



Wichita-Sedgwick County Metropolitan Area Planning Department

November 25, 2019

Shawn and Jacqueline Aday
265 N Woodchuck
Wichita KS 67212

RE: CON2019-00041 - City Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential and generally located west of South Maize Road and approximately 1/4 mile north of West Kellogg Avenue (1302 South Lark Ln).

Dear Applicant:

At its regular meeting on **November 21, 2019**, 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 following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1302 South Lark Lane) and the ownership shall not be divided or sold as a condominium.
- (2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. 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 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.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on December 5, 2019. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by December 5, 2019 at 5:00 p.m.

If there are no protests, the MAPC's approval is final. If there are protests, this application will be presented to the Wichita City Council on **Tuesday, January 7, 2020, beginning at 9:00 a.m.** The City Council meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
 Jeff Blubaugh, Council Member District IV
 Maddy Campbell, CSR District IV

CONDITIONAL USE RESOLUTION NO. CON2019-00041

WHEREAS, Shawn A. and Jacqueline A. Aday, (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 1.58 acres zoned SF-5 Single-Family Residential described as:

Lot 1, Aday Addition, Sedgwick, County, Kansas (1302 South Lark Lane)

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 9, 2019 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 1.58 acres zoned SF-5 Single-Family Residential described as:

Lot 1, Aday Addition, Sedgwick, County, Kansas (1302 South Lark Lane)

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 South 1302 Lark Lane) and the ownership shall not be divided or sold as a condominium.
- (2) Development of the site shall be in conformance with the approved site plan
- (3) The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
- (4) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (5) 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 accessory apartment.
- (6) 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.

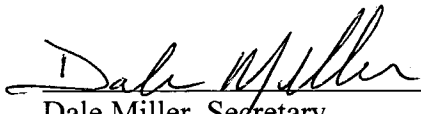
Adopted this 21st Day of November 2019

METROPOLITAN AREA PLANNING COMMISSION



Charles A Warren, Chairman MAPC

ATTEST:



Dale Miller, Secretary



STAFF REPORT
MAPC November 21, 2019
DAB IV December 2, 2019

CASE NUMBER: CON2019-00041

APPLICANT/OWNER: Shawn and Jacqueline Aday

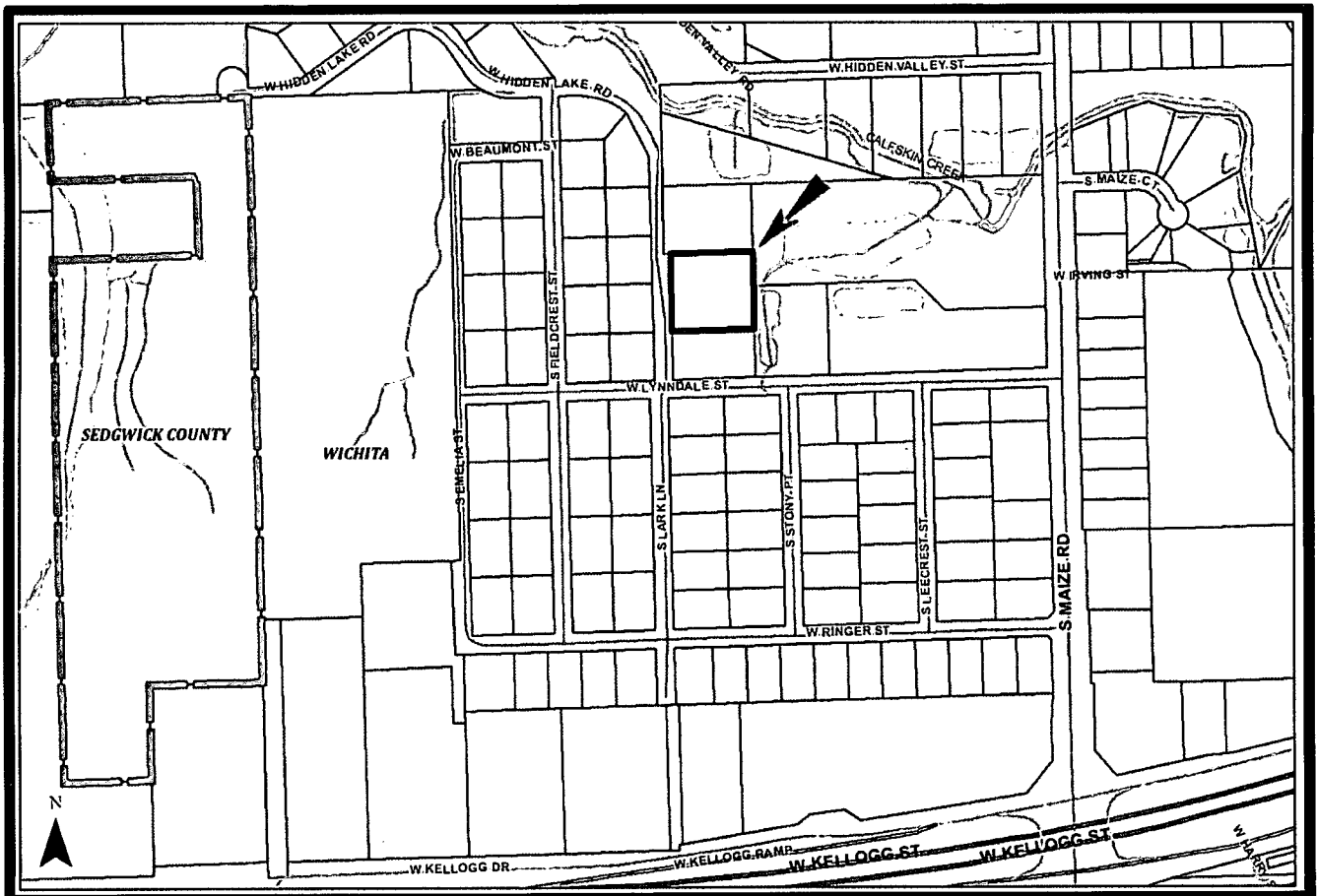
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 1.58 acres

