CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 6, 2015

Rosendo and Celsa Martinez
2027 N. Jackson
Wichita, KS 67203

Ignali Martinez
Able Soto Martinez
941 W. 29th St. S.
Wichita, KS 67204

RE: CON2015-00002 - City Conditional Use request for an accessory apartment on property zoned SF-5 Single-family Residential, generally located south of 29th Street North and west of Woodland Avenue (941 W. 29th St. N.)

Dear Applicant

At its regular meeting on **February 19, 2015**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the following conditions:

1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan and elevation drawings.
2. The site shall be developed and maintained in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
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 case received no protests during the two-week period, therefore the MAPC decision is final. If you have any questions concerning this application, please contact out office at 268-4421.

Sincerely,

Derrick Slocum
Division Supervisor

Copies to: Tom Stolz, MABCD
J. R. Cox, MABCD

CONDITIONAL USE RESOLUTION NO. CON2015-00002

WHEREAS, Rosendo and Celsa Martinez (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 approximately 0.93 acres zoned SF-5 Single-family Residential ("SF-5"), described as:

> Beginning 336 Feet West, Northeast Corner of Government Lot 4, South 427 Feet, West 102 Feet, North 427 Feet, East 102 Feet to the Beginning, Section 5, Township 27 South, Range 1 East.

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 February 19, 2015, 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 an "accessory apartment" on property zoned SF-5 Single-family Residential ("SF-5"), described as:

> Beginning 336 Feet West, Northeast Corner of Government Lot 4, South 427 Feet, West 102 Feet, North 427 Feet, East 102 Feet to the Beginning, Section 5, Township 27 South, Range 1 East.

Approved subject to the following conditions:

1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan and elevation drawings.
2. The site shall be developed and maintained in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
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 19 day of February 2015.

METROPOLITAN AREA PLANNING COMMISSION

~~Matthew Goleeby~~, Chair MAPC
Carol Chapman Nugent

ATTEST:

John L. Schlegel, Secretary

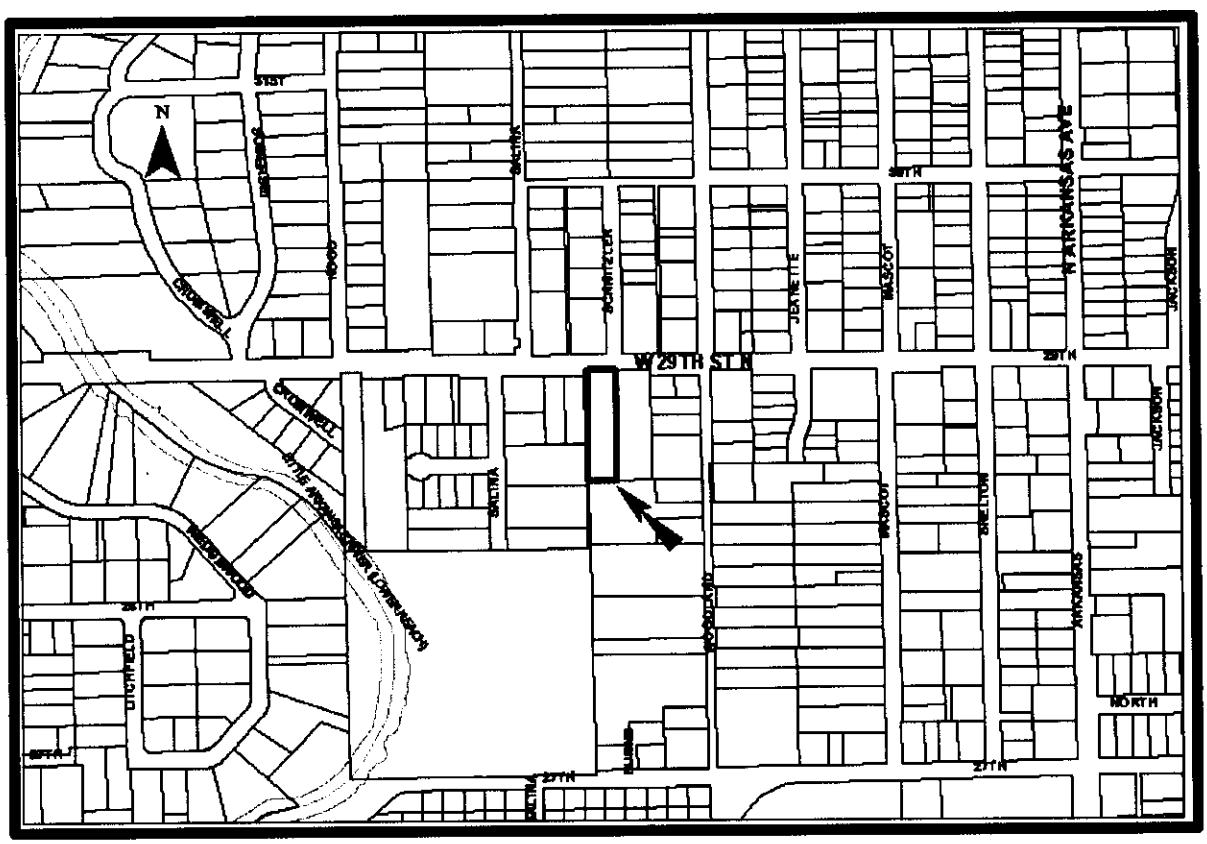
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 12

