CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 15, 2008

Linn Blankinship
438 Ralstin
Wichita, KS 67209

Brian Renollet
8411 E. 21st. St. N.
Wichita KS 67226

RE: CON2008-00009 – City Conditional Use request to permit an accessory apartment on property zoned "SF-5" Single-family Residential, generally located approximately ½ mile east of the intersection of South Meridian Avenue and West MacArthur Road (1820 West MacArthur Road).

Dear Ladies and Gentlemen:

At its regular meeting on **April 10, 2008**, the Wichita City Council considered the above-captioned request. The action of the Council 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,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/mc
Attachment

Copies to: Paul Gray, WCC IV, Mail Stop #1-13
Kelli Glassman, NA WCC IV, Mail Stop #1-135
Southwest Neighborhood Association, Attn: Irene Armstrong, 1109 W. Greenfield, Wichita, KS 67213
Julianne Kallman, Engineering, Mail Stop #1-71

CONDITIONAL USE RESOLUTION NO. CON2008-00009

WHEREAS, Linn Blankinship (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow an accessory apartment on property zoned SF-5 Single-family Residential ("SF-5") described as:

> Lots 1, 2, 3 and 4, Blankinship Addition, Wichita, Sedgwick County, Kansas. Generally located approximately ½ mile east of the intersection of South Meridian Avenue and West MacArthur Road (1820 West MacArthur)

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 April 10, 2008, 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 to allow an accessory apartment on property zoned SF-5 Single-family Residential ("SF-5") described as:

> Lots 1, 2, 3 and 4, Blankinship Addition, Wichita, Sedgwick County, Kansas. Generally located approximately ½ mile east of the intersection of South Meridian Avenue and West MacArthur Road (1820 West MacArthur)

Approved subject to the following conditions:

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

2. Development and maintenance of the site shall be in conformance with the approved site plan and Unified Zoning Code Standards.

3. If operations have not begun within one year of approval, or 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.

Adopted this 10th Day of April 2008.

METROPOLITAN AREA PLANNING COMMISSION

M.S. Mitchell, Chair MAPC Vice C.

ATTEST:

John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC April 10, 2008
DAB IV April 2, 2008

CASE NUMBER: CON2008-00009

APPLICANT/AGENT: Linn Blankinship (Owner/Applicant)
Brian Renollet (Agent)

