CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 27, 2009

M.R. and Shirley Jones
1524 E Selma
Wichita, KS 67216

RE: **CON2009-00013** - City Conditional Use for an Accessory Apartment located in a SF-5 Single-Family Residential zone district, generally located southwest of the intersection of Hydraulic Street and MacArthur Road (1524 E. Selma).

Dear Ladies and Gentlemen:

At its regular meeting on **May 7, 2009**, 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 condition stated in the enclosed resolution.

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

Sincerely,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Enclosure

Copies to: Riverside Township, Dale V Kuhn, 6051 Southeast Blvd, Derby, KS 67037
South Area, Judy Dillard, 4560 S. Hydraulic St. Lot 414, Wichita, KS 67216
South City, Carole Campbell, 2821 S. Mosley, Wichita, KS 67217
WCC III, Jim Skelton, Mail Stop 1-13
N.A. III, Janet Johnson, Mail Stop 1-13

CONDITIONAL USE RESOLUTION NO. CON2009-00013

WHEREAS, M.R. and Shirley Jones (Owner/Applicant); 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 0.50 acres zoned SF-5 Single-family Residential ("SF-5") described as:

> Lot 1, M.&S. Jones Addition, Wichita, Sedgwick County, Kansas; generally located southwest of the intersection of Hydraulic Avenue and MacArthur Road (1524 E. Selma).

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 7, 2009, 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 0.50 acres zoned SF-5 Single-family Residential ("SF-5") described as:

Lot 1, M.&S. Jones Addition, Wichita, Sedgwick County, Kansas; generally located southwest of the intersection of Hydraulic Avenue and MacArthur Road (1524 E. Selma).

Approved subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.

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

3. The site shall be developed in general conformance with the approved site plan.

4. Construction of improvements shall be completed within one year of approval of the Conditional Use.

5. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 7th Day of May 2009

METROPOLITAN AREA PLANNING COMMISSION

Darrell Downing, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC, May 7, 2009
City Council (if needed): June 9, 2009

CASE NUMBER: CON2009-00013

APPLICANT/OWNER: M.R. and Shirley Jones (Owner/Applicant)

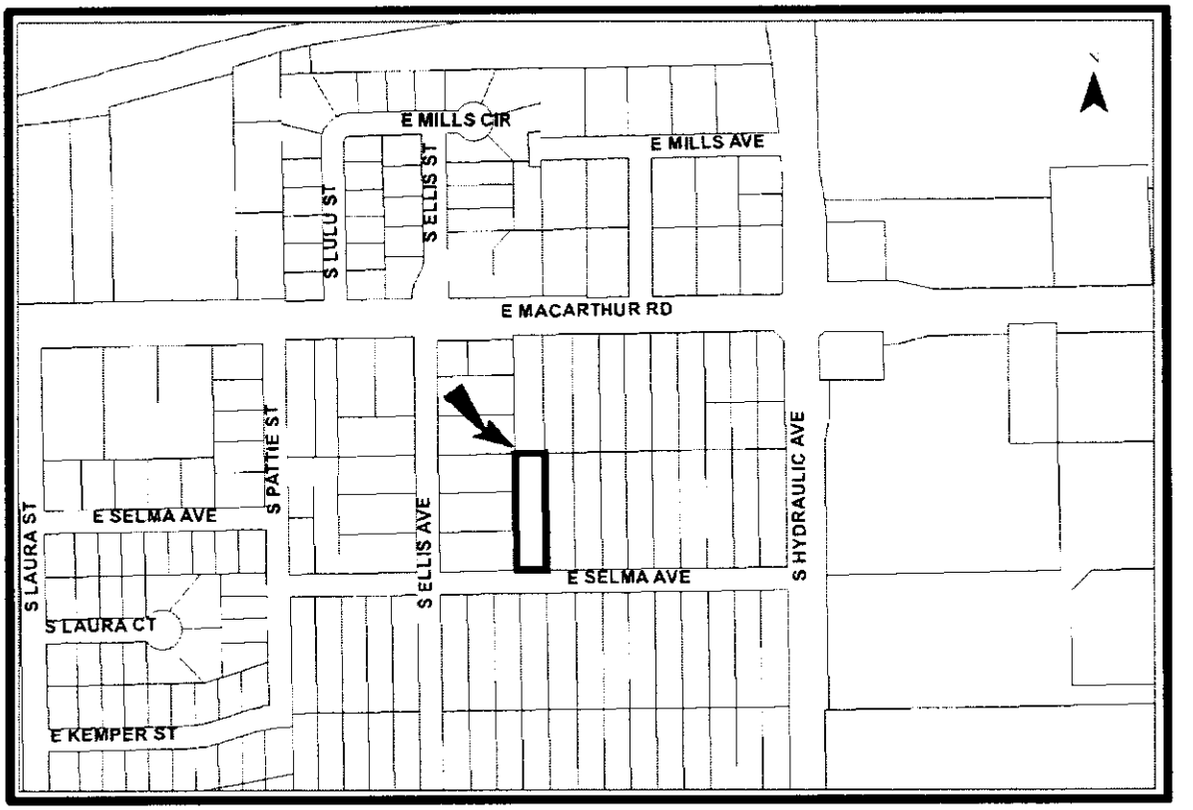
REQUEST: Conditional Use for an accessory apartment