STAFF REPORT

MAPC: February 19, 2015
DAB VI: February 18, 2015

CASE NUMBER:	CON2015-00002
APPLICANT/AGENT:	Rosendo and Celsa Martinez (Owner/Applicant)
REQUEST:	Conditional Use for an Accessory Apartment
CURRENT ZONING:	SF-5 Single-family Residential
SITE SIZE:	0.93 acres
LOCATION:	South of 29th Street North and west of Woodland Avenue (941 West 29th Street North)
PROPOSED USE:	Accessory Apartment



BACKGROUND: The applicants request a conditional use for an "accessory apartment" on property zoned SF-5 Single-family Residential ("SF-5"), the site is located south of 29th Street North and west of Woodland Avenue (941 West 29th Street North.) The property is currently developed with a single-family residence built in 1920 and a detached garage. The property is just under one acre in size, with the site dimensions 100 feet wide by 400 feet deep. All surrounding property is zoned SF-5 and developed with single-family residences except the property to the west which is developed with an office use. All corners of the intersection of West 29th Street North and North Woodland Avenue, east of the subject site, is zoned LC Limited Commercial ("LC") and is developed with office, warehouse and single-family residential uses.

According to the submitted site plan, the proposed accessory structure/apartment would have more square footage than the primary structure. However, there is nothing in the Wichita-Sedgwick County Unified Zoning Code ("UZC") that states that an accessory structure/apartment needs to be smaller than the principal structure. The 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.

The SF-5 zoning district property development standards call for a minimum rear setback of 20 feet for principal structures; however, accessory structure rear building setback (Sec. III-D.7.e(1)) shall be at least ten feet from the centerline of any platted or dedicated alley, and if no alley exists, then five feet from the rear lot line; accessory structures may be within three feet of a side lot line if on the rear half of the property. Accessory structures may not utilize more than one-half of any required rear yard, and shall not exceed 60 percent of the allowable height limit for the zoning district unless the accessory structure conforms to principal structure setback requirements. The SF-5 zoning district maximum height is 35 feet, 60 percent of which is 21 feet. The UZC parking standards require one off-street parking space per single-family residence and one per accessory apartment. The submitted site plan appears to conform to UZC requirements.

CASE HISTORY: The subject site is currently unplatted.

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	Office

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. West 29th Street North is a paved, 3-lane arterial street at this location with sixty foot right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts this site as appropriate for "urban residential." The "urban residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units.

RECOMMENDATION: This lot is deeper than average city lots, and therefore has enough room to accommodate the accessory apartment and associated parking. Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan and elevation drawings.
2. The site shall be developed and maintained in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
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:

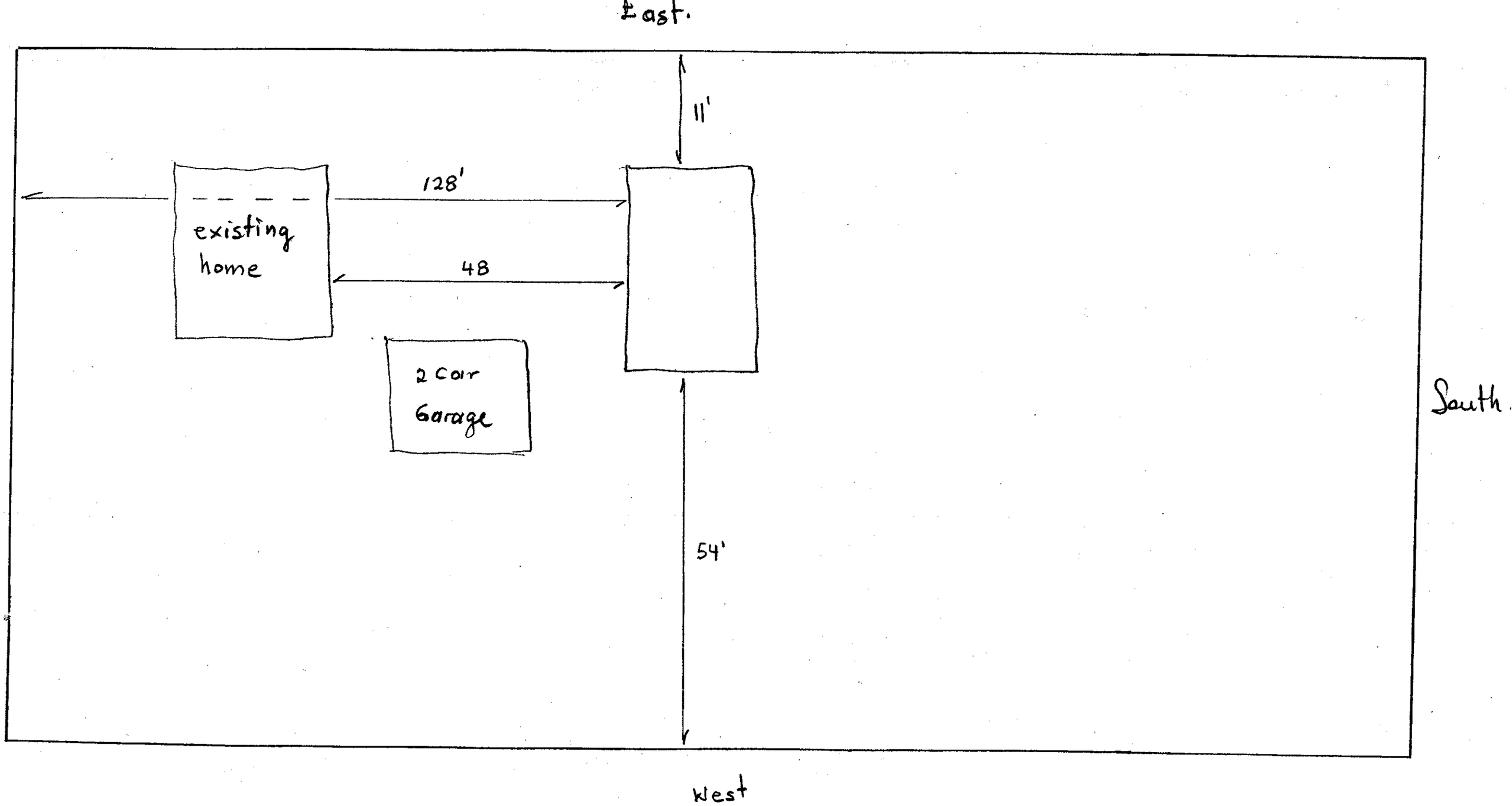
1. The zoning, uses and character of the neighborhood: All surrounding property is zoned SF-5 and developed with single-family residences except the property to the west which is developed with an office use. All corners of the intersection of West 29th Street North and North Woodland Avenue, east of the subject site, is zoned LC Limited Commercial ("LC") and is developed with office, warehouse and single-family residential uses.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5 which permits the existing single-family residence. The property could continue to be used for one single-family residence; the depth of the property easily accommodates an accessory apartment and the additional required parking space.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The accessory apartment site is well separated from neighboring lots. The conditions of approval should minimize any impacts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as appropriate for "urban residential." The "urban residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units.

5. Impact of the proposed development on community facilities: If this request is approved, the site is served by municipal services that are able to accommodate projected demand created by this request.


East
11'
128'
existing
home
48
2 car
Garage
54'
South
West