



**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 13, 2017

Kenneth M. Piper  
5862 S. Hydraulic  
Wichita, ks 67216

**RE: CON2017-00013** - City Conditional Use request to allow an accessory structure in SF-5 Single-Family Residential (SF-5) zoned; generally located south of East 55<sup>th</sup> Street South on the east side of S. Hydraulic (5862 S. Hydraulic)

Dear Applicant:

At its regular meeting on **May 4, 2017**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

A handwritten signature in cursive script that reads 'Kathy L. Morgan'.

Kathy L. Morgan,  
Senior Planner  
Current Plans Division

KLM:al  
Attachment

Copies to: MABCD  
James Clendenin, Council Member District III  
Teia Wair, CSR District III

**CONDITIONAL USE RESOLUTION NO. CON2017-00013**

**WHEREAS**, Kenneth Piper, (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 5.08 acres zoned SF-5 Single-Family Residential described as:

BEG 1655.2 FT S NW COR NW1/4 SE 693.94 FT SE 590 FT M-L TO PT ON N LI S 10A W 1117 FT N 668.3 FT TO BEG EXC 2.18A M-L FOR DRAINAGE ROW & EXC BEG 2223.90 FT S NW COR NW 1/4 TH S 100 FT TO NW COR S 10A E 255.72 FT N 100 FT W 255.72 FT TO BEG & EXC W 50 FT FOR RD SEC 27-28-1E (5862 S. Hydraulic).

**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 4, 2017, 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 5.08 acres zoned SF-5 Single-Family Residential described as:

BEG 1655.2 FT S NW COR NW1/4 SE 693.94 FT SE 590 FT M-L TO PT ON N LI S 10A W 1117 FT N 668.3 FT TO BEG EXC 2.18A M-L FOR DRAINAGE ROW & EXC BEG 2223.90 FT S NW COR NW 1/4 TH S 100 FT TO NW COR S 10A E 255.72 FT N 100 FT W 255.72 FT TO BEG & EXC W 50 FT FOR RD SEC 27-28-1E (5862 S. Hydraulic).

Approved subject to the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 5862 S. Hydraulic Avenue) and the ownership shall not be divided or sold as a condominium.
- (2) The water provided to the accessory apartment shall not be provided as separate services from the main dwelling. Sewer will be provided by a new on-site septic system. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the construction of the accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the


Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 4 Day of May ~~2016~~ 2017

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
David W. Foster, Chairman MAPC

ATTEST:

  
\_\_\_\_\_  
Dale Miller, Secretary



**STAFF REPORT**  
MAPC May 4, 2017  
DAB III May 3, 2017

**CASE NUMBER:** CON2017-00013

**APPLICANT/OWNER:** Kenneth Piper, owner

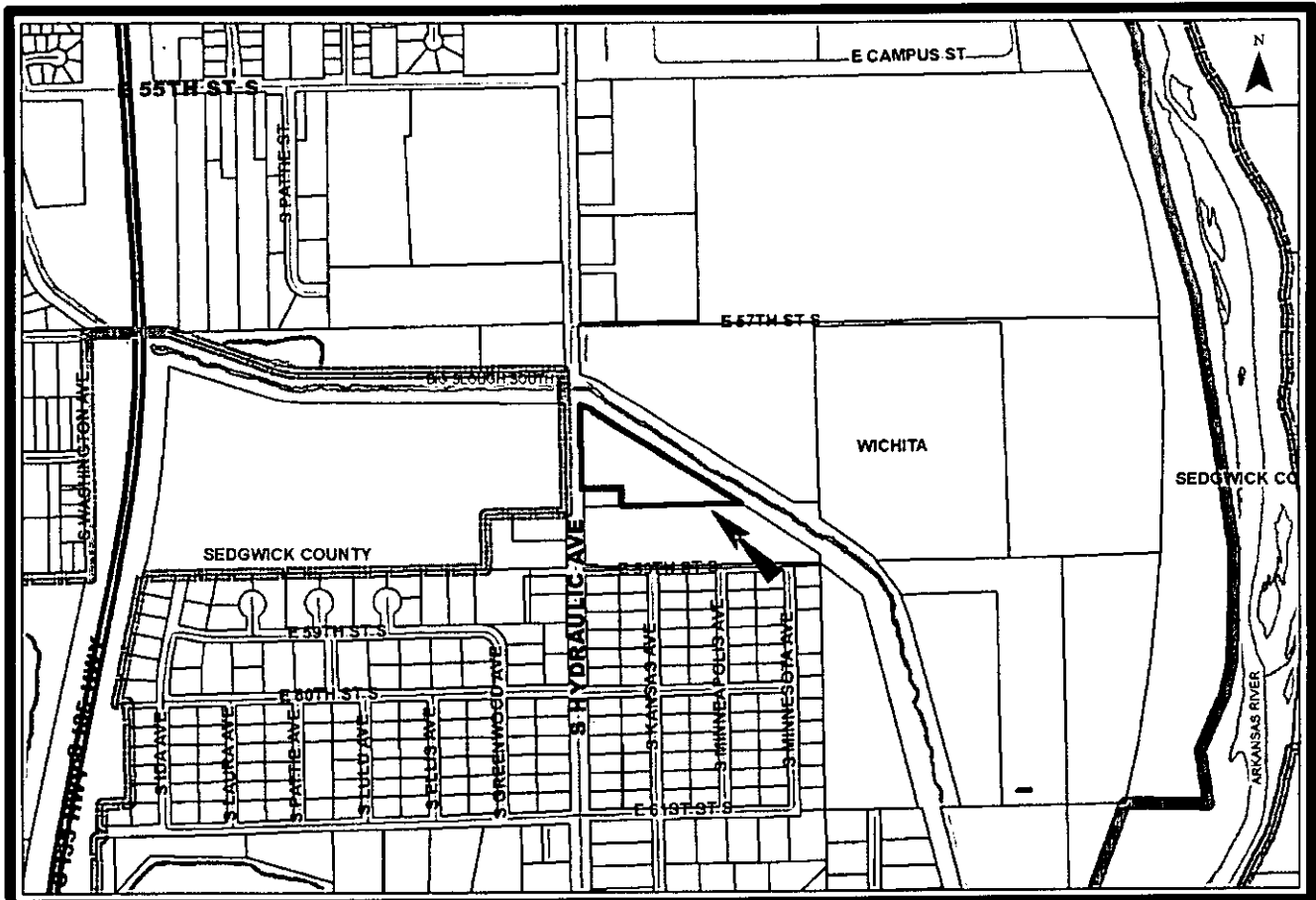
**REQUEST:** Conditional Use request for an accessory apartment