LOCATION: Generally located west of South Maize Road and approximately ¼ mile north of West Kellogg Avenue (1302 South Lark Lane)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to build an accessory apartment in SF-5 Single-Family Residential. The site is currently being developed with a single-family home, detached garage and an outbuilding (barn). The accessory apartment will be located in the outbuilding.

The subject property is located in the Aday Addition, which is zoned SF-5 Single-Family Residential. The applicant submitted the attached site plan showing the location of the new residence, detached garage and an outbuilding located on Lot 1, Block A of the Aday Addition. Properties north and east of the subject site are large, unplatted lots ranging from one to eight acres. Property to the west is located in the Fieldcrest Addition, platted in 1965, and is zoned SF-5 and is developed with single family dwellings. Property south of the subject site is located in the Cedar Lane 4th Addition, platted in 1962, is zoned SF-5 and is developed with single family dwellings.

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.

CASE HISTORY: The subject property is located in the Aday Addition, which was platted in January 2019. No other planning cases are associated with this 1.58-acre site.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family residences, unplatted lots
SOUTH:	SF-5	Single-Family residences, Cedar Lane 4 th Addition
WEST:	SF-5	Single-Family residences, Fieldcrest Addition
EAST:	SF-5	Single-Family residences, unplatted lots

PUBLIC SERVICES: South Lark Lane is a local, residential paved street with 60 feet of right-of-way. West Lynndale Street is a local, residential paved street with 60 feet of right-of-way. South Maize Road, an arterial street, is located approximately one-quarter mile east of the subject property. Aday Addition has no municipal water or sewer service.

CONFORMANCE TO PLANS/POLICIES: The *2035 Community Investments Plan* Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is located in the “Outside Established Central Area.” The area is designated for residential growth except for property located along major arterial streets.

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 South 1302 Lark Lane) and the ownership shall not be divided or sold as a condominium.
- (2) Development of the site shall be in conformance with the approved site plan
- (3) The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
- (4) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate

utility services.

