CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2018

Paul M & Stacey L Herrington
426 S Wetmore
Wichita KS 67209

RE: **CON2018-00019** - City Conditional Use request to allow an accessory structure in SF-5 Single-Family Residential zoned property; generally located south of West Maple Street South and east of South Maize Road (426 S. Wetmore Drive)

Dear Applicant:

At its regular meeting on **June 7, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR District IV

CONDITIONAL USE RESOLUTION NO. CON2018-00019

WHEREAS, Paul and Stacey Herrington, (Owners/Applicants), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for an Accessory Apartment on 0.11 acre zoned SF-5 Single-Family Residential described as:

Lot 8, Block B, The Dell, Sedgwick County, Kansas, (426 S. Wetmore Drive).

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 June 7, 2018 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 Conditional Use for an Accessory Apartment on 1.17 acres zoned SF-5 Single-Family Residential described as:

Lot 8, Block B, The Dell, Sedgwick County, Kansas, (426 S. Wetmore Drive).

Approved subject to the following conditions:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 426 S. Wetmore Drive) and the ownership shall not be divided or sold as a condominium.

(2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the conversion of the detached garage into an accessory apartment.

(4) Development and maintenance of the site shall be in conformance with the approved site plan.

(5) If the accessory apartment is not in place within 12 months after final approval, or 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.

Adopted this 7th Day of June 2018

METROPOLITAN AREA PLANNING COMMISSION

Joseph A. Johnson, Chairman MAPC

ATTEST:

Dale Miller, Secretary

AGENDA ITEM NO. _____

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC June 7, 2018
DAB IV June 4, 2018

CASE NUMBER: CON2018-00019

APPLICANT/OWNER: Paul and Stacey Herrington

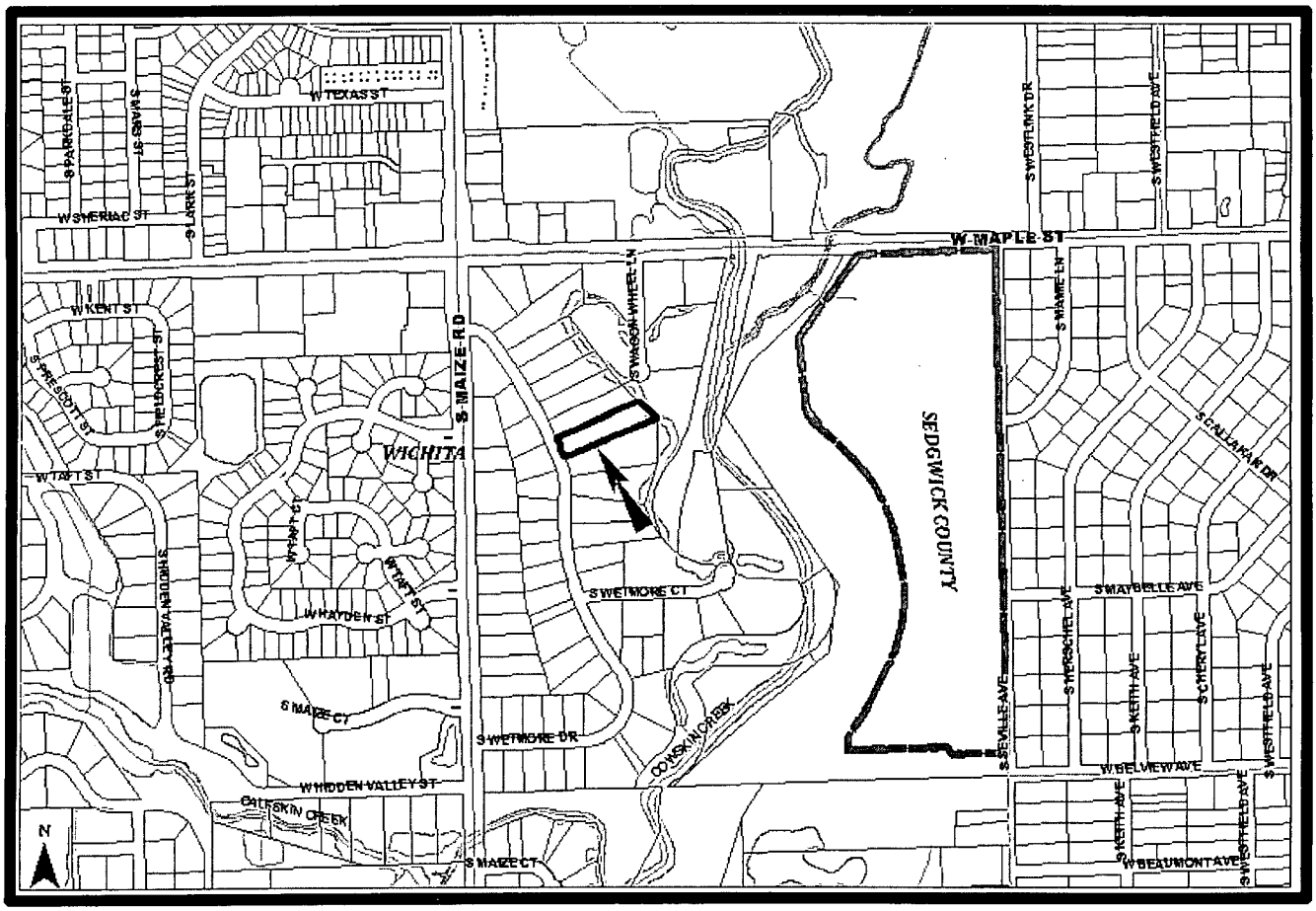
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 1.17 acres

