

CONDITIONAL USE RESOLUTION NO. CON2003-00044

WHEREAS, Gerald L. and Suzanne M. Kerr (Owner/Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a Bed and Breakfast Inn on 0.22 acres zoned "TF-3" Two-family Residential described as:

Lots 63, 64 and the East Half of Lot 65, and the South Half of vacated alley adjacent on the North, Hyde and Ellis Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located east of Holyoke on the north side of Country Club. (3308 Country Club).

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 11, 2003, 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 for a Bed and Breakfast Inn on 0.22 acres zoned "TF-3" Two-family Residential described as:

Lots 63, 64 and the East Half of Lot 65, and the South Half of vacated alley adjacent on the North, Hyde and Ellis Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located east of Holyoke on the north side of Country Club. (3308 Country Club).

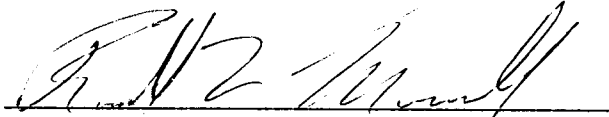
subject to the following conditions:

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 three rooms designated for the bed and breakfast business and there will be a maximum of six transient guests at any one time. These rooms shall be shown on a floor plan required for approved by Office of Central Inspection 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 Superintendent of Central Inspection shall review and approve the sign as to compliance with the location and materials required.
7. Four 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 three spaces for the guests. The parking area shall be paved, marked and be located in the rear yard of the property behind the main structure.
8. A screening wall or fence constructed of brick, stone, concrete masonry, stucco, concrete or wood (not including woven wire) at least six but not more than eight feet in height, or solid evergreen screening shall be installed to screen the rear yard (side property lines from a point even with the back of the main structure and rear property line) from the adjoining residential lots. This screening wall in the rear yard shall be maintained or replaced as approved for solid screening, per the UZC.
9. 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.
10. 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 11th DAY of DECEMBER, 2003. 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



Ronald L. Marnell, Chair MAPC

ATTEST:



John L. Schlegel, Secretary

CON 2003-00044

SITE PLAN

APPROVED 01/06/04 BY DG

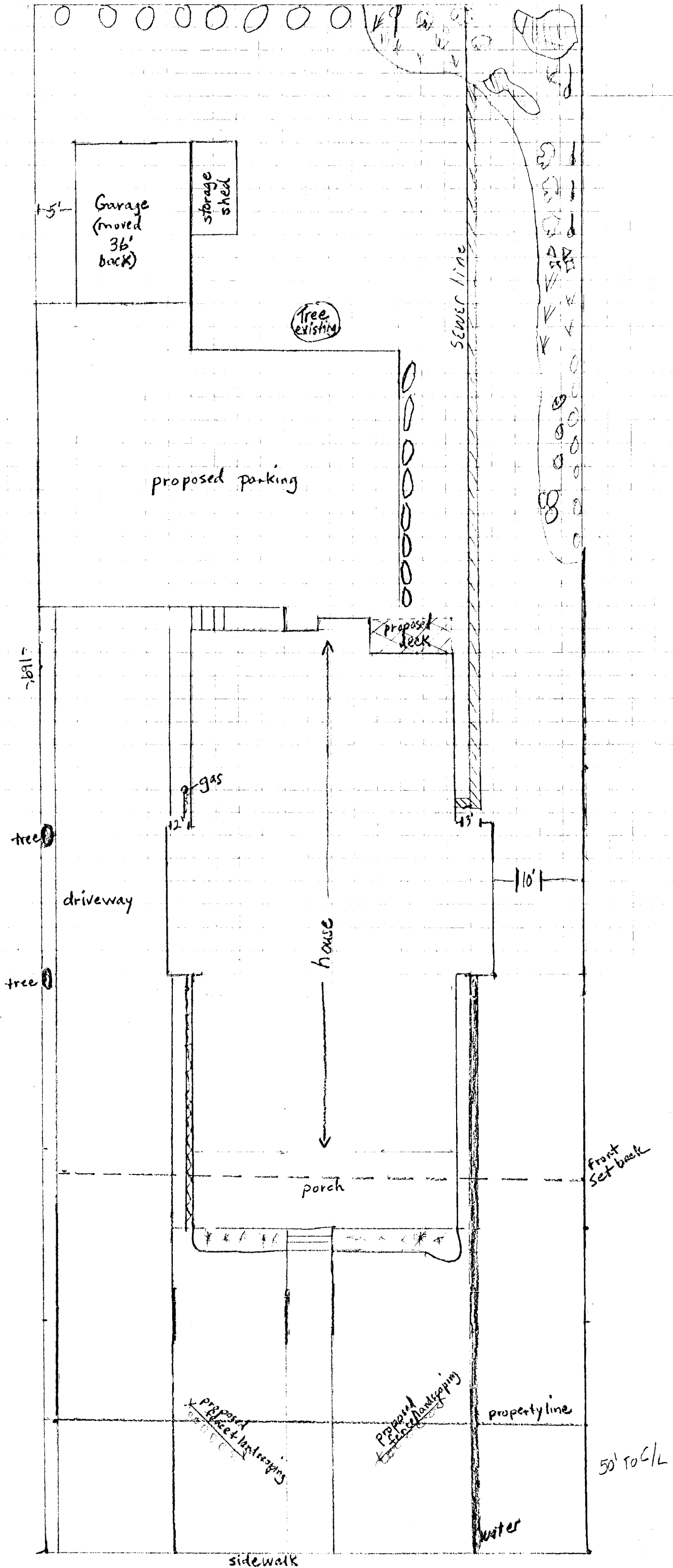
Legal description:

