CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 7, 2010

Rene and Susanna Aaron
3412 E. Orchard
Wichita, KS 67208

RE: **CON2010-00016** - City Conditional Use for an accessory apartment on property zoned TF-3 Two-Family Residential, generally located east of Hillside Avenue, north of Murdock Avenue, east of Vassar Avenue on the north side of Orchard Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on **May 6, 2010**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division

WL:mc
Enclosure

Copies to: College Hill NA, Attn: President, PO Box 20707, Wichita, KS 67208
Country Overlook, Bill Wynne, 934 N. Crestway, Wichita, KS 67208
MacDonald, Terry Cooper, 3318 Country Club Pl., Wichita, KS 67208
Murdock, Isabelle Elder, 2623 E. 8th St., Wichita, KS 67214
Northeast Central, James Arbertha, 1802 N. Hydraulic, Wichita, KS 67214
Sleepy Hollow, Kim Hamlin, 547 N. Yale, Wichita, KS 67208

CONDITIONAL USE RESOLUTION NO. CON2010-00016

WHEREAS, Rene & Susanna Aaron (Owners); 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 approximately 0.14-acres acres zoned TF-3 Two-Family Residential ("TF-3") described as:

Lots 10 & 12, on Orchard Street, Country Club Place Addition, Wichita, Sedgwick County, Kansas; generally, located east of Hillside Avenue, north of Murdock Avenue, east of Vassar Avenue on the north side of Orchard Avenue.

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 6, 2010, 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 approximately 0.14-acres acres zoned TF-3 Two-Family Residential ("TF-3") described as:

Lots 10 & 12, on Orchard Street, Country Club Place Addition, Wichita, Sedgwick County, Kansas; generally, located east of Hillside Avenue, north of Murdock Avenue, east of Vassar Avenue on the north side of Orchard Avenue.

Approved subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Art III, Sec III-D 6.a of the Unified Zoning Code; including the appearance of the accessory apartment shall be compatible with the primary residence and shall not be larger in floor area than the principal structure. Provide Planning with a revised site plan.
2. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
3. 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 VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 6th Day of May, 2010

AGENDA ITEM NO. 7

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

DAB I, May 3, 2010
MAPC May 6, 2010

CASE NUMBER: CON2010-00016

OWNER/APPLICANT: Rene & Susanna Aaron

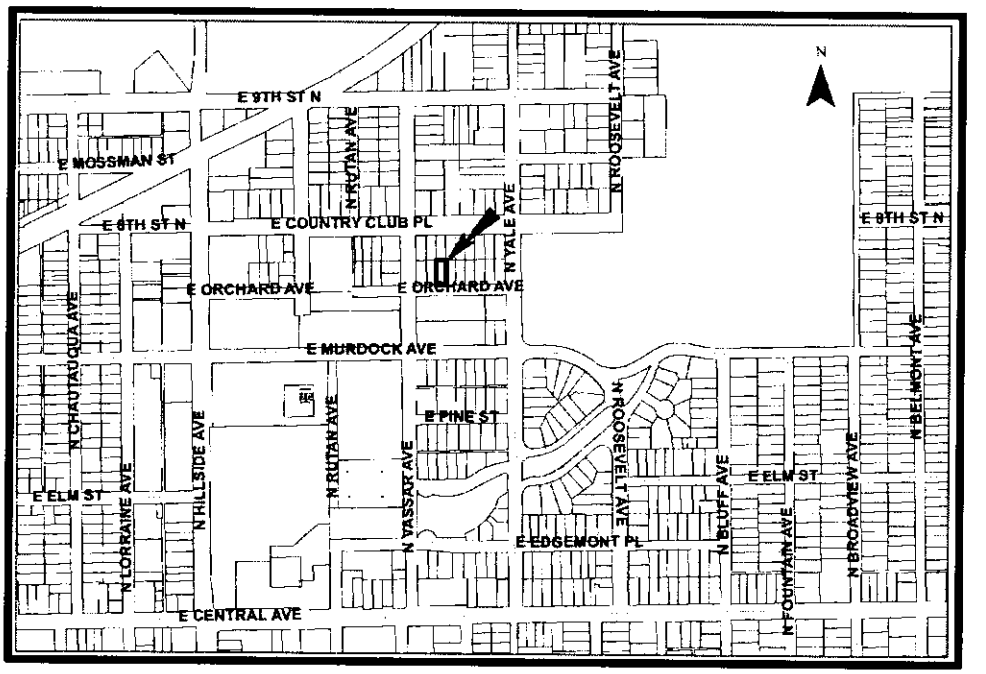
REQUEST: Conditional Use for accessory apartment

