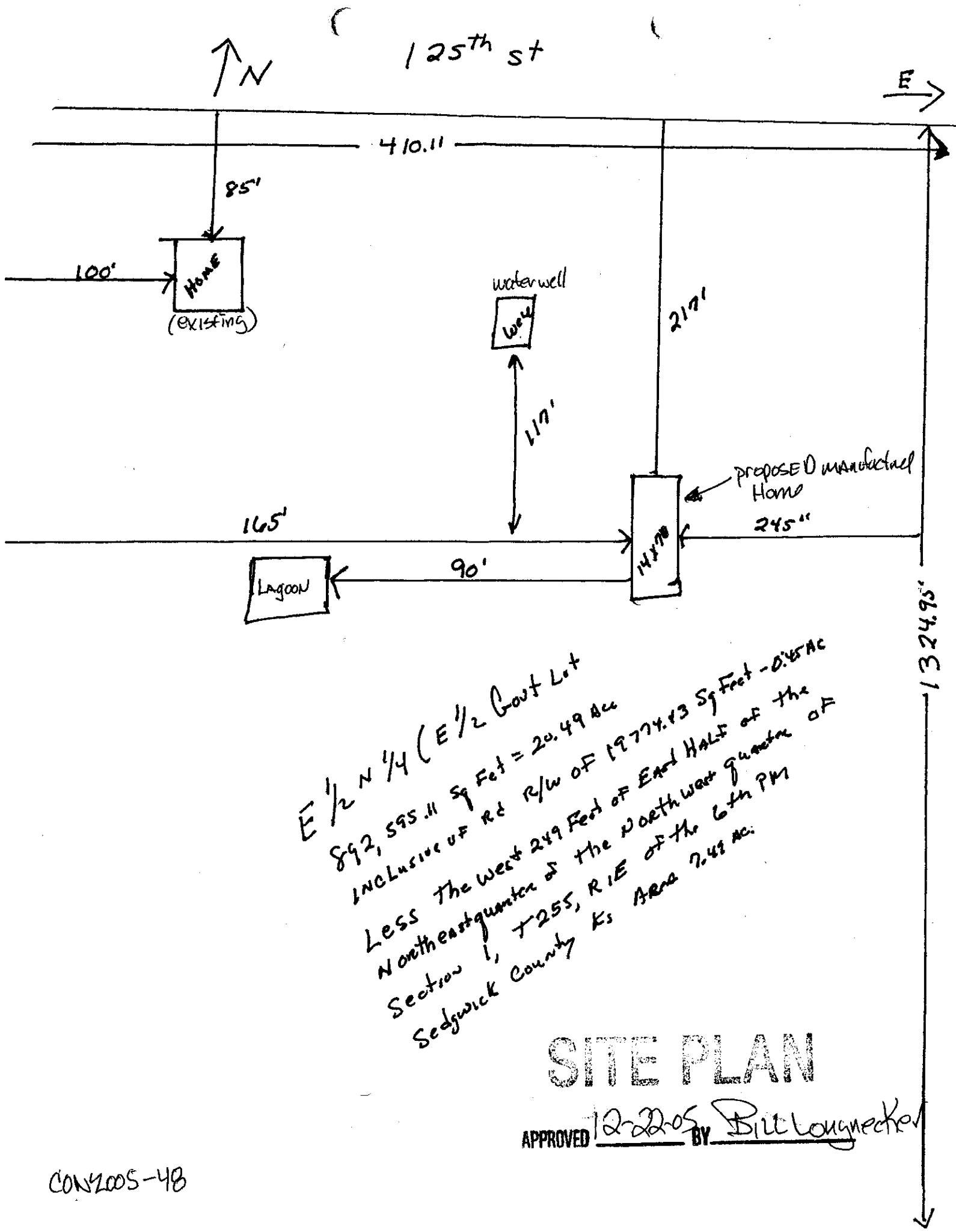
WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a temporary, accessory manufactured home dwelling on 12.4 acres zoned "RR" Rural Residential described as:

The East Half of the Northeast Quarter of the Northwest Quarter of Section 1, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except that part platted as Dore Addition, and except the North 50 feet for road. Generally located midway between 47th Street East and 63rd Street East, on the south side of 125th Street North.

Subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically, the requirements of Art.III, Sec.III-D.6.l(3) of the Unified Zoning Code shall be met.
2. The manufactured home shall meet the post-1976 42 U.S.C. 5403 HUD Code.
3. The accessory home shall remain on the site as an accessory dwelling for the applicants' child and the child's family as long as applicants reside on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every January, the status of the occupancy of this manufactured home.
4. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
6. If operations have not begun within one year of approval, or 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.



E 1/2 N 1/4 (E 1/2 Govt Lot
 892,595.11 Sq Feet = 20.49 AC
 INCLUSIVE OF Rd R/W OF 19774.13 Sq Feet - 0.45 AC
 Less The West 249 Feet of East HALF of the
 Northeastquarter of the North West quarter of
 Section 1, T25S, R1E of the 6th PM
 Sedgewick County KS Area 7.49 AC.

SITE PLAN

APPROVED 12/22/05 BY Bill Longnecker

CON2005-48

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 zoned "RR", or in rural Harvey County, and is characterized by agricultural fields broken by large tract single-family residences or farmsteads.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR", with its intended uses being agricultural, rural based uses that are no more offensive than those agricultural uses commonly found in the county and predominately larger lot residential exurban subdivisions with provisions for individual or community water and sewer services. The site could continue to be used without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided that the proposed manufactured home meets all applicable codes, and because of the temporary nature of the requested Conditional Use, the proposed accessory use should have no affect on the 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 *The Wichita-Sedgwick County Comprehensive Plan* and the UZC, Art.III, Sec.III-D.6.l(3) provisions for accessory manufactured home dwellings in the County.
5. Impact of the proposed development on community facilities: None identified.

STAFF REPORT

MAPC December 8, 2005

CASE NUMBER: CON2005-00048

APPLICANT/OWNER: David & Sharon Dore

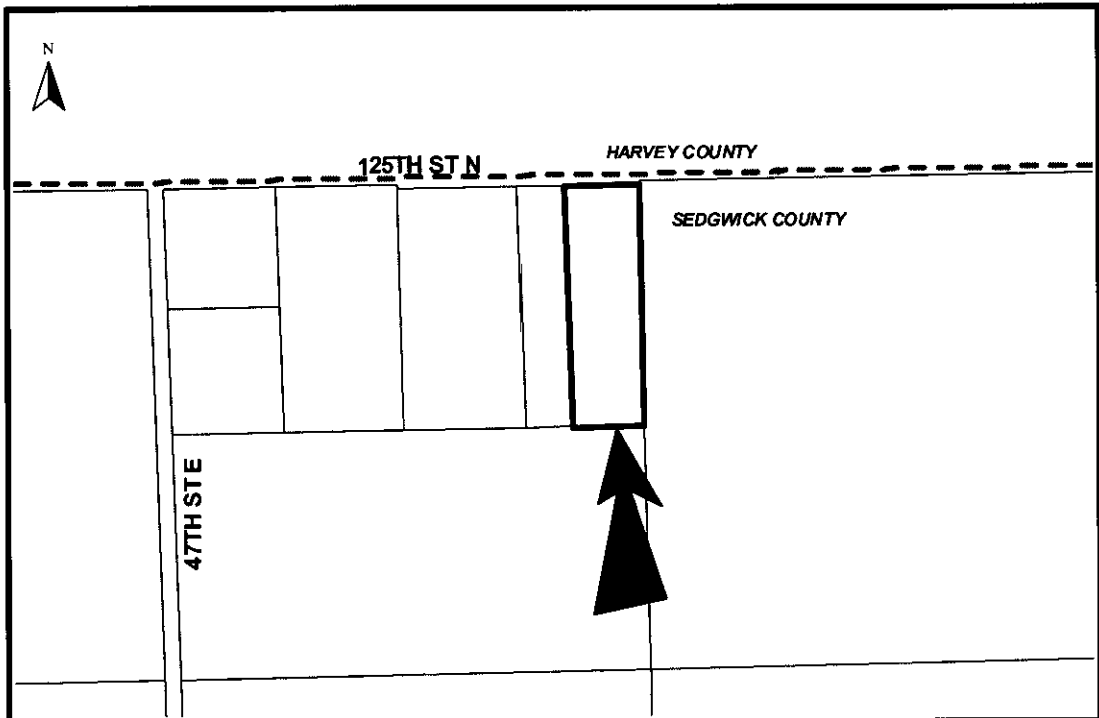
REQUEST: Conditional Use to allow a temporary, accessory manufactured home dwelling in the County

