



Wichita-Sedgwick County Metropolitan Area Planning Department

Baughman Company, P.A.
Attn: Russ Ewy
315 Ellis
Wichita, KS 67211

December 9, 2017

RE: CON2017-00038 - City request to approve a Conditional Use Permit to allow an accessory apartment on property located North of ~~West~~ Central and West of 159th Street East (15623 East Majestic)

Dear Applicant:

At its regular meeting on **December 7, 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,

David L. Yearout, AICP
Principal Planner

DLY:al
Attachment

Copies to: Daniel L. & Mary C. Whitney, 15623 E. Majestic Street, Wichita, KS 67230
WCC II, Pete Meitzner, Mail Stop 1-13
Laura Rainwater, CSR II, Mail Stop 1-135
Jeff Van Zandt, City Law, Mailstop 1-134
Julianne Kallman, Engineering, Mail Stop 1-71
MABCD

CONDITIONAL USE RESOLUTION NO. CON2017-00038

WHEREAS, Baughman Company (Agent) on behalf of Daniel L. and Mary C Whitney, (Owners), 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 Accessory Apartment on property zoned SF-5, Single-Family Residential District, at 15623 East Majestic Street, and legally described as:

The north 10 feet of Lot 2, together with Lots 3, 4, 5 and 6, Block 2, Terradyne West Addition to the City of Wichita, Sedgwick County, Kansas.

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 December 7, 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 permit an Accessory Apartment on property zoned SF-5, Single-Family Residential District, at 15623 East Majestic Street, legally described as:

The north 10 feet of Lot 2, together with Lots 3, 4, 5 and 6, Block 2, Terradyne West Addition to the City of Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The accessory apartment shall be completed and maintained in compliance with the provisions applicable to accessory apartments in the Unified Zoning Code, as found in Article III, Section III-D(6)(a), which states as follows:
 - a. **Accessory Apartments.** Accessory Apartments shall be subject to the following standards.
 - (1) **Number of units.** A maximum of one Accessory Apartment may be allowed on the same Lot as a Single-Family Dwelling Unit and may be within the Main Building, within an accessory Building or constructed as an accessory Building.
 - (2) **Appearance.** The appearance of an Accessory Apartment shall be compatible with the main Dwelling Unit and with the character of the neighborhood.
 - (3) **Ownership.** 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.
 - (4) **Utility Service.** The water and sewer service provided to the Accessory Structure 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.

2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.


Adopted this 7 Day of December, 2017

METROPOLITAN AREA PLANNING COMMISSION



Joe Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary



STAFF REPORT
MAPC December 7, 2017

CASE NUMBER: CON2017-00038

APPLICANT/AGENT: Daniel L. and Mary C. Whitney (Owners)/Russ Ewy, Baughman Company (Agent)

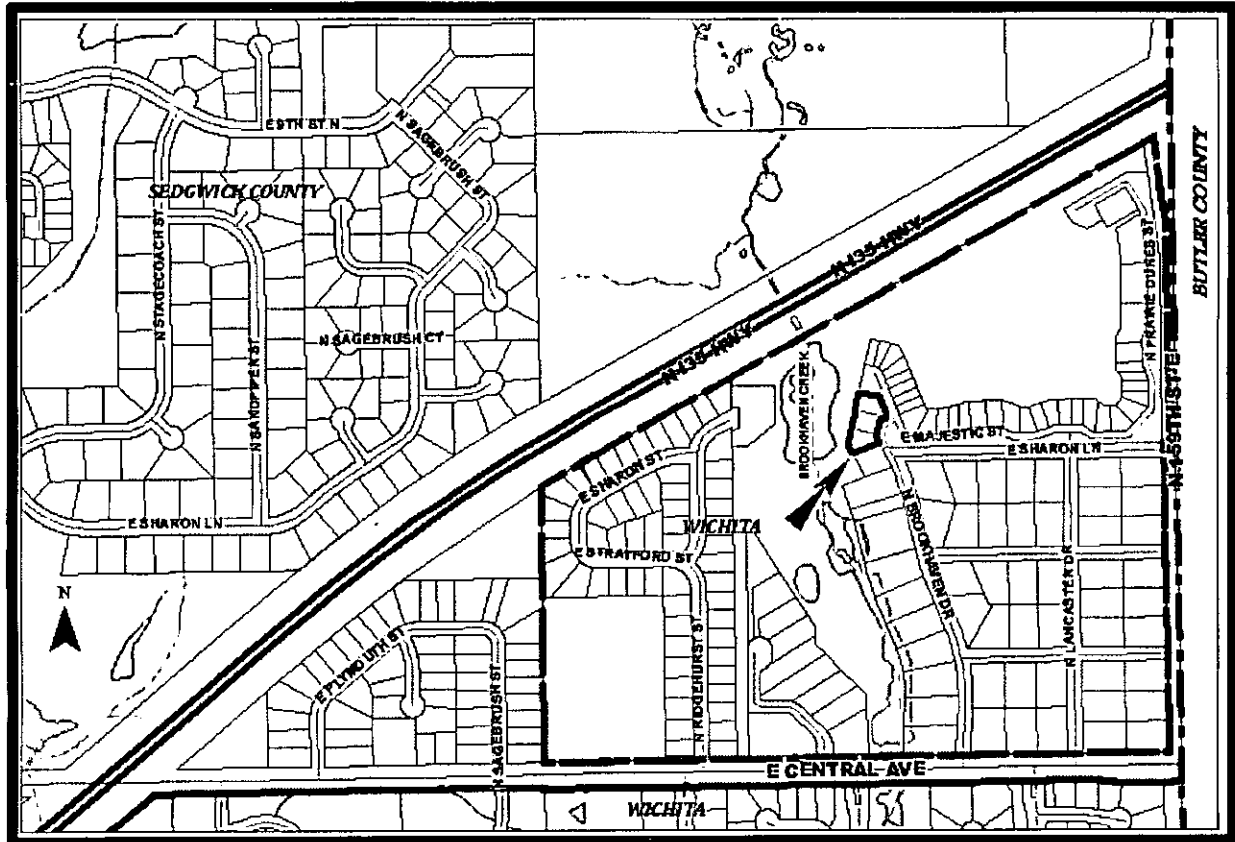
REQUEST: Conditional Use to permit an accessory apartment