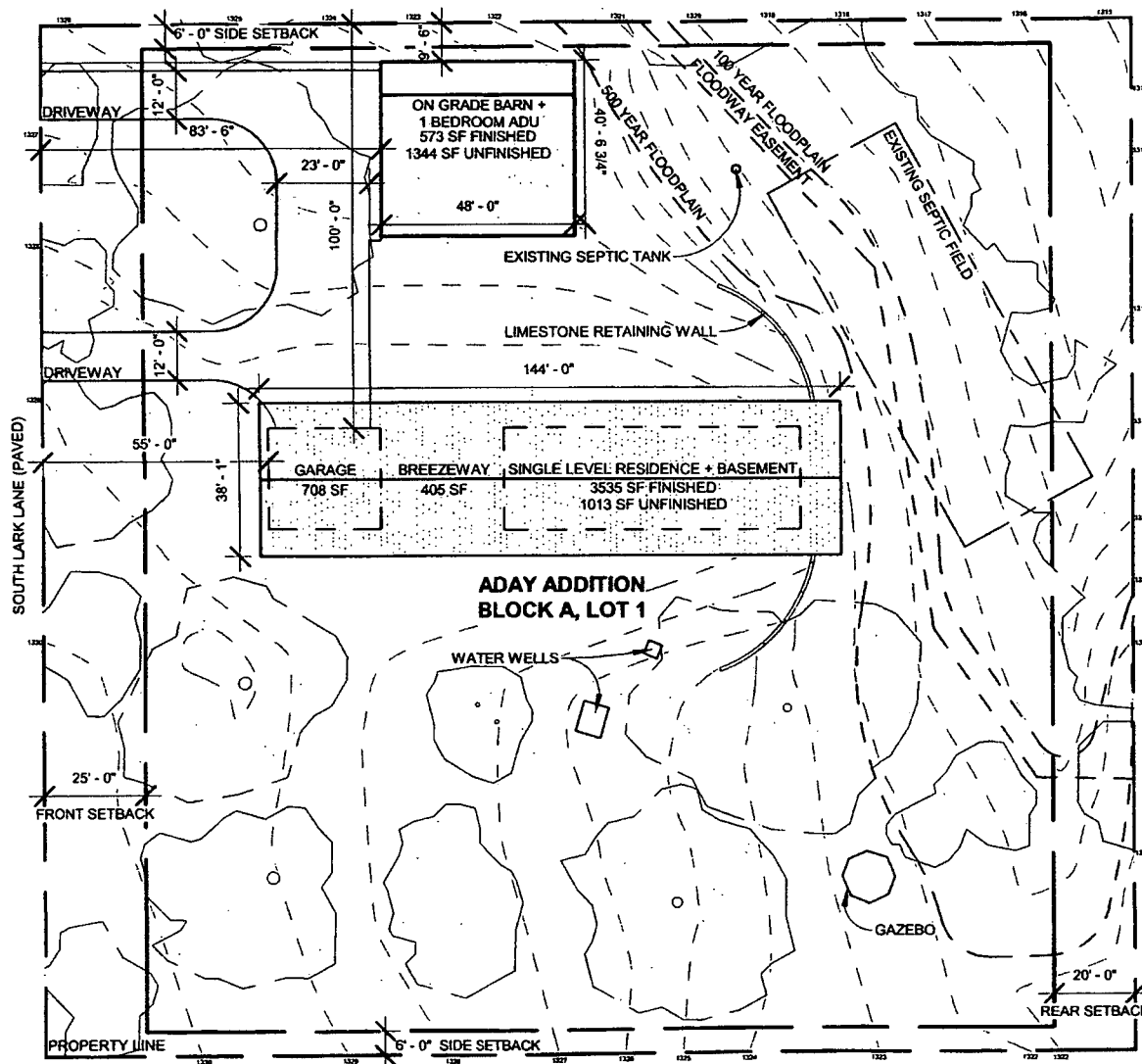
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the accessory apartment.
- (6) If the Zoning Administrator finds that there is a violation of any of the conditions 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 zoned area with platted and unplatted lots ranging from 8,500 square feet to 8 acres. Development in the area consists of single-family residences.
- (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 allows the development of single-family residences. 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 spaces.
- (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 unanticipated detrimental impacts.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The *2035 Community Investments Plan* Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is located in the "Outside Established Central Area." The area is designated for residential growth except for property located along major arterial streets.
- (5) **Impact of the proposed development on community facilities:** Community facilities will not be impacted by the accessory apartment located in the outbuilding. The property is served by water wells and a septic field.

Staff Report Attachments:

1. Site Plan



PROPOSED SITE PLAN
1" = 40'-0"

Title:
Seeking a conditional use for a
24'x24', 1 bedroom, ground level
accessory dwelling unit (ADU) in the
barn adjacent to the main residence.

Owner:
Shawn Aday

Agent:
Aaron Aday

SITE PLAN

APPROVED 12-5-19 BY *[Signature]*