



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

Houlik Realty, LLC  
2759 N Tyler Rd.  
Wichita, KS 67205

September 25, 2019

**RE: ZON2019-00029 & CON2019-00027- City Zone Change from NO Neighborhood Office to GO General Office and a request for a Conditional Use for Personal Care and Personal Improvement Services, on property generally located on the west side of North Tyler Road and one-quarter mile south of West 29<sup>th</sup> Street North (2759 N Tyler Rd).**

Dear Applicants;

At its regular meeting on September 24, 2019 the Wichita City Council considered the above captioned request. The action of the Council was to APPROVE the request in accordance with the attached ordinance and conditional use resolution.

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

Sincerely,

Philip Zevenbergen  
Associate Planner

Copies to: MABCD  
Brian Frye, Council Member District V  
Cory Buchta, CSR District V  
HOA- Dan East, 900 N Tyler Rd, Wichita, KS 67212  
HOA- Fossil Rim, PO Box 12785, Wichita, KS 67277  
HOA- Northridge Lakes Masters, 8117 W Meadow Pass Ct, Wichita, KS 67205  
Sterling Farms Master Assoc, 900 N Tyler Rd Ste 7, Wichita, KS 67212

RESOLUTION NO. 19- 359

CONDITIONAL USE NO. CON2019-00027

**WHEREAS**, Houlik Realty, 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 Personal Care Services and Personal Improvement Services, on property zoned GO General Office at 2759 North Tyler Road and legally described as:

Lot 1, Block 1, Niles Moore Addition, 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 August 22 2019, 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 Care Services and Personal Improvement Services, on property zoned GO General Office at 2759 North Tyler Road and legally described as:

Lot 1, Block 1, Niles Moore Addition, Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The applicant shall submit a site plan to be reviewed and approved by the Planning Director. Development of the site shall be in conformance to the approved site plan.
2. The following uses shall not be permitted on site: neighborhood laundry, dry cleaning, health and fitness studios, and swimming clubs.
3. 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.

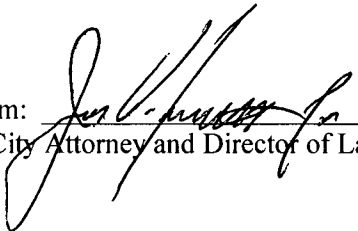
Adopted this 24th Day of September 2019

  
Jeff Longwell, Mayor

ATTEST:

  
Karen Sublett, City Clerk



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



**BACKGROUND:** The applicant is requesting a zone change from Neighborhood Office to General Office and a Conditional Use permit to allow for Personal Care and Personal Improvement Services on the site. The property is located on the west side of North Tyler Road and approximately ¼ mile south of West 29<sup>th</sup> Street North (2759 N Tyler Rd). The current use, which is a dentist office, will remain. The applicant is interested in leasing vacant space and is wanting to expand the range of possible clients by rezoning the property and obtaining this conditional use permit. He would like the ability to lease the space to a massage therapist, hair stylist, or the like, but does not have a specific use identified. The applicant provided Planning with a letter of intent which states his intention is to only allow the two additional use categories but otherwise restrict the property to the existing NO Neighborhood Office uses. In like manor, a Protective Overlay will accompany the zoning ordinance allowing NO uses in addition to the two additional use categories as permitted in GO. The Protective Overlay will ensure the development potential of the site remains appropriate for the area as GO General Office not only would allow inappropriate uses, but also the development standards for the coverage and height of buildings are out of character for the area.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines “Personal Care Service” as an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or his personal goods or apparel. Typical uses include beauty and barber shops, electrolysis studios, shoe shining and/or repair operations, tailors and neighborhood laundry and dry cleaning operations.

The 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.

