

CONDITIONAL USE RESOLUTION NO. CU-560

WHEREAS, Mahmoud Fazelipour (owner); Harvey and Linda Farha (Contract Purchasers); Mallard Real Estate, c/o Dennis Schmidt (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 on 0.17 acres zoned "GO" General Office described as:

Lot 3, except the East 62 feet thereof, Jim Fisher Addition, Wichita, Kansas, Sedgwick County, Kansas. Generally located west of Woodlawn on the south side of Central (5921 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 January 27, 2000, 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 on 0.17 acres zoned "GO" General Office described as:

Lot 3, except the East 62 feet thereof, Jim Fisher Addition, Wichita, Kansas, Sedgwick County, Kansas. Generally located west of Woodlawn on the south side of Central (5921 E. Central).

subject to the following conditions:

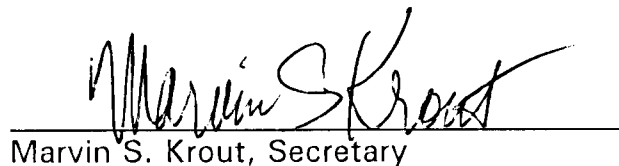
1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The applicant shall provide parking south of the existing structure in the paved rear yard with access to the parking area along the west property line. This access off of Central Avenue shall be temporary, until such time as the other property in Lot 3 (east), Jim Fisher Addition, is redeveloped for other than residential uses. At such time, the applicant shall provide joint access to the rear parking lot along the east property line with cross-lot access, remove the driveway along the west property line, and share in the construction of a standard two-lane driveway to the parking area.
3. At such time when the property to the west is redeveloped for other than residential uses, the owner of the subject property shall provide access to Lot 2, Jim Fisher Addition, along the west property line for circulation between the rear parking areas, unless the city engineer determines that grading considerations make this impractical.
4. Any violation of these conditions shall render this Conditional Use permit null and void.

Adopted this 27th day of January, 2000. 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

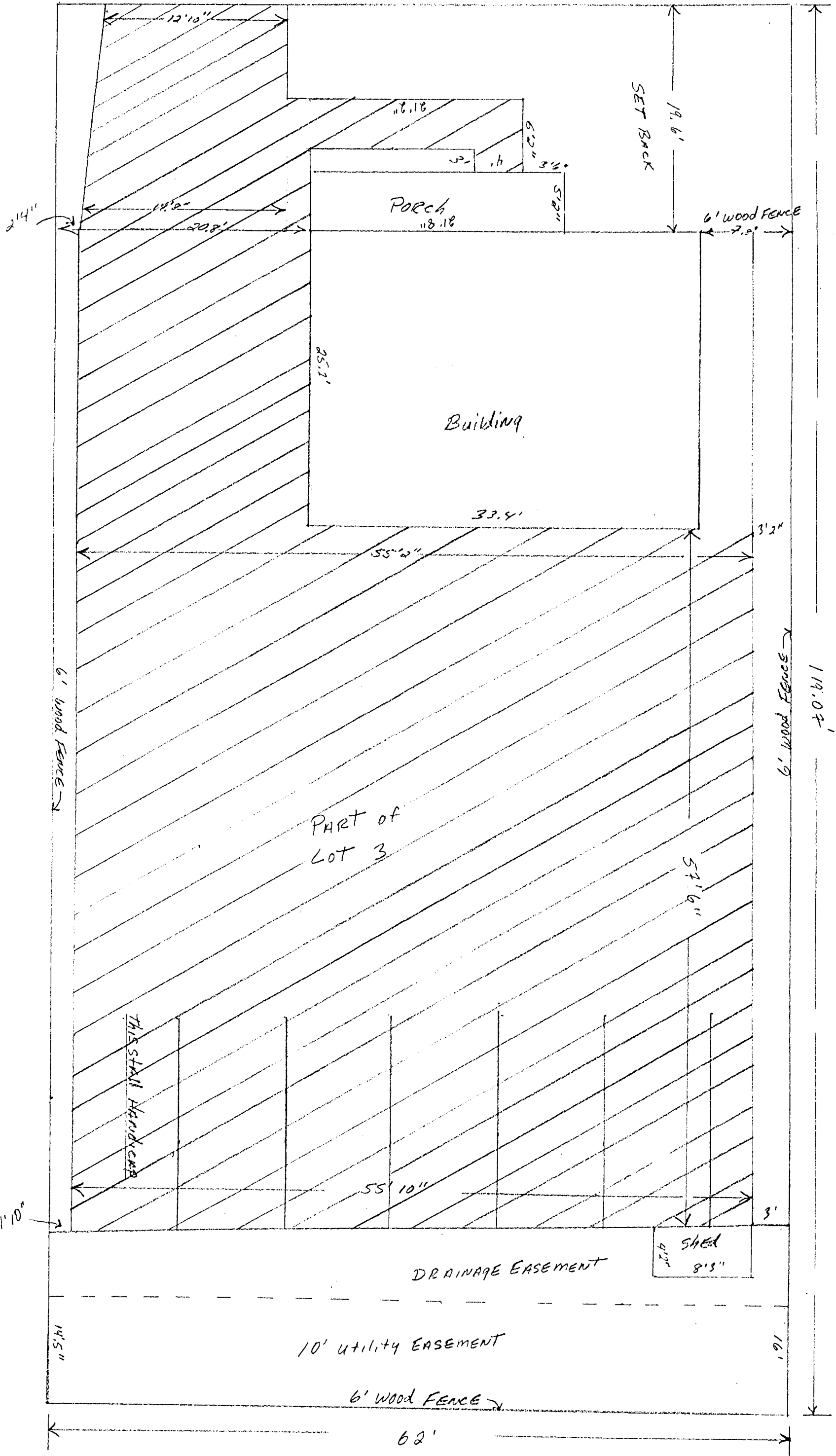
These Angel Lines Indicate
Concrete Drive

Parking stalls 9' X 18'

APPROVED 1-27-00 BY frut
MARC

SITE PLAN

1/8" = 1'



STAFF REPORT
 MAPC January 27, 2000

CASE NUMBER: CU-560

APPLICANT/AGENT: Mahmoud Fazelipour (owner); Harvey and Linda Farha (Contract Purchasers); Mallard Real Estate, c/o Dennis Schmidt (Agent)

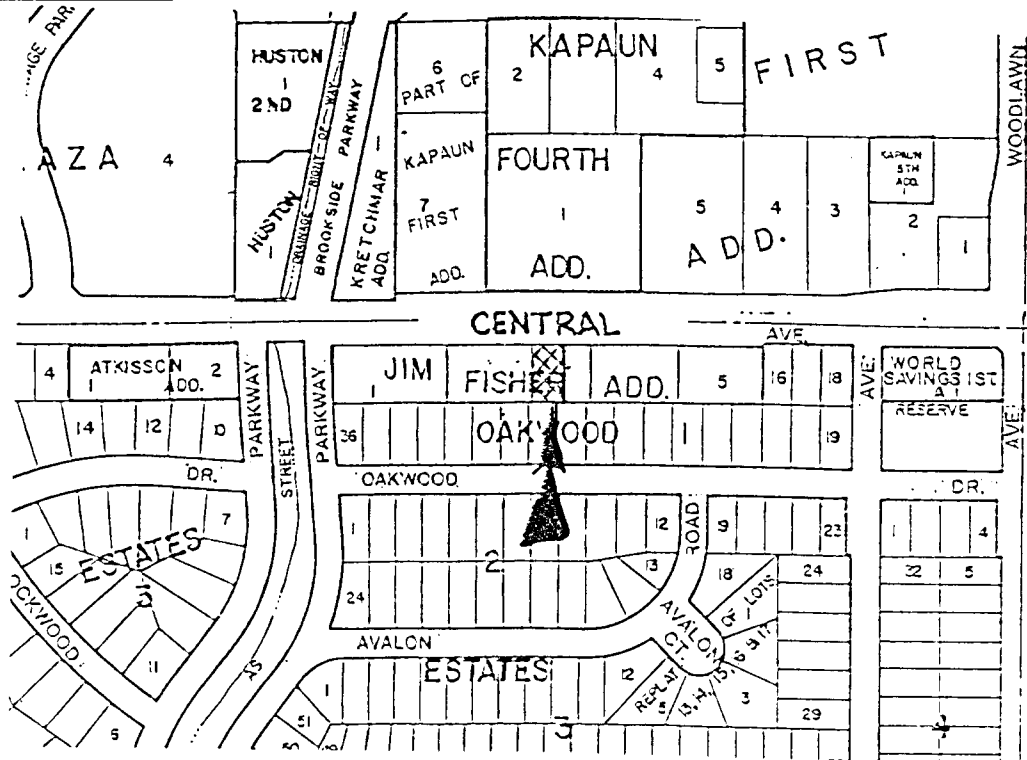
REQUEST: Conditional Use to allow a personal care service

CURRENT ZONING: "GO" General Office

SITE SIZE: 0.17 Acres

LOCATION: West of Woodlawn on the south side of Central (5921 E. Central)

PROPOSED USE: Barber/Beauty Shop



BACKGROUND: The applicant is requesting a Conditional Use to allow a personal care service on 0.17 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 (contract purchaser) to open a barber and beauty shop at this location. Currently, this site is a single-family residence, but will be converted to allow the intended use. The current owner previously constructed a paved parking area in the rear yard, south of the structure, in anticipation of using this site for other than residential uses. 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 single-family homes to the south, east and west. However, many of the homes on the south side of Central between Brookside Parkway and Hillcrest Avenue have converted to office and personal care uses. 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 barber/beauty shop. The applicant proposes to accommodate parking to the rear of the existing structure, using the existing paved parking area. The square footage of the structure necessitates four parking spaces, one of which shall be handicap accessible; these requirements can be easily met given the paved area south of the structure. The driveway to this lot and rear parking area is temporary, until such time that the property to the east is re-developed. At this time, as per the plat and accepted access management practices, access would be relocated from the west side to the east side of the lot and shared between the two parcels of Lot 3, 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 2nd 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. This rezone was subject to a restrictive covenant being placed on the property that restricted the uses 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 for circulation between the rear parking areas."

In keeping with the intent of MAPC and the re-plat to the Jim Fisher Addition, conditions stipulated for other properties in this area should apply to this request.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" – "Hometown Buffet" and other commercial, retail, and office uses
SOUTH: "SF-6" – Single-Family Home
EAST: "GO" – Single-Family Home
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 barber and beauty 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 paved rear yard with access to the parking area along the west property line. This access off of Central Avenue shall be temporary, until such time as the other property in Lot 3 (east), Jim Fisher Addition, is redeveloped for other than residential uses. At such time, the applicant shall provide joint access to the rear parking lot along the east property line with cross-lot access, remove the driveway along the west property line, and share in the construction of a standard two-lane driveway to the parking area.
3. The owner of the subject property shall provide access to Lot 2, Jim Fisher Addition, along the west property line for circulation between the rear parking areas, unless the city engineer determines that grading considerations make this impractical.
4. 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.