



PREPARED FOR THE PLAN COMMISSION

Project Address: 6406 Westin Drive (7th Aldermanic District, Alder King)

Application Type: Conditional Use

Legistar File ID # [50105](#)

Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact, and Owner: Susanne Orenkamp; En Avant Nail Studio, LLC; 6406 Westin Drive

Requested Actions: The applicant requests conditional use approval to allow a home occupation within the lower level at 6406 Westin Drive.

Proposal Summary: The applicant seeks to operate a home occupation for a nail salon within the lower level of an existing single family home in the SR-C2 (Suburban Residential-Consistent 2) Zoning District. No exterior changes to the existing residence are proposed as part of this application request.

Applicable Regulations & Standards: Home Occupations with employees not living at the premise are identified as a conditional use in the SR-C2 zoning district, as such they are subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO and the Supplemental Regulations pursuant to Section 28.151, MGO.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for a home occupation in an existing single family residence at 6406 Westin Drive. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 13,282-square-foot (0.3-acre) parcel is located on the north side of Westin Drive, one block east of Keswick Drive and adjacent to Manchester Park, and is within Aldermanic District 7 (Ald. King).

Existing Conditions and Land Use: The subject property contains a split level four-bedroom, two-bathroom single-family house with 1,175 square feet on the main floors and a 560 square foot finished basement plus an attached two stall garage built in 1998.

Surrounding Land Use and Zoning:

North: Single-family detached houses zoned Suburban Residential-Consistent 1 (SR-C1);

East: a drainage greenway and Manchester Park, zoned Conservancy (CN);

South: Across Westin Drive, single-family detached houses zoned Suburban Residential-Consistent 2 (SR-C2); and

West: Single-family detached houses zoned SR-C2.

Adopted Land Use Plan: The Plan Commission shall not approve a conditional use without due consideration of the recommendations in the [Comprehensive Plan](#) and any applicable neighborhood or special area plans. The [Comprehensive Plan \(2006\)](#) recommends low-density residential in the area, which does also allow for neighborhood serving retail and service uses. The [Cross Country Neighborhood Development Plan \(1993\)](#) also recommends low density residential for this area and includes land use policies encouraging limited-size shops and workplaces in close proximity to dwellings.

Zoning Summary: The property is zoned Suburban Residential-Consistent 2 (SR-C2)

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	13,282 sq. ft.
Lot Width	50'	64.75'
Front Yard Setback	30'	32' existing front yard
Side Yard Setback	One-story: 6'	15' existing side yard
Rear Yard Setback	Lesser of 30% lot depth or 35'	68' existing rear yard
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/ 35'	1 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing attached garage

Other Critical Zoning Items	none
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description, Analysis, and Conclusion

City Zoning received a complaint regarding the operation of this home occupation without any approvals. The nature of the complaint is not specific and, following a discussion with the owner about the need for a conditional use to continue the operation of her home occupation, no official notice was issued. The homeowner/applicant has decided to pursue conditional use approval to continue to operate her home occupation.

Pursuant to Section 28.151 MGO, "Supplemental Regulations," only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use in the SR-C2 zoning district and are subject to the Conditional Use review criteria found in Section 28.183(6). The intent of the Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties.

The applicant owns and operates En Avant Nail Studio, LLC, based in the applicant's home at 6406 Westin Drive. En Avant Nail Studio provides manicure and pedicure services from 9 a.m.-7 p.m. Tuesday-Friday and 7 a.m.-1 p.m. every other Saturday. The business is located in the lower level of a tri-level residence. The business space includes a reception area, two nail stations, a drying station, pedicure room, laundry room, restroom, and closet; the laundry room and rest room are also used by the household outside of salon hours. The maximum number

of clients present at the business at any given time is four. Two parking spaces are available to customers on the residence's driveway. Additional parking is available on Westin Drive. The applicant employs one part time employee from outside the residence who works Tuesday, Thursday, Friday, and every other Saturday; hours vary between 21-25 per week depending on client load.

The Planning Division believes that this home occupation with an employee not residing at the dwelling can meet the Conditional Use approval standards, including those related to uses, values and enjoyment and normal and orderly development, and the Supplemental Regulations and zoning district standards. Specifically, the Planning Division believes that the home occupation will have minimal negative impacts on nearby properties due to the fact the proposed hours of operation are consistent and compatible with those commonly associated with residential uses, all activities occur within the residence, and parking is provided in the dwelling's driveway. The one employee employed from outside the residence works 25 hours per week at most and parks on Westin Drive to the southeast along Manchester Park. If approved, the Plan Commission retains continuing jurisdiction, meaning that should complaints arise the Commission could take further action, requiring additional conditions or possible revocation of the conditional use should it find the approval standards cannot be met.

A time of report writing, staff is unaware of any additional comments or concerns from the public beyond the initial complaint.

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for a home occupation in an existing accessory building at 6406 Westin Drive. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

1. On the floor plan, identify the area of the home occupation within the lower level of the residence and label the rooms devoted to the home occupation.
2. The home occupation shall comply with Supplemental Regulations Section 28.151 for a Home Occupation. The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhood. The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.