Lots 63, 64 & the East half of Lot 65 and the South half of vacated alley adjacent on the North, Hyde and Ellis Addition to Wichita, Kansas, Sedgewick County, Kansas.

College Hill
Bed and Breakfast
Conditional Use
Per B+B

Applicants:
Garold & Suzanne Kerr
3308 Country Club

Scale: 1" = 10'





AGENDA ITEM NO. 10

STAFF REPORT

MAPC December 11, 2003

DAB I December 1, 2003

CASE NUMBER: CON2003-00044

APPLICANT/OWNER: Gerald L. and Suzanne M. Kerr (owner)

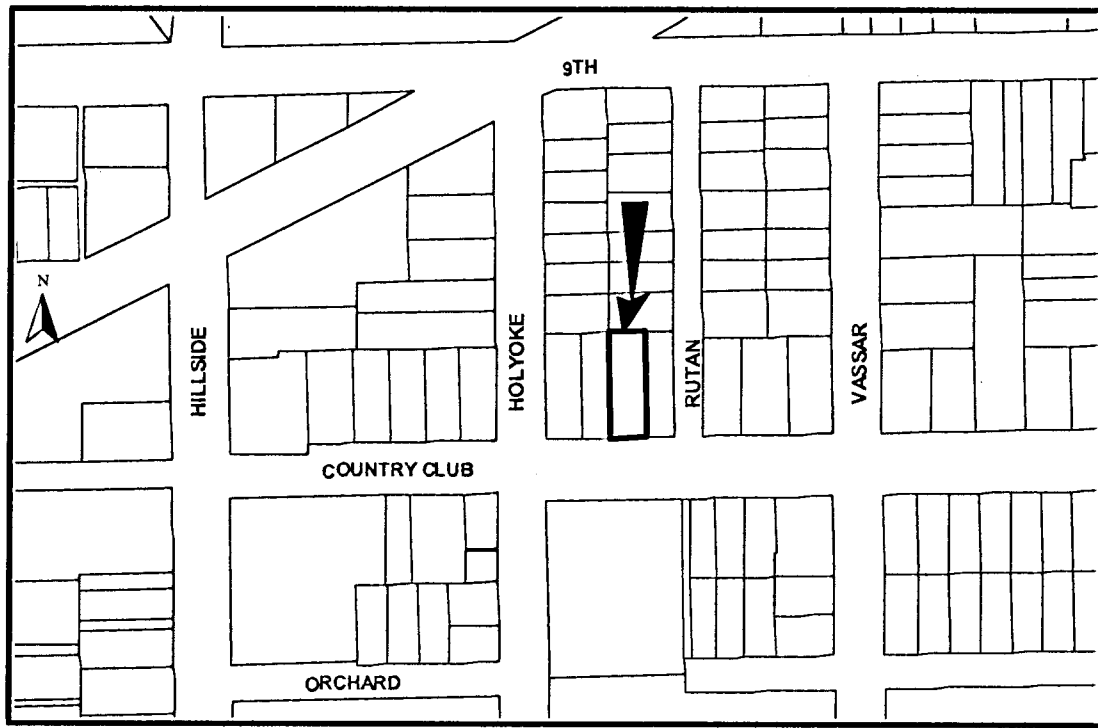
REQUEST: Conditional Use for bed and breakfast inn

