

CONDITIONAL USE RESOLUTION NO. CU-549

WHEREAS, Mr. Michael B. McPeak and Mr. Sydney L. McPeak (owner/applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow for an accessory apartment for aging parent on 2.5 acres zoned "SF-6" Single-Family described as:

Beginning 990 feet north of the southeast corner of the southwest quarter of Section 21, Township 27 south, Range 1 west of the 6th principal meridian, Sedgwick County, Kansas, thence north 165 feet, thence west 640 feet, thence south 165 feet, thence east 650 feet to beginning. Generally located North of Maple Street and east of Socora (110 S. Socora).

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 November 29, 1999, 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 permit a conditional use to allow for an accessory apartment on 2.5 acres zoned "SF-6" Single-Family Residential described as

Beginning 990 feet north of the southeast corner of the southwest quarter of Section 21, Township 27 south, Range 1 west of the 6th principal meridian, Sedgwick County, Kansas, thence north 165 feet, thence west 640 feet, thence south 165 feet, thence east 650 feet to beginning. Generally located North of Maple Street and east of Socora (110 S. Socora).

subject to the following conditions:

1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The building walls and the roof of the new structure shall be similar in appearance to the existing dwelling, and the structure must be limited to one story.
3. Off-street parking shall be provided for two spaces north of the proposed accessory apartment and connected to existing driveway.
4. The owner of the property shall reside on-site, either in the main home or the accessory apartment.
5. The site shall be developed in general conformance with the approved site plan.
6. Any violation of these conditions shall render this Conditional Use permit null and void.

Adopted this 29th day of November, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION


Frank Garofalo, Chair

ATTEST:

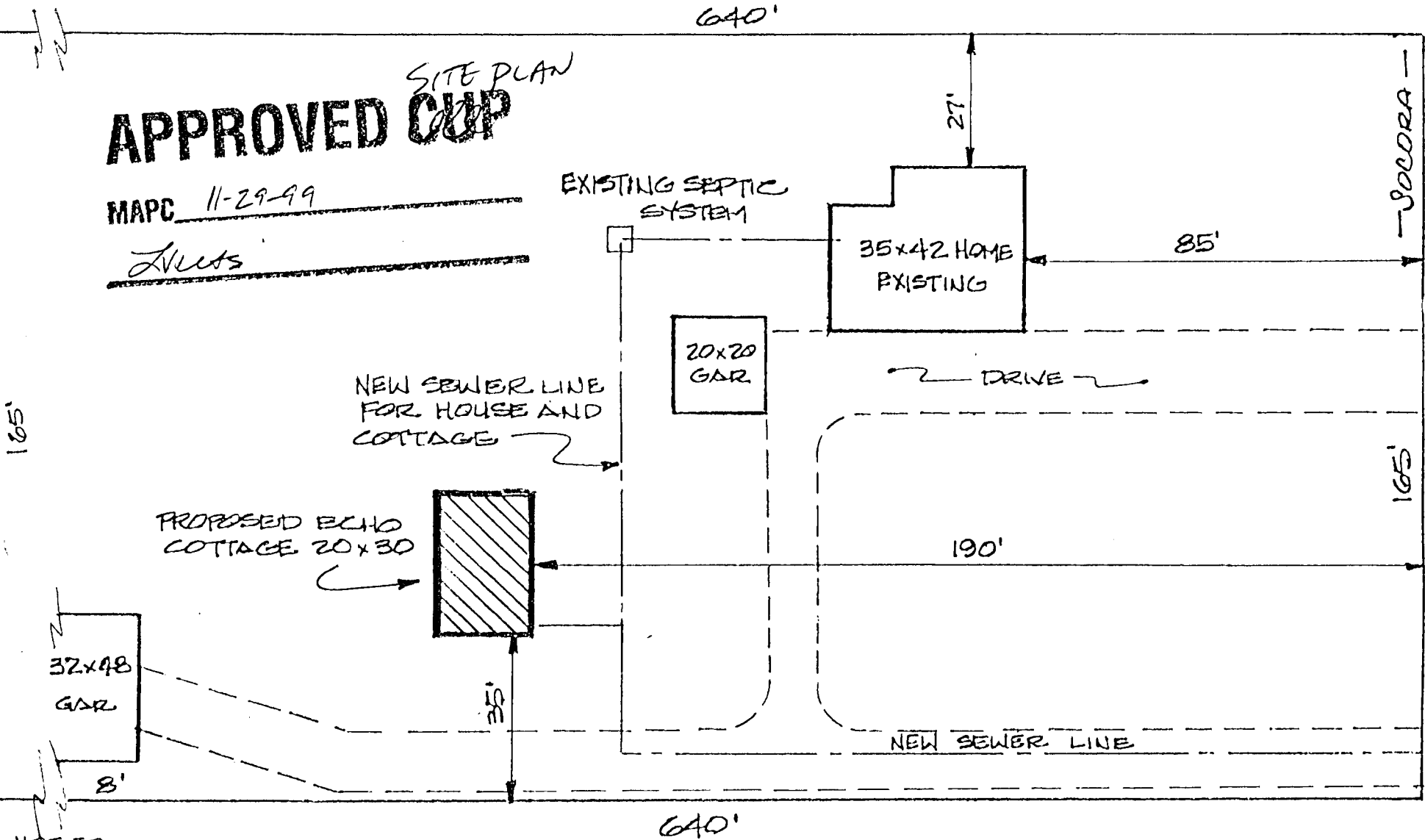

Marvin S. Krout, Secretary

APPROVED CUP

MAPC 11-29-99

Luets

SITE PLAN



NOT TO SCALE

== SITE PLAN ==
1" = 30'

for *McPeak Family*
110 S. Socora, Wichita, KS

by *Life Designs*

Lawrence, Kansas 9-28
(785) 838-3322 FAX (785) 838-3928 6

11-610

STAFF REPORT

CPO(5) November 17, 1999
MAPC November 29, 1999

CASE NUMBER: CU-549

APPLICANT/AGENT: Michael and Sydney McPeak (owner/applicant)

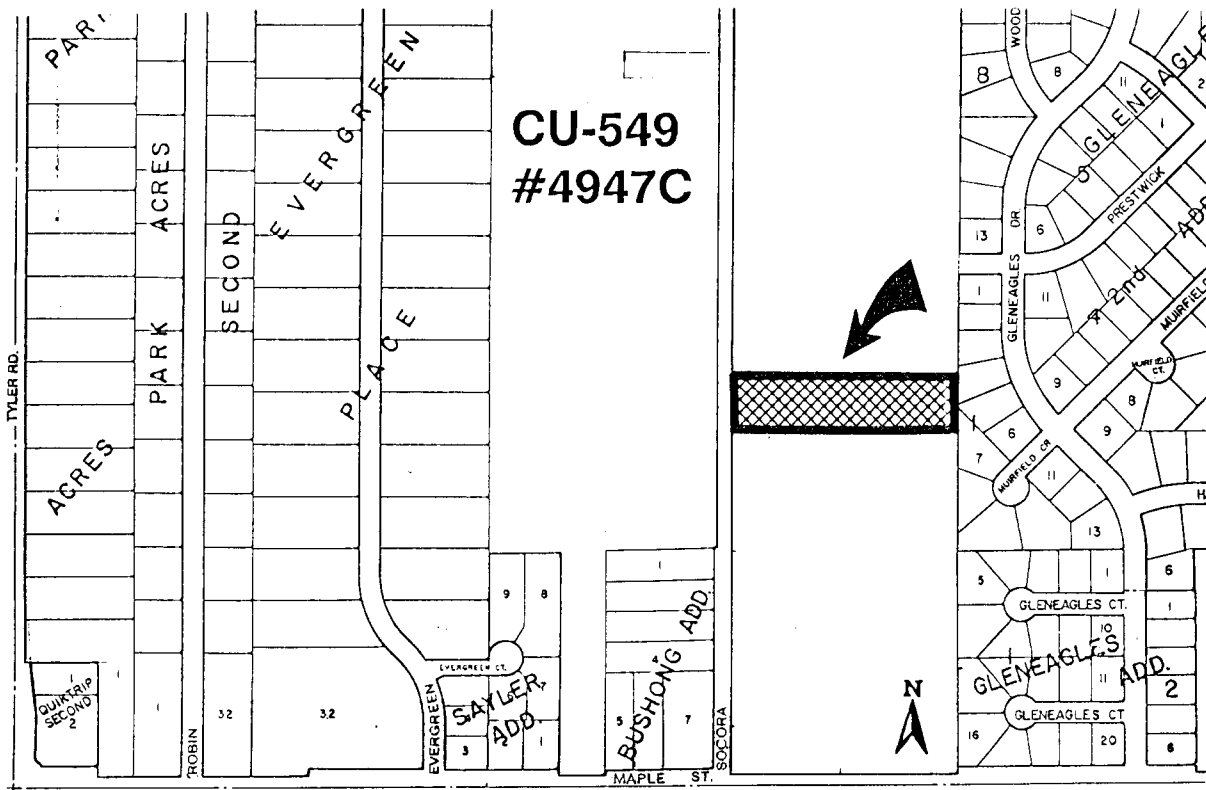
REQUEST: Conditional Use to allow an accessory apartment

