FILE COPY

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 28, 2019

Tuy Huu Ho
902 E. 59th Street South
Wichita KS 67216

RE: **CON2019-00009** - City Conditional Use request to allow an accessory structure in SF-5 Single-Family Residential zoned property; generally located on the north side of East 59th Street South and one-half mile east of South Broadway (902 E 59th Street South)

Dear Applicant:

At its regular meeting on **May 9, 2019**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request 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 902 East 59th Street South) 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 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.

No protests were received. Attached is a signed copy of the Resolution granting the conditional use for an accessory structure. You may apply for your building permit.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
James Clendenin, Council Member District III
Maddy Campbell, CSR District III

CONDITIONAL USE RESOLUTION NO. CON2019-00009

WHEREAS, Tuy Huu Ho, (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 3.17 acres zoned SF-5 Single-Family Residential described as:

> Lots 31, 32, 33 and the West Half of Lot 34, Midland Park Addition, Sedgwick, County, Kansas (902 E 59th Street South)

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 May 9, 2019 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 3.17 acres zoned SF-5 Single-Family Residential described as:

> Lots 31, 32, 33 and the West Half of Lot 34, Midland Park Addition, Sedgwick, County, Kansas (902 E 59th Street South)

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 902 East 59th Street South) 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 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 **9th** Day of **May** 2019

METROPOLITAN AREA PLANNING COMMISSION

Cindy Miles, Chairman MAPC

ATTEST:

Dale Miller, Secretary

AGENDA ITEM NO. 5

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC May 9, 2019
DAB III May 1, 2018

CASE NUMBER: CON2019-00009

APPLICANT/OWNER: Tuy Huu Ho

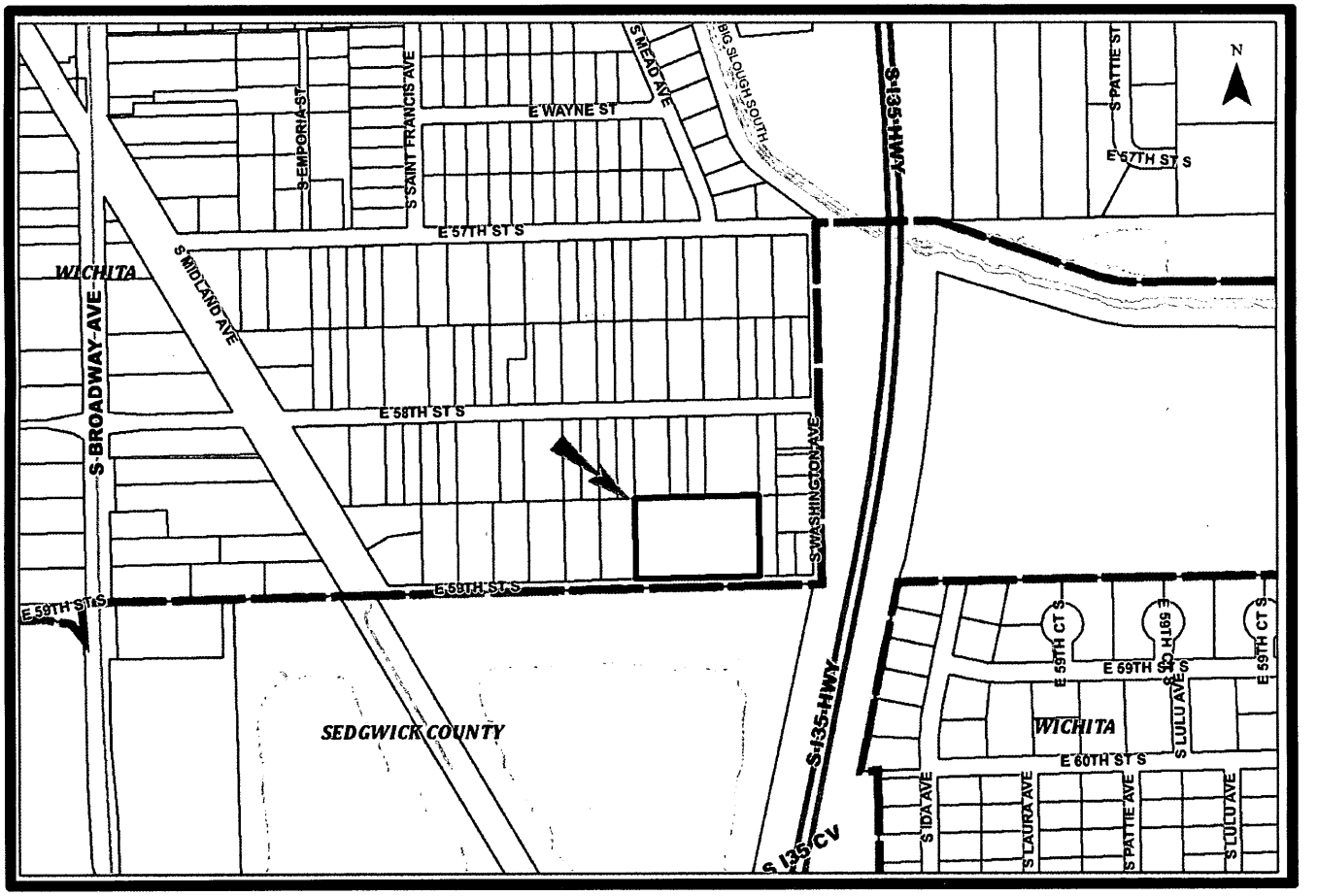
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 3.17 acres

LOCATION: Generally located 2,000 feet east of S. Broadway on the north side of East 59th Street South (902 E. 59th Street South)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to build a new accessory apartment, approximately 1,300 square feet, west of the existing primary residence. The site is currently developed with a single-family home with an attached garage.