CURRENT ZONING: TF-3 Two-Family Residential ("TF-3")

SITE SIZE: 50 feet (x) 128.32 feet; 6,416-square feet

LOCATION: East of Hillside Avenue, north of Murdock Avenue, east of Vassar Avenue on the north side of Orchard Street

PROPOSED USE: Accessory Apartment for a member of the family



BACKGROUND: The applicants are requesting a Conditional Use to allow an accessory apartment on Lots 10 & 12, Country Club Place Addition; 3412 E Orchard Street. The approximately 6,416-sqaure feet subject site is zoned TF-3 Two-Family Residential ("TF-3"). Because the proposed additional/separate structure will contain a kitchen, a bathroom and sleeping quarters, it is classified as dwelling unit (Unified Zoning Code, "UZC", Art II, Sec II-B 4.j) and thus requires Conditional Use approval for an accessory apartment in the TF-3 zoning district (Art III, Sec III-D). The applicants have been advised that converting their single-family residence into a duplex could be done by right in the TF-3 zoning district. A member of the owners' family will live in the accessory apartment.

The UZC's Art III, Sec III-D 6.a, Conditional Use requirements for an accessory apartment:

(a) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling.

(b) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood.

(c) 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.

(d) The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

The site plan submitted by the applicants shows the detached, accessory apartment located behind their single-family residence; UZC, Art III, Sec III-D 7 e (7), a detached accessory structure must be located at least three feet from the principle structure; this needs to be confirmed on a revised site plan. The site plan shows the accessory apartment to be located three and one-half feet from the interior side property line and eight feet from the rear property line; UZC, Art III, Sec III-D 7 e (3), permits an accessory structure to be located three feet from the interior side property line. Although the UZC, Art III, Sec III-D 7 e (1), permits an accessory structure to be located five feet from the rear property line, the applicants show it to be located eight feet from the rear property line. Country Club Place Addition has no platted easements, but there is a sewer line running parallel to the rear property line of the site; either an easement dedicated by separate instrument or an easement by prescription must be confirmed by a revised site plan. The applicant has stated that the accessory apartment will be built on top of a newly constructed garage, as shown on the current site plan; per UZC, Art III, Sec III-D 7 e (6) the detached accessory structure cannot not exceed 60% of the TF-3's zoning district's allowable height of 35 feet.

Built in 1934, the applicants' current residence is a one-story, stick frame, lap siding, building, approximately 1,600-square feet in size. No square footage, no building materials, and no garage are shown for the proposed accessory apartment; however, in order to be considered an accessory residential structure, the requested apartment

must have less square footage than the principal structure, as well as meet the already noted UZC's four requirements.

The site is located in a predominately TF-3 zoned single-family residential neighborhood, sandwiched between the GO General Office ("GO") and B Multi-Family Residential ("B") zoned Wesley Hospital complex on the west and the TF-3 zoned 146-acre MacDonald Municipal Golf Course on the east. Wesley is the largest development (after the golf course) and employer in the area. Most of the houses in the area were built in the 1920s and the 1930s. The TF-3 zoned apartment, located south of the site, across Orchard, is a converted school house (Alcott school, built 1926 & 1959); CON2007-33 a Conditional Use for multi-family residential in the TF-3 zoning district.