CURRENT ZONING: "TF-3" Two-Family Residential

SITE SIZE: 0.22 acres

LOCATION: East of Holyoke on the north side of Country Club (3308 Country Club)

PROPOSED USE: Bed and breakfast inn



BACKGROUND: The applicants, Gerald and Suzanne Kerr, are requesting a Conditional Use to allow a three-room bed and breakfast inn to be operated at their current residence at 3308 Country Club. The lot is 0.22 acre in size (57.675' X 168.825'), and is located on the north side of Country Club between Holyoke and Rutan. The residence is a one-and-one-half storey cross-gable bungalow. The applicants intend to move an existing garage to closer to the rear of the property, and add a parking area between the house and the garage to meet the parking requirements.

According to the Unified Zoning Code (UZO), 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 north, east and west are zoned "TF-3" Two-family Residential and consist mostly of single-family dwellings. The property to the south is zoned "B" Multi-family Residential and "TF-3". It is the location of the Wichita Children's Home, an institutional-type of group home for children. "GO" General Office zoning is located within a block of the proposed bed and breakfast. The "GO" uses are medical services associated with the Wesley Medical Center. The property is about two blocks from the main Wesley hospital facility.

CASE HISTORY: The property is platted as Hyde and Ellis Addition, April 2, 1919. This is a replat of Livingston's Addition to Block 2 (April 4, 1887) to the Frisco Addition (September 4, 1885). The original plat of Frisco Addition dedicated 100 feet of right-of-way for Country Club (named 8th Street in the plat). This is an unusually wide street for a residential street. An alley along the north edge of the property was vacated previously (V-0540).

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family residences
SOUTH:	"B"; "TF-3"	Wichita Children's Home
EAST:	"TF-3"	Single-family residences
WEST:	"TF-3"; "GO"	Single-family residences, medical office

PUBLIC SERVICES: Access is from Country Club, a residential street with 100 feet of right-of-way and 29 feet of paved width. The sidewalk is located approximately 15 feet south of the property line.

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 "low density 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 request 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 three rooms designated for the bed and breakfast business and there will be a maximum of six transient guests at any one time. These rooms shall be shown on a floor plan required for approved by Office of Central Inspection 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 Superintendent of Central Inspection shall review and approve the sign as to compliance with the location and materials required.
7. Four 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 three spaces for the guests. The parking area shall be paved, marked and be located in the rear yard of the property behind the main structure.
8. A screening wall or fence constructed of brick, stone, concrete masonry, stucco, concrete or wood (not including woven wire) at least six but not more than eight feet in height, or solid evergreen screening shall be installed to screen the rear yard (side property lines from a point even with the back of the main structure and rear property line) from the adjoining residential lots. This

screening wall in the rear yard shall be maintained or replaced as approved for solid screening, per the UZC.

9. 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.
10. 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 north, east and west are zoned "TF-3" Two-family Residential and consist mostly of single-family dwellings. The property to the south is zoned "B" Multi-family and "TF-3". It is the location of the Wichita Children's Home, an institutional-type of group home for children. "GO" General Office zoning is located within a block of the proposed bed and breakfast. The "GO" uses are medical services associated with the Wesley Medical Center. The property is about two blocks from the main Wesley hospital facility.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "TF-3" two-family residential, 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 proximity to the Wesley Medical Center and the Wichita Children's Home, 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, particularly since some of the housing stock along Holyoke is in need of repair and some of the dwellings appear vacant. The bed and breakfast inn would introduce another nonresidential use into the neighborhood and permit a small number of transient guests to stay in the neighborhood, which may be viewed as a detrimental effect to stability of the residential neighborhood.
4. Conformance of the requested change to the adopted or recognized

Comprehensive Plan and policies: The Comprehensive Plan identifies this property as “low density 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 and screened from adjoining properties. No impact is anticipated on other utilities.