CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 17, 2016

Arthur, Sondra & January Bailey
3401 E. 2nd Street
Wichita, KS 67208

RE: **CON2016-00010** - City Conditional use request to allow an Accessory Apartment in TF-3 Two-Family Residential zoning district; generally located east of N. Hillside at the southeast corner of Rutan and E. 2nd Street (3401 E. 2nd Street.)

Dear Applicants:

At its regular meeting on **June 2, 2016**, 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 conditions on the attached resolution.

No appeals or protest petitions were filed opposing this action. The action of the MAPC is final.

Sincerely,

Kathy L. Morgan
Senior Planner
Current Plans Division

KLM/mc
Attachment

Copies to: WCC I, Lavonta Williams, Mail Stop 1-13
CSR, District I, Kameelah Alexander, Mail Stop 1-135
Paul Hays, MABCD, Mailstop 1-72
J. R. Cox, MABCD, Mailstop 1-72

CONDITIONAL USE RESOLUTION NO. CON2016-00010

WHEREAS, Arthur, Sondra and January Bailey, (Owners/Applicants), 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 0.53 acre zoned TF-3 Two-Family Residential described as:

> Lots 2-4-6-8-10-12 and W/2 of Lot 14 and ½ vacated alley on South, of the Davis Addition, two blocks east of N. Hillside at the southeast corner of Rutan and East 2nd Street (3401 E. 2nd).

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 June 2, 2016, 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 0.53 acre zoned TF-3 Two-Family Residential described as:

> Lots 2-4-6-8-10-12 and W/2 of Lot 14 and ½ vacated alley on South, of the Davis Addition, two blocks east of N. Hillside at the southeast corner of Rutan and East 2nd Street (3401 E. 2nd).

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, the approved elevation drawing, and 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.

2. An approved site plan for the entire lot and an elevation drawing approved by planning staff, indicating dimensions and exterior materials.

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 16th Day of June 2016

METROPOLITAN AREA PLANNING COMMISSION

Carol Chapman Neugent

Carol Chapman Neugent, Chair MAPC

ATTEST:

Scott Kull for

Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

DAB I June 6, 2016
MAPC June 2, 2016

CASE NUMBER: CON2016-00010

APPLICANT/AGENT: Arthur, Sondra and January Bailey (owners/applicants)

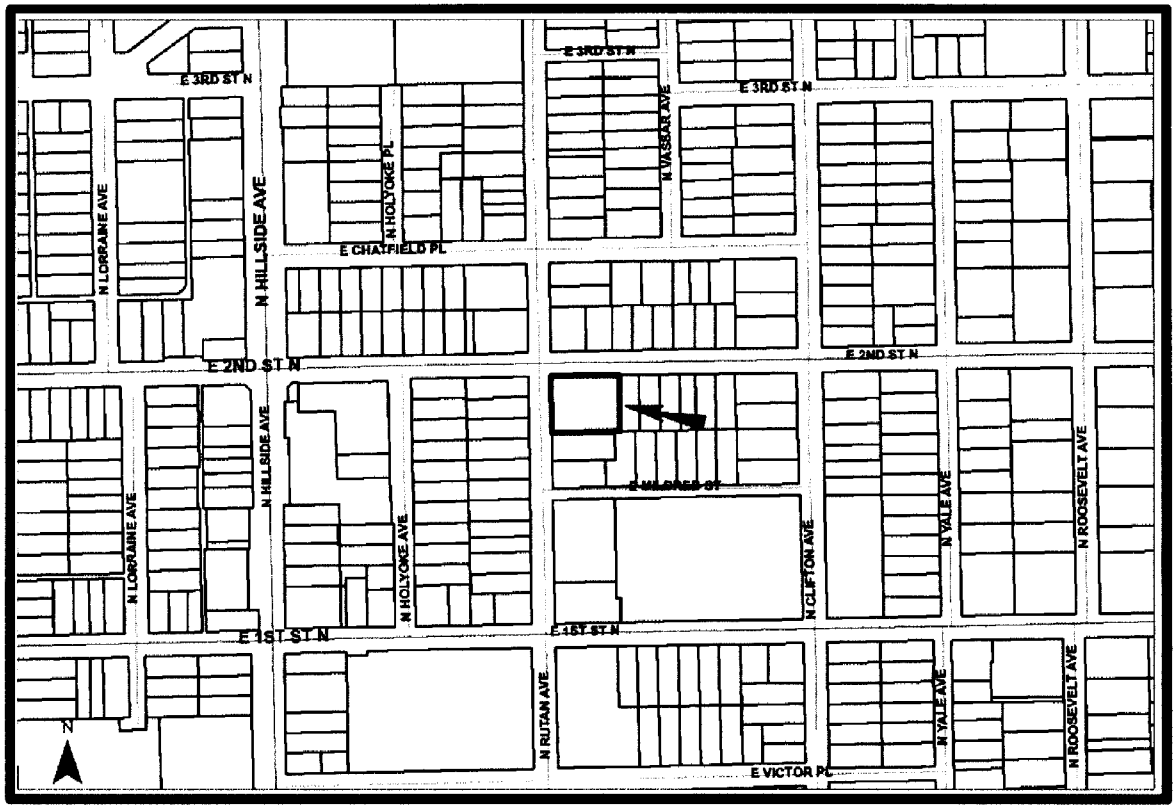
REQUEST: Conditional Use for an Accessory Apartment