CASE HISTORY: The subject site is located on Lots 10 & 12, the Country Club Place Addition, which was recorded with the Register of Deeds February 15, 1923.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-family residences
SOUTH:	TF-3	Apartments
EAST:	TF-3	Single-family residences, municipal golf course
WEST:	TF-3, GO, B	Hospital complex, single-family residences, children's home

PUBLIC SERVICES: All public services are available. Murdock Avenue at this location is classified as an urban collector. Orchard and Vassar Avenues are local streets. Orchard has 50-feet of right-of-way at this location, but runs only between Vassar and Yale Avenues, a short block in front of the site, with no immediate chances for extending east or west, because of MacDonald golf course and the Wesley complex respectively. The site's only access is onto Orchard.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Urban Residential." The Urban Residential category reflects the full diversity of residential development densities found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks and special residential accommodations for the elderly (assisted living, congregate care and nursing homes). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may be found in this category. The site's current TF-3 zoning is intended to accommodate moderate-density single-family and duplex residential development, as well as very limited density multi-family development and other complementary land uses. The site's current use as a single-family residence and its TF-3 zoning comply with the Urban Residential category. Although the requested accessory apartment is an appropriate housing type for the Urban Residential category (as well as the site's TF-3 zoning), this appears to be the first accessory apartment in the area. However, the conversion of the TF-3 zoned Alcott school to an apartment (CON2007-33) did

introduce a higher development density to the immediate area.

The site is also located within the "Central Northeast Area Plan" (Ord #46-657 & Resolution #158-05), which has as an overall goal of improving the housing stock for this area, including increasing rental property. The proposed Conditional Use for an accessory apartment may or may not improve the housing stock in the area, much of that will depend on maintenance of the property. The Conditional Use requirement that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood should help maintain the current housing stock. Although the intended occupant of the accessory apartment is a member of the owners' family (the owners live on the subject site), the UZC does not prevent it from being rented out to anyone, such as an employee of Wesley.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED subject to the following conditions being completed within a year:

1. The accessory apartment shall be subject to all requirements of Art III, Sec III-D 6.a of the Unified Zoning Code; including the appearance of the accessory apartment shall be compatible with the primary residence and shall not be larger in floor area than the principal structure. Provide Planning with a revised site plan.
2. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
3. 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 VII hereof, 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: The site is located in a predominately TF-3 zoned single-family residential neighborhood, sandwiched between the GO General Office "GO" and B Multi-Family Residential "B" zoned Wesley Hospital complex on the west and the TF-3 zoned 146-acre MacDonald Municipal Golf Course on the east. Wesley is the largest development (after the golf course) and employer in the area. Most of the houses in the area were built in the 1920s and the 1930s. The TF-3 zoned apartment, located south of the site, across Orchard, is a converted school house; the Alcott school, built 1926 & 1959, CON2007-33 a Conditional Use for multi-family residential in the TF-3 zoning district.

2. The suitability of the subject property for the uses to which it has been restricted: The site's current use as a single-family residence is appropriate for its TF-3 zoning and the neighborhood. Accessory apartments are allowed as a Conditional Use in TF-3 zoning provided the applicant and the site meet the

UZC's and the golden rules standards. The application and the site appear to meet these criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Although this appears to be the first accessory apartment in the area, the conversion of the Alcott school to an apartment (CON2007-33) did introduce a higher development density to the immediate area. Any detrimental effect should be minimized by the conditions for accessory apartments by the UZC and the Conditional Use.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Urban Residential." The Urban Residential category reflects the full diversity of residential development densities found in a large urban municipality. The site's current use as a single-family residence and its TF-3 zoning comply with the Urban Residential category. Although the requested accessory apartment is an appropriate housing type for the Urban Residential category (as well as the site's TF-3 zoning), this appears to be the first accessory apartment in the area. The UZC makes specific provision for accessory apartments in TF-3 zoning. This application appears to comply with all the provisions outlined in the UZC for accessory apartments.

5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities. An increase in traffic will be minimal.

