



Wichita-Sedgwick County Metropolitan Area Planning Department

March 20, 2020

David Ogden
2221 N. Cedar Crest Drive
Wichita, KS 67233

RE: CON2019-00057 - City Conditional Use request to allow an accessory structure in SF-5 Single-Family Residential zoned property; generally located one-quarter mile west of North 119th Street West and one-half block north of West 21st Street North (2221 N. Cedar Crest Drive)

Dear Applicants:

At its regular meeting on **February 25, 2020**, the Wichita City Council considered the above captioned request. The action of the City Council was to **APPROVE** the conditional use for the accessory apartment

Attached please find a copy of the executed ordinance.

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

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Bryan Frye, Council Member District V
Cory Buchta, CSR District V

Resolution No. 20-052

A RESOLUTION APROVING CON2019-00057 AUTHORIZING AN ACCESSORY APARTMENT, ON APPROXIMATELY 0.94 ACRE ZONED SF-5 SINGLE-FAMILY RESIDENTIAL LOCATED ONE-QUARTER MILE WEST OF NORTH 119TH STREET WEST AND ONE-HALF BLOCK NORTH OF WEST 21ST STREET NORTH (2221 N. CEDAR CREST DRIVE), IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow an accessory apartment in SF-5 Single-Family Residential zoned property; generally located one-quarter mile west of North 119th Street West and one-half block north of West 21st Street North and legally described as:

Lot 3, Block 1, Cedar Downs Addition, Wichita, Sedgwick County, Kansas

SUBJECT TO THE FOLLOWING CONDITIONS:

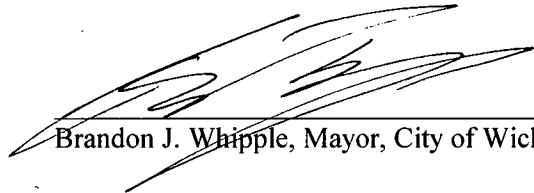
- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 2221 N. Cedar Crest Drive) and the ownership shall not be divided or sold as a condominium.
- (2) Waive the requirement to provide water and sewer as the same service to the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) Waive the requirement for the accessory apartment addition to the existing garage to be similar in materials to the main dwelling unit and allow it to match materials and color of existing garage.
- (4) Provide a new site plan indicating parking for the accessory apartment and location of wells and proposed new septic field for accessory apartment.
- (5) 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.
- (6) Development and maintenance of the site shall be in conformance with the approved site plan.
- (7) 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the

Governing Body.

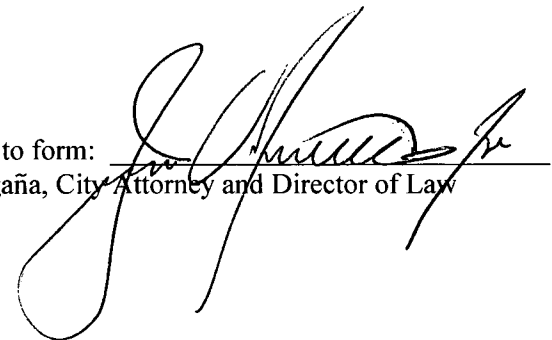
ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this 25th day of February, 2020.


Brandon J. Whipple, Mayor, City of Wichita

ATTEST:


Karen Sublett, City Clerk



Approved as to form:
Jennifer Magaña, City Attorney and Director of Law




STAFF REPORT
MAPC January 23, 2020
DAB V February 3, 2020

CASE NUMBER: CON2019-00057

APPLICANT/OWNER: David Odgen

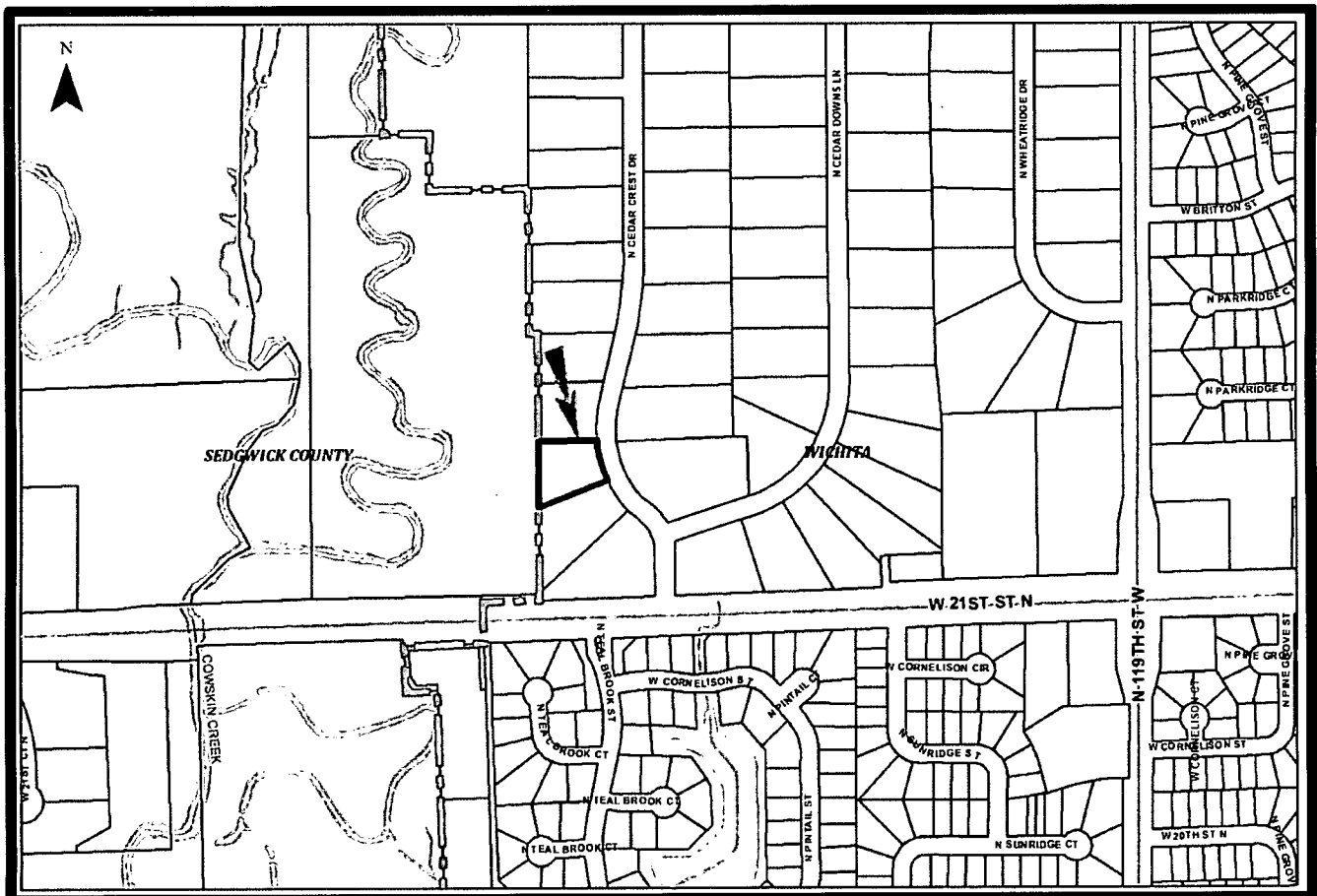
REQUEST: Conditional Use request for an accessory apartment addition to existing garage

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 0.94 acre

LOCATION: Generally located one-quarter mile west of North 119th Street West and one-half block north of West 21st Street North (2221 N. Cedar Crest Drive)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to build an accessory apartment addition to an existing detached garage in SF-5 Single-Family Residential zoning, on the west side of North Cedar Crest Drive, which is north of the intersection of North Cedar Crest Drive and West 21st Street North (2221 N. Cedar Crest Drive). The accessory apartment will be separated from the main dwelling by approximately 22 feet. Overall dimension of the addition is proposed to be 30 feet wide by 60 feet deep and will be attached to a metal building. The interior side yard setback and rear yard setback meet or exceed the setback requirements for the zoning district.

The subject property is located in the Cedar Downs Addition, which is zoned SF-5 Single-Family Residential. The applicant submitted the attached site plan showing the location of the main residence and detached garage with the accessory structure addition. Properties north, south and east of the subject site are one to two acre lots. Property to the west is a 27-acre tract located in the unincorporated area of Sedgwick County and is zoned SF-20 Single-Family Residential.

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 Cedar Downs Addition, which was platted in July 1974. No other zoning cases are associated with this property.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: North Cedar Crest Drive is a local, residential paved street with 70 feet of right-of-way with direct access to West 21st Street North south of the subject site. West 21st Street North is a paved arterial street, with 135 feet right-of-way. The property is served by private water well and septic tank.

CONFORMANCE TO PLANS/POLICIES: The 2035 *Community Investments Plan* Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is located in the “Outside Established Central Area.” The area is designated for residential growth.

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 2221 North Cedar Crest Drive) and the ownership shall not be divided or sold as a condominium.
- (2) Development of the site shall be in conformance with the approved site plan.
- (3) The appearance (architecture and materials) of the accessory structure shall be compatible with the main dwelling unit as prescribed by the UZC.
- (4) 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.

- (5) 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.
- (6) 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 subdivision with platted lots ranging from approximately one acre to three 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 allows the development of single-family residences. 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 spaces.
- (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 unanticipated detrimental impacts.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The *2035 Community Investments Plan* Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is located in the "Outside Established Central Area." The area is designated for residential growth.
- (5) **Impact of the proposed development on community facilities:** Community facilities will not be impacted by the accessory apartment. The property is served by water wells and a septic field.

Staff Report Attachments:

1. Site Plan

2201 N. Cedar Crest Dr. Wichita, KS 67223 Preliminary

Property line