CURRENT ZONING: TF-3 Two-family Residential

SITE SIZE: 0.53 acres

LOCATION: Southeast corner of East 2nd Street and North Rutan

PROPOSED USE: Accessory Apartment above garage



BACKGROUND: The applicants request a Conditional Use for an "accessory apartment" on property zoned TF-3 Two-family Residential. The site is located at the southeast corner of East 2nd Street and North Rutan. The property is currently developed with a single-family residence on the 0.53-acre site. A four-car garage and an in-ground swimming pool have recently been demolished in order to build the new garage with a second story apartment. There is an existing drive access from East 2nd Street. This site is listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places. The owners filed application to the Wichita Historic Preservation Board to request demolition of the non-original four-car garage and the in-ground pool and approval of the design for the new garage/apartment structure. The Historic Preservation Board approved the proposed project with the stipulation that a conditional use for an accessory structure be obtained.

The property is surrounded by residential zoning developed with single-family structures to the north, west and south, and two-family structures to the east. West of the site is zoned TF-3, north is TF-3 and SF-5 Single-Family residential, east of the site is zoned TF-3, and south of the site is zoned SF-5.

The Wichita-Sedgwick County Unified Zoning Code ("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 TF-3 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 TF-3 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 conforms to UZC requirements.

CASE HISTORY: The subject property has two associated city cases. Protective Overlay H76-21 designating the historic Senator Chester Long House in the Wichita

Register of Historic Places and associated city case BZA2006-91 allowing a rear setback reduction to 16 feet.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3, SF-5	Single-family residential
SOUTH:	SF-5	Single-family residential
EAST:	TF-3	Two-family residential
WEST:	TF-3	Single-family residential

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. East 2nd Street is a three-lane one-way arterial street and Rutan is a local paved street at this location.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The residential category encompasses areas that reflect the full diversity of residential densities and types, including apartments. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as residential.

RECOMMENDATION: The surrounding area has well-established residential land uses. This site is 165.5 feet wide and 135 feet deep, and therefore has enough room to accommodate the accessory apartment and associated parking. Existing tree growth on the site partially screens the accessory apartment from neighboring properties. 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, the approved elevation drawing, and 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.
2. An approved site plan for the entire lot and an elevation drawing approved by planning staff, indicating dimensions and exterior materials.
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 property is surrounded by residential zoning developed with single-family structures to the north, west and south, and two-family structures to the east. West of the site is zoned TF-3, north is TF-3 and SF-5 Single-Family residential, east of the site is

zoned TF-3, and south of the site is zoned SF-5.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned TF-3 which permits the existing single-family residence. The property's zoning would permit construction of a duplex on the site; however, the accessory apartment allows the same number dwelling units while preserving the historic use of the structure. The dimensions 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 screened from neighboring lots. The conditions of approval should minimize any anticipated detrimental impacts.