DALE MILLER / BILL LENGNECKER

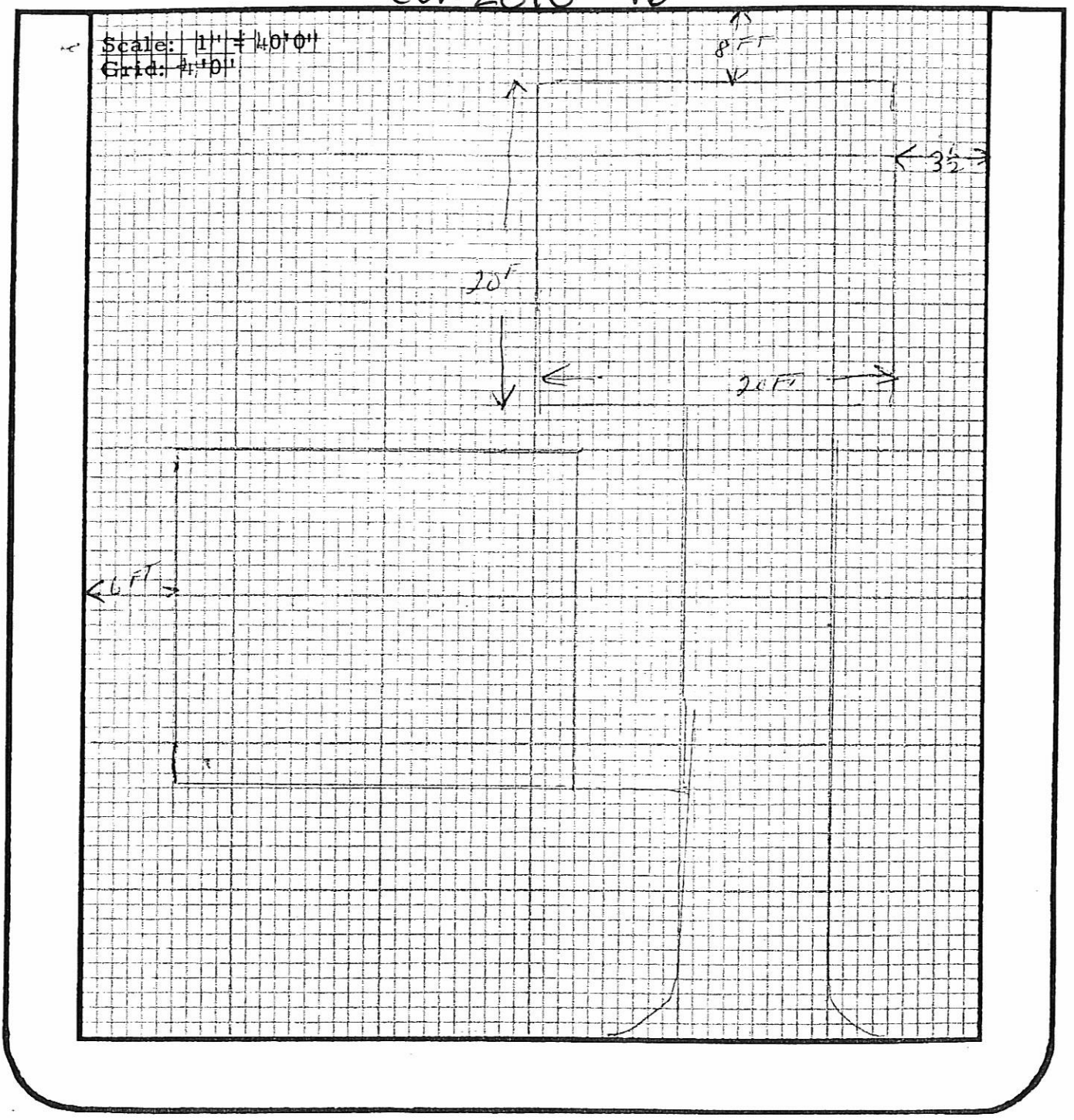
RESIDENTIAL PLOT PLAN

ADDRESS: 3412 ORCHARD PERMIT NO.

LOT(S): BLK. OF ZONING TF-3

REQUIRED SETBACKS: FRONT SIDE SIDE REAR

CON 2010 - 16



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: (Applicant)

	FSB	RSB	ISSB
"TF-3"	25	20	6

White Copy - File Yellow Copy - Applicant

Form No. 225-1