Planning Agenda Item #_____

City of Wichita
City Commission Meeting
July 8, 1986

Agenda Report #_____

TO: Mayor and City Commissioners

SUBJECT: Z-2774 - REQUEST FOR ZONE CHANGE FROM "AA" ONE-FAMILY DWELLING DISTRICT TO "A" TWO-FAMILY DWELLING, LOCATED ON THE WEST SIDE OF CLARENCE IN AN AREA SOUTH OF 26TH STREET NORTH. (Dr. Richard V. Palermo)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Zoning

MAPC Recommendation: Deny (9-0)

Staff Recommendation: Deny

Background: On June 12, 1986, the MAPC held a public hearing to consider a zone change from the "AA" to the "A" district for a one-half acre platted lot located on the west side of Clarence in an area south of 26th Street North. The lot currently contains a single-family residence with a chiropractor's office. The office occupies space which was formerly the garage but which was remodeled a few years ago. Several neighbors spoke in opposition to the request citing traffic problems created by this home occupation. The Planning Commission unanimously recommended denial of the application.

CPO Council "M" recommended denial of the application.

Analysis: All adjacent properties are zoned and developed for single family residential uses. The lot is large enough for a duplex, being one-half acre in size, but the reason for the zone change request is to accommodate one employee in the chiropractor's office who does not reside on the premises. Staff has been informed by Central Inspection that an employee already works in the chiropractor's office and the owner has been cited for violating the home occupation provisions of the "AA" district which does not permit any employees other than resident family members. With the garage having been converted into office space, off-street parking is very limited.

The Planning Commission found that the character of the neighborhood, the zoning and uses of properties nearby, the extent to which removal of the restrictions will detrimentally affect nearby property, and the recommendation of staff justified the denial of the zone change.

Legal Consideration: A 100% protest has been filed by property owners within 200 feet of the application area thus requiring a 4/5ths vote of the City Commission to grant the zone change.

Actions: 1. Concur with the findings of the MAPC and deny the application; or

2. Return the application to the MAPC for reconsideration stating reasons.

Attachments: Area map
6-12-86 MAPC Minutes
CPO Memorandum

July 11, 1986

Dr. Richard V. Palermo, D.C.
2649 North Clarence
Wichita, Kansas 67204

RE: Z-2774 - "AA" to "A" - 2649 North Clarence.

Dear Dr. Palermo:

On July 8, 1986, the Board of City Commissioners reviewed the above-referenced zone change request. Their action was to deny the rezoning due to neighborhood opposition, the MAPC recommendation, and the CPO recommendation. Based on their action, zone case Z-2774 has been marked "denied and closed". Use of the property should comply with all "AA" one-family dwelling district regulations, including home occupation regulations.

If you have any questions regarding this matter, please call our office at 268-4421.

Sincerely,

Louise Olivarez
Senior Planner

LO:blw

cc: Joe Donnelly, Zoning Administrator, City of Wichita