



FILE COPY

**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

Brandon Paulseen  
Planning for Generations, LLC  
3411 N. Webb Rd  
Wichita, KS 67266

December 18, 2023

**RE: CON2023-00051** – Conditional Use to allow Personal Care Service or Personal Improvement Service, located on the SE corner of East 1<sup>st</sup> Street North and North Oliver Ave (150 Oliver Ave.)

Dear Applicant;

At its regular meeting on **December 5 2023**, the Wichita City Council considered the above captioned requests. The action of the City Council was to **APPROVE** the Conditional Use request for the Personal Care Service/Personal Improvement Services, subject to the following conditions:

1. The applicant shall obtain all applicable permits including, but not limited to: building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the proposed uses, if necessary.
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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

Sincerely,

Brad Eatherly  
Current Plans  
Senior Planner

CC: Brandon Johnson, Council Member District I  
Tasha Hayes, CSR, District I  
MABCD



**Wichita-Sedgwick County  
Metropolitan Area  
Planning Department**

Brandon Paulsen  
Planning for Generations, LLC  
3411 N. Webb Rd  
Wichita, KS 67266

Oct. 27, 2023

**RE: CON2023-00051** – Conditional Use to allow Personal Care Service or Personal Improvement Service, located on the SE corner of East 1<sup>st</sup> Street North and North Oliver Ave (150 Oliver Ave.)

Dear applicant,

At its regular meeting on **October 26, 2023**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

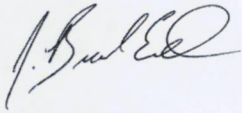
1. The applicant shall obtain all applicable permits including, but not limited to: building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the proposed uses, if necessary.
2. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **November 9, 2023**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **November 9, 2023, at 5:00 p.m.**

This application will be heard by the District Advisory Board (DAB) I on **Monday, November 6, 2023** beginning at 6:30 p.m. at the Atwater Neighborhood Resource Center, 2755 E. 19<sup>th</sup> St. N. For more information on this meeting, please contact Community Services Representative for District I, Tasha Hayes at (316) 303-8016 or [thayes@wichita.gov](mailto:thayes@wichita.gov). This application will be presented to the Wichita City Council on **Tuesday, December 5, 2023** beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Eatherly". The signature is fluid and cursive, with the first name "Brad" being more prominent than the last name "Eatherly".

Brad Eatherly  
Current Plans  
Senior Planner

CC: Brandon Johnson, Council Member District I  
Tasha Hayes, CSR, District I  
MABCD

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

RESOLUTION NO. 23-498

**WHEREAS**, Planning for Generations, LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Personal Care Service or Personal Improvement Service on property zoned GO General Office District located, legally described as:

Lots 1 and 3, Block 8, East Boulevard Addition to 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 October 26, 2023, consider said application; and

**WHEREAS**, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit Personal Care Service or Personal Improvement Service on property zoned GO General Office District located on the southeast corner of East 1<sup>st</sup> Street North and North Oliver Avenue (150 North Oliver Avenue), legally described as:

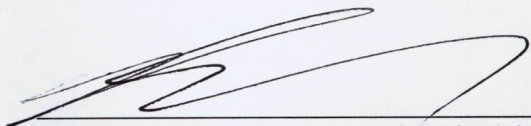
Lots 1 and 3, Block 8, East Boulevard Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

- 1) The applicant shall obtain all applicable permits including, but not limited to: building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the proposed uses, if necessary.
- 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

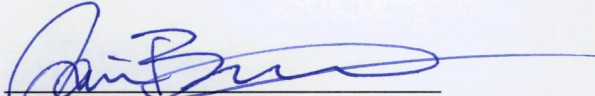
This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 5<sup>th</sup> day of Dec, 2023.



