

## **CONDITIONAL USE RESOLUTION NO. CU-555**

**WHEREAS**, Bahram Panahi (owner/applicant); Austin Miller P.A., c/o Tim Austin (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow a personal care service (tailor shop) on 0.2 ± acres zoned "GO" General Office described as:

THE EAST 62 FEET OF LOT 4, JIM FISHER ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. Generally located west of Woodlawn on the south side of Central (6019 E. Central).

**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 16, 1999, 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 a conditional use to allow a personal care service (tailor shop) on 0.2 ± acres zoned "GO" General Office described as:

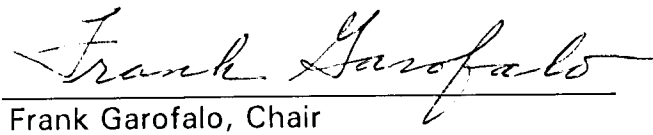
THE EAST 62 FEET OF LOT 4, JIM FISHER ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS. Generally located west of Woodlawn on the south side of Central (6019 E. Central).

subject to the following conditions:

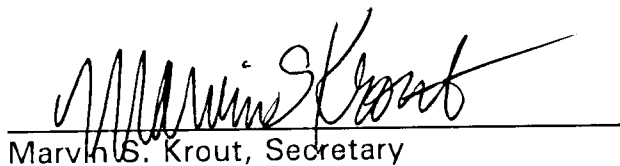
1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The applicant shall provide parking south of the existing structure in the rear yard with access to the parking area along the east property line. This access off of Central Avenue shall be temporary, until such time as properties within Lot 4, Jim Fisher Addition, are redeveloped for other than residential uses.
3. The applicant shall submit a revised site plan, which shows parking south of the existing structure, for approval by the Planning Director. This site plan shall provide for a minimum of five parking spaces, one of which shall be handicap accessible.
4. The applicant shall submit a restrictive covenant to include the following restrictions:
  - A. At which time the remaining portion(s) of Lot 4, Jim Fisher Addition are redeveloped, the subject property shall: 1) provide joint access along the west property line to rear lot parking with cross-lot access; 2) remove the temporary access from Central Avenue; and 3) share in the construction of a standard two-lane driveway to parking in the rear of the subject property and the remaining properties of Lot 4, Jim Fisher Addition.
  - B. The subject property shall provide access to Lot 5, Jim Fisher Addition, along the east property line for circulation between the rear parking areas, unless the city engineer determines that grading considerations make this impractical.
5. Any violation of these conditions shall render this Conditional Use permit null and void.

Adopted this 16th day of December, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

  
Frank Garofalo, Chair

ATTEST:

  
Marvin S. Krout, Secretary

Existing

Sidewalk

6019

E CENTRAL 67208

# SITE PLAN

APPROVED for CUS5 BY E. Vanden Daele  
5-22-00

## STAFF REPORT

CPO(2) December 13, 1999

MAPC December 16, 1999

CASE NUMBER: CU-555

APPLICANT/AGENT: Bahram Panahi (owner/applicant); Austin Miller P.A., c/o Tim Austin (Agent)