LOCATION: Generally located south of West Maple Street South and east of South Maize Road (426 S. Wetmore Drive)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to convert an existing 28-foot by 36-foot detached garage into an accessory apartment with a concrete patio on the east side. The site is currently developed with a single-family home and a detached garage.

The subject property is located in The Dell Addition that is zoned SF-5 Single-Family Residential on lots ranging in size from one-half acre to three and one-half acres. The applicant also provided documentation from the Federal Emergency Management Agency (FEMA) determination that the structures on the site are not located in the Special Flood Hazard Area (SFHA).

The applicant submitted the attached site plan showing the location of the existing residence and existing detached garage.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an "accessory apartment" (Art. II. Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

CASE HISTORY: The subject property is located in The Dell Addition, which was platted in June 1953. No other planning cases are associated with this 1.17-acre site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family residences
SOUTH:	SF-5	Single-Family residences
WEST:	SF-5	Single-Family residences
EAST:	SF-5	Single-Family residences

PUBLIC SERVICES: Wetmore Street is a local, residential paved street with 60 feet of right-of-way. Wetmore Street intersects with South Maize Road at two locations. Maize Road is a four-lane paved arterial street with a 100-foot right-of-way and an improved intersections with turn lanes and storm water drainage system.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the "residential" area of west Wichita. This use is considered appropriate for this area. The location is outside the "Established Central Area" of the City.

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

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 426 S. Wetmore Drive) and the ownership shall not be divided or sold as a condominium.

(2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the conversion of the detached garage into an accessory apartment.

(4) Development and maintenance of the site shall be in conformance with the approved site plan.

(5) If the accessory apartment is not in place within 12 months after final approval, or 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 subject site is located in an SF-5 zoned area with unplatted lots ranging from 0.5 acre to 3.5 acres. Development in the area consists of single-family residences.

(2) **The suitability of the subject property for the uses to which it has been restricted**: The subject site is currently zoned SF-5 which permits the existing single-family residence. The property will continue to be used for one single-family residence; the size of the property easily accommodates an accessory apartment and the additional required parking space.

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the "residential" area of west Wichita. This use is considered appropriate for this area. The location is outside the "Established Central Area" of the City.

(5) **Impact of the proposed development on community facilities**: Community facilities will not be noticeably impacted by the conversion of the detached garage into an accessory apartment. All utilities are available to the site.

Staff Report Attachments:

1. Site Plan

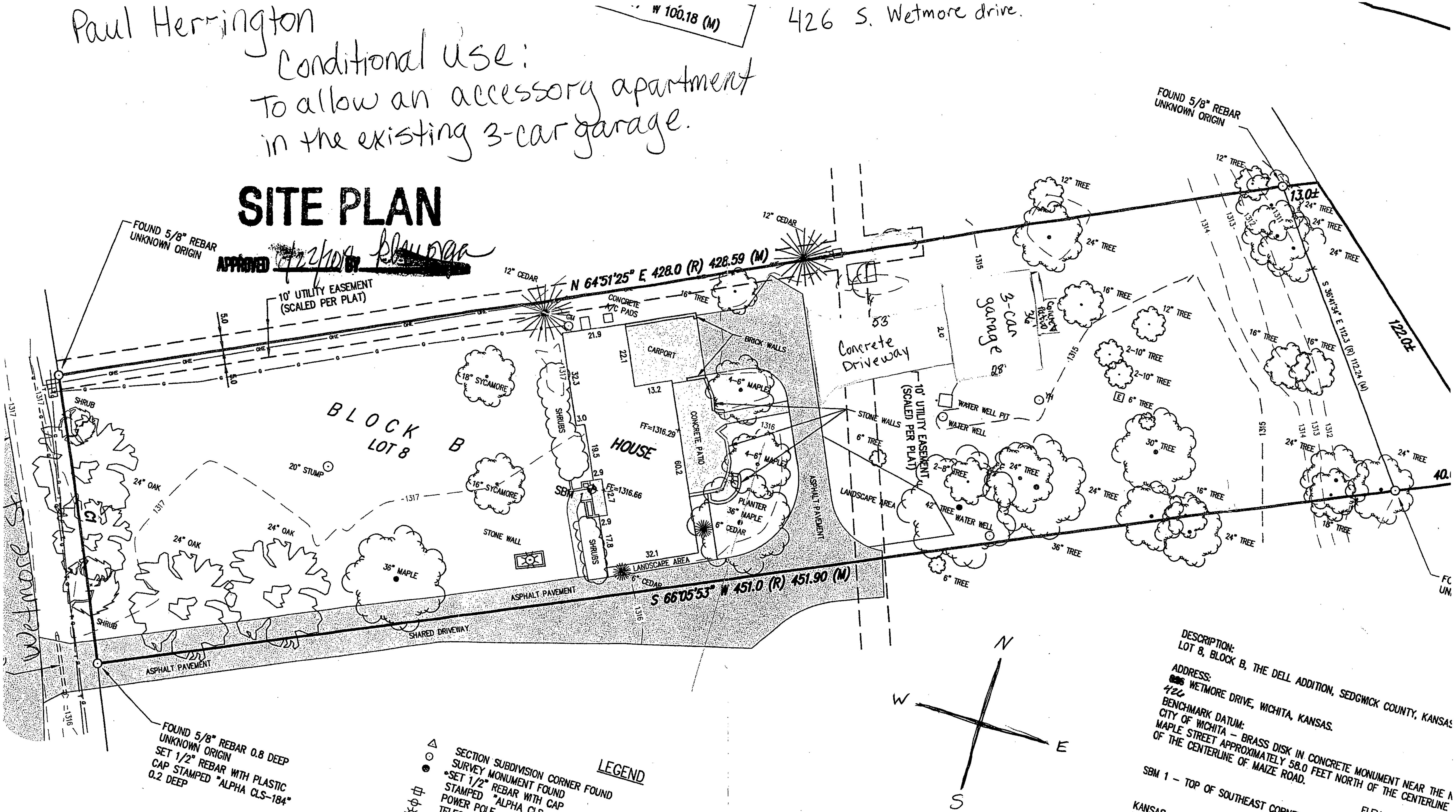
Paul Herrington

Conditional use:
To allow an accessory apartment in the existing 3-car garage.

426 S. Wetmore drive.

SITE PLAN

APPROVED 4/22/10 BY [signature]



LEGEND

- SECTION SUBDIVISION CORNER FOUND
- SURVEY MONUMENT FOUND
- *SET 1/2" REBAR WITH CAP STAMPED "ALPHA CLS-184"
- POWER POLE
- TELEGRAPH POLE
- LIGHT POLE
- GUY ANCHOR
- UNDERGROUND ELECTRIC BOX
- UNDERGROUND TELEPHONE PEDESTAL
- UNDERGROUND CABLE TELEVISION PEDESTAL
- TREE / SHRUB
- GM GAS METER
- MH MANHOLE
- SSMH SANITARY SEWER MANHOLE
- CO CLEANOUT
- SWSMH STORM WATER SEWER MANHOLE
- WM WATER METER
- WV WATER VALVE
- FH FIRE HYDRANT
- MW MONITOR WELL
- SH SPRINKLER HEAD
- GP GUARD POST
- OHE OVERHEAD ELECTRIC
- UGE UNDERGROUND ...
- T ...

DESCRIPTION:
LOT 8, BLOCK B, THE DELL ADDITION, SEDGWICK COUNTY, KANSAS

ADDRESS:
~~[illegible]~~ 426 WETMORE DRIVE, WICHITA, KANSAS.

BENCHMARK DATUM:
CITY OF WICHITA - BRASS DISK IN CONCRETE MONUMENT NEAR THE N... MAPLE STREET APPROXIMATELY 58.0 FEET NORTH OF THE CENTERLINE OF THE CENTERLINE OF MAIZE ROAD.
ELEVATION=1322.45 (N...

SBM 1 - TOP OF SOUTHEAST CORNER OF BRICK PLANTER ON THE NORTH...
ELEVATION=1317.03 (NGV...

KANSAS ONE-CALL:
UTILITIES SHOWN HEREON WERE LOCATED BY THE UTILITY COMPANIES OR THE... ONE-CALL TICKET NUMBER 10441705 DATED NOVEMBER 16, 1010.

GENERAL NOTES:
1) NO TITLEWORK WAS PROVIDED BY CLIENT FOR... AFFECTING SUBJECT PROPERTY ARE...