**CURRENT ZONING:** SF-5 Single-Family Residential

**SITE SIZE:** 5.08 acres

**LOCATION:** Generally located south of 55<sup>th</sup> Street South on the east side of South Hydraulic Avenue (5862 S. Hydraulic Ave.)

**PROPOSED USE:** Accessory Apartment



**BACKGROUND:** The applicant is requesting a Conditional Use for a 25-foot by 55-foot accessory apartment to be located on an unplatted lot. The property is zoned SF-5 Single-Family Residential. It is currently developed with a single-family home and accessory buildings. The site is serviced by a septic system. The accessory apartment will have a separate septic system on the site.

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 applicant submitted the attached site plan showing the location of the existing residence and accessory buildings.

**CASE HISTORY:** The subject property is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	None	Big Slough South Drainage Ditch
SOUTH:	SF-5	Farming / ranch operation (with improvements), single family residence
WEST:	SF-20	Farm land with agricultural improvements on 45 acres
EAST:	None	Big Slough South Drainage Ditch

**PUBLIC SERVICES:** South Hydraulic Avenue is a four-lane paved arterial street with storm water drainage system. The subject site has direct access to South Hydraulic Avenue. The property is served by City water and a septic system. The accessory apartment will have its own septic system.

**CONFORMANCE TO PLANS/POLICIES:** The “2035 Community Investments Plan” (Plan) identifies the subject site as being in the Wichita Residential Area and the South Wichita Haysville Plan. The Wichita category includes areas that reflect the full diversity of residential development densities. The property is also located within the South Wichita Haysville Plan. A Conditional Use application/request is required for consideration of an accessory apartment in the SF-5 zoning district.

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

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 5862 S. Hydraulic Avenue) and the ownership shall not be divided or sold as a condominium.
- (2) The water provided to the accessory apartment shall not be provided as separate services from the main dwelling. Sewer will be provided by a new on-site septic system. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the construction of the accessory apartment.

- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The subject site is located in an SF-5 and SF-20 Single-Family Residential zoned area with unplatted lots ranging from 0.5 acre to 46 acres. Development in the area consists of single-family residential, agricultural land and associated buildings.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned SF-5 which permits the existing single-family residence. The property will continue to be used for one single-family residence; the size 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 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 "2035 Community Investments Plan" (Plan) identifies the subject site as being in the Wichita Residential Area. This category includes areas that reflect the full diversity of residential development densities. The property is also located within the South Wichita Haysville Plan. A Conditional Use application/request is required for consideration of an accessory apartment in the SF-5 zoning district.
- (5) **Impact of the proposed development on community facilities:** Community facilities will not be noticeably impacted by another residence being built on the site. There is no public sewer service available to the property.

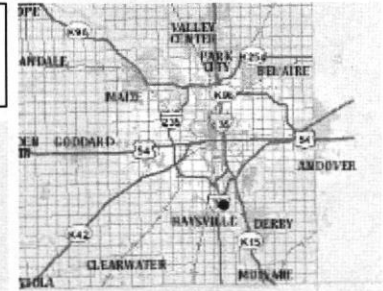
Staff Report Attachments:

1. Site Plan



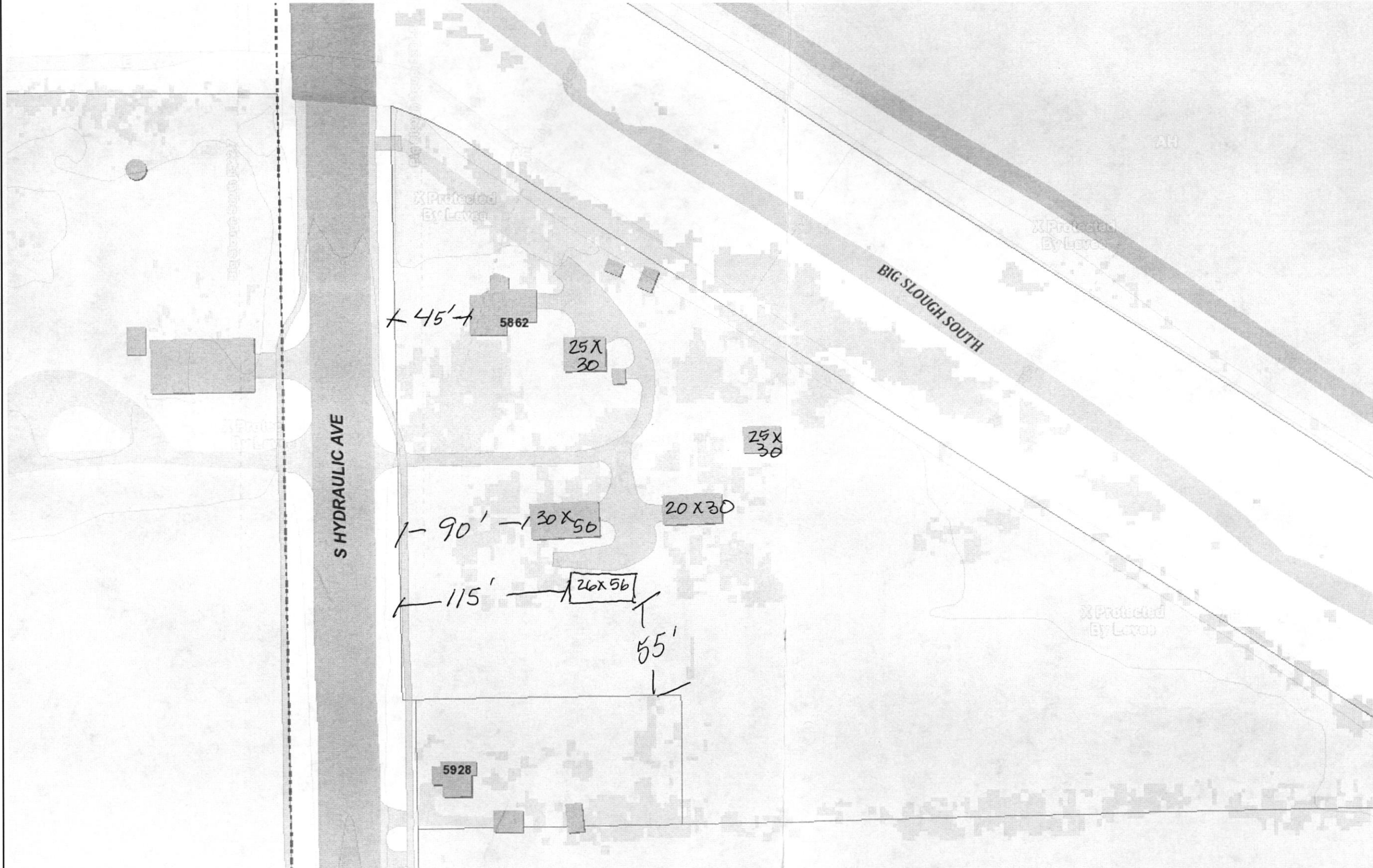
CDN 2017-13

# City of Wichita Map Print



### Legend

- FIRM Panels
- Base Flood Elevations
- Cross Sections
- Flood Way
- Flood Zones**
- 0.2 PCT ANNUAL CHANCE FLOOD
- A; AE; AH; AO
- X AREA OF SPECIAL CONSIDERATION



0.0 0 0.01 0.0 Miles



This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.