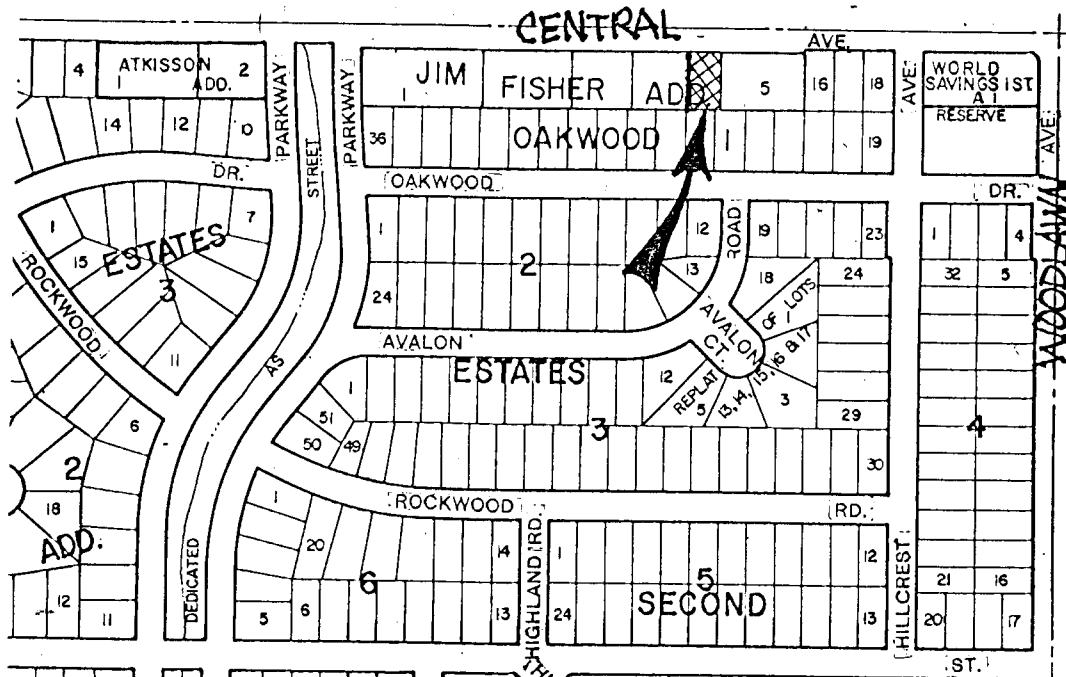
REQUEST: Conditional Use to allow a personal care service

CURRENT ZONING: "GO" General Office

SITE SIZE: 0.2 ± Acres

LOCATION: West of Woodlawn on the south side of Central (6019 E. Central)

PROPOSED USE: Tailor and Alteration Shop



**BACKGROUND:** The applicant is requesting a Conditional Use to allow a personal care service on 0.2 ± acres of platted property zoned "GO" General Office in the Jim Fisher Addition located west of Woodlawn on the south side of Central. The request is being made to allow the applicant to open a tailor and alteration shop at this location. Currently, this site is a single-family residence, but will be converted to allow the intended use. Personal care services are allowed as a permitted use in the "NR" Neighborhood Retail district, but require a Conditional Use permit in the "GO" district.

The surrounding uses are mixed in nature. There are duplex residential units to the south and single-family homes to the west. To the east is a converted single-family residence that is being used as a beauty salon with parking in the rear of the building. Across Central Avenue is a variety of commercial, retail, and restaurant uses.

The applicant submitted a site plan that shows the re-use of the existing home as the tailor/alteration shop. The applicant proposes to accommodate parking in front of the existing structure, using the existing garage as one space. The square footage of the structure necessitates five parking spaces, one of which shall be handicap accessible. The site plan submitted shows four spaces, in addition to the existing garage. Traffic Engineering has noted that two of these spaces would be unacceptable as off-street parking, primarily, because the amount of room to back out and turn around is limited. They also note that none of the spaces are handicap accessible. Staff recommends that parking be located on the rear of the lot, behind the structure with a sub-standard temporary driveway access along the west property line. The driveway to this lot would be temporary, until such time that the property to the west is re-developed. At this time, as per the plat and accepted access management practices, access would be shared between the two, and potentially three lots, with parking and cross-lot access at the rear of all structures.

**CASE HISTORY:** This history is intended to provide an idea of how the property owners and the Planning Commission planned for redevelopment on the south side of Central Avenue when the property was rezoned and replatted in 1987 and 1988, and a portion subsequently rezoned in 1996.

The lots south of Central Avenue between Brookside Parkway and Hillcrest Avenue were rezoned to "GO" General Office on December 8, 1987. This rezone approval was subject to re-platting, with the direction that the plat should address the location of housing, existing and proposed driveway locations, proposed parking areas, setbacks, and the grouping of lots, with joint use of access and circulation to rear lots to be encouraged. The zone change was also subject to a restrictive covenant that prohibited any of these lots from being combined or utilized in any way with the residentially zoned property to the south and fronting on Oakwood Drive. The restriction was intended to prohibit any conditional use for off-street parking on any lots that front Oakwood Drive by owners of the lots along Central Avenue.

