CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 24, 2016

Jennifer Ethridge
353 N. Hillside
Wichita, KS 67214

RE: **CON2016-00042** - City Conditional Use request to allow a Personal Improvement Service in GO General Office zoned property; generally located south of 3rd Street on the west side of Hillside (353 N. Hillside.)

Dear Applicant:

At its regular meeting on **September 29, 2016**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

KLM:mc
Attachment

Copies to: Kyle J. McLaren, MABCD
J.R. Cox, MABCD
Lavonta Williams, Council Member District I
Kameelah Alexander, CSR District I

CONDITIONAL USE RESOLUTION NO. CON2016-00042

WHEREAS, Jennifer Ethridge, (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 Personal Improvement Service 0.15 acre zoned GO General Office described as:

Lot 1, of the Sandifer Addition, south of N. 3rd Street on the west side of N. Hillside (353 N. Hillside).

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 September 29, 2016, 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 Personal Improvement Service on GO General Office zoned property described as:

Lot 1, of the Sandifer Addition, south of N. 3rd Street on the west side of N. Hillside (353 N. Hillside).

Adopted this 29th Day of September 2016

METROPOLITAN AREA PLANNING COMMISSION

David Foster, Chair MAPC

ATTEST:

Dale Miller, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

DAB I October 3, 2016
MAPC September 29, 2016

CASE NUMBER: CON2016-00042

APPLICANT/AGENT: Jennifer Ethridge (owner/applicant)

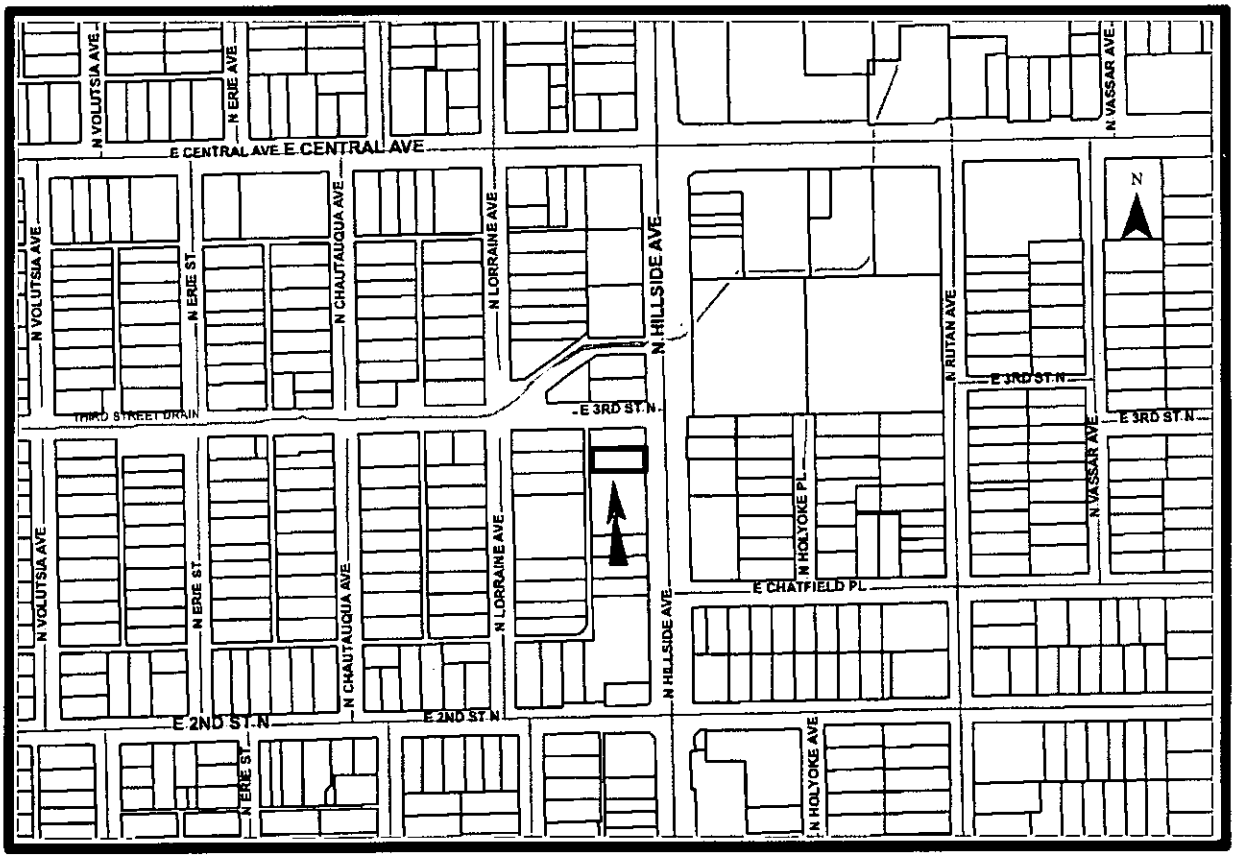
REQUEST: Conditional Use for a Personal Improvement Service

CURRENT ZONING: GO General Office

SITE SIZE: 0.15 acre

LOCATION: South of North 3rd Street on the west side of Hillside

PROPOSED USE: Massage Therapy Office



BACKGROUND: The applicant requests a Conditional Use for a "Personal Improvement Service" on property zoned GO General Office to operate a massage therapy business at 353 North Hillside. The site is located at the south of North 3rd Street on the west side of Hillside. The property is currently developed with a two-story commercial building on the 0.15-acre site with on-site parking, as shown on the attached site plan.

