



Wichita-Sedgwick County Metropolitan Area Planning Department

November 4, 2016

David Jones
7001 W. Fortuna Street
Wichita, KS 67215

Ferris Consulting
Attn: Greg Ferris
P.O. Box 573
Wichita, KS 67201

RE: CON2016-00048 - City Conditional Use request to allow a Personal Improvement Service in GO General Office zoned property; generally located south of Harry Street on the east side of Seneca (1724 S. Seneca)

Dear Applicant:

At its regular meeting on **October 20, 2016**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request.

No protests were filed. Attached is a copy of the 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

Copies to: Kyle J. McLaren, MABCD
J.R. Cox, MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR District IV

CONDITIONAL USE RESOLUTION NO. CON2016-00048

WHEREAS, David Jones, (Owner/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 0.16 acre zoned GO General Office described as:

LOT 3 FULGROAT ADDITION, south of Harry Street on the east side of Seneca (1724 S. Seneca)

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 20, 2016, consider said application; and

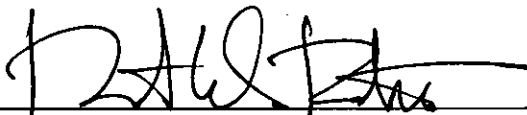
WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

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 FULGROAT ADDITION, south of Harry Street on the east side of Seneca (1724 S. Seneca)


Adopted this 20th Day of October 2016

METROPOLITAN AREA PLANNING COMMISSION



David W. Foster, Chair MAPC

ATTEST:


Dale Miller, Secretary

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 1724 S. Seneca. The site is located south of Harry Street on the east side of Seneca. The property is currently developed with a two-story commercial building on the 0.16-acre site with on-site parking, as shown on the attached site plan.

Residential and office uses abut the subject property. North of the site is GO zoning, east is TF-3 Two-Family Residential, west of the site is MF-29 Multi-family zoning and south of the site is NR Neighborhood Retail zoning.

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 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:	GO	Retail
SOUTH:	NR	Strip Retail Center
EAST:	TF-3	Single-family residences
WEST:	MF-29	Single-family residences

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. Seneca is a five-lane, two-way, arterial street. The site has one access point to Seneca.

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

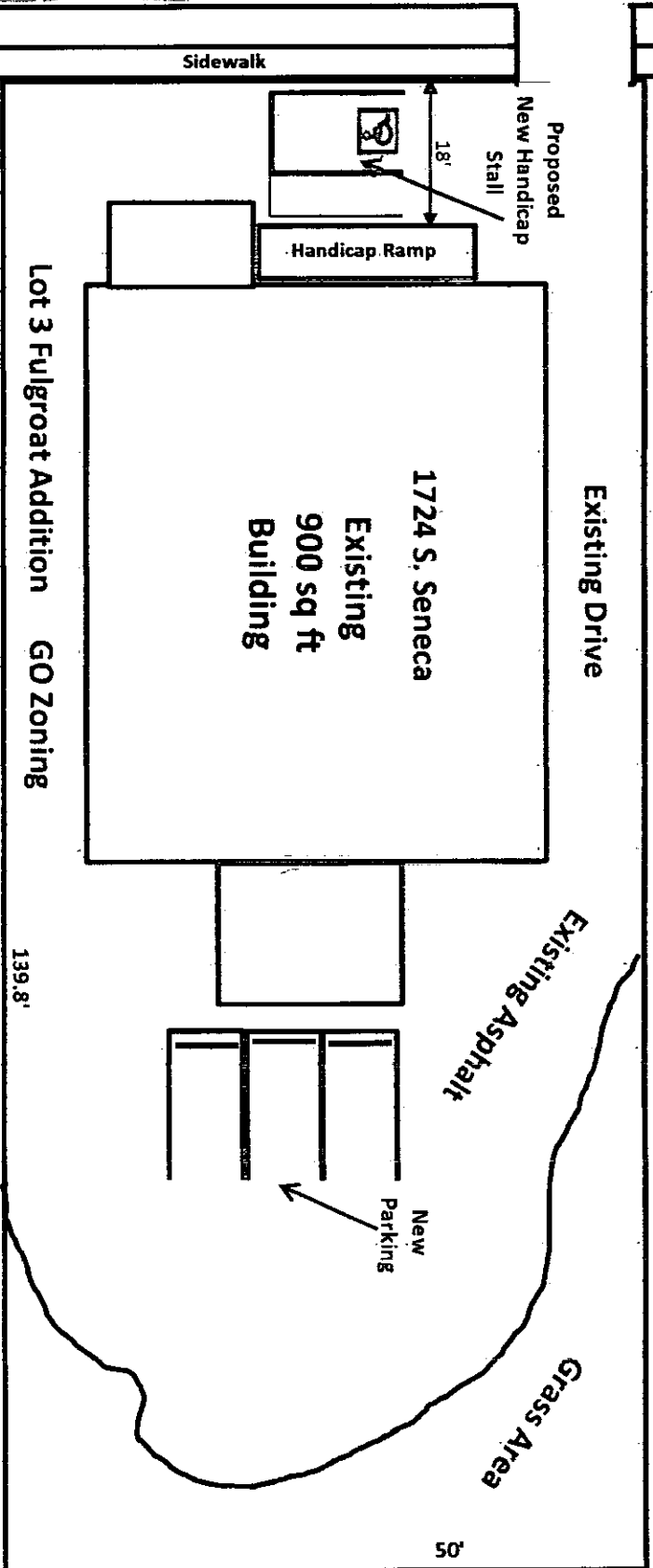
approved site plan, and in conformance with all applicable regulations, including but not limited to: licensing requirements, building, fire and utility regulations or codes.

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 and office uses abut the subject property. West of the site is zoned TF-3 Two-Family Residential, north is B Multi-Family Residential, east and south of the site is zoned GO.
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.
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.

**Site Plan for Conditional Use Permit
for Personal Improvement Use
1724 S. Seneca**



Drawing Not to Scale