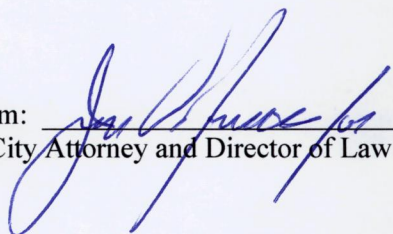
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

  
\_\_\_\_\_  
Jamie Buster, City Clerk

(SEAL)



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

# McClatchy

The Beaufort Gazette  
 The Belleville News-Democrat  
 Bellingham Herald  
 Centre Daily Times  
 Sun Herald  
 Idaho Statesman  
 Bradenton Herald  
 The Charlotte Observer  
 The State  
 Ledger-Enquirer

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 The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	497380	Print Legal Ad-IPL01508700 - IPL0150870	RES#23-498	\$67.29	1	80 L

Attention: LaTosha Alvarez  
 CITY OF WICHITA/CLERKS OFFICE  
 455 N MAIN ST FL 13  
 WICHITA, KS 67202

JMBuster@wichita.gov

**OCA 150004 PUBLISHED  
 IN THE WICHITA EAGLE ON  
 December 8, 2023  
 BE IT ORDAINED BY THE  
 GOVERNING BODY  
 OF THE CITY OF WICHITA,  
 KANSAS.**

**RESOLUTION NO. 23-498**  
 WHEREAS, Planning for Generations, LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit Personal Care Service or Personal Improvement Service on property zoned GO General Office District located, legally described as:  
 Lots 1 and 3, Block 8, East Boulevard Addition to 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 October 26, 2023, consider said application; and  
 WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit Personal Care Service or Personal Improvement Service on property zoned GO General Office District located on the southeast corner of East 1st Street North and North Oliver Avenue (150 North Oliver Avenue), legally described as:

Lots 1 and 3, Block 8, East Boulevard Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

- 1) The applicant shall obtain all applicable permits including, but not limited to: building, health, and zoning. This will include turning in plans for review and approval by the MABCO for the proposed uses, if necessary.
- 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void. This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 5th day of December 2023.  
 Brandon J. Whipple, Mayor, City of Wichita

ATTEST:  
 Jamie Buster, City Clerk  
 (SEAL) Approved as to form:  
 Jennifer Megana, City Attorney and Director of Law  
 IPL0150870  
 Dec 8 2023

In The STATE OF KANSAS  
 In and for the County of Sedgwick  
 1 insertion(s) published on:  
 12/08/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/08/2023 to 12/08/2023.

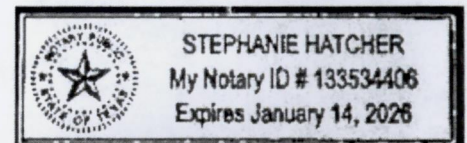
*Stefani Beard*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 12/08/2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
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 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
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 The Olympian  
 Sacramento Bee  
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 The State - Columbia  
 Sun Herald - Biloxi

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 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

# AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	473779	Print Legal Ad-IPL01420260 - IPL0142026		\$150.99	2	90 L

**Attention: MANDY HEBERT**  
 CITY OF WICHITA/PLANNING DEPT  
 271 WEST THIRD ST., 2ND FL, SU 203  
 WICHITA, KS 67202  
 MHEBERT@wichita.gov

**LEGAL PUBLICATION**  
 MAPC/BZA October 26, 2023  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 26, 2023, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2023-00030: Conditional Use request in the City for Personal Care and Personal Improvement Uses on property zoned GO General Office; located on the southeast corner of North Oliver Avenue and East 1st Street North (150 North Oliver).

CON2023-00052: Conditional Use request in the City to modify CON2023-00022 site plan for the expansion of the existing substation on property zoned LI Limited Industrial District; generally bounded by East Central Avenue, East 3rd Street North, North Mead Avenue, and North Rock Island Avenue.

DEF2023-00012: Unified Zoning Code amendment to the Use Regulations table (Article III-D) to better clarify what uses are permitted by right and when they are a conditional use.

PUD2023-00011: Zone change request in the City from SF-5 Single-Family Residential to PUD Planned Unit Development #116 to allow for vehicle storage yard and industrial operation; located on the north side of West MacArthur Road and within one-half mile west of South Seneca Street (1514 & 1530 W. MacArthur Rd).

VAC2023-00040: Vacation request in the City to vacate a portion of a platted setback to permit construction of a detached garage, on property zoned SF-5 Single-Family Residential; generally located on the north side of East Central Avenue, one-quarter mile east of North Woodlawn Blvd (508 N Hampton).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

- 1) Attend in-person at the Ronald Reagan Building
- 2) Submit comments ahead of time

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments, but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery.

Written Comments

Written comments should be submitted by 5 pm the day before the meeting.

Video and Audio Comments

Comments in video or audio message (mp3, etc.) formats should be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email

Planning@wichita.gov

Mailing Address

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone

316.268.4421

Fax

316.858.7764

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available.