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: .06 acres

LOCATION: North of Central Avenue and West of 159th Street (15623 East Majestic)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to permit an accessory apartment to the existing single family home constructed on one of the three lots owned by the owner at this location. This structure started as a “pool house” for the residence but because of amenities included within the structure, it by definition has become a residential use that must be treated as an accessory apartment in order to remain in compliance with the codes and requirements of the City.

As seen by the photos of the property and the other documentation presented, this is a substantial structure that is beyond just a “guest house” or “guest dwelling.” The requested Conditional Use permit will allow the codes department to finalize the approval of the building.

Staff has received some calls from surrounding property owners concerning this request; primarily concerned with whether this would become a “rental unit,” which is beyond control of the City. As noted in the recommendation, the only provision applicable will be the restrictions outlined in the Supplementary Use regulations.

CHARACTER OF AREA: The character of the surrounding area is new, upscale residential uses within the Terradyne West Subdivision. The properties immediately to the east across Majestic are zoned TF-3 Two-Family Residential (TF-3), and the lots at the north end of Majestic Street are zoned MF-18 Multiple-Family Residential (MF-18).

The remaining property to the west and south is zoned SF-5 Single Family Residential (SF-5) and either has an existing home or is part of the open space within the development.

CASE HISTORY: The subject property is platted as the Terradyne West Subdivision. It was approved by the City of Wichita on November 29, 2006, and recorded with Sedgwick County on December 6, 2006. There have been numerous zoning cases on this subdivision, primarily concerning adjustments to lot width and elimination of platted setbacks and unused utility easements.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5 & MF-18	single family
SOUTH:	SF-5	single family
EAST:	TF-3	two family home
WEST:	SF-5	single family

PUBLIC SERVICES: The neighborhood is served by all public utilities. Access to the property is on Sharon Lane from 159th Street, and then onto Majestic Street.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the “residential” area of east Wichita. This use is considered appropriate for this area.

RECOMMENDATION: Based upon the information available at the time the staff report, staff recommends the request be **APPROVED**, subject to the following conditions:

1. The accessory apartment shall be completed and maintained in compliance with the provisions applicable to accessory apartments in the Unified Zoning Code, as found in Article III, Section III-D(6)(a), which states as follows:

- a. **Accessory Apartments.** Accessory Apartments shall be subject to the following standards.
- (1) **Number of units.** A maximum of one Accessory Apartment may be allowed on the same Lot as a Single-Family Dwelling Unit and may be within the Main Building, within an accessory Building or constructed as an accessory Building.
 - (2) **Appearance.** The appearance of an Accessory Apartment shall be compatible with the main Dwelling Unit and with the character of the neighborhood.
 - (3) **Ownership.** 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.
 - (4) **Utility Service.** The water and sewer service provided to the Accessory Structure 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.
2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
 3. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