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 12.4-acres

LOCATION: Midway between 47th Street East & 63rd Street East, on the south side of 125th Street North (BoCC District #4)

PROPOSED USE: Temporary, accessory residence for adult child to care for parents



BACKGROUND: The applicants are seeking a Conditional Use to permit a temporary, accessory manufactured home dwelling in the County. The 12.04-acre unplatted tract is zoned "RR" Rural Residential. The applicants have stated that their circumstances (limited income and poor health) constitute a hardship (see attached "Hardship") that can be monitored and alleviated by onsite care from their adult child. The applicants live in an existing single-story residence (approximately 1,550-square feet, built in 1991) on the site. The applicants will continue to live in the existing residence while their adult child and its family will live in an approximately 978-square foot manufactured home; the temporary, accessory manufactured home dwelling. Per Art.III, Sec.III-D.6.I(3) (see attached), of the Unified Zoning Code (UZC) a temporary, accessory manufacture home dwelling is a Conditional Use in the County. The "RR" zoning district is intended for application in unincorporated Sedgwick County.

The site is located on 125th Street North, just south of the Sedgwick County – Harvey County line in an area that can be characterized as rural. Properties south, east and west of the site are zoned "RR", with scattered single-family residences on large tracts or large lots breaking up agricultural fields. Besides the applicants' residence there are four other single-family residences on 125th, between 47th & 63rd Streets East. The site's nearest neighbor is approximately 660-feet west of it. Properties north of the site are in Harvey County and are agricultural fields.

The applicant has provided a site plan that shows the location of the existing residence, a water well, a lagoon and the proposed temporary, accessory manufactured home dwelling.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	Harvey County	agricultural fields
SOUTH:	"RR"	agricultural fields
EAST:	"RR"	farmstead
WEST:	"RR"	agricultural fields and farmstead

PUBLIC SERVICES: The property is located on 125th Street North, a dirt/sand/gravel Grant Township road with a 50-foot half-street right of way. The property has a water well and a lagoon for sewage, with no public water or sewer or Rural Water available. All other utilities appear to be available.

CONFORMANCE TO PLANS/POLICIES: *The Comprehensive Plan's Wichita and Small Cities 2030 Urban Growth Area Map* identifies this area as a "Rural Functional Land Use Category". This category encompasses land outside the 2030 urban growth area of Wichita and the small cities of Sedgwick County. The category's intended uses are agricultural, rural based uses that are no more offensive than those agricultural uses

commonly found in the county and predominately larger lot residential exurban subdivisions with provisions for individual or community water and sewer services.

The UZC, Art.III, Sec.III-D.6.I(3) lists temporary, accessory manufactured home dwellings in the County as a Conditional Use subject to the following conditions and requirements: (a) The location of the manufactured home shall conform to all setback requirements of the district in which located; (b) If the property is not served by a public water supply and municipal type sewer system, the minimum lot size shall be determined by the County Health Department; (c) The unit shall comply with all of the standards of Art.III, Secs.III-D.6.I(1) and III-D.6.I(2); (d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use; and (e) The Planning Commission shall determine a reasonable time limit for each individual case. The manufactured home shall be removed from the property within 90 days after any change in circumstances used as a basis for the Conditional Use.

The UZC defines a "manufactured home" as one or more mobile components constructed to meet the 42 U.S.C. 5403 HUD Code, providing all accommodations necessary to be a dwelling unit, and connected to all utilities in conformance with a applicable regulations.

RECOMMENDATION: Planning staff finds that the application meets the conditions of the UZC Art.III, Sec. III-D.6.I(3). 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. Specifically, the requirements of Art.III, Sec.III-D.6.I(3) of the Unified Zoning Code shall be met.
2. The manufactured home shall meet the post-1976 42 U.S.C. 5403 HUD Code.
3. The accessory home shall remain on the site as an accessory dwelling for the applicants' child and the child's family as long as applicants reside on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every January, the status of the occupancy of this manufactured home.
4. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
6. If operations have not begun within one year of approval, or 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