



Wichita-Sedgwick County Metropolitan Area Planning Department

Houlik Realty, LLC
2759 N Tyler Rd.
Wichita, KS 67205

September 25, 2019

RE: ZON2019-00029 & CON2019-00027- City Zone Change from NO Neighborhood Office to GO General Office and a request for a Conditional Use for Personal Care and Personal Improvement Services, on property generally located on the west side of North Tyler Road and one-quarter mile south of West 29th Street North (2759 N Tyler Rd).

Dear Applicants;

At its regular meeting on September 24, 2019 the Wichita City Council considered the above captioned request. The action of the Council was to APPROVE the request in accordance with the attached ordinance and conditional use resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Associate Planner

Copies to: MABCD
Brian Frye, Council Member District V
Cory Buchta, CSR District V
HOA- Dan East, 900 N Tyler Rd, Wichita, KS 67212
HOA- Fossil Rim, PO Box 12785, Wichita, KS 67277
HOA- Northridge Lakes Masters, 8117 W Meadow Pass Ct, Wichita, KS 67205
Sterling Farms Master Assoc, 900 N Tyler Rd Ste 7, Wichita, KS 67212

RESOLUTION NO. 19- 359

CONDITIONAL USE NO. CON2019-00027

WHEREAS, Houlik Realty, LLC (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 Personal Care Services and Personal Improvement Services, on property zoned GO General Office at 2759 North Tyler Road and legally described as:

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

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 August 22 2019, 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.

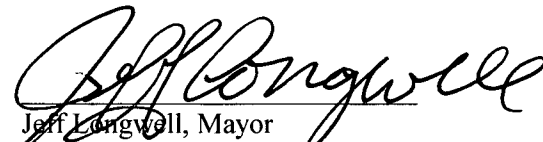
NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Personal Care Services and Personal Improvement Services, on property zoned GO General Office at 2759 North Tyler Road and legally described as:

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

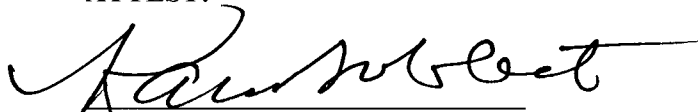
Subject to the following conditions:

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.

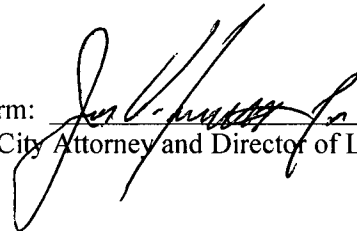
Adopted this 24th Day of September 2019


Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



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

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

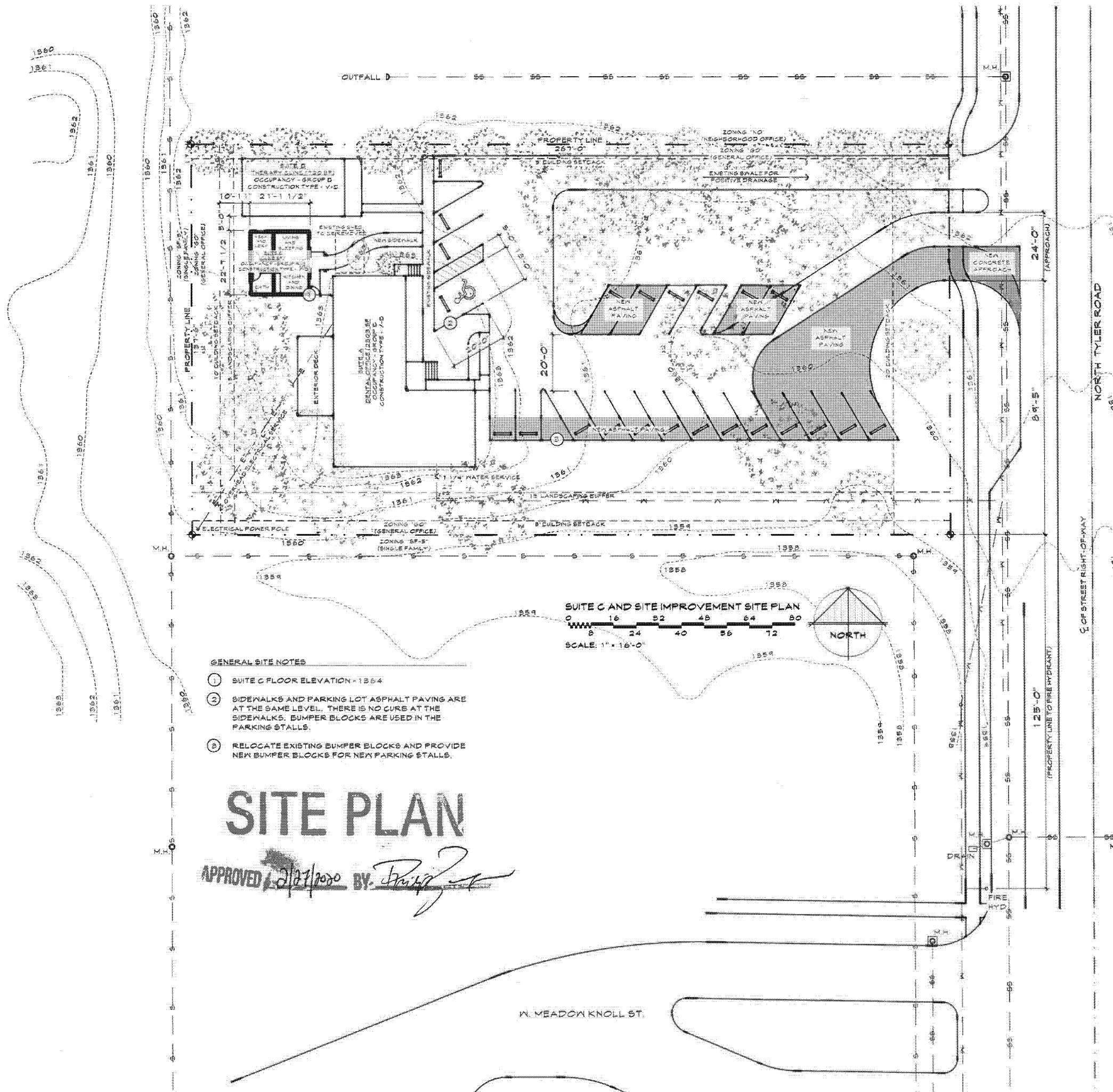
1. All uses allowed in the NO Neighborhood Office District are permitted in addition to Personal Care and Personal Improvement uses as permitted by conditional use in GO General Office (CON23019-00027)
2. All property development standards shall conform to those of the NO Neighborhood Office District.