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 2.5 acres

LOCATION: North of Maple Street and east of Socora (110 S. Socora)

PROPOSED USE: Accessory apartment for aging parent



BACKGROUND: The applicant is requesting a Conditional Use to allow an accessory apartment on 2.5 acres of residential unplatted property zoned "SF-6" Single-Family Residential. The request is being made to provide housing and care for an aging parent as an option to nursing home placement.

The existing home sits towards the front of the property, 85 feet from Socora. The proposed location of the accessory apartment, which is a 20 foot by 30 foot ECHO cottage unit, is behind the existing home, 190 feet from the front property line and 35 feet from the north property line. The accessory apartment will be similar in color and general design to the primary home. The existing home is made of brick, while the apartment, being a modular unit, will have siding to match the color of the dark red brick of the existing home and garage. Access and parking for the accessory apartment will be provided off of the existing driveway, with parking north and adjacent to the proposed structure.

ECHO housing units are modular, energy-efficient, handicapped-accessible, living units that are placed adjacent to an existing home, usually of a relative. The units are designed for individuals who, because of a handicap or mental incapacity, are unable to stay at home alone, yet do not require skilled services of a nursing home. These homes can be removed from the premises when no longer needed, but the applicant will likely keep the cottage on-site indefinitely for use as a guesthouse.

The surrounding property to the north, west, and south are similarly sized unplatted lots with single-family homes. Ashley Park and Gleneagles Subdivisions are to the east on property zoned "SF-6" Single-Family Residential. The closest adjacent property line east of the proposed accessory apartment is approximately 400 feet.

As per the Unified Zoning code, the Conditional Use requirements for accessory apartments stipulate:

- (a) that a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood; and
- (c) that 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.

This request meets these requirements.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6" – Single-Family Home
SOUTH: "SF-6" – Single-Family Home
EAST: "SF-6" – Single-Family Home
WEST: "SF-6" – Single-Family Home

PUBLIC SERVICES: There is a water well and septic system on-site that currently services the primary structure. The applicant is currently in the process of hooking up to City of Wichita Sewer, which will service both the primary structure and the accessory apartment. Access to this site is off of Socora, an unimproved residential street with 40 feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area as being appropriate for low density residential uses. By definition, low density residential has a density range of 1 to 6 units per acre, and includes single-family detached homes, zero lot line units and cluster subdivisions.

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

1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The building walls and the roof of the new structure shall be similar in appearance to the existing dwelling, and the structure must be limited to one story.
3. Off-street parking shall be provided for two spaces north of the proposed accessory apartment and connected to existing driveway.
4. The owner of the property shall reside on-site, either in the main home or the accessory apartment.
5. The site shall be developed in general conformance with the approved site plan.
6. Any violation of these conditions shall render this Conditional Use permit null and void.

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

1. The zoning, uses and character of the neighborhood: The surrounding zoning is "SF-6" Single-Family Residential. Placement of this accessory apartment does

not violate the density requirements for the "SF-6" zoning district. The apartment will be similar to the primary structure in its residential character.

2. Suitability of the subject property for the uses to which it has already be restricted: The code permits an accessory apartment provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet those criteria with the provision of parking for the accessory apartment.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affect should be minimized in light of the large size of the lot. The placement of the ECHO apartment generously meets zoning setback requirements and does not violate the density requirements of the surrounding area. The apartment will be placed toward the center of the lot, so as not to be immediately visible from the surrounding properties.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The zoning code anticipated this type of use and makes specific provision for it. The site appears to comply with all the provisions outlined in the code for an accessory apartment. Approval of this request will not be contrary to any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: None Identified.