



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2017

Uptown Place Apts., LLC
Matthew E. Vos
2845 S. Gilpin
Denver, CO80210

RE: CON2016-00057 - City Conditional Use request to allow a Personal Improvement Service in GO General Office zoned property; generally located east of Hillside on the north side of Douglas (101 N. Clifton.)

Dear Applicant:

At its regular meeting on January 17, 2017, the Wichita City Council considered the above captioned request. The action of the Council was to APPROVE the request.

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

Sincerely,

A handwritten signature in cursive script that reads 'Kathy L. Morgan'.

Kathy L. Morgan,
Senior Planner
Current Plans Division

Copies to: Lavonta Williams, Council Member District I
Kameelah Alexander, CSR District I
Gayle Gentry Bishop, 3552 E. Douglas, Wichita, KS 67208
Steven L. & Carla M. Jacobs, 29 N. Cypress, Wichita, KS 67206

RESOLUTION No. 17-026

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT PERSONAL IMPROVEMENT SERVICE, ON APPROXIMATELY 0.15-ACRE ZONED GO GENERAL OFFICE ("GO"), GENERALLY LOCATED EAST OF NORTH HILLSIDE AVENUE AND NORTH OF DOUGLAS AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow personal improvement service, on approximately 0.15-acre zoned GO General Office ("GO") legally described below:

CON2016-00057

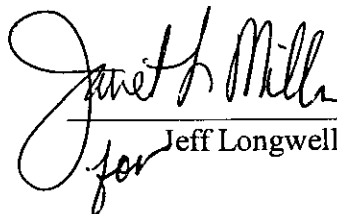
S 10 FT E 52.66 FT LOT 34 CLIFTON AVE. & LOTS 35-36 DOUGLAS AVE. DOUGLAS HEIGHTS ADDITION, west of Hillside Avenue on the north side of Douglas Avenue (101 N. Clifton).

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

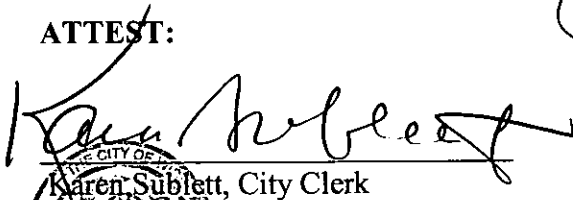
SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

Jan. 17, 2017

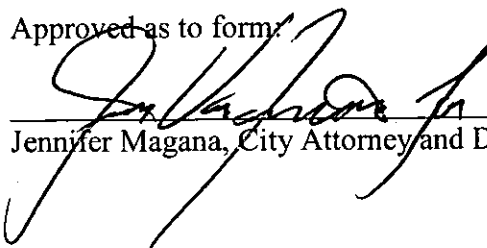

for Jeff Longwell, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to form:


Jennifer Magana, City Attorney and Director of Law



AGENDA ITEM NO. 10

STAFF REPORT

MAPC December 15, 2016
DAB I December 5, 2016

CASE NUMBER: CON2016-00057

APPLICANT/AGENT: Uptown Place Apts. LLC, Matthew E. Vos

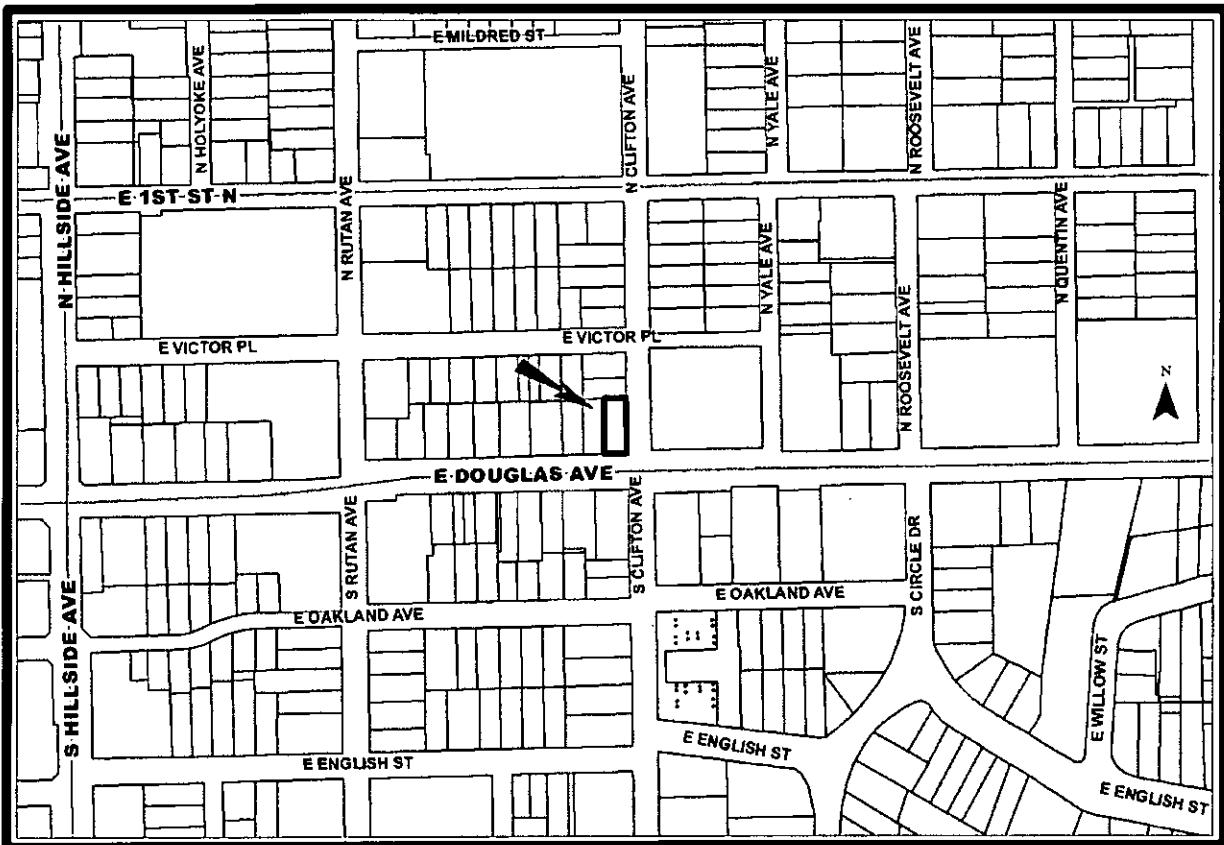
REQUEST: Conditional Use for a Personal Improvement Service

CURRENT ZONING: GO General Office

SITE SIZE: 0.15 acre

LOCATION: East of Hillside and north of Douglas

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 101 N. Clifton. The site is located on the northwest corner of North Clifton and Douglas Avenue. The property is currently developed with a two-story building on the 0.15-acre site with on-site parking, as shown on the attached site plan.

Residential, office and retail uses surround the subject property. North of the site is MF-29 Multi-Family Residential zoning developed with single-family and duplex residential. East of the site is LC Limited Commercial zoning with retail and restaurant uses. West of the site is GO zoning developed with office and multi-family residential. South of the site is LC zoning developed with retail uses.

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 businesses 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:	MF-29	Single-Family and Two-Family Residential
SOUTH:	LC	Retail Business
EAST:	LC	Retail and Restaurant – Clifton Square Development
WEST:	GO	Office and Multi-Family Residential

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. Douglas is a four-lane, two-way, arterial street. The site has one access point to Douglas and access to parking off Clifton.

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 Future Growth Concept Map identifies the area “Commercial.”

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, retail and office uses abut the subject property. North of the site is MF- 29 Multi-Family Residential zoning developed with single-family and duplex residential. East of the site is LC Limited Commercial zoning with retail and restaurant uses. West of the site is GO zoning developed with office and multi-family residential. South of the site is LC zoning developed with retail uses.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned GO which permits 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 Plan encourages infill development within the Established Central Area that maximizes public investment in existing and planned infrastructure and services. The Future Growth Concept Map identifies the area "Commercial."
5. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.



City of Wichita Map Print



Legend

- Parcels
- Subdivisions
- Case Tracking
- Historic Sites
 - Regional
 - State
 - State/National
- Zoning
 - AFB AIR FORCE BASE
 - B MULTI FAMILY
 - CBD CENTRAL BUSINESS DISTF
 - GC GENERAL COMMERCIAL
 - GI GENERAL INDUSTRIAL
 - GO GENERAL OFFICE
 - IP INDUSTRIAL PARK
 - IP-A INDUSTRIAL PARK - AIRPOF
 - LC LIMITED COMMERCIAL
 - LI LIMITED INDUSTRIAL
 - MF-18 MULTI FAMILY
 - MF-29 MULTI FAMILY
 - MH MANUFACTURED HOUSING
 - NO NEIGHBORHOOD OFFICE
 - NR NEIGHBORHOOD RETAIL
 - OW OFFICE WAREHOUSE
 - PUD PLANNED UNIT DEVELOPM
 - RURAL RESIDENTIAL
 - SF-10 SINGLE FAMILY
 - SF-20 SINGLE FAMILY
 - SF-5 SINGLE FAMILY
 - TF-3 TWO FAMILY
 - U UNIVERSITY

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.

1: 2,833

