AGENDA ITEM NO. 7

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC July 5, 2007

CASE NUMBER: CON2007-25

APPLICANT/AGENT: Waterfront Residential Co, LLC c/o Kevin Mullen (owner); MKEC Engineering c/o Brian Lindebak

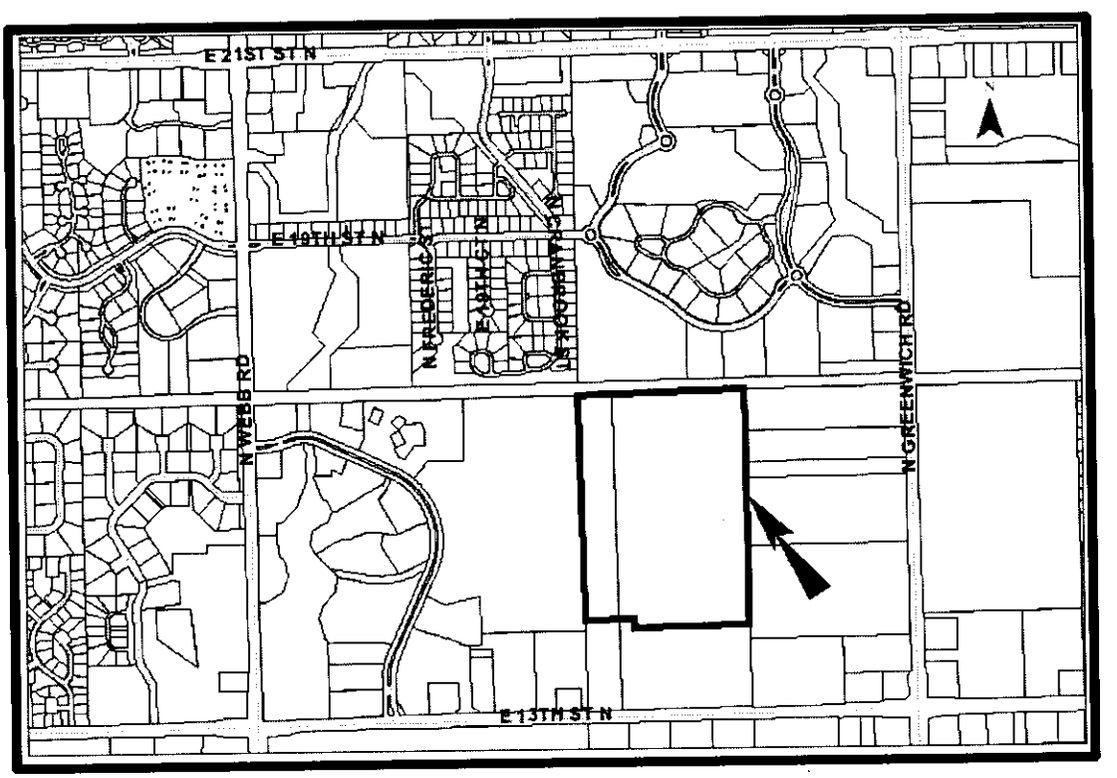
REQUEST: Accessory Apartments on single-family residential lots, associated with ZON2007-15

CURRENT ZONING: "LI" Limited Industrial, approved for "SF-5" Single-family Residential subject to platting

SITE SIZE: 57.19 acres

LOCATION: Generally located 600 feet north of 13th Street North and ¼ mile west of Greenwich

PROPOSED USE: Accessory apartments on single-family residential lots



BACKGROUND: The applicant seeks a Conditional Use to permit accessory apartments on property approved for "SF-5" Single-family Residential zoning, subject to platting, on 57.19 acres located 600 feet north of 13th Street north and ¼ mile west of Greenwich. The unplatted, vacant property is currently used for agriculture. The site lies within Area A of the Airport Hazard Zone (Wichita-Sedgwick Count Airport Hazard Zoning Map) and will require FAA review (FAA Form 7460-1) for any structures. The applicant wishes to give future single-family residential property owners the flexibility to develop an accessory apartment on single-family lots.

The Unified Zoning Code (UZC) defines "accessory apartments" as accessory dwelling units within or detached from principal single-family residences. The UZC would restrict detached accessory apartments as accessory structures with setbacks and prohibit them from being in front of the principle residence. UZC supplementary conditions for an accessory apartment conditional use include restrictions for one accessory apartment per single-family dwelling, require compatible appearance with the main dwelling and neighborhood, require the apartment to remain accessory to and under the same ownership of the principal residence (not have ownership divided or sold as a condominium), and require that water and sewer utilities shall not be provided as separate utilities from the main dwelling.

North of this site is vacant "GO" General Office and "LC" Limited Commercial zoned property within DP 274, The Oak Creek Community Unit Plan. Northwest of the site is an "SF-5" Single-family Residential zoned residential subdivision. South of the application area is LI zoned property with frontage on 13th Street North. East of the site is a "GI" General Industrial concrete plant, and GI zoned property approved for LI zoning subject to platting. West of the site is the LI zoned Waterfront Development.

CASE HISTORY: A residential subdivision plat has been filed, SUB2007-36.

ADJACENT ZONING AND LAND USE:

NORTH:	"GO" General Office	Vacant
EAST:	"GI" General Industrial	Concrete plant, vacant
SOUTH:	"LI" Limited Industrial	Vacant
WEST:	"LI" Limited Industrial	Commercial and office

PUBLIC SERVICES: The site would have access to 13th Street North, a four-lane arterial with a 100-foot right-of-way at this location. Current traffic counts on this portion of 13th Street North are 11,391 vehicles per day. This side of 13th Street North has an arterial street sidewalk.

Other normal public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the majority of the site as appropriate for an "employment/industry," consistent with the current LI zoning and

previous ownership by aircraft industry. The western edge of this property is designated as "park and open space," consistent with the adjacent former business owned recreation area.

RECOMMENDATION: The concrete plant east of the site submitted a letter regarding future residents' concerns with concrete plant operations (see attached). Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year and the following conditions:

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

2. Accessory apartment site plans and exterior building materials shall meet the requirements of the Unified Zoning Code, and shall be approved by Planning Staff.

3. Development and maintenance of the site shall be in conformance with all Unified Zoning Code Standards, and shall meet the supplementary use regulations of section III-D.6.a.

4. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Zoning on three sides of this property is LI or GI, with GO zoning to the north, and the nearest SF-5 subdivisions to the northwest. The proposed zoning may not be in character with the surrounding zoning. However, LI zoned property to the west is developed with commercial and office uses that would not necessarily be out of character with residential development. LI zoned property to the east and south is expected to develop with commercial and office uses similar to those in the Waterfront.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LI, and approved for a down-zoning to SF-5. The site could continue to be used without the Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided that proposed accessory apartments meet all applicable codes and UZC requirements, the proposed accessory use should have no affect on the surrounding properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested conditional use is in conformance with *Wichita-Sedgwick County Comprehensive Plan* Goal II Objective A to

Encourage residential redevelopment, infill and higher density residential development, that maximizes the public investment in existing and planned facilities (page 12 of the *1999 Comprehensive Plan Update – Goals, Objectives, Strategies*).

5. Impact of the proposed development on community facilities: The requested Conditional Use should have little if no impact on community facilities.