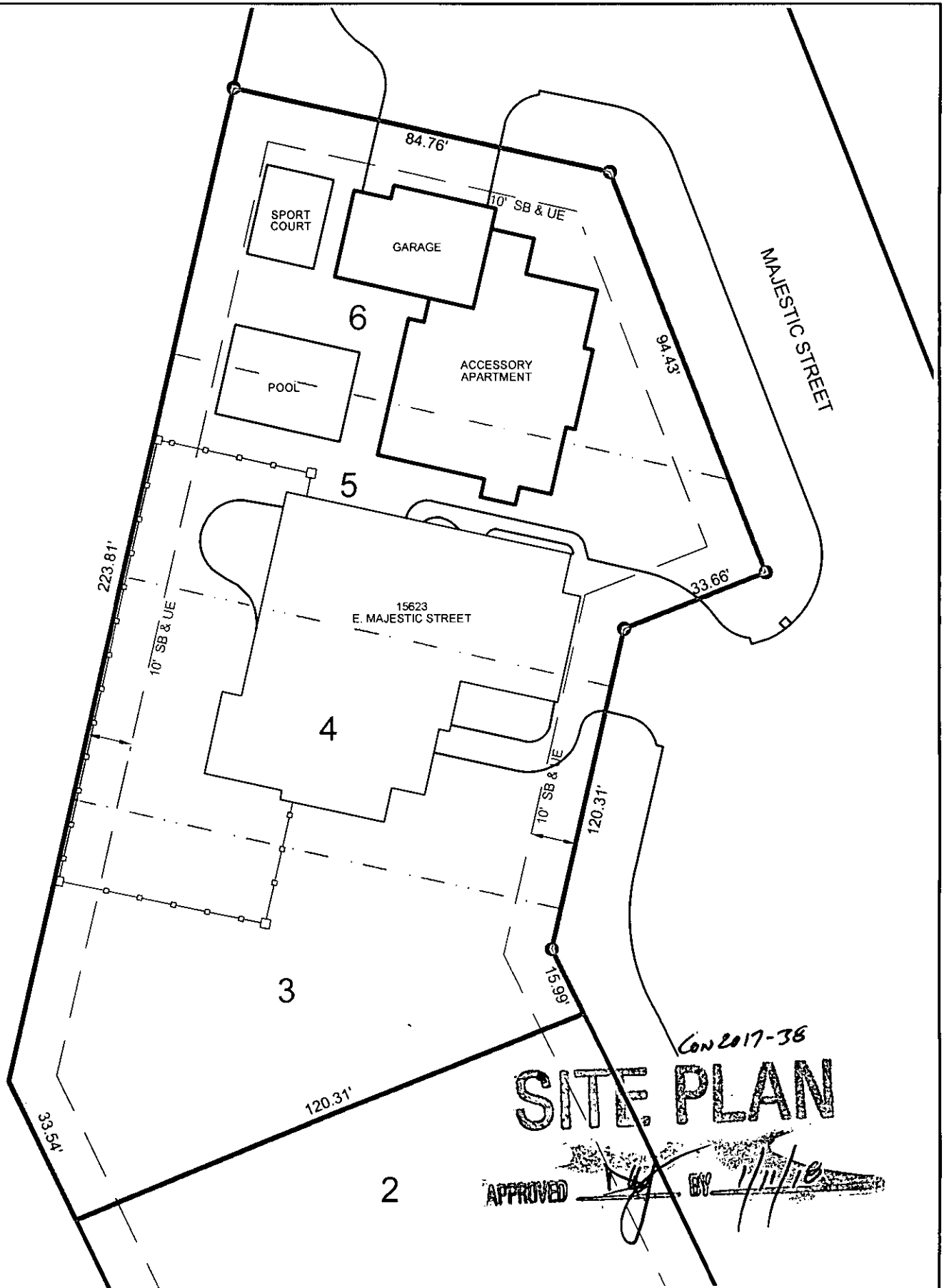
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The zoning, uses and character of the neighborhood, as noted above, are residential and the proposed use will have negligible impact on the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is already being used as permitted for its SF-5 Single Family Residential classification. This activity will simply add an amenity to the property for the use and enjoyment of the owners.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested authorization to permit the accessory apartment should have no impact on nearby properties. The quality of the construction and the general layout are consistent with the parent residence and compatible with the neighborhood.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: There are no impacts evident under either situation. The requested use is reasonable and will enhance value of the land.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is residential. Staff believes this project is in conformance with the adopted Plan.

6. Impact of the proposed development on community facilities: The proposed use will have no detrimental impact on community facilities.

Staff Report Attachments:

1. Zoning Exhibit
2. Aerial Photos



1" = 30'

CON2017-38 SITE PLAN
 Terradyne West Addition Accessory Apartment



Date Drawn:
 1.10.2018

Baughman Company, P.A.
 315 Ellis Wichita, KS 67211
 P316-262-7271 F316-262-0149