



Wichita-Sedgwick County Metropolitan Area Planning Department

February 22, 2018

Craig Stevens
6111 W. 29th Street North
Wichita, KS 672214

Certified Engineering Design
Attn: Harlan Foraker
1935 W Maple
Wichita, KS 67213

RE: CON2017-00043 - City Conditional Use request to allow a Personal Improvement Service in GO General Office zoned property; generally located north of West 21st Street North and east of North Tyler Road (2290 N. Tyler Road)

Dear Applicant:

At its regular meeting on **February 1, 2018**, 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

KLM:al
Attachment

Copies to: MABCD
Bryan Frye, Council Member District V
Laura Rainwater, CSR District V

CONDITIONAL USE RESOLUTION NO. CON2017-00043

WHEREAS, Elsen Kabler Property LLC, (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 0.69 acre zoned GO General Office described as:

Beginning at a point on the west line of Lot 1, Block A, Village Charters 2nd Addition to Wichita, Sedgwick County, Kansas, said point being 124.53 feet south of the northwest corner of said Lot 1; thence N 89°12'35" E, 56.75 feet; thence N 00°00'20" E parallel with the west line of said Lot 1, 13.63 feet; thence N 89°14'16" E, 77.76 feet; thence N 00°39'12" E, 110.85 feet to the north line of said Lot 1; thence N 89°14'42" E along the north line of said Lot 1, 166.77 feet to the northeast corner of said Lot 1; thence S 00°00'10" W along the east line of said Lot 1, 152.70 feet; thence S 89°12'35" W, 300.01 feet to the west line of said Lot 1; thence N 00°00'20" E along the west line of said Lot 1, 28.35 feet to the point of beginning, except the West 10 feet thereof dedicated for street in Doc#/Flm-Pg: 29527164.

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 February 1, 2018, consider said application; and

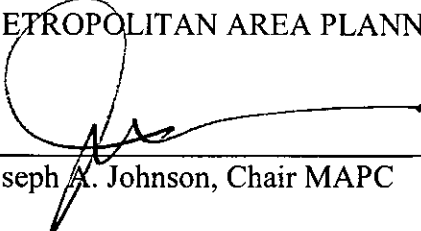
WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

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:

Beginning at a point on the west line of Lot 1, Block A, Village Charters 2nd Addition to Wichita, Sedgwick County, Kansas, said point being 124.53 feet south of the northwest corner of said Lot 1; thence N 89°12'35" E, 56.75 feet; thence N 00°00'20" E parallel with the west line of said Lot 1, 13.63 feet; thence N 89°14'16" E, 77.76 feet; thence N 00°39'12" E, 110.85 feet to the north line of said Lot 1; thence N 89°14'42" E along the north line of said Lot 1, 166.77 feet to the northeast corner of said Lot 1; thence S 00°00'10" W along the east line of said Lot 1, 152.70 feet; thence S 89°12'35" W, 300.01 feet to the west line of said Lot 1; thence N 00°00'20" E along the west line of said Lot 1, 28.35 feet to the point of beginning, except the West 10 feet thereof dedicated for street in Doc#/Flm-Pg: 29527164.

Adopted this 1st Day of February, 2018

METROPOLITAN AREA PLANNING COMMISSION



Joseph A. Johnson, Chair MAPC

ATTEST:



Dale Miller, Secretary



STAFF REPORT

MAPC February 1, 2018
DAB V February 5, 2018

CASE NUMBER: CON2017-00043

APPLICANT/AGENT: Steven Craig (owner), Harlan Foraker (Agent)

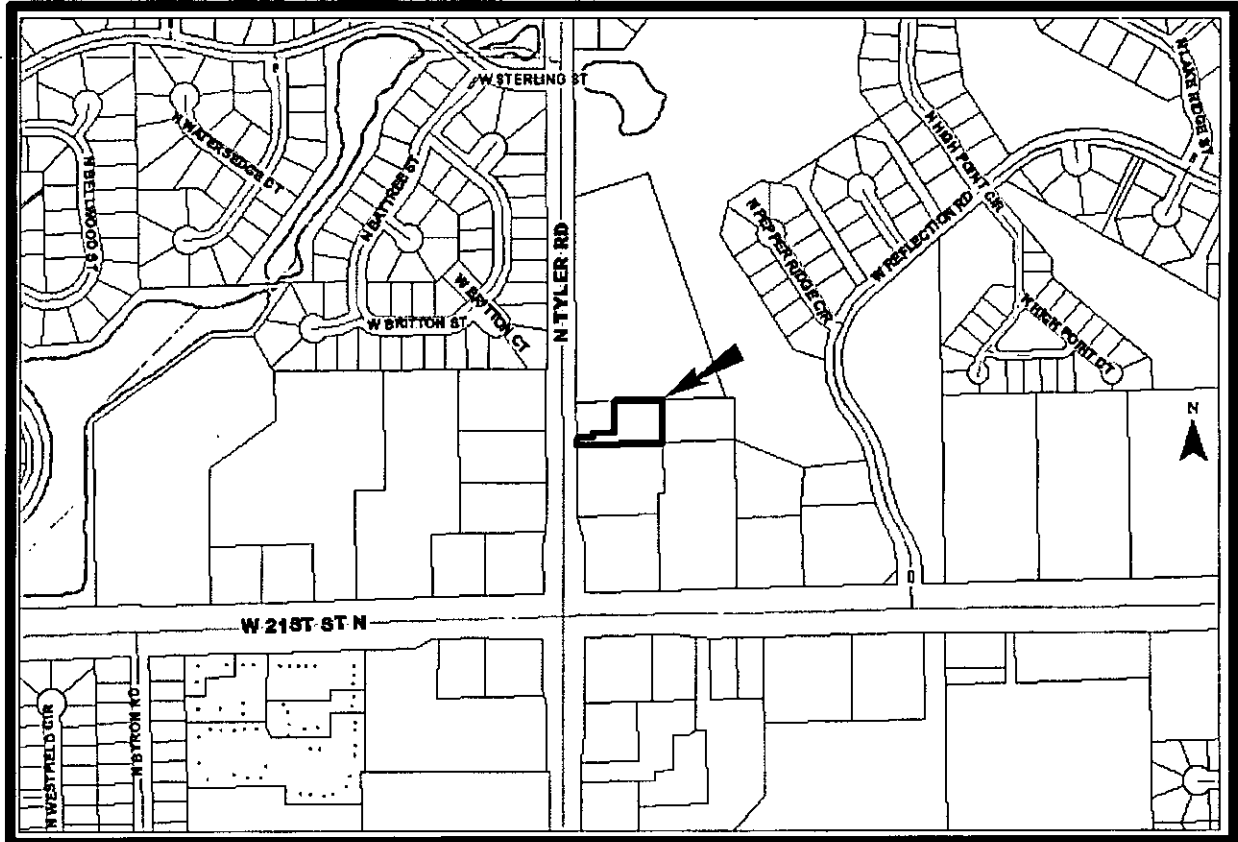
REQUEST: Conditional Use for a Personal Improvement Service

CURRENT ZONING: GO General Office

SITE SIZE: 0.69 acre

LOCATION: North of West 21st Street North and East of North Tyler Road

PROPOSED USE: Personal Improvement Facility for Private Use



BACKGROUND: The applicant requests a Conditional Use for a “Personal Improvement Service” on property zoned GO General Office to build a personal use facility (gymnasium with storage) on 0.69 acre of Lot 1. The site is located north of West 21st Street North on the east side of North Tyler Road behind the chiropractor’s office at 2290 N. Tyler Road. If approved, this facility would be for use by family members of the owner to provide practice for basketball, volleyball, tennis, soccer, and other sports. The facility will not be available for rental and will only be used by the owner’s family and sports teams with family members. The storage area will be for owner’s personal use only.

The property is currently vacant with a one-story medical office building on the 0.36-acre west of Lot 1. On-site parking will be provided as shown on the attached site plan.

Residential and retail uses surround the subject property. West of the site is Sterling Farms Commercial CUP DP-177, which developed with a retail strip center. East of the site is surface parking for Village Charters on property zoned SF-5 Single-Family Residential. South of the site is a strip center with a paint store, restaurant and personal service business. North of the site is Reflection Ridge Retirement apartments and office which is zoned GO.

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 property is located in the Village Charters 2nd Addition, platted in October 1999.

ADJACENT ZONING AND LAND USE:

NORTH:	GO	Reflection Ridge Retirement Apartments
SOUTH:	LC	Strip Center Development
EAST:	SF-5	Surface Parking Lot
WEST:	LC	Commercial Strip Center, Sterling Farms CUP

PUBLIC SERVICES: The property is serviced by all publicly supplied municipal services. Tyler Road is a five-lane arterial street with a 100 foot right-of-way. The site has one access point to Tyler Road.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the New Employment area. The Plan promotes the area for higher density housing and convenience retail centers and businesses that support those uses.

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 retail uses surround the subject property. West of the site is Sterling Farms Commercial CUP DP-177, which developed with a retail strip center. East of the site is surface parking for Village Charters on property zoned SF-5 Single-Family Residential. South of the site is a strip center with a paint store, restaurant and personal service business. North of the site is Reflection Ridge Retirement apartments and office which 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 New Employment area. The Plan promotes the area for higher density housing and convenience retail centers and businesses that support those uses.
5. Impact of the proposed development on community facilities: No additional community facilities demand will be created by allowing this request.

Attachments: Letter from applicant
Site Plan

January 4, 2018

RE: Facility to be built behind 2290 N. Tyler Road – Conditional Use Application CON2017-43

Kathy Morgan,

I am wanting to build a gym with a personal storage area at the above mentioned location. This facility will be for my family. I want my children and grandchildren to be able have a gym available to them at any time to practice their sport and have team practices. My son currently coaches 3 of his children's teams and it is very hard to find a practice gym. The practices will include basketball, volleyball, tennis, soccer, and other sports.