Property north of the site is zoned NO Neighborhood Office and is a chiropractic clinic and personal residence. Further north is TF-3 Two Family with duplex development and LC Limited Commercial with commercial uses at the intersection of Tyler Road and 29<sup>th</sup> Street. Property east of the site is zoned SF-5 Single Family and NO and is single family residential. West and South of the site is zoned SF-5 and is single family residential.

**CASE HISTORY:** On July 31, 1997 the MAPC approved a zone change request from SF-20 Single Family Residential to NO Neighborhood Office with approval subject to platting the property within a year. The site was platted as Lot 1 Block 1, Niles Moore Addition, recorded May 6, 1998.

**ADJACENT ZONING AND LAND USE:**

NORTH:	NO	Chiropractic Clinic and Personal Residence
SOUTH:	SF-5	Single Family Residential
EAST:	SF-5 and NO	Single Family Residential
WEST:	SF-5	Single Family Residential

**PUBLIC SERVICES:** The subject property has access to North Tyler Road, a three-lane, paved arterial road. Municipal water and sewer services and all other utilities are currently provided to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The *Community Investment Plan* depicts the subject site as appropriate for “residential” and “new employment.” With current uses of office space nearby and the current use of this property as a dentist office, adding Personal Care and Personal Improvement Services conform to the vision of *The Community Investments Plan*.

**RECOMMENDATION:** Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**.

Approval of the Conditional Use shall be subject to the following conditions:

1. The applicant shall submit a site plan to be reviewed and approved by the Planning Director. Development of the site shall be in conformance to the approved site plan.
2. The following uses shall not be permitted on site: neighborhood laundry, dry cleaning, health and fitness studios, and swimming clubs.
3. 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.