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: 0.50 acres

LOCATION: Generally located southwest of the intersection of Hydraulic Avenue and MacArthur Road (1524 E. Selma)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant requests a Conditional Use to allow an accessory apartment on a 0.5-acre platted lot zoned SF-5 Single-family Residential ("SF-5"), and located southwest of the intersection of MacArthur Avenue and Hydraulic Avenue. (1524 E. Selma Ave.) The applicant proposes to remodel an existing detached garage into an accessory apartment on the lot. The character of the surrounding area is residential. All properties surrounding the subject property are zoned SF-5, and are developed with single-family residences.

An accessory apartment is defined as a dwelling unit that may be wholly within or detached from a principal single-family dwelling unit. A dwelling unit includes provisions for sleeping, cooking, eating and sanitation. A Conditional Use is required to permit an accessory apartment in the SF-5 zoning district. Article III, Section D.6 (a) of the Unified Zoning Code (UZC) has the following requirements for an accessory apartment:

(1) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit and may be within the main building, within an accessory building or constructed as an accessory building;
(2) The appearance of an accessory apartment shall be compatible with the main dwelling 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 structure 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.

The applicant submitted the attached site plan illustrating the location of the proposed accessory apartment (detached garage). The applicant indicates on the site plan that the accessory apartment would be located on the east side of the house in the existing, detached garage. The residence and proposed apartment will continue to utilize the existing driveway for access.

CASE HISTORY: The property was platted as Lot 1, M and S Jones Addition in September 1991.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: The subject property, currently, has access to East Selma Avenue. Selma Avenue is a paved residential street with a 60-foot right-of-way. The subject property is connected to public water and sewer. No negative impacts on public services are anticipated.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the Comprehensive Plan designates this area as appropriate "urban residential" development. The one dwelling unit on the application area and the residential development surrounding the subject site would be considered "urban residential." The policies of the Unified Zoning Code (UZC) allow one accessory apartment to be associated with a principle dwelling as a "Conditional Use" if the proposed use is compatible with the principle dwelling, is in character with the surrounding residential development, is accessory to the main structure, remains in a single ownership, and obtains water and sewer service from the main dwelling hook-up. As recommended for approval, the subject property conforms to adopted policies.

RECOMMENDATION: The application area is zoned SF-5, as is the surrounding residential neighborhood. The supplementary conditions of the UZC, along with building code requirements should ensure that the proposed accessory apartment is compatible with the surrounding residential neighborhood. Based upon information available prior to the public hearing, staff recommends that the request be **APPROVED**, subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.

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

3. The site shall be developed in general conformance with the approved site plan.

4. Construction of improvements shall be completed within one year of approval of the Conditional Use.

5. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood**: The character of the surrounding area is residential. All properties surrounding the subject property are zoned SF-5 and are developed as single-family residences. Given the size of the subject property, the proposed accessory apartment is compatible with the zoning, uses, and character of the neighborhood.

