Agenda Item #_____

City of Wichita
City Council Meeting
October 12, 1999

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **Z-3335 – ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL; TO "GO" GENERAL OFFICE, AND**

CU- 540 – REQUEST FOR A "CONDITIONAL USE" FOR PERSONAL CARE SERVICE, LOCATED ON THE NORTHEAST CORNER OF HARRY AND CHRISTINE (District #3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions (12-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff comments (6-0).

Background: The applicant is requesting a change in zoning classification to "GO" General Office and a Conditional Use for personal care service for a barber and alteration shop. The application area is a located on a lot of approximately 0.16-acre site at the northeast corner of Harry and Christine, and located one block east of Edgemoor.

The application area is currently zoned "SF-6" Single Family and is occupied by a single-family residence. It is adjacent to single family houses to the east, to the north and across the street to the south, all of which are zoned "SF-6" Single Family. Across the street to the west is a QT convenience store on property zoned "LC" Limited Commercial. The QT occupies the block between Christine and Edgemoor. The other three properties at the intersection of Harry and Edgemoor are zoned "LC". Other uses at the intersection include a grocery store, a Dairy Queen and small strip center, and a Walgreen's and another small retail center with a liquor store and other office/neighborhood retail uses. It is in the vicinity of three schools, Caldwell Elementary, Curtis Middle School, and Southeast High School, all located west of Edgemoor between Harry and Lincoln.

The applicants have indicated that they intend to operate a barber shop and an alteration shop within the existing single-family home. The business would have an impact similar to a home occupation except that the applicants do not intend to live on the premises. The garage on the western end of the house would be removed and be the location of off-street parking for customers. The site plan incorporates a landscape street yard, parking lot screening, and buffering in conformance with the Landscape Ordinance. A proposed six-foot screening fence is shown on the northern and eastern property line in conformance with screening requirements of the Unified Zoning Code. The property also complies with the 25-foot compatibility setback on the northern line, and provides a 12-foot setback on the eastern property line. The property would be excepted from providing the full compatibility setback required by the UZC since it is an existing structure. Based on the square footage of the existing structure being 988 square feet, four off-street parking spaces would be required, as is shown on the proposed site plan.

The applicant has volunteered to abide by a set of conditions that would result in the use functioning similar to a home occupation. The conditions proposed by the applicant are the following:

1. The use of the property shall be restricted to "personal care service" and all other uses permitted by the "SF-6" Single-Family Residential district.

2. The use of the property shall be consistent with the site plan approved as part of the Conditional Use.

3. No alteration of the principal building or premises shall be made which changes the residential character or appearance thereof.

4. No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission, or odors that are in excess of ordinary and usual conditions prevailing in the immediate neighborhood as determined by the Zoning Administrator.

5. There shall be no outdoor storage of equipment, materials or vehicles used in the "personal care service."

6. No more than two persons shall be employed in the "personal care service" conducted on the subject property.

7. No inventory shall be displayed or sold on the premises.

8. The "personal care service" use shall be conducted entirely within the principal dwelling.

9. Signage shall be limited to one thirty-two square foot ground or monument-style sign not to exceed 8 feet in height.

At the meeting of CPO(3) held on September 9, 1999, the agent, Russ Ewy, explained that the applicant intends to operate the business like a home occupation, but not live on the premises. The applicant currently operates a barber shop in the retail center on the southwest corner of Harry and Edgemoor, but the center has been sold and he cannot remain onsite. The resident who lives next door to the proposed site was present and expressed opposition because of increased traffic on Harry and whether other commercial sites were available. One CPO member abstained from voting due to potential conflict of interest.

At the MAPC meeting held September 16, 1999, the MAPC discussed the strict nature of the voluntary conditions offered by the applicant, especially related to sale of products and limitation to no more than two employees. The applicant reiterated that these were conditions they have chosen in order to make the business operate like a home occupation.

Recommended Action:

1. Concur with the findings of the MAPC and approve the "Conditional Use" and the zone change, subject to conditions, place the ordinance establishing the zone change on first reading; or

2. Return the application to the MAPC for reconsideration

   (An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)

(_____) Published in The Daily Reporter on _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-3335

Request for zone change from "SF-6" Single Family District to "GO" General Office on property described as:

Lot 1, Block 4, Purcell's 7th Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Harry and Christine.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

ATTEST: