



Wichita-Sedgwick County Metropolitan Area Planning Department

Serenity Massage Clinic, LLC
Attn: Lisa Trimmell
1901 N. Webb Road
Wichita, KS 67206

May 8, 2017

Boynton Investments, LLC
1901 N. Webb Road
Wichita, KS 67206

RE: CON2017-00008 - City Conditional Use request to allow a Personal Improvement Service in GO General Office zoned property in the Wilson Estates Medical Community Unit Plan CUP DP-260; generally located south of East 21st Street North on the west side of North Webb Road (1901 N. Webb Road)

Dear Applicant:

At its regular meeting on April 6, 2017, 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,
Senior Planner
Current Plans Division

KM:al
Attachment

Copies to: MABCD
Pete Meitzner, Council Member District II
Laura Rainwater, CRS II

CONDITIONAL USE RESOLUTION NO. CON2017-00008

WHEREAS, Boynton Investments, LLC, (Owner) and Serenity Massage Clinic, 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 a Personal Improvement Service 1.2 acres zoned GO General Office located in Wilson Estates Medical Park Community Unit Plan DP-260 described as:

Lot 3, Block 1, Wilson Estates Medical Park Addition, south of East 21st Street North on the west side of North Webb Road (1901 N. Webb Road).

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 April 6, 2017, consider said application; and

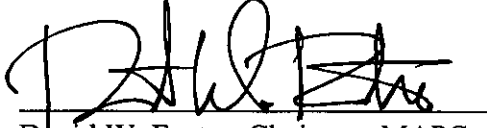
WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

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:

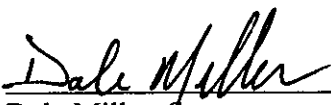
Lot 3, Block 1, Wilson Estates Medical Park Addition, south of East 21st Street North on the west side of North Webb Road (1901 N. Webb Road).

Adopted this 6 Day of April 2017

METROPOLITAN AREA PLANNING COMMISSION


David W. Foster, Chairman MAPC

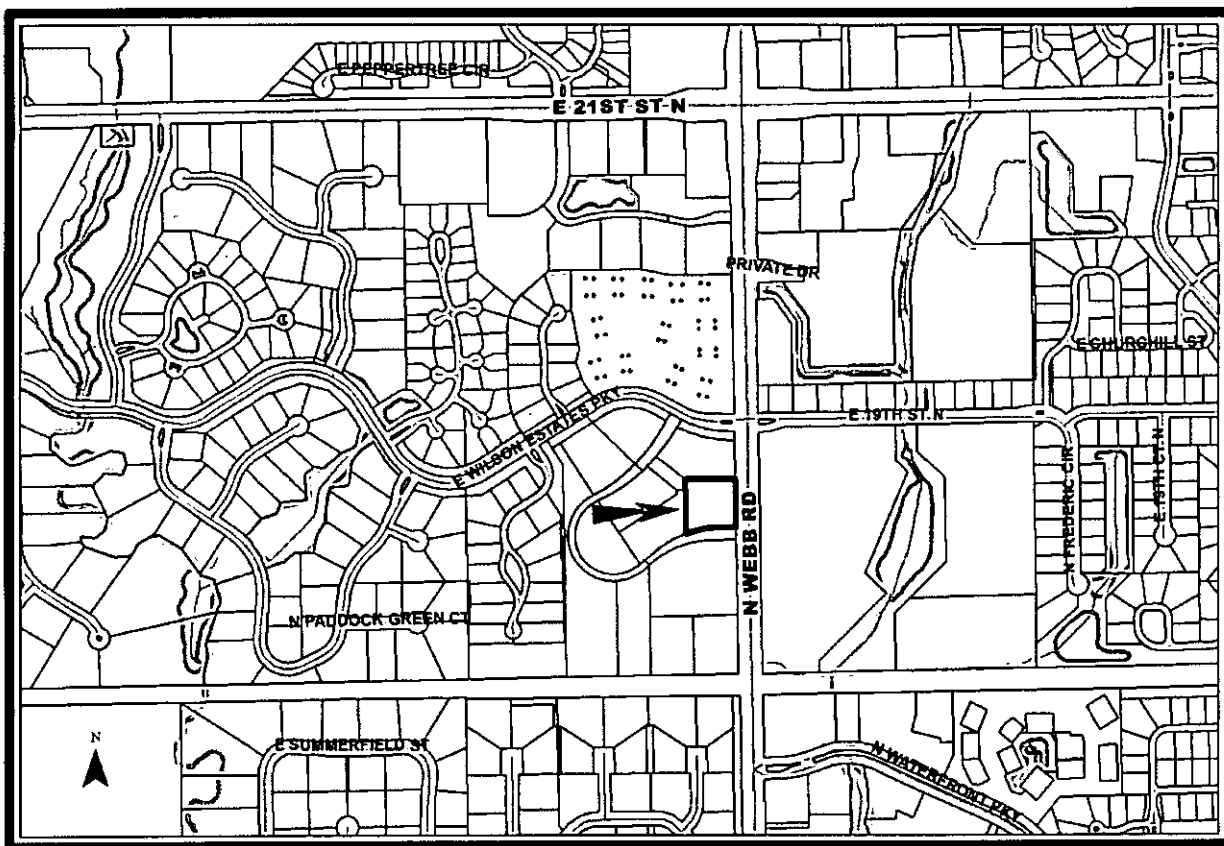
ATTEST:


Dale Miller, Secretary



MAPC April 6, 2017
DAB II April 10, 2017

<u>CASE NUMBER:</u>	CON2017-00008
<u>APPLICANT/AGENT:</u>	Boynton Investments, LLC (owner) Serenity Massage Clinic LLC (applicant)
<u>REQUEST:</u>	Conditional Use for a Personal Improvement Service
<u>CURRENT ZONING:</u>	CUP DP-260, GO General Office
<u>SITE SIZE:</u>	1.2 acres
<u>LOCATION:</u>	South of East 21 st Street North and West of North Webb Road
<u>PROPOSED USE:</u>	Massage Therapy Office



BACKGROUND: The applicant requests a Conditional Use for a “Personal Improvement Service” for a massage therapy business in the Wilson Estates Medical Park at 1901 North Webb Road. The property is zoned GO and is designated as CUP DP-260. The site is located south of East Wilson Estates Parkway on the west side of North Webb Road. The property is currently developed with an 8,000 square feet, one-story medical office building on 1.2 acres with on-site parking.

The properties surrounding the subject site are zoned GO and are developed with medical, dental, day surgery and counseling services.

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 request for the conditional use is to bring the business into compliance with the Unified Zoning Code. Serenity Massage Clinic has been operating in this location for 10 years without incident.

Wilson Estates Medical Park CUP DP-260 is a 22.45 acre development that includes general office, medical and neighborhood retail services. The provisions of Parcel 6 (subject site) limits the uses of the parcel to GO. Personal Improvement Services are allowed in GO only by a Conditional Use. The zoning action requires CUP DP-260 Parcel 6 to be amended to allow the Personal Improvement Service Use.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Medical Services
SOUTH:	GO	Medical Services
EAST:	GO	Medical Services
WEST:	GO	Medical Services

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. Webb Road is a four-lane arterial street with a dedicated center turn lane with 110 feet of right-of-way. The site has direct access to Webb Road.

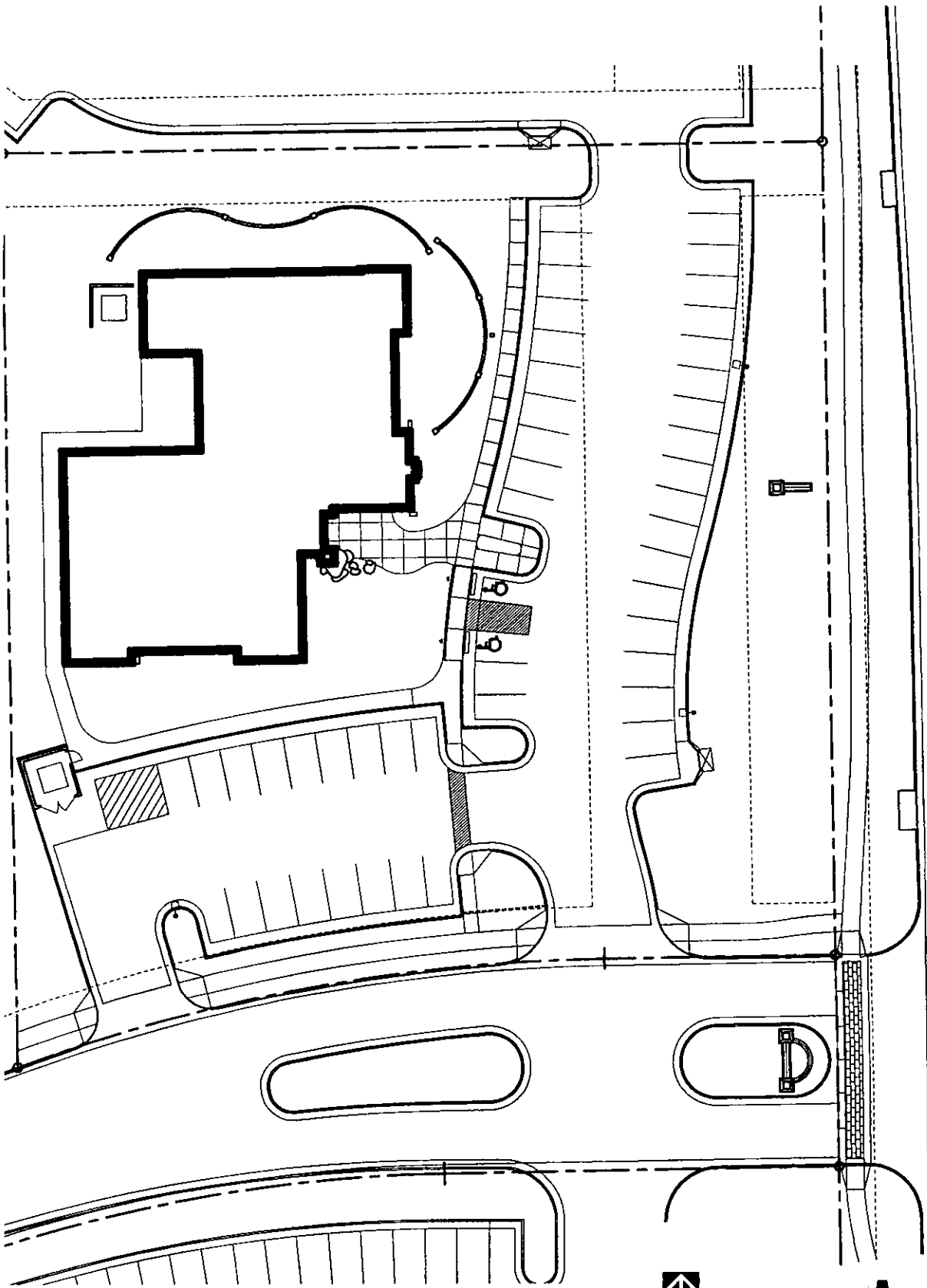
CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the New Employment Growth Area. The New Employment Growth Area is characterized by centers or concentrations of employment in warehousing, manufacturing, distribution, construction, research, technology, business services, corporate offices and office parks.

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: The site is located within CUP DP-260 which defines the allowed uses within the Community Unit Plan. The properties surrounding the subject site are zoned GO and are developed with medical, dental, day surgery and counseling services.
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. The business has been operating in this location for over 10 years as a non-conforming use.
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 proposed 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.
5. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.



 **SITE PLAN** 1" = 40'-0" **A**