OCA 150004

(Published in the Wichita Eagle, 10/4/19)

ORDINANCE NO. 51-115

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2019-00029

City zone change from NO Neighborhood Office to GO General Office described as:

Lot 1, Block 1, Niles Moore Addition, Wichita, Sedgwick County, Kansas

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

The zone change is subject to the following Protective Overlay #341

1. All uses allowed in the NO Neighborhood Office District are permitted in addition to Personal Care and Personal Improvement uses as permitted by conditional use in GO General Office (CON2019-00027)

2. All property development standards shall conform to those of the NO Neighborhood Office District.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

AGENDA ITEM NO. 4.3

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC: August 22, 2019
DAB V: September 4, 2019

CASE NUMBER: ZON2019-00029 & CON2019-00027

APPLICANT: Joseph Paul Houlik (Applicant)

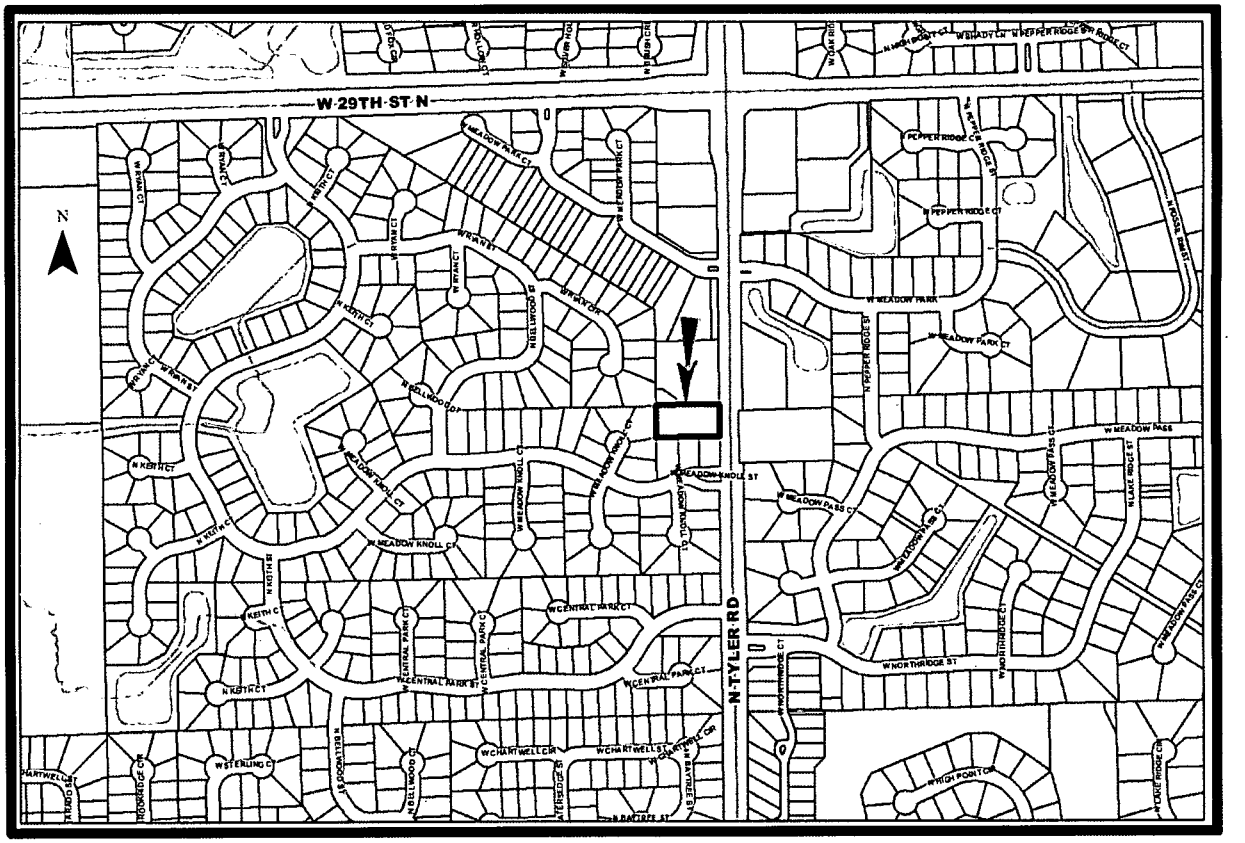
REQUEST: Zone change to GO General Office and a Conditional Use for Personal Care and Personal Improvement Services

CURRENT ZONING: NO Neighborhood Office

SITE SIZE: 0.84 acres

LOCATION: On the west side of North Tyler Road and ¼ mile south of West 29th Street North (2759 N Tyler Rd)

PROPOSED USE: Personal Care and Personal Improvement Services



BACKGROUND: The applicant is requesting a zone change from Neighborhood Office to General Office and a Conditional Use permit to allow for Personal Care and Personal Improvement Services on the site. The property is located on the west side of North Tyler Road and approximately ¼ mile south of West 29th Street North (2759 N Tyler Rd). The current use, which is a dentist office, will remain. The applicant is interested in leasing vacant space and is wanting to expand the range of possible clients by rezoning the property and obtaining this conditional use permit. He would like the ability to lease the space to a massage therapist, hair stylist, or the like, but does not have a specific use identified. The applicant provided Planning with a letter of intent which states his intention is to only allow the two additional use categories but otherwise restrict the property to the existing NO Neighborhood Office uses. In like manor, a Protective Overlay will accompany the zoning ordinance allowing NO uses in addition to the two additional use categories as permitted in GO. The Protective Overlay will ensure the development potential of the site remains appropriate for the area as GO General Office not only would allow inappropriate uses, but also the development standards for the coverage and height of buildings are out of character for the area.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines "Personal Care Service" as an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or his personal goods or apparel. Typical uses include beauty and barber shops, electrolysis studios, shoe shining and/or repair operations, tailors and neighborhood laundry and dry cleaning operations.

The 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.

Property north of the site is zoned NO Neighborhood Office and is a chiropractic clinic and personal residence. Further north is TF-3 Two Family with duplex development and LC Limited Commercial with commercial uses at the intersection of Tyler Road and 29th Street. Property east of the site is zoned SF-5 Single Family and NO and is single family residential. West and South of the site is zoned SF-5 and is single family residential.

CASE HISTORY: On July 31, 1997 the MAPC approved a zone change request from SF-20 Single Family Residential to NO Neighborhood Office with approval subject to platting the property within a year. The site was platted as Lot 1 Block 1, Niles Moore Addition, recorded May 6, 1998.

ADJACENT ZONING AND LAND USE:

NORTH:	NO	Chiropractic Clinic and Personal Residence
SOUTH:	SF-5	Single Family Residential
EAST:	SF-5 and NO	Single Family Residential
WEST:	SF-5	Single Family Residential

PUBLIC SERVICES: The subject property has access to North Tyler Road, a three-lane, paved arterial road. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for "residential" and "new employment." With current uses of office space nearby and the current use of this property as a dentist office, adding Personal Care and Personal Improvement Services conform to the vision of *The Community Investments Plan.*

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED.**

Approval of the Conditional Use shall be subject to the following conditions:

1. The applicant shall submit a site plan to be reviewed and approved by the Planning Director. Development of the site shall be in conformance to the approved site plan.
2. The following uses shall not be permitted on site: neighborhood laundry, dry cleaning, health and fitness studios, and swimming clubs.
3. 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.

Approval shall also be subject to the following Protective Overlay #341

1. All uses allowed in the NO Neighborhood Office District are permitted in addition to Personal Care and Personal Improvement uses as permitted by conditional use in GO General Office (CON23019-00027)
2. All property development standards shall conform to those of the NO Neighborhood Office District.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is zoned NO Neighborhood Office and is a chiropractic clinic and personal residence. Further north is TF-3 Two Family with duplex development and LC Limited Commercial with commercial uses at the intersection of Tyler Road and 29th Street. Property east of the site is zoned SF-5 Single Family and NO and is single family residential. West and South of the site is zoned SF-5 and is single family residential.

2. **The suitability of the subject property for the uses to which it has been restricted:** This property is zoned NO and is used as a dentist office. The property is suitable for the uses to which it has been restricted.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Under the provisions of the Protective Overlay, the removal of these current restrictions should have little to no detrimental effects on nearby property.

4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The *Community Investment Plan* depicts the subject site as appropriate for "residential" and "new employment." With current uses of office space nearby and the current use of this property as a dentist office, adding Personal Care and Personal Improvement Services conform to the vision of *The Community Investments Plan.*

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant


N
N PEPPER RIDGE ST
W MEADOW PARK
W MEADOW PARK CT
W MEADOW PASS
W NORTHRIDGE CT
W MEADOW PASS CT
N TYLER RD
W MEADOW KNOLL CT
W CENTRAL PARK CT
W RYAN CIR
W RYAN ST
N BELLWOOD ST
W RYAN CT
KEITH CT

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