CONDITIONAL USE RESOLUTION NO. CU- 516

WHEREAS, Dale W. Cooper and Gregory K. Cooper, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a garage with an Accessory Apartment on 0.3 acres zoned "SF-6" Single-Family described as:

> Lot 14, Block 2, Eureka Gardens Addition, Sedgwick County, Kansas. Generally located on the west side of McComas approximately 225 feet south of the intersection of Taft and McComas.

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 April 15, 1999, 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 permit a conditional use to allow a garage with an Accessory Apartment on 0.3 acres zoned "SF-6" Single-Family described as:

> Lot 14, Block 2, Eureka gardens Addition, Sedgwick County, Kansas. Generally located on the west side of McComas approximately 225 feet south of the intersection of Taft and McComas.

subject to the following conditions:

A. The applicant shall obtain all applicable permits, including but not limited to: building, health and zoning.

B. The ownership of the accessory apartment shall remain in the same ownership as the principal single-family dwelling and shall not be subdivided or sold as condominium.

C. The site shall be developed in general compliance with the submitted site plan.

D. The driveway to the garage shall be paved and foundation planting shall be provided along the north side of the garage. The building walls and the roof of the new structure shall be similar in appearance to the existing dwelling.

E. Any violation of these conditions shall render this "Conditional Use" permit null and void

Adopted this 15th day of April, 1999. 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

William M. Johnson, Chair

ATTEST:

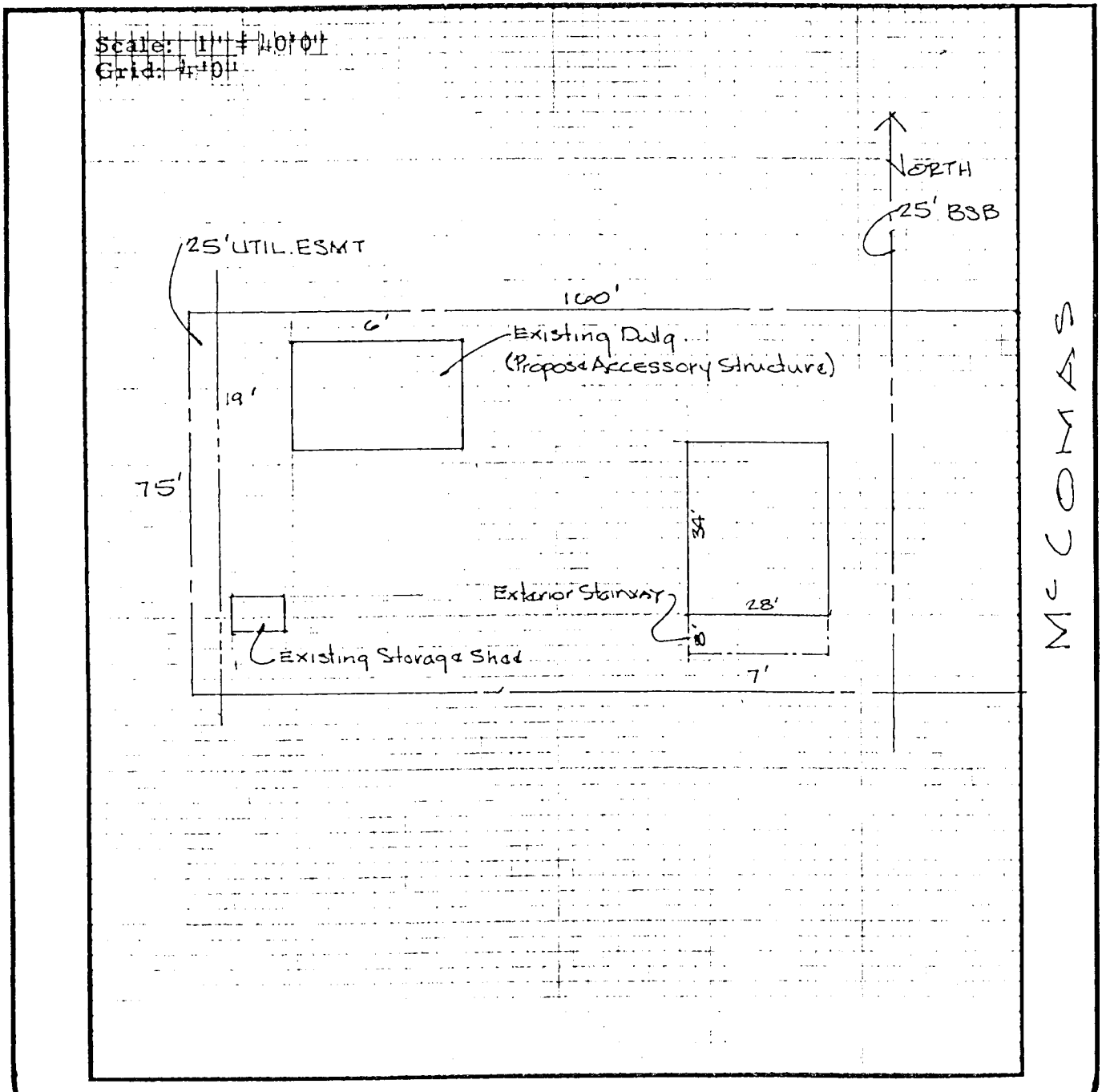
Marvin S. Krout, Secretary

RESIDENTIAL PLOT PLAN

ADDRESS: 527 S. McCOMAS PERMIT NO. 99-0038816-0101

LOT(S): 14 BLK. 2 OF EUREKA GARDENS ADD'N ZONING AA

REQUIRED SETBACKS: FRONT 25 SIDE 6 SIDE 6 REAR 20



WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

CPO(4) April 8, 1999
MAPC April 15, 1999

CASE NUMBER: CU-516

APPLICANT/AGENT: Dale W. Cooper and Gregory K. Cooper (Owner)

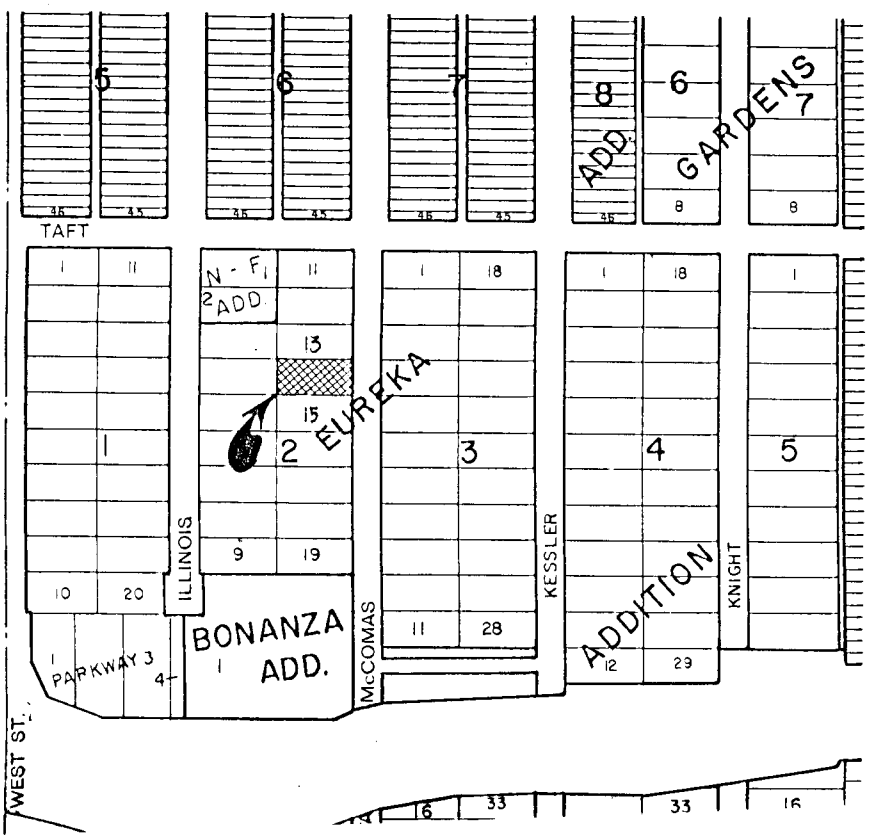
REQUEST: Conditional Use to allow a garage with an Accessory Apartment

CURRENT ZONING: "SF-6" Single Family

SITE SIZE: 0.3 acre

LOCATION: On the west side of McComas approximately 225 feet south of the intersection of Taft and McComas

PROPOSED USE: Three car garage with accessory loft apartment



BACKGROUND: The applicants are requesting a Conditional Use to allow an "Accessory Apartment" in conjunction with a three car garage to be added upon a lot with an existing single family dwelling. The property is located on the west side of McComas approximately 225 feet south of the intersection of McComas and Taft. The accessory structure would allow the owners, who are father and son, to live upon the same lot but in separate residences.