Residential and office uses abut the subject property. West of the site is zoned TF-3 Two-Family Residential, north is B Multi-Family Residential, east and south of the site is zoned GO.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines "Personal Improvement Service" as an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include portrait shops, photography studios, art and music schools, licensed massage therapists, health and fitness studios, swimming clubs and handicraft or hobby instruction.

CASE HISTORY: The City Council passed Ordinance 50-190 on April 29, 2016 requiring massage therapy business to obtain a City license and show proof of accredited training. The owner of the massage therapy business has operated in this location for several years without complaint. The request for the conditional use is to bring the business into compliance with the Unified Zoning Code.

ADJACENT ZONING AND LAND USE:

NORTH:	B	Office
SOUTH:	GO	Medical Services, eye clinic
EAST:	GO	Medical Services, dialysis
WEST:	TF-3	Single-family residences, vacant lot

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. Hillside is a five-lane arterial street. The site has one access point to Hillside as well as access to the paved parking area from the paved alley at the rear of the lot.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The site is also located within the Central Northeast Area Plan Update adopted in September 2005, which identifies retention of businesses in the area as one of the goals of the plan.

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

1. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: licensing requirements, building, fire and utility regulations or codes.
2. 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 VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Residential and office uses abut the subject property. West of the site is zoned TF-3 Two-Family Residential, north is B Multi-Family Residential, east and south of the site is zoned GO.

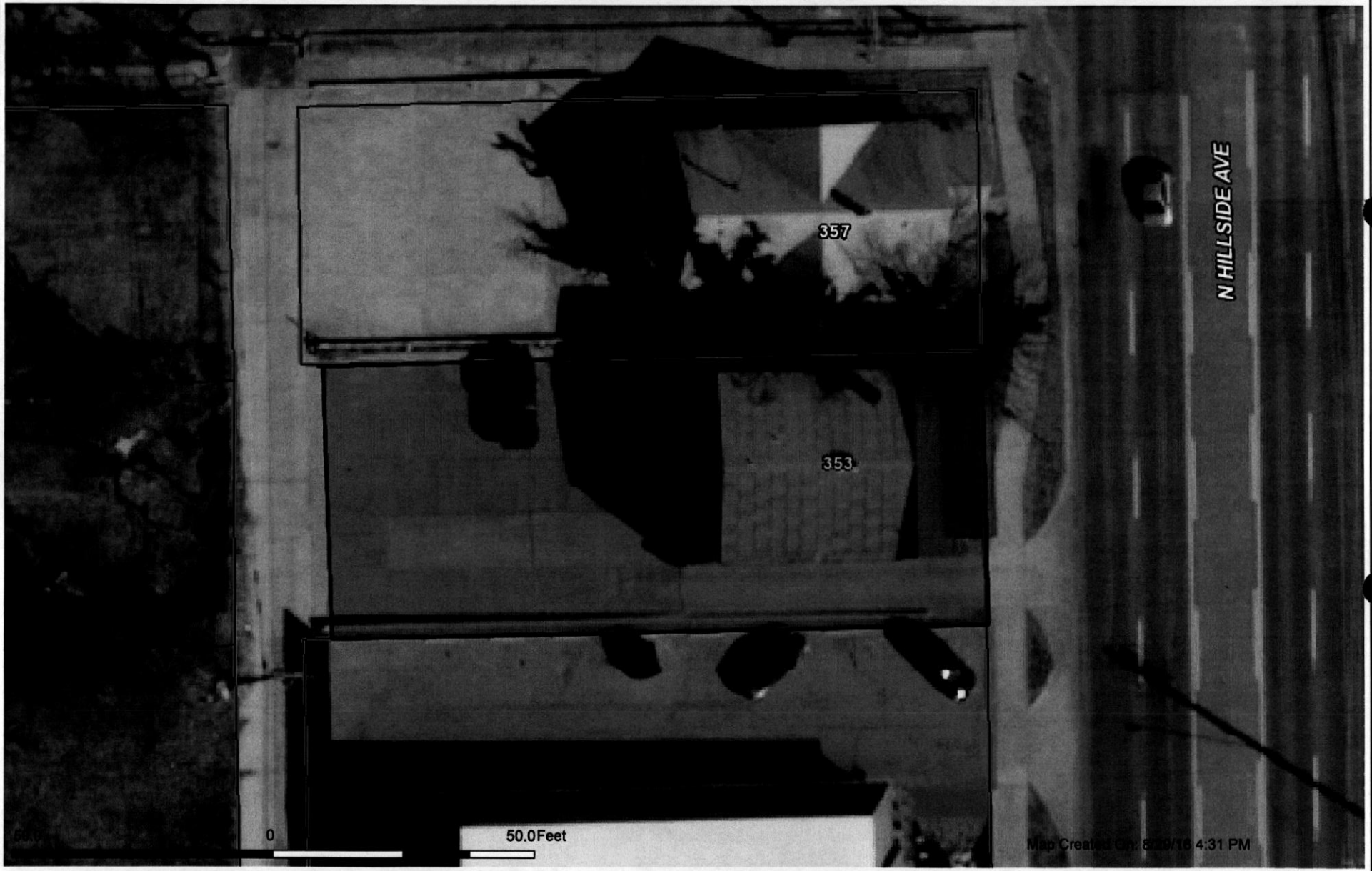
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GO which allows a conditional use approval for personal improvement services.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The site is developed with adequate on-site parking to accommodate the use.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Established Central Area - the downtown core and mature neighborhoods surrounding it in a roughly three-mile radius. The site is also located within the Central Northeast Area Plan Update adopted in September 2005, which identifies retention of businesses in the area as one of the goals of the plan.

5. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.

CON2016-00042 Site Plan



This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

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