To view the live stream or recording, follow the link: <https://www.wichita.gov/>

Planning

WITNESS MY HAND on October 5, 2023

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0142026

Oct 5 2023

In The STATE OF KANSAS  
 In and for the County of Sedgwick

1 insertion(s) published on:

10/05/23

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 10/05/2023 to 10/05/2023.

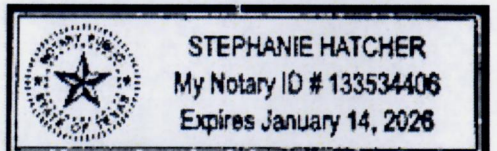
*Stefani Beard*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 10/05/2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



**STAFF REPORT**  
MAPC: October 26, 2023  
DAB I: November 6, 2023

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**CASE NUMBER:** CON2023-00051 (City)

**APPLICANT/AGENT:** Planning for Generations, LLC (Owner)

**REQUEST:** Conditional Use for Personal Care Service or Personal Improvement Service

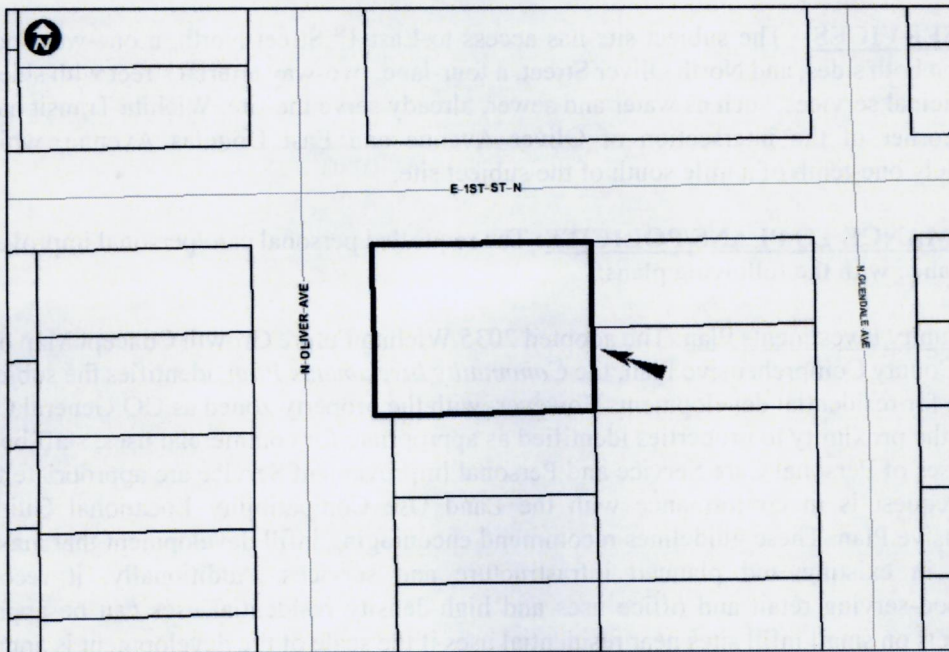
**CURRENT ZONING:** GO General Office District

**SITE SIZE:** 0.30 acres

**LOCATION:** Located on the southeast corner of East 1<sup>st</sup> Street North and North Oliver Avenue (150 North Oliver Avenue).

**PROPOSED USE:** Salon/Personal Care.

**RECOMMENDATION:** Approve with conditions.



**BACKGROUND:** The applicant is requesting a Conditional Use to permit Personal Care Service and/or Personal Improvement Service uses on property zoned GO General Office District. A portion of the property, a parking lot on the north side approximately 25 feet deep, is zoned B Multi-Family District. The conditional use request will only apply to the portion of the property zoned GO General Office District. The Unified Zoning Code (UZC) does not allow for parking within a Street Side Setback in the B Multi-Family District. However, because the parking lot is located within the B Multi-Family District, and it was built at some point in the past, it is considered a legal, non-conforming use. The 0.30-acre, platted property is currently developed with a vacant commercial office building. The applicant has potential tenants that would utilize the Personal Care Service or Personal Improvement Service use. The applicant has extensively remodeled the interior of the building as well as updated the exterior.