Approval shall also be subject to the following Protective Overlay #341

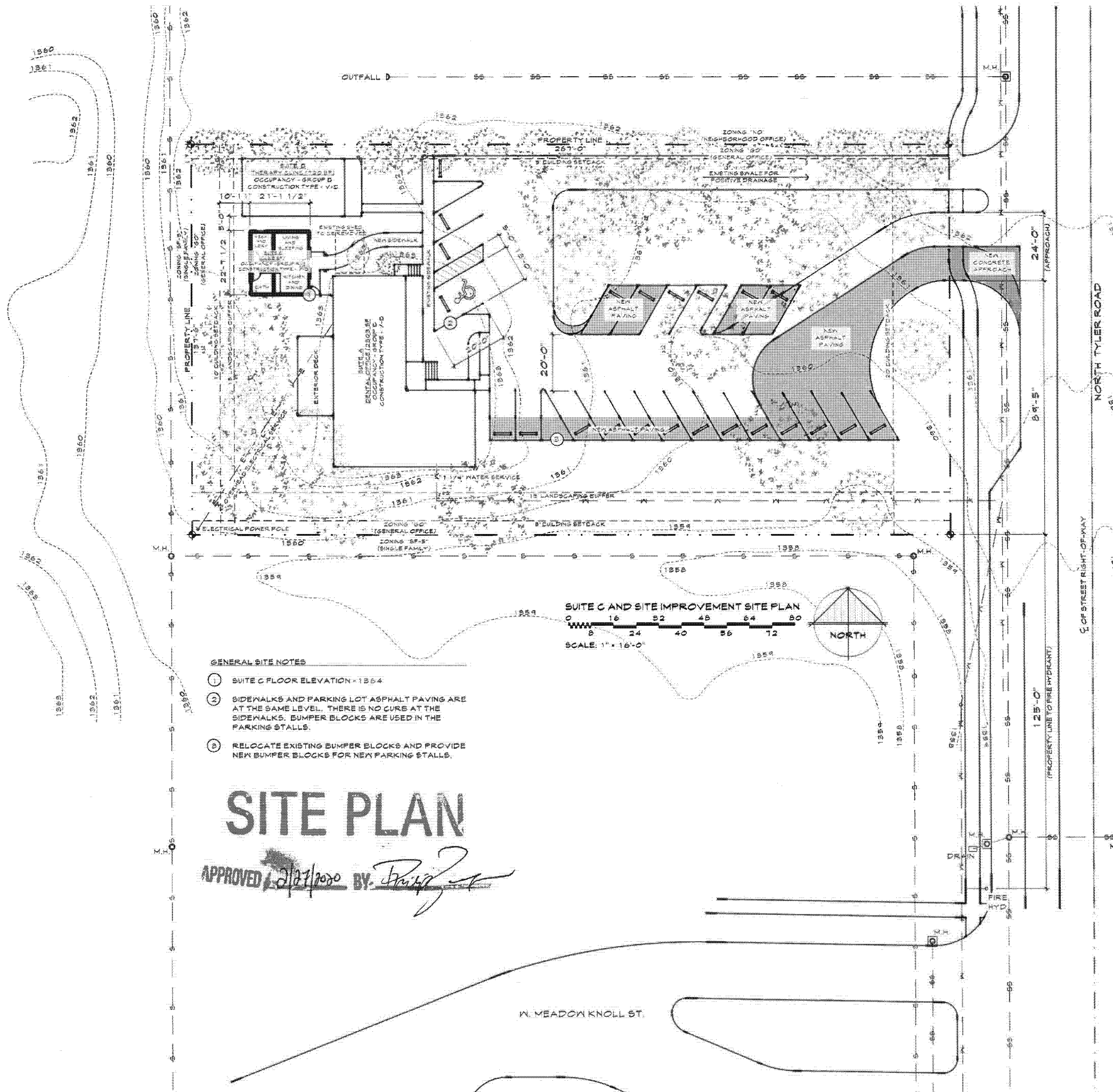
1. All uses allowed in the NO Neighborhood Office District are permitted in addition to Personal Care and Personal Improvement uses as permitted by conditional use in GO General Office (CON23019-00027)
2. All property development standards shall conform to those of the NO Neighborhood Office District.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is zoned NO Neighborhood Office and is a chiropractic clinic and personal residence. Further north is TF-3 Two Family with duplex development and LC Limited Commercial with commercial uses at the intersection of Tyler Road and 29<sup>th</sup> Street. Property east of the site is zoned SF-5 Single Family and NO and is single family residential. West and South of the site is zoned SF-5 and is single family residential.
2. **The suitability of the subject property for the uses to which it has been restricted:** This property is zoned NO and is used as a dentist office. The property is suitable for the uses to which it has been restricted.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Under the provisions of the Protective Overlay, the removal of these current restrictions should have little to no detrimental effects on nearby property.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The *Community Investment Plan* depicts the subject site as appropriate for "residential" and "new employment." With current uses of office space nearby and the current use of this property as a dentist office, adding Personal Care and Personal Improvement Services conform to the vision of *The Community Investments Plan*.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant

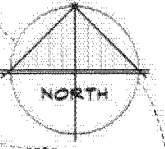


- GENERAL SITE NOTES**
1. SUITE C FLOOR ELEVATION = 1364
  2. SIDEWALKS AND PARKING LOT ASPHALT PAVING ARE AT THE SAME LEVEL. THERE IS NO CURB AT THE SIDEWALKS. BUMPER BLOCKS ARE USED IN THE PARKING STALLS.
  3. RELOCATE EXISTING BUMPER BLOCKS AND PROVIDE NEW BUMPER BLOCKS FOR NEW PARKING STALLS.

# SITE PLAN

APPROVED 2/12/2020 BY *[Signature]*

SUITE C AND SITE IMPROVEMENT SITE PLAN  
 SCALE: 1" = 16'-0"



**LEGAL DESCRIPTION**  
 LOT 1 BLOCK 1 NILES - MOORE ADDITION  
 DRAWER PC86-5 (PLAT FILING DATE 5/6/1998)

1/4 SECTION NE 55-T27-R 1M  
 QUARTER SECTION MAP DE-17

**ZONING DISTRICT**  
 ZONING CASE NO. ZON2019-00029  
 CHANGE ZONING FROM NO (NEIGHBORHOOD OFFICE) TO GO (GENERAL OFFICE)

**CONDITIONAL USE CASE NO. CON2019-00027**  
 PERMIT (PERSONAL CARE SERVICE) AND (PERSONAL IMPROVEMENT SERVICE) PER CONDITIONAL USAGE OF GO (GENERAL OFFICE) ZONING DISTRICT

**SUBJECT TO PROTECTIVE OVERLAY NO. 841**  
 1. ALL USES ALLOWED IN NO (NEIGHBORHOOD OFFICE) PERMITTED IN ADDITION CONDITIONAL USES IN GO (GENERAL OFFICE) LISTED CASE NO. CON2019-00027 ABOVE  
 2. ALL PROPERTY DEVELOPMENT SHALL CONFORM TO NO (NEIGHBORHOOD OFFICE) DISTRICT

(ADOPTED PER RESOLUTION NO. 19-354 ON 24 SEPTEMBER 2019)

**OCCUPANCY**  
 BUSINESS GROUP B (SUITE A AND SUITE B)  
 RESIDENTIAL GROUP R-2 (SUITE C)

**CONSTRUCTION TYPE**  
 TYPE V-B

**SOIL CLASSIFICATION ON PROPERTY**  
 S492

SITE AREA AND USAGE	
LOT 1 NET AREA	96,712.5 S.F. (0.84 ACRE)
DENTAL OFFICE	2,809 S.F.
THERAPY CLINIC	720 S.F.
SUITE C	482 S.F.
<b>TOTAL BUILDING AREA</b>	<b>3,455 S.F. (0.09 % USAGE)</b>
<b>IMPERVIOUS AREA</b>	<b>12,164 S.F. (0.33 % USAGE)</b>
<b>TOTAL USAGE AREA</b>	<b>15,619 S.F. (0.42 % USAGE)</b>

**PARKING**  
 EXISTING PARKING STALLS 14  
 EXISTING ACCESSIBLE STALLS 1  
 NEW PARKING STALLS 8  
**TOTAL PARKING STALLS 23**

NUMBER OF PARKING STALLS REQUIRED PER "NICHITA-SEDDWICK COUNTY UNIFIED ZONING CODE" - 1 PER 393 S.F.  
 (TOTAL BUILDING S.F.) 3,455 S.F. / 393 S.F. = 11 STALLS

ACCESSIBLE STALLS REQUIRED PER "TYPICAL STANDARDS FOR OFF-STREET PARKING" - 1 TO 25 STALLS TOTAL IN LOT - 1 ACCESSIBLE STALL

**LEGEND**

- PROPERTY LINE
- CENTERLINE
- BUILDING SETBACK / EASEMENT
- BURIED UTILITY LINE  
 C (CABLE) E (ELECTRICAL) G (GAS)  
 S (SANITARY SEWER) SS (STORM SEWER)  
 T (TELEPHONE) W (WATER)
- 100'-0" (NEW ELEVATION)  
 100'-0" (EXISTING ELEVATION)
- 1000 (EXISTING CONTOUR)
- 1000 (NEW CONTOUR)

THOMAS E. BONTRAGER  
 ARCHITECT

THE NORTHGARDEN BUILDING - SUITE 200E  
 1810 NORTH BROADWAY AVENUE  
 WICHITA, KANSAS 67214-1104  
 CELL: (316) 938-1559  
 EMAIL: teb@architectjohnson.com

SUITE C AND  
 SITE IMPROVEMENT SITE PLAN  
 FOR  
 2759 NORTH TYLER ROAD  
 WICHITA, KANSAS 67205-8711

19 FEBRUARY 2020

SUITE C AND  
 SITE IMPROVEMENT  
 SITE PLAN

SHEET NUMBER

50