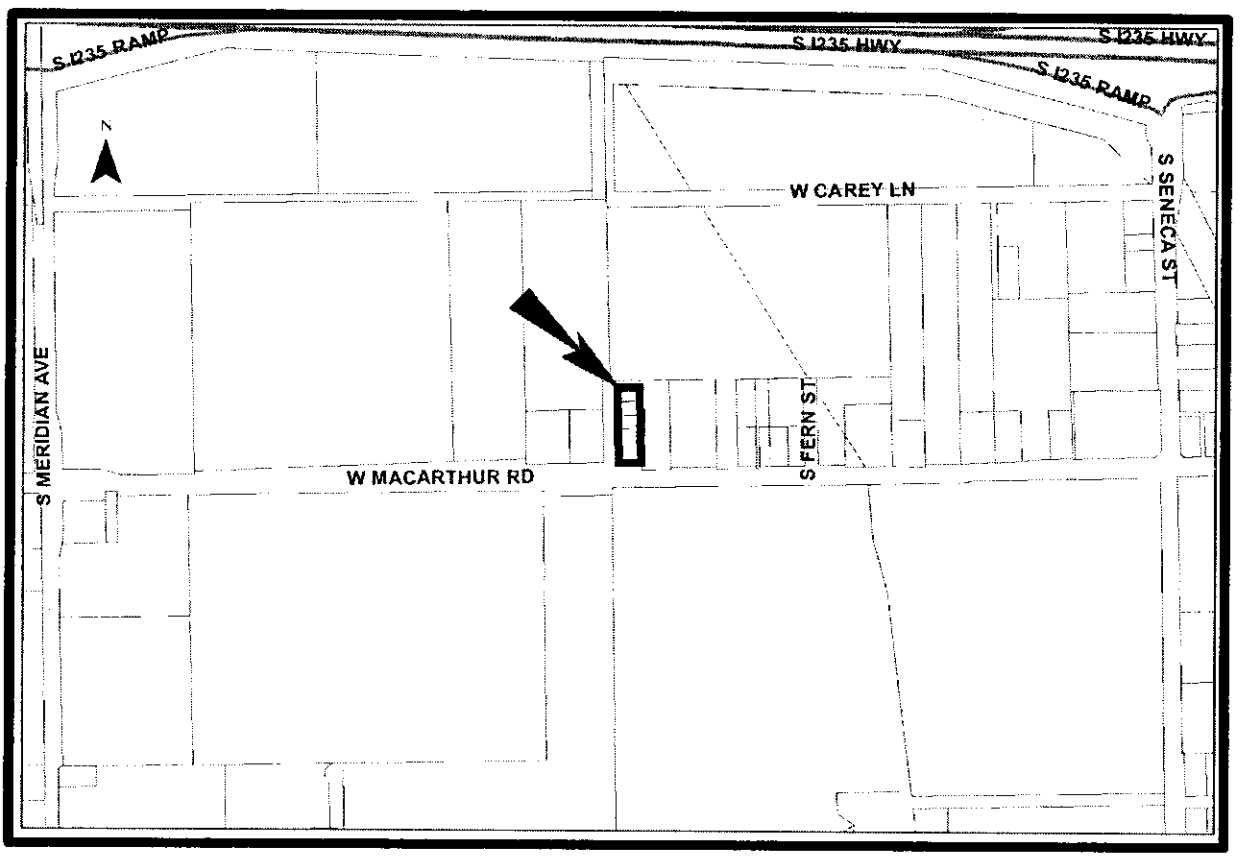
REQUEST: Accessory Apartment

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

SITE SIZE: Total Area 0.85-acres

LOCATION: Generally located approximately ½ mile east of the intersection of South Meridian Avenue and West MacArthur Road (1820 West MacArthur)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant seeks a Conditional Use to permit an "accessory apartment" at 1820 West MacArthur Road, a platted lot containing approximately 0.85 acres. The site is developed with a residence with an attached guestroom/accessory apartment, served by the City of Wichita water and sewer services. The applicant was recently made aware of his non-conforming status by having an accessory apartment without a conditional use permit. The owner wants to bring the property up to conformance for the possible sale of the subject site. The accessory apartment is connected to the same water and sewer service as the principal structure. The accessory structure is attached to the west side of the principal structure. The principal structure is approximately 3,000 square feet in size, and complies with applicable setbacks. See the attached site plan for more details.

The application area is located in southwestern Wichita, approximately a half mile east of the intersection of West MacArthur and South Meridian. The zoning north of the subject site is SF-5 and is currently not developed but utilized for agricultural land. To the south, the property is zoned SF-5 and is developed with a tavern\bar\disco, which has been in existence since around 1950. Zoning to the east is SF-5 and developed as a single-family residence, built around 1950. The property to the west is zoned both "GO, General Office and "LC", Limited Commercial and is developed with a mobile home park and church. The mobile home park started development in 1985, while the church was constructed in 1963.

CASE HISTORY: The site is platted as the Blankinship Addition recorded on October 23, 1968. The structure currently on the site was constructed in 1950.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family Residential	Ag Land
SOUTH:	"SF-5"	Single-family Residential	Tavern, Bar, Disco
EAST:	"SF-5"	Single-family Residential	Residence
WEST:	"LC"	Limited Commercial	Church, Mobile Home Park
	"GO"	General Office	Church

PUBLIC SERVICES: The property is located on West MacArthur Road, a two-lane, minor arterial, section line road, with 11,307 average daily trips near the subject site. The property utilizes an existing water and sewer service.

CONFORMANCE TO PLANS/POLICIES: The *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.a states that accessory apartments are required to be under the same ownership as the primary residence, compatible in appearance with the primary residence, and utilize the same water and sewer service as the primary residence.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

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

2. Development and maintenance of the site shall be in conformance with the approved site plan and Unified Zoning Code Standards.

3. If operations have not begun within one year of approval, or 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**: The application area is located in southwestern Wichita, approximately a half mile east of the intersection of West MacArthur and South Meridian. The zoning north of the subject site is SF-5 and is currently not developed but utilized for agricultural land. To the south, the property is zoned SF-5 and is developed with a tavern\bar\disco, which has been in existence since around 1950. Zoning to the east is SF-5 and developed as a single-family residence, built around 1950. The property to the west is zoned both "GO, General Office and "LC", Limited Commercial and is developed with a mobile home park and church. The mobile home park started development in 1985, while the church was constructed in 1963

2. **The suitability of the subject property for the uses to which it has been restricted**: The site is zoned SF-5, which primarily permits residential uses. The site could continue to be used without the Conditional Use with just the single-family residence without the accessory apartment.

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 the adopted or recognized Comprehensive Plan and policies**: The *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.a states that accessory apartments are required to be under the same ownership as the primary residence, compatible in appearance with the primary residence, and utilize the same water and sewer service as the primary residence.

5. **Impact of the proposed development on community facilities**: Since the house and apartment have been in existence for the past 40-years, approval will not impact community facilities to any significant degree.

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