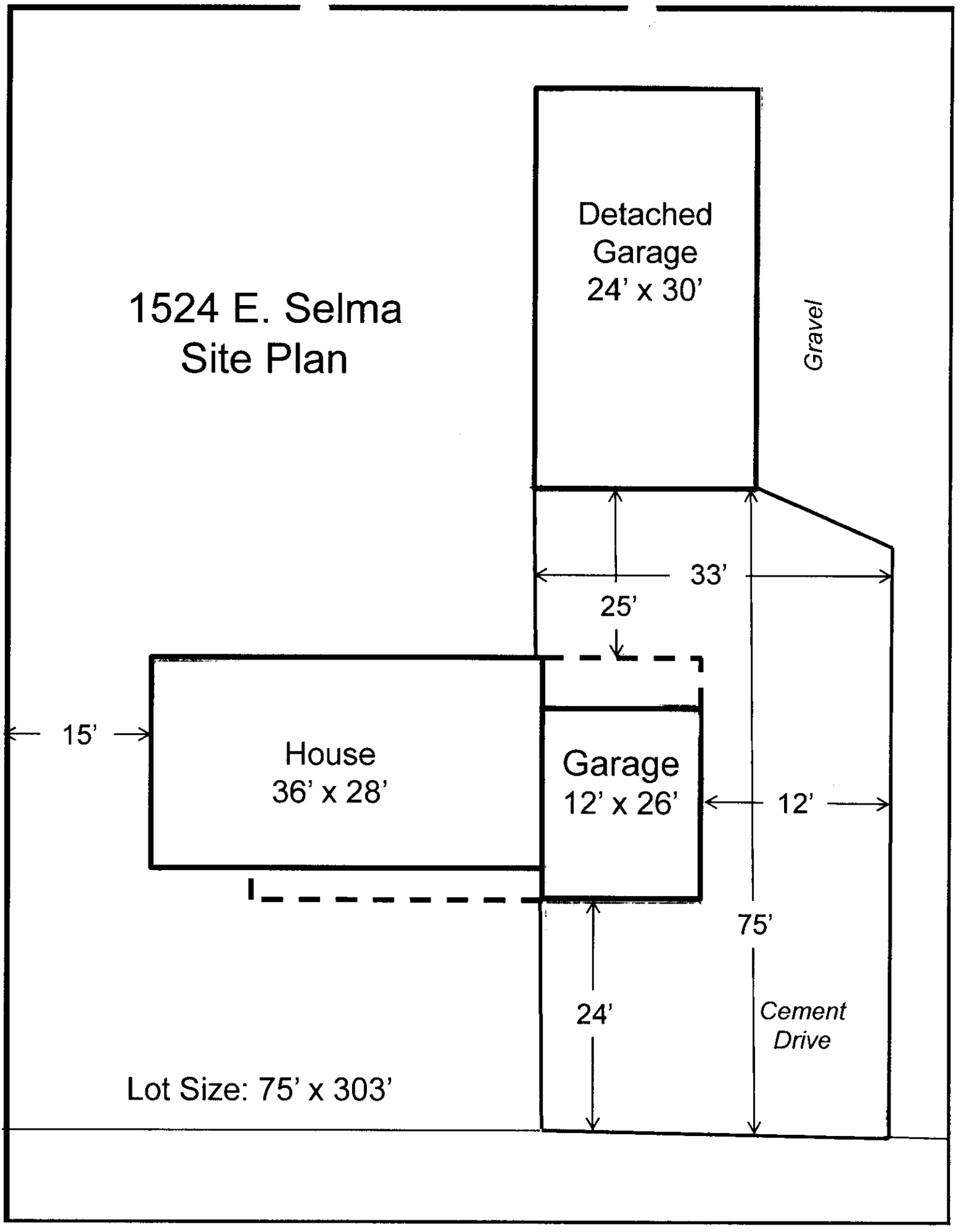
2. **The suitability of the subject property for the uses to which it has been restricted**: The site could continue to be used for a single-family residence. Accessory apartments are allowed as a "Conditional Use" in SF-5 provided the applicant and the site meet the specified criteria. The applicant and the site

meet the criteria so long as the accessory apartment remains subordinate in size and remains as a single hook-up for water and sewer services.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Provided that the existing accessory apartment meets all applicable codes, the accessory use should have little to no affect on the surrounding properties.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Wichita Land Use Guide of the Comprehensive Plan designates this area as appropriate "urban residential" development. The two dwelling units on the application area are considered "low density residential." The Unified Zoning Code makes specific provision for accessory apartments in SF-5. This application as recommended for approval complies with all the provisions outlined in the UZC for accessory apartments.

5. **Impact of the proposed development on community facilities:** The request should have a minimal impact on community facilities.


1524 E. Selma
Site Plan
Detached
Garage
24' x 30'
Gravel
33'
25'
15'
House
36' x 28'
Garage
12' x 26'
12'
75'
24'
Cement
Drive
Lot Size: 75' x 303'