The subject property is located in Midland Park Addition, which is zoned SF-5 Single-Family Residential on lots ranging in size from 8,500 square feet to three and one-half (3.5) acres. The applicant submitted the attached site plan showing the location of the existing residence and the proposed accessory structure.

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 Midland Park Addition, which was platted in February 1930. No other planning cases are associated with this 3.17-acre site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family residences
SOUTH:	SF-20	Single-Family residences
WEST:	SF-5	Single-Family residences
EAST:	Interstate 35 Right of Way	

PUBLIC SERVICES: East 59th Street south is a local, residential paved street with 30 feet of right-of-way. East 59th Street intersects with South Midland Avenue on the west and dead ends into Interstate 35 Right-of-way at the east terminus. Midland Park Addition has no municipal water or sewer service.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is located in the "South Wichita/Haysville Plan" area. The area is also designated for residential growth. This use is considered appropriate for this area according to the Community Investment Plan.

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 902 E. 59th Street South) and the ownership shall not be divided or sold as a condominium.

(2) Submit a measured drawing site plan for approval by planning staff.

(3) 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.

(4) 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 accessory apartment.

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

(6) 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 platted lots ranging from 8,500 square feet 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 "South Wichita/Haysville Plan" area. This use is considered appropriate for this area.

(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

City of Wichita Map Print



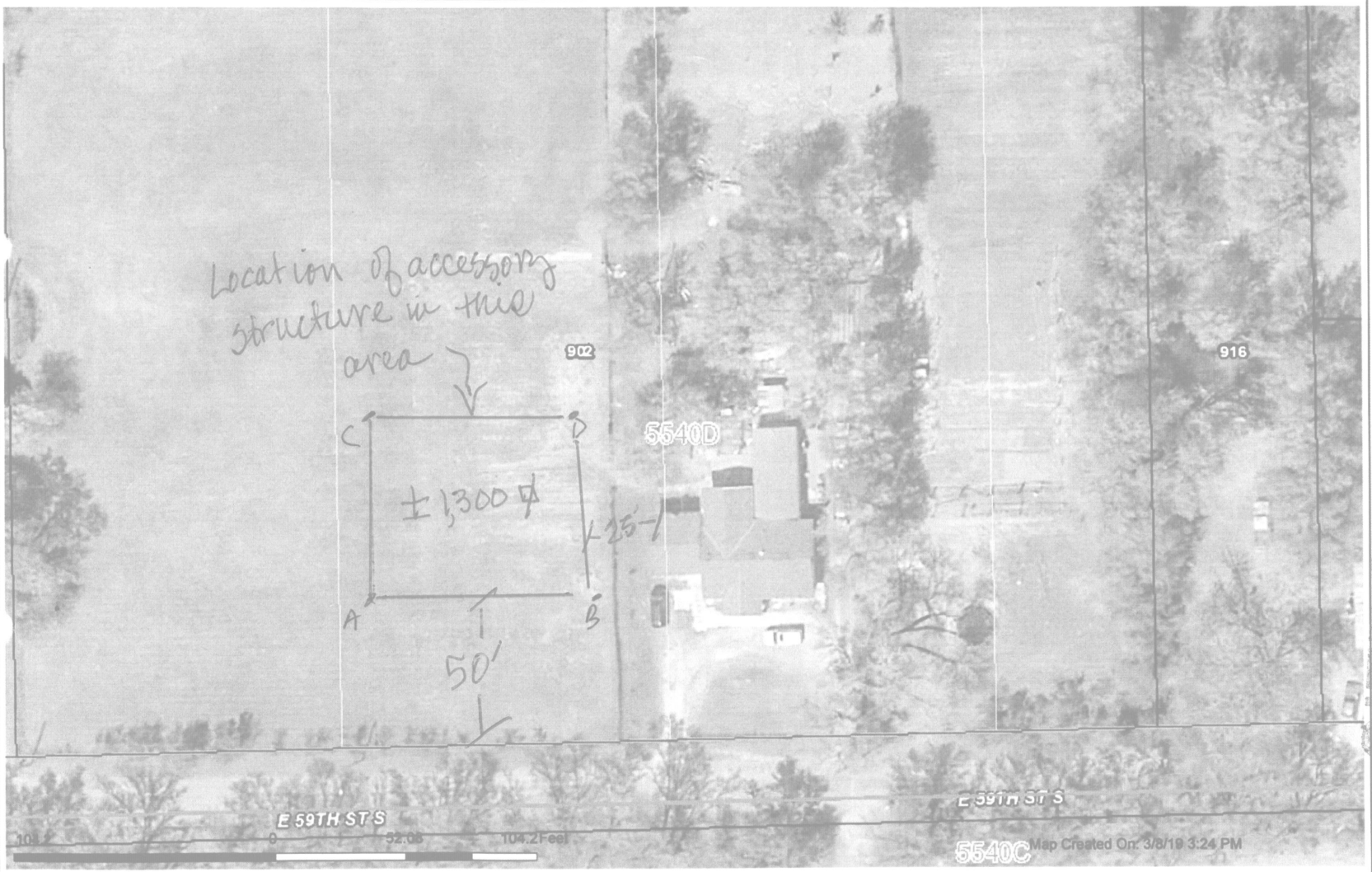
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SITE PLAN
APPROVED 5/9/2019 by Emmga

CON2019-00009
Metropolitan Area Planning Commission

City of Wichita Map Print



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RECEIVED 5/9/2019 Emorgan

CON2019-00009
Metropolitan Area Planning Commission