Property to the north, across East 1<sup>st</sup> Street North, is zoned B Multi-Family District and is developed with an elementary school. Property to the south is zoned GO General Office District and is developed with real estate offices. Property to the east is zoned B Multi-Family District and is developed with an apartment complex. Properties to the west, across North Oliver Avenue, are zoned TF-3 Two-Family Residential District and are developed with single-family residences.

**CASE HISTORY:** On February 21, 1930, the subject site was platted as Lots 1 and 3, Block 8 of the East Boulevard Addition. It is unknown when the subject site was zoned. There are no zoning cases associated with this property.

**ADJACENT ZONING AND LAND USE:**

NORTH:	B	Elementary School
SOUTH:	GO	Real Estate Offices
EAST:	B	Apartment Complex
WEST:	TF-3	Single-family Residences

**PUBLIC SERVICES:** The subject site has access to East 1<sup>st</sup> Street North, a one-way local street with sidewalks on both sides, and North Oliver Street, a four-lane, two-way arterial street with sidewalks on both sides. Municipal services, such as water and sewer, already serve the site. Wichita Transit has a stop at the southeast corner of the intersection of Oliver Avenue and East Douglas Avenue, which is located approximately one-tenth of a mile south of the subject site.

**CONFORMANCE TO PLANS/POLICIES:** The requested personal care/personal improvement uses are in conformance with the following plans:

**The Community Investments Plan:** The adopted 2035 Wichita Future Growth Concept Map of the Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the subject property as appropriate for residential development. However, with the property zoned as GO General Office District, along with the proximity to properties identified as appropriate for commercial uses, staff believes that the proposed uses of Personal Care Service and Personal Improvement Service are appropriate for the subject site. The request is in conformance with the Land Use Compatibility Locational Guidelines of the Comprehensive Plan. These guidelines recommend encouraging infill development that maximizes public investment in existing and planned infrastructure and services. Additionally, it recommends that neighborhood-serving retail and office uses and high-density residential uses can be appropriate along arterial streets on small infill sites near residential uses if the scale of the development is appropriate for its context.

**Wichita: Places for People Plan:** The requested zoning is in conformance with the goals of the Wichita:

Places for People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people – a place that provides for the movement of people – on foot, on bike and through transit – in balance with automobiles.”

- **Strategies:** The Wichita: Places for People Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Personal Care/Personal Improvement Service uses align with the design principles of Places for People by “encouraging infill and redevelopment that is contextual to the environment.”
- **Current Condition:** The subject site is located within an area identified as an “Area of Stability.” The Places for People Plan defines Areas of Stability as “locations within the Established Central Area that exhibit less stress, or fewer economic, connectivity and accessibility issues than the Areas of Opportunity. Areas of Stability require fewer interventions and potentially less public investment to maintain a stable development environment and community.” The existing businesses to the south are examples of economic stability in the area.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. The applicant shall obtain all applicable permits including, but not limited to: building, health, and zoning. This will include turning in plans for review and approval by the MABCD for the proposed uses, if necessary.
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 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 character of the neighborhood is a mix of commercial, single-family residential and multi-family residential. Property to the north, across East 1<sup>st</sup> Street North, is zoned B Multi-Family District and is developed with an elementary school. Property to the south is zoned GO General Office District and is developed with real estate offices. Property to the east is zoned B Multi-Family District and is developed with an apartment complex. Properties to the west, across North Oliver Avenue, are zoned TF-3 Two-Family Residential District and are developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned GO General Office District which allows for the development of offices and public, civic, and other complementary land uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Although the hours of operation for a Personal Care or Personal Improvement use may extend into the evening hours, approval of the request should not detrimentally impact nearby properties. The conditions of approval are designed to minimize possible detrimental impacts. Additionally, the property has more than enough off-street parking spaces for the proposed uses.
4. Length of time subject property has remained vacant as zoned: It is unknown how long the building has been vacant.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would bring development to an area that is appropriate for the proposed use. Denial may result in the loss of use and enjoyment for the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed Conditional Use is in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan* as discussed in this staff report.
7. Impact of the proposed development on community facilities: Community facilities should not be significantly impacted by the proposed uses. The property is served by municipal water and sewer.
8. Opposition or support from neighborhood residents: At the time the staff report was prepared, staff did not receive any public comment on the requested Conditional Use.

Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. Community Investments Plan Land Use Map
4. Site Photos