The application area is comprised of one lot with 12,000 square feet and dimensions of 75 feet in width by 160 feet in depth. Currently the lot is occupied by a small single family residence near the rear of the lot. The existing land use in the immediate vicinity along McComas includes single family residences and scattered vacant lots. All of the adjoining lots are zoned "SF-6" Single Family. The property at the south end of the block is zoned "LC" Limited Commercial and is occupied by the Hampton Inn. There is no direct access from the Hampton Inn onto McComas. Other commercial uses, including Willie C's and strip commercial, are located one block west of the property along West Street.

The Conditional Use requirements for Accessory Apartments stipulate that a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling, that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood, and that the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.

The owners propose to build a three-car garage with an accessory loft apartment containing 476 square feet of living space. According to the applicants, the structure would have white 5" vinyl lap siding that is similar to the main dwelling. The roof material and color would be essentially the same as the main dwelling. The garage would face onto McComas and be located with a setback of approximately 35 feet from the street right-of-way. This is the predominate setback of residences along this block of McComas and matches the setback of the single family residence with a double car garage directly across the street from the application area. Two exceptions to this predominant setback are the main structure on the application area which is set back nearly 110 feet, and the house directly to the north which has a setback of 55 feet.

CASE HISTORY: The lot was platted as part of Eureka Gardens Addition in 1941.

9ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	"Single Family"; single-family residences
SOUTH:	"SF-6"	"Single Family"; vacant, single family residence
EAST:	"SF-6"	"Single Family", single-family residences
WEST:	"SF-6"	"Single Family"; single-family residences, vacant

PUBLIC SERVICES: McComas is a local street. Sewer and water service are available.

CONFORMANCE TO PLANS/POLICIES: The "Area Treatment Classification" of the Comprehensive Plan identifies this area as "Revitalization". These areas, which are experiencing some decline but have good market and development opportunities, would be stabilized by policies which include improvement of community services, encouragement of well designed infill housing, encouragement of housing improvements and rehabilitation, and incentives to emphasize innovative housing types and mixed use development. The Adopted Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low density urban residential use. With the addition of the accessory apartment, the density of the lot would be at the upper limit of the recommended density of 1 to 6 units per acre in low density urban residential areas.

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

A. The applicant shall obtain all applicable permits, including but not limited to: building, health and zoning.

B. The ownership of the accessory apartment shall remain in the same ownership as the principal single-family dwelling and shall not be subdivided or sold as condominium.

C. The site shall be developed in general compliance with the submitted site plan.

D. The driveway to the garage shall be paved and foundation planting shall be provided along the north side of the garage. The building walls and the roof of the new structure shall be similar in appearance to the existing dwelling.

E. Any violation of these conditions shall render this "Conditional Use" permit null and void.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: The area surrounding the application area is characterized by single family dwellings with some vacant lots in the immediate vicinity, and with commercial uses approximately one-half block south and one block west. The adjoining property is zoned "SF-6" Single Family. The nearby commercial property is zoned "LC" Limited Commercial. The proposed garage with accessory loft apartment would add a garage for the existing dwelling on the lot. Even with the addition of the accessory apartment, the property still contains the square footage required for "SF-6" zoning.

2 Suitability of the subject property for the uses to which it has been restricted: The property could continue be used in its current configuration with a small single family dwelling.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request would permit a garage to be located along the predominate setback line in this block, but it would be located closer toward the street than the house immediately to the north.

4. Length of time the subject property has remained vacant as zoned: The application area is currently occupied by a small single family dwelling.

4. Conformance of the requested change to adopted or recognized Comprehensive Plan: The Comprehensive Plan recommends the area for "Revitalization" and for low density urban residential use. The proposed use conforms with policy guidelines for infill development to encourage revitalization.

5 Impact of the proposed development on community facilities: None.