The area was re-platted as Jim Fisher Addition on July 28, 1988. The plat combined several of the lots from the older plat (Oakwood Estates 2<sup>nd</sup> Addition) into a 5-lot plat, with each lot limited to one access opening to Central Avenue. This application is for a Conditional Use on a portion of one of those 5 lots. The consolidation of the existing access drives was to occur incrementally as the lots redeveloped.

On January 9, 1996, the Wichita City Council approved rezoning for the west portion of Lot 5, Jim Fisher Addition to "NR" Neighborhood Retail for use as a beauty salon (directly east of this application). This rezone was subject to a restrictive covenant being placed on the property that restricted the use to those allowed in the "GO" General Office district and a hair stylist salon. Additionally, this restrictive covenant stated that when the remaining portions of Lot 5 were redeveloped, the subject property shall provide joint access from a paved rear parking area, south of the structure. At such time parking shall be removed from the front of the structure and replaced with landscaping. Item 3 of the restrictive covenant states that "the subject property shall provide access to Lot 4, Jim Fisher Addition, along the west property line (property associated with this application) for circulation between the rear parking areas."

#### **ADJACENT ZONING AND LAND USE:**

NORTH: "LC" – "Hometown Buffet" and other commercial, retail, and office uses  
SOUTH: "TF-3" – Duplex housing  
EAST: "NR" – Beauty shop  
WEST: "GO" – Single-Family Home

**PUBLIC SERVICES:** Public services are available to this site. Access to this site is from Central Avenue, a designated arterial. Central Avenue has recorded 1997 traffic volumes of 23,000 average daily trips (ADTs) west of Woodlawn with projected ADTs of 29,000 by 2030. There are expansion plans for Central and Woodlawn Avenues to make them 5-lane arterials.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use map of the Comprehensive Plan identifies this area as being appropriate for a mixture of office and medium-density residential uses. Although a tailor and alteration shop is considered more retail in nature by the Unified Zoning Code, this use is permitted in the General Office zoning district as a Conditional Use where the location and circumstances are appropriate.

**RECOMMENDATION:** Based on information available prior to public hearings, planning staff recommends that the request for a Conditional Use be APPROVED, subject to the following conditions:

1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The applicant shall provide parking south of the existing structure in the rear yard with access to the parking area along the west property line. This access off of Central Avenue and the sub-standard driveway shall be temporary, until such time as properties within Lot 4, Jim Fisher Addition, are redeveloped for other than residential uses.
3. The applicant shall submit a revised site plan, which shows parking south of the existing structure, for approval by the Planning Director. This site plan shall provide for a minimum of five parking spaces, one of which shall be handicap accessible.
4. The applicant shall submit a restrictive covenant to include the following restrictions:
  - A. At which time the remaining portion(s) of Lot 4, Jim Fisher Addition are redeveloped, the subject property shall: 1) provide joint access along the west property line to rear lot parking with cross-lot access; 2) remove the temporary access from Central Avenue; and 3) share in the construction of a standard two-lane driveway to parking in the rear of the subject property and the remaining properties of Lot 4, Jim Fisher Addition.
  - B. The subject property shall provide access to Lot 5, Jim Fisher Addition, along the east property line for circulation between the rear parking areas, unless the city engineer determines that grading considerations make this impractical.
5. Any violation of these conditions shall render this Conditional Use permit null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The south side of Central is characterized by a mixture of residential uses, home occupations, and office uses as permitted in the "GO" General Office district, with some specific use exceptions. The requested Condition Use for a personal care service would be consistent with the zoning surrounding the subject property in three directions.
2. Suitability of the subject property for the uses to which it has already been restricted: The subject property could be developed with uses as stipulated by the "GO" General Office District. The Unified Zoning Code allows for additional

uses through the application of a Conditional Use permit, provided the applicant and site meet the review criteria as stipulated by said Code.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: This area is transitional in nature, with a general use shift from residential to office and service uses. With the provision of parking being located at the rear of the property and appropriate screening from the residential property, the approval of this Conditional Use permit should not have significant impact on the surrounding property owners or the safety of traffic along Central Avenue.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The zoning code anticipated this type of use and makes specific provision for it. Approval of this request will not be contrary to any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: None Identified, provided the parking area is placed at the rear of the subject property, south of the existing structure.