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



- GENERAL SITE NOTES**
- 1. SUITE C FLOOR ELEVATION = 1364
 - 2. SIDEWALKS AND PARKING LOT ASPHALT PAVING ARE AT THE SAME LEVEL. THERE IS NO CURB AT THE SIDEWALKS. BUMPER BLOCKS ARE USED IN THE PARKING STALLS.
 - 3. RELOCATE EXISTING BUMPER BLOCKS AND PROVIDE NEW BUMPER BLOCKS FOR NEW PARKING STALLS.

SITE PLAN

APPROVED 2/27/2020 BY [Signature]

SUITE C AND SITE IMPROVEMENT SITE PLAN
SCALE: 1" = 16'-0"

LEGAL DESCRIPTION
LOT 1 BLOCK 1 NILES - MOORE ADDITION
DRAWER PC86-5 (PLAT FILING DATE 5/6/1998)
1/4 SECTION NE 9S-T27-R1W
QUARTER SECTION MAP DE-17

ZONING DISTRICT
ZONING CASE NO. ZON2019-00029
CHANGE ZONING FROM NO (NEIGHBORHOOD OFFICE) TO
GO (GENERAL OFFICE)

CONDITIONAL USE CASE NO. CON2019-00027
PERMIT (PERSONAL CARE SERVICE) AND (PERSONAL
IMPROVEMENT SERVICE) PER CONDITIONAL USAGE OF
GO (GENERAL OFFICE) ZONING DISTRICT

SUBJECT TO PROTECTIVE OVERLAY NO. 941
1. ALL USES ALLOWED IN NO (NEIGHBORHOOD OFFICE)
PERMITTED IN ADDITION CONDITIONAL USES IN
GO (GENERAL OFFICE) LISTED CASE NO.
CON2019-00027 ABOVE
2. ALL PROPERTY DEVELOPMENT SHALL CONFORM TO
NO (NEIGHBORHOOD OFFICE) DISTRICT

(ADOPTED PER RESOLUTION NO. 19-359
ON 24 SEPTEMBER 2019)

OCCUPANCY
BUSINESS GROUP B (SUITE A AND SUITE B)
RESIDENTIAL GROUP R-2 (SUITE C)

CONSTRUCTION TYPE
TYPE V-B

SOIL CLASSIFICATION ON PROPERTY
B9B2

SITE AREA AND USAGE	
LOT 1 NET AREA	96,712.5 S.F. (0.84 ACRE)
DENTAL OFFICE	2,803 S.F.
THERAPY CLINIC	120 S.F.
SUITE C	482 S.F.
TOTAL BUILDING AREA	3,405 S.F. (0.09 % USAGE)
IMPERVIOUS AREA	12,164 S.F. (0.33 % USAGE)
TOTAL USAGE AREA	15,569 S.F. (0.42 % USAGE)

PARKING	
EXISTING PARKING STALLS	14
EXISTING ACCESSIBLE STALLS	1
NEW PARKING STALLS	0
TOTAL PARKING STALLS	25

NUMBER OF PARKING STALLS REQUIRED PER WICHITA-
SEDCWICK COUNTY UNIFIED ZONING CODE - 1 PER 333 S.F.
(TOTAL BUILDING S.F.) 3,405 S.F. / 333 S.F. = 11 STALLS
ACCESSIBLE STALLS REQUIRED PER "TYPICAL STANDARDS
FOR OFF-STREET PARKING" - 1 TO 25 STALLS TOTAL IN LOT - 1 ACCESSIBLE STALL

LEGEND

- PROPERTY LINE
- CENTERLINE
- BUILDING SETBACK / EASEMENT
- BURIED UTILITY LINE
C (CABLE) E (ELECTRICAL) G (GAS)
S (SANITARY SEWER) SS (STORM SEWER)
T (TELEPHONE) W (WATER)
- 100'-0" (NEW ELEVATION)
100'-0" (EXISTING ELEVATION)
- 1000 (EXISTING CONTOUR)
- 1000 (NEW CONTOUR)

THOMAS E. BONTRAGER
ARCHITECT

THE NORTHEAST BUILDING - SUITE 200E
1540 NORTH DRAWAY AVENUE
WICHITA, KANSAS 67214
CELL: (316) 398-1259
EMAIL: tebontrager@earthlink.net

SUITE C AND
SITE IMPROVEMENT SITE PLAN
FOR
2759 NORTH TYLER ROAD
WICHITA, KANSAS 67205-8711

19 FEBRUARY 2020

SUITE C AND
SITE IMPROVEMENT
SITE PLAN

SHEET NUMBER

SP