

**EXCERPT MINUTES OF JUNE 8, 2016 WICHITA-SEDGWICK COUNTY METROPOLITAN
AREA PLANNING COMMISSION MEETING**

Case No. CON2017-00016 – County Conditional Use to allow a group residence, limited on RR Rural Residential zoned property; generally located north of 45th Street North and east of 143rd Street East, 15408 E. 45th St. North on property described as:

The East Half of the Southwest Quarter of the Southeast Quarter of Section 24, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: The applicants are requesting a Conditional Use to operate a Group Residence, Limited at 15408 E. 45th Street North. The property is zoned RR Rural Residential (RR) and is improved with six bedroom, three bath home built in 2001. The group home will provide housing for women who have been abused, exploited and potentially trafficked. Hope Ranch for women will house eight to 10 women plus house parents and their children.

The Unified Zoning Code (“UZC”) 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. “Group Residence, Limited” means a “Group Residence” that is occupied by six to 15 persons, including staff members who reside in the facility. The UZC requires one parking space per bedroom.

The property is located between East 143rd Street North and East 159th Street North on 45th Street North. The surrounding properties are zoned RR. The land is predominantly used for agriculture and residences on large acre lots.

CASE HISTORY: The property is an unplatted lot in eastern Sedgwick County.

ADJACENT ZONING AND LAND USE:

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|--------|----|--|
| NORTH: | RR | Agricultural land, unimproved |
| SOUTH: | RR | Single-family residence, agricultural land |
| EAST: | RR | Agricultural land, unimproved |
| WEST: | RR | Single-family residence, agricultural land |

PUBLIC SERVICES: Access to the site is from East 45th Street North, an unpaved gravel, county arterial street with travel in both directions. The site is served by private well and a septic system.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Urban Growth Area – areas adjacent to Wichita that are primarily undeveloped but have the potential to develop by the year 2035. The Future Growth Concept Map identifies the area “Agricultural or Vacant.”

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a “Group Residence, Limited” be **APPROVED**, subject to the following conditions:

1. The number of the group residence be restricted to family member living on the property and no more than six (6) other individuals.
2. Non-family members living at the residence be limited to women ages 18 and older.
3. A resident family member is present on site at any time there is a non-family member resident present on the property.
4. A site plan indicating on-site parking shall be submitted to the planning department staff for approval.
5. The applicant shall obtain all applicable inspections, permits and licenses. The site shall be maintained and operated in general conformance with the approved site plan and conditions of approval.
6. The owner or the manager of the facility shall comply with all regulations and licensing requirements.
7. Signs at the property shall meet county sign code.
8. 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 that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The properties to the east, north, south and west are zoned RR. Properties adjacent to the site are single-family dwellings with agricultural land.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned RR developed with a single-family residence, and could continue to be used as such. A group is allowed with a conditional use approval.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The Conditional Use for “Group Residence, Limited” is for the operation of a shelter for victims of abuse. The property is secured with an electronic gate and is located approximately 350 feet north of the road. Parking can be accommodated adjacent to the house. Considering the size of the property and the rural character of the area, the group home will have no adverse impact on nearby property.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Wichita Urban Growth Area – areas adjacent to Wichita that are primarily undeveloped but have the potential to develop by the year 2035. The Future Growth Concept Map identifies the area “Agricultural or Vacant.” The Unified Zoning Code permits “Group Residence, Limited” as a Conditional Use when it is determined to be an appropriate site for this type of use. The conditions of approval are designed to meet these criteria.

Impact of the proposed development on community facilities: There are sufficient utilities and public improvements for the proposed use.

KATHY MORGAN, Planning Staff presented the Staff Report.

GREG FERRIS, REPRESENTING HOPE RANCH said while he is listed as an agent, technically he is doing this because he believes in the proposal and the group operating it. He said this is not a shelter for abused or batter women and there was some miss communication amongst the neighbors. He said Hope Ranch have mentors who visit shelters within the community and work with women in different processes. Over a period of nine months, mentors identify women who have further potential to take their live to another level and the goal then is for those women to have a home environment to reconstruct in a family like setting. Over a time of a year or two, those women are released into society to become productive members in the community. He said there would only be four women at the site besides the family. The reason they asked for six is towards the end of the year or two they might bring one more to begin the process with other women. He said it is important to understand that this is not a shelter and women have gone through background checks. There will be a family on site and the security is as much of a concern to the applicant as anybody else's security. The program will make sure these women are not looked for. The organization has relationships with groups around the Country and send women in need of immediate shelter out of state for help. He said they met with neighbors and answered most of their questions and addressed many of their concerns. He said they are working on a deed restriction and with a couple neighbors to add them in the deed restriction. Such deed can be changed and if the property sells than Hope Ranch would come back and ask for the conditional use to be released. He adds that if the four women wanted to live in the home today they could, however, because they are being supervised by a family they have to have conditional use. He adds that women will not drive initially but there is adequate parking and the program will not affect traffic. He agrees with the findings in the staff report and is glad in having the approval of the Planning Staff.

MARY BECK 4323 N. 159TH. E., WICHITA, KS said she has the 40 acres east of Hope Ranch, it is an investment property and she lives southeast of the location. Her and her husband fully support the Hope Ranch for Women and welcome them as neighbors. The conditions added in the zoning are appreciated and hopes the request is approved.

KATHY HERZOG 15629 E. 45TH STREET NORTH, WICHITA, KS said when they purchased their property the neighbors informed her that a shelter for abused women was being developed there. She serves on the Kansas Behavior Sciences Regulatory Board and asked her colleagues what their concern would be and what she could expect. She heard concerns and fears for neighbors and staff because of abusers who might be looking for them. She had many concerns and the first MAPC hearing was rescheduled for neighbors to meet with people who are developing the program. She learned this home is not a shelter and not be used by women seeking shelter form others. It is a place for women who have worked with mentors. She said the women would make a decision to enter a structured program where they can unlearn the negative family dynamics that have been a part of their lives. She said these women would learn what a normal, healthy, loving family relationship is like. They will learn how to become healthy

members of society and hopefully have closer relationship with God. She said there were two meetings and once they hear accurate descriptions of the program toured the facility and understood the selection process her safety and security concerns were eliminated. She said previous information provided was incorrect or misleading. She said the deed would not be removed without the consent of the owners and neighbors on such deed. She does not think this project will devalue their property. The owners have been open, honest and willing to work with other property owners. She wanted to let the Commission know why she has changed positions, she has learned more about the benefits of the project and she is grateful for the opportunity to speak.

BILL HADWIGER, P.O. BOX H, ALVA, OK said he owns 80 acres north and 40 acres west of the proposed site. He said the application was originally for 15 women and down to 6 and now down to 4. He said the applicant is working on a deed, but without the Commission's approval the deed restriction does not justify zone change. He said abuse is still there even for just for four. He said there is no security, no fence, no lights, on any sides of the property. He said it has not been planned and it has not been secured, adding that the fence is nonsense. He also mentioned that there is no water line out there, no police, and no fire. He said opposes.

JOHN PETERSON 15411 E. 45th N, WICHITA, KS said he is not within the 1000 feet of the notification but resides in the area and adds that there are more people impacted in rural area due to the acre sizes. Hope Ranch and other properties have developed into high-end properties and adding value and pride to the area. The Hope Ranch operation has been the quietest use of the properties in many years. Most in that group do not believe there will be any negative impact to neighbor is property value and openly support an appropriate use of the unique house on the proposed property. He stands in support of Hope Ranch.

BASEM KRICHATI 15350 E. 45th N, WICHITA, KS said the program sounds very good and his only concern is security. Said there is a gate in the front of the property but no fencing around it and easy for anybody to walk through. In the previous case heard a fence was requested for a cemetery for deceased and he is requesting a fence for the living people.

DAILEY comments that the fence was to keep the live people away from the cemetery.

KRIChati said he has had problems with trespassers on his property. He states he has nothing against the program.

DENNIS TURNER said his wife is the director of Hope Ranch for Women and they reside in the neighborhood. Said he is the pastor at Christ of church one of eight churches in the metropolitan area supporting the ministries of Hope Ranch sending volunteers and financial support. He said nobody is against the program and there are people in the City of Wichita exited for what this program is doing. He said because they care for the safety and security of all the neighbors and as stated earlier, this program is not for women who are in danger. He read a letter of support from neighbor, resident of the area for 20 plus years, Dr. Paul White who is support of the program.

FERRIS said for clarification, in his original application letter he had limited to 8-10 women and after meeting with Planning staff it was changed to four to six women. He said with regards to the deed the Commission is not involved since it is a private covenant between two properties owners and would like to make it part of the record. The security gate is shown because there will not be no people coming and going to and from the property. He said that will be a home, a house and they do not want to fence it and make it feel like compound since the idea is for this house to be home just like other residential houses in the area. He said in rural residential properties are difficult to identify where the property lines are and will be looking at ways for people not to encroach to other properties as mentioned by a speaker. He said barricading the home defeats part of the mentally trying to build. He adds that there is rural water in the area believes the services are adequate.

WARREN moves motion **MILES** seconded

GREEN commented that this is a wonderful service for the community and it saddens him the need for this type of service.

DOUGLAS WINDSOR wonders why people who do not live across the street from the proposed property spoke about the issue.

MOTION: To approve subject to staff recommendation

WARREN moved, **MILES** seconded the motion, and it carried (12-0).