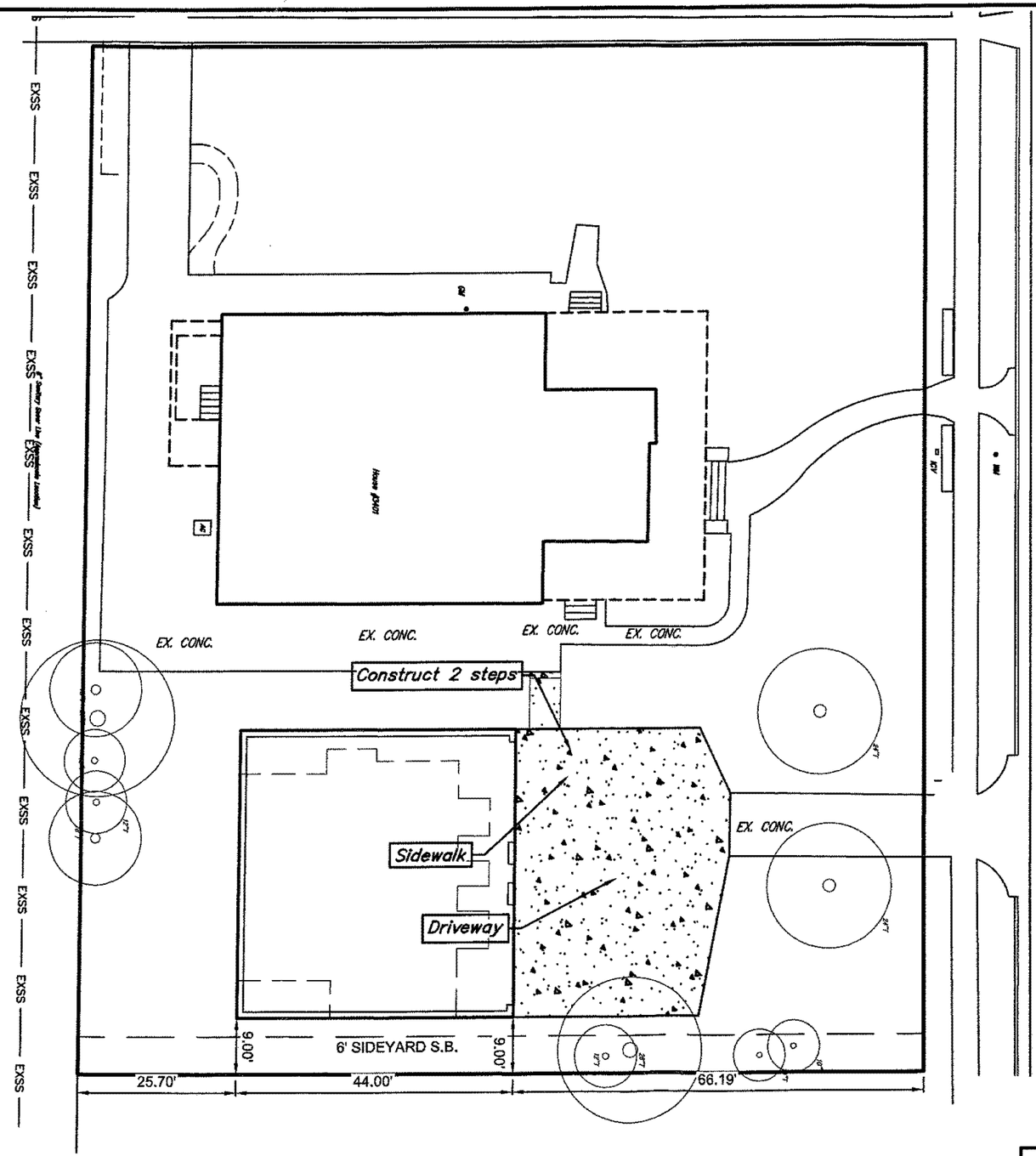
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The residential category encompasses areas that reflect the full diversity of residential densities and types, including apartments. The Plan's *2035 Wichita Future Growth Concept Map* identifies this location as residential.

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.

Call Before You Dig!
1-800-DIG SAFE
or 687-2470 in Wichita
Call Kansas One-Call at Least Two (2) Working Days Before Work Begins

SITE PLAN

APPROVED 6/17/2016 BY



General Notes:

1. Staking dimensions are shown for representation only.
2. This drawing does not represent a boundary survey or mortgage title inspection (MTI). Easements and setbacks shown have been taken from the recorded plat or other known sources. It shall be the Builder's responsibility to ensure that the final location of the house conforms to all applicable setbacks and easements.
3. Any changes in elevations shown on this plan must be approved by the Developer or his Authorized Representative.
4. The Builder or their subcontractor(s) shall contact the Engineer immediately with any discrepancies.

* Extra Deep Foundation May Be Required

1" = 20'

Legend:			
VO	View- Out	BF	Basement Floor
PVO	Partial View- Out	RC-TC	Roll Curb-Top of Curb
WO	Walk- Out	TC	Top of Curb
TF	Top of Foundation	FG	Finished Grade

LOT LAYOUT PLAN

Location: 3401 E. 2nd Street, Wichita, KS 67208
Prepared For: Art Bailey, Phone: 708-2640
File Location: E:\GRADE\Davis Addition\Davis Add 2-14 even 15-03-S448 LOT1.dwg

Drawn By: DML
Date Drawn: 4.26.2016
Project Number: 16-03-G050
Approved By:

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