CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 22, 2013

Jerry Wayne Chambliss
1847 Wellington Place
Wichita, KS 67214

RE: **CON2013-00026** - City Conditional Use application to allow for Bed and Breakfast operation in TF-3 Two-family Residential zoning at 1847 N. Wellington Place.

Dear Applicant:

At its regular meeting on **November 7, 2013**, 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 conditions on the attached resolution. There were no protests on this case during the two-week protest period, therefore the decision of the MAPC is considered final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan
Senior Planner
Current Plans Division

Copies to: Janet Miller, WCC VI, Mail Stop 1-13
Terri Dozal, NA VI, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71
J.R. Cox, Jr., MABCD, Mail Stop 1-22

CONDITIONAL USE RESOLUTION NO. CON2013-00026

WHEREAS, Jerry Wayne Chambliss, (Owner/Applicant); 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 a Bed and Breakfast Inn on 1.28 acres zoned TF-3 Two-family Residential ("TF-3") described as:

> All odd lots 25-27-29 & Res A Adj & E 170 feet odd lots 31 thru 47, Block 1, Fairview Addition on March 3, 1886. An alley along the north edge of the property has been vacated; generally located on the southwest corner of 18th Street and Wellington Place. (1847 Wellington Place.)

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 November 7, 2013, 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 a Bed and Breakfast Inn on 1.28 acres zoned TF-3 Two-family Residential ("TF-3") described as:

> All odd lots 25-27-29 & Res A Adj & E 170 feet odd lots 31 thru 47, Block 1, Fairview Addition on March 3, 1886. An alley along the north edge of the property has been vacated; generally located on the southwest corner of 18th Street and Wellington Place. (1847 Wellington Place.)

Approved subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan and landscape plan.

2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.

3. The applicant shall obtain all inspections, permits and licenses from the City, prior to operating the bed and breakfast inn.

4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.

5. There shall be five rooms designated for the bed and breakfast business and there will be a maximum of 10transient guests at any one time. These rooms shall be shown on a floor plan required for approved by the Director of the Metropolitan Area Building and Construction Department for a change of occupancy to bed and breakfast inn within a single-family residential structure.

6. No freestanding signs shall be allowed. One building wall sign shall be permitted to identify the establishment. This sign shall be mounted on the front facade of the house, be no more than nine

square feet in size and be lit with indirect lighting only or no lighting. The Director of the Metropolitan Area Building and Construction Department shall review and approve the sign as to compliance with the location and materials required.

7. Six parking spaces shall be provided onsite as indicated on the approved site plan, with one space for the owner/resident-manager of the property and five spaces for the guests. The parking area shall be paved, marked and be located in the side yard of the property, north the main structure.

8. Lighting shall be directed downward and away from adjoining properties and shall be limited to no more than 14 feet in height for any lighting, including the pole, base and fixture.

9. 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 7th Day of November 2013

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer

Don Klausmeyer, Chair MAPC

ATTEST:

John L. Schlegel

John L. Schlegel, Secretary

AGENDA ITEM NO. 12

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: November 7, 2013
DAB VI: November 4, 2013

CASE NUMBER: CON2013-00026

APPLICANT/AGENT: Jerry Chambliss (Owner/Applicant)

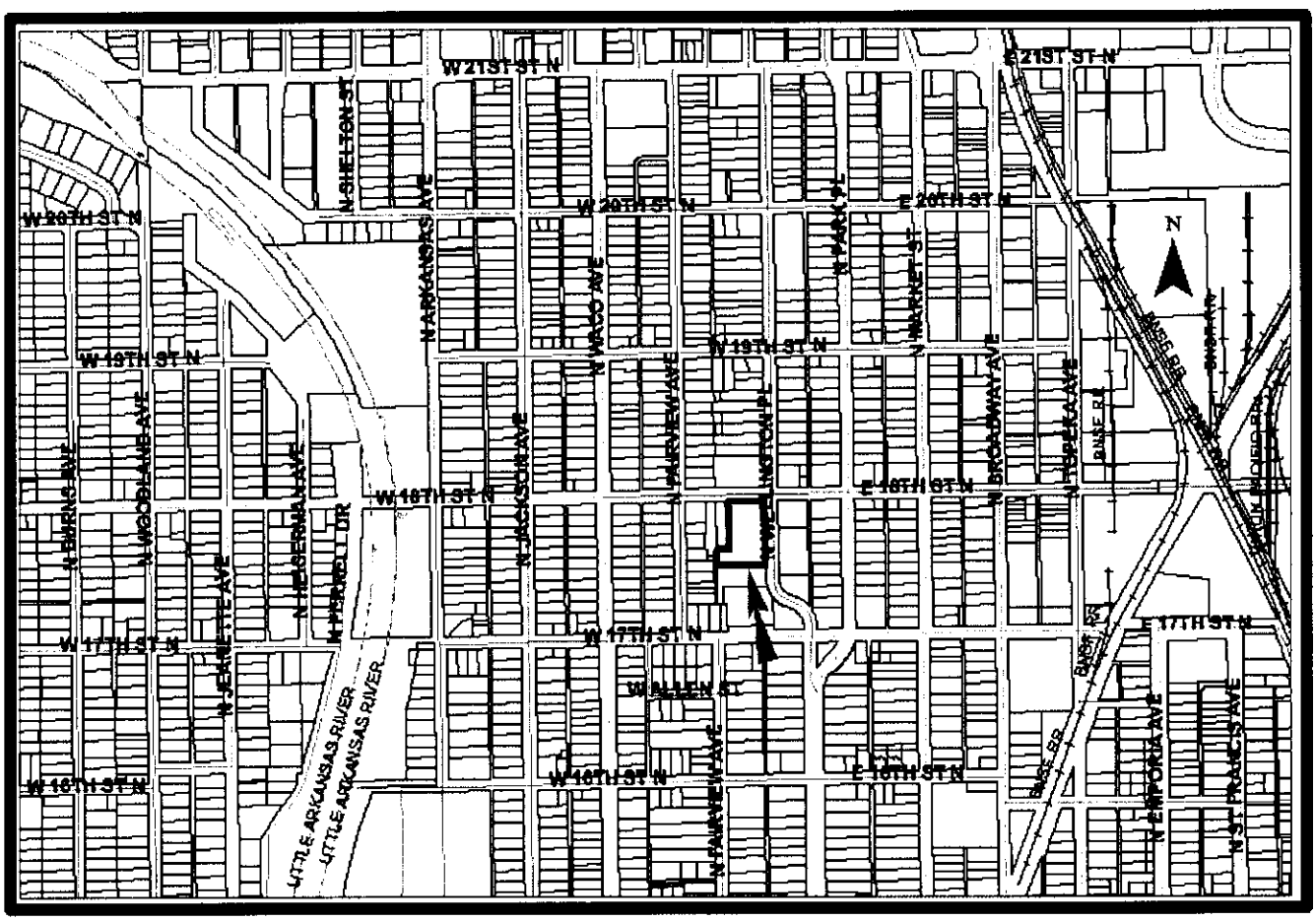
REQUEST: Conditional Use to permit a Bed and Breakfast Inn

CURRENT ZONING: TF-3 Two-family Residential ("TF-3")

SITE SIZE: 1.28 acres

LOCATION: Generally located on the southwest corner of 18th Street and Wellington Place. (1847 Wellington Place)

PROPOSED USE: Bed and Breakfast Inn



BACKGROUND: The applicant is requesting a Conditional Use on a site zoned TF-3 Two-family Residential ("TF-3") to allow a five-room Bed and Breakfast Inn to be operated at their current residence at 1847 Wellington Place. The lot is 1.28 acres in size and is located at the southwest corner of 18th Street and Wellington Place. The residence has five available bedrooms (suites) and the applicants wish to utilize them for the Bed and Breakfast. The applicant maintains their private residence on the third floor.

The site plan shows the two structures (primary structure and carriage house), the access off 18th Street and the area that they propose to utilize for parking. According to the Unified Zoning Code (UZC), the Bed and Breakfast will require five parking spaces for the five suites and an additional space for the owners, thus a need of six total parking spaces. The site has an existing three-car garage, a parking apron and drive that can accommodate the required six spaces. According to the UZC, a Bed and Breakfast is an owner-occupied or manager-occupied residential structure that provides rooms for temporary lodging or lodging and meals for not more than 15 transient guests on a paying basis. A transient guest is a person who occupies a room for a period of less than one week at a time.

The properties to the south, east and west are zoned TF-3 and B and MF-29 to the north. Properties consist mostly of single-family dwellings a group home located at the northwest corner of 18th and Wellington Place.

CASE HISTORY: The property is platted as all odd lots 25-27-29 & Res A Adj & E 170 feet odd lots 31 thru 47, Block 1, Fairview Addition on March 3, 1886. An alley along the north edge of the property has been vacated.

ADJACENT ZONING AND LAND USE:

NORTH:	B	Social Assistance / Services / Welfare
	MF-29	Single-family residences
SOUTH:	TF-3	Single-family residences
EAST:	TF-3	Single-family residences
WEST:	TF-3	Single-family residences

PUBLIC SERVICES: Access to the site is from 18th Street. Eighteenth Street is a residential street with 60 feet of right-of-way and 25 feet of paved width. Wellington Place is a residential street with 60 feet of right-of-way and 30 feet of gravel width. Neither road has recent traffic counts. Municipal services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2001 Sedgwick County Development Guide Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as "urban residential".

The Unified Zoning Code ("UZC") allows Bed and Breakfast as a Conditional Use in the residential zoning districts in compliance with UZC site requirements for parking, screening, lighting, and compatibility setback standards and with Landscape Ordinance requirements. No specific requirements are specified for Bed and Breakfast Inn other than the stipulation that it be an owner-occupied or manager-occupied structure.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a five suite Bed and Breakfast be **APPROVED**, subject to the following conditions:

1. The site shall be developed and operated in general conformance with the MAPD approved site plan and landscape plan.

2. Construction of improvements shall be completed within one year of approval by the appropriate governing body.

3. The applicant shall obtain all inspections, permits and licenses from the City, prior to operating the bed and breakfast inn.

4. The owner or the manager of the bed and breakfast inn shall reside in the primary structure.

5. There shall be five rooms designated for the bed and breakfast business and there will be a maximum of five occupied guest rooms at any one time. These rooms shall be shown on a floor plan required for approval by the Metropolitan Area Building and Construction Department (MABCD) for a change of occupancy to bed and breakfast inn within a single-family residential structure.

6. Signage is allowed per code, except no freestanding signs shall be allowed.

7. Six parking spaces shall be provided onsite as indicated on the approved site plan, with one space for the owner/resident-manager of the property and five spaces for the guests. The parking area shall be paved, marked and be located in the side yard of the property to the north of the main structure.

8. Lighting shall be directed downward and away from adjoining properties and shall be limited to no more than 14 feet in height for any lighting, including the pole, base and fixture.

9. 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 properties to the south, east and west are zoned TF-3 and B and MF-29 to the north. Properties consist mostly of single-family dwellings. A group home is located at the northwest corner of 18th Street and Wellington Place.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned TF-3, but is developed with a single-family residence, and could continue to be used as a single-family dwelling. It could also be converted to a duplex

by right. The desirability of the dwelling as a bed and breakfast inn is enhanced by its designation as a key contributing structure in Park Place Fairview National Register Historic District, which could attract potential clientele.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The Conditional Use for a bed and breakfast will encourage preservation and renovation of the current structure in order to attract clientele to lodge in the facility. This investment could be viewed as desirable for encouraging investment in renovating other residences in the vicinity.

4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as "urban residential." The Unified Zoning Code permits bed and breakfast inn as a Conditional Use when it is determined to be an appropriate site for this type of use and when the bed and breakfast inn can meet site development requirements of the Conditional Use and UZC. The conditions of approval are designed to meet these criteria.

5. **Impact of the proposed development on community facilities**: The impact on community facilities should be minimal so long as all required parking is onsite and is adequately paved. No impact is anticipated on other utilities.

A-1

/28 Photograph # and Direction

[28] Description Reference #