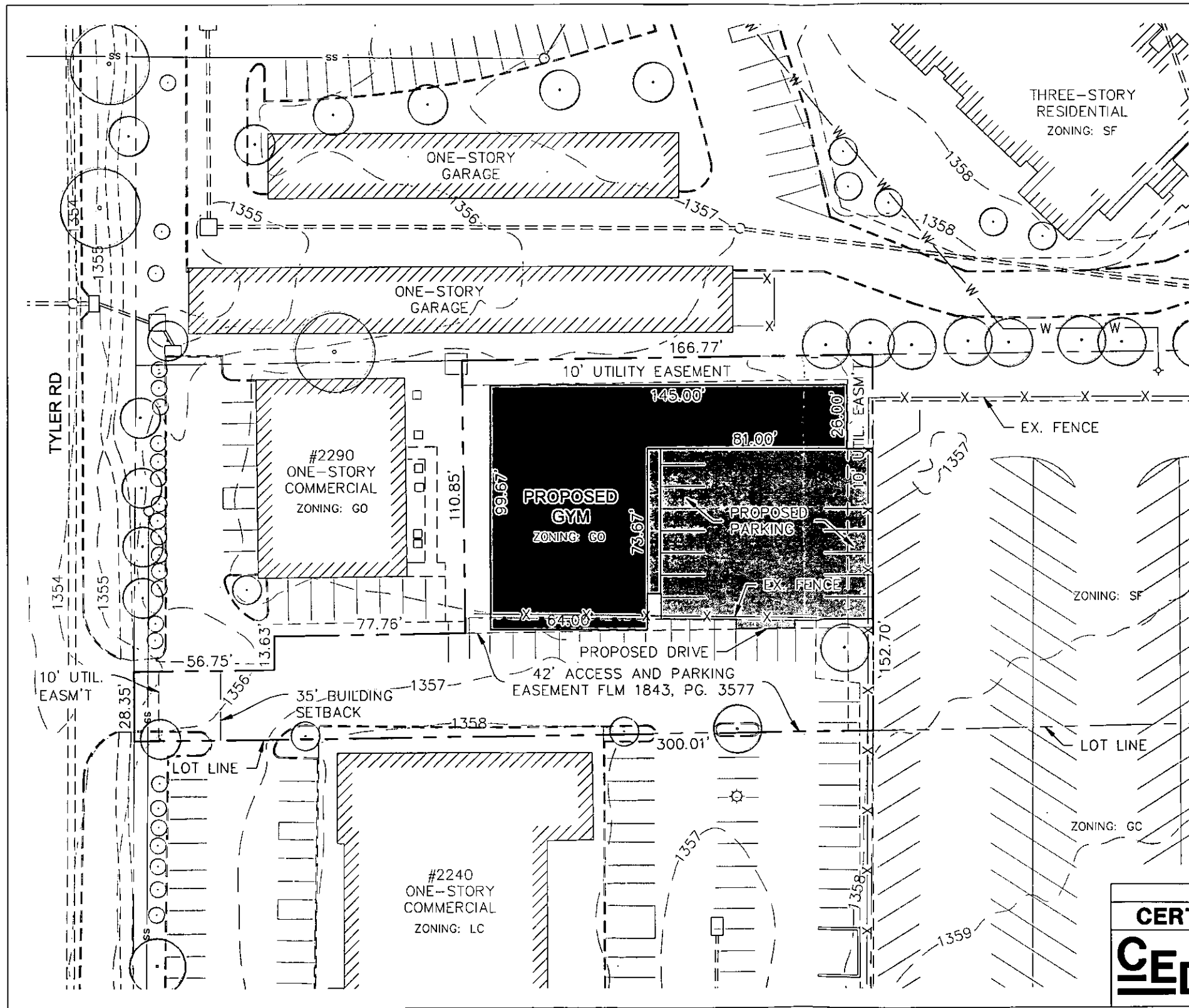
This gym will not be available for rental and will only be used by our family and sports teams with family members.

The storage area will be for my personal use only.

Please advise if there is any other information you need.

Sincerely,

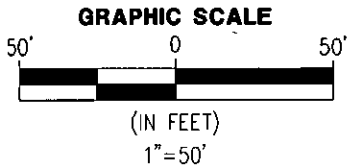
Craig Steven



STEVENS PERSONAL IMPROVEMENT PRIVATE FACILITY

APPLICANT: CRAIG STEVEN
 PROPOSED USE: PERSONAL IMPROVEMENT PRIVATE FACILITY

LEGAL DESCRIPTION:
 BEGINNING AT A POINT ON THE WEST LINE OF LOT 1, BLOCK A, VILLAGE CHARTERS 2ND ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, SAID POINT BEING 124.53 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE N89°12'35"E, 56.75 FEET; THENCE N00°00'20"E PARALLEL WITH THE WEST LINE OF SAID LOT 1, 13.63 FEET; THENCE N89°14'16"E, 77.76 FEET; THENCE N00°39'12"E, 110.85 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE N89°14'42"E ALONG THE NORTH LINE OF SAID LOT 1, 166.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°00'10"W ALONG THE EAST LINE OF SAID LOT 1, 152.70 FEET; THENCE S89°12'35"W, 300.01 FEET TO THE WEST LINE OF SAID LOT 1; THENCE N00°00'20"E ALONG THE WEST LINE OF SAID LOT 1, 28.35 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 10 FEET THEREOF DEDICATED FOR STREET IN DOC#FLM-PG:29527164.



CIVIL DRAWINGS PREPARED BY:

CERTIFIED ENGINEERING DESIGN, P.A.

CED 1935 WEST MAPLE STREET
 WICHITA, KANSAS 67213
 PH: (316) 262-8808
 FAX: (316) 262-1669

SHEET	1
TOTAL	1