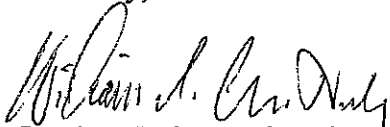


CON 2006-18 -- Conditional Use for personal care service (beauty & tanning salon) on property zoned "GO" General Office.

June 1, 2006

Page 2

Sincerely,

A handwritten signature in dark ink, appearing to read "Jess McNeely". The signature is fluid and cursive, with the first name "Jess" being more prominent.

Jess McNeely, Senior Planner
Current Plans Division

JM:ch

Copies to: Don Folger, Folger and Associates, 234 S. Topeka, Wichita, KS 67202
Paul Gray, WCC IV, Mail Stop 1-13
Taylor Levins, 9211 E. Harry, #1001, Wichita, KS 67207
Michael Gisick, 2046 s. Elizabeth, Wichita, KS 67213
Vicky Huang, Engineering Division, 1-71
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72



Wichita-Sedgwick County Metropolitan Area Planning Department

June 1, 2006

Zoe Ann Spangler
429 German
Haysville, KS 67060.

RE: CON 2006-18 -- Conditional Use for personal care service (beauty & tanning salon) on property zoned "GO" General Office. Generally located south of Pawnee Avenue, on the southwest corner of Greenfield Street & Seneca Street.

At its regular meeting on May 18, 2006, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to following conditions:

1. The applicant shall submit a landscape plan, to be approved by staff, prior to building permits being issued for the site.
2. The subject property shall be developed in general conformance with the approved site plan.
3. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
4. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This application will be forwarded to the City Council for consideration at their regular meeting on Tuesday, June 20, 2006. This meeting will be held in the City Council Chambers, First Floor, City Hall, 455 N. Main, Wichita, Kansas.

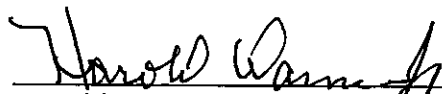
The action of the MAPC is final as there were not any protest petitions or appeals filed.

This is a reminder that the notification signs should now be removed from the property.

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

Adopted this 1st DAY of JUNE, 2006.

METROPOLITAN AREA PLANNING COMMISSION



Harold Warner, Jr., Chair MAPC

ATTEST:



John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2006-00018

WHEREAS, Zoe Ann Spangler (applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for Personal Care Service on 0.43 acres zoned “GO” General Office described as:

Lot 1, except east 10 feet for street, Kensler Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Seneca and Greenfield (2747 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 May 18, 2006, 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 Service on 0.43 acres zoned “GO” General Office described as:

Lot 1, except east 10 feet for street, Kensler Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Seneca and Greenfield (2747 S Seneca).

Approved subject to the following conditions:

1. The applicant shall submit a landscape plan, to be approved by staff, prior to building permits being issued for the site.
2. The subject property shall be developed in general conformance with the approved site plan.
3. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
4. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECRET

□ □



NORTH

Legal: LOT 1 exc E 10 FT FOR STREET
KENSLE ADDITION

2 30 FT BSB

Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

5. Impact of the proposed development on community facilities: The proposed use will cause more turning movements on this portion of Seneca, which has a center turn lane.

STAFF REPORT

MAPC May 18, 2006

FILE COPY

CASE NUMBER: CON2006-18

APPLICANT/AGENT: Zoe Spangler (Owner/Applicant), Don Folger (Agent)

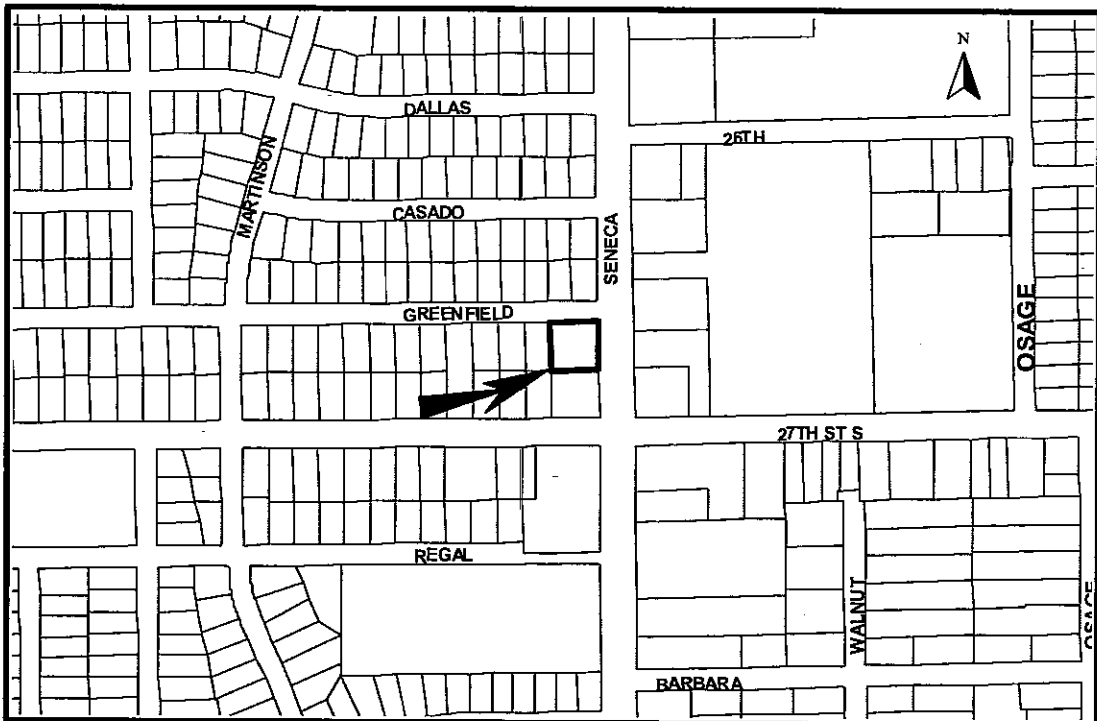
REQUEST: Conditional Use for Personal Care Service (beauty and tanning salon)

CURRENT ZONING: "GO" General Office

SITE SIZE: .43 acres

LOCATION: Southwest corner of S. Seneca and Greenfield (2747 S. Seneca)

PROPOSED USE: Beauty and tanning salon



BACKGROUND: The applicant requests a Conditional Use to permit personal care service on a .43-acre "GO" zoned property, located southwest of S. Seneca and Greenfield. The application area is currently used as a single-family residence. Personal care service is a Conditional Use in the GO zoning district. The applicant submitted the attached site plan illustrating proposed changes to the site, including increased parking and screening.

The west side of Seneca in this area was originally all single-family residential, the subject property and the lot to the south were rezoned to GO. Property south of the site is used for a medical/dental office. The east side of Seneca is zoned "LC" Limited Commercial and developed with retail uses. A single-family neighborhood exists west of the site.

CASE HISTORY: The subject property was platted as Lot 1 of the Kensler Addition in 1950.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residences
SOUTH:	"GO"	Medical/dental office
EAST:	"LC"	Retail uses.
WEST:	"SF-5"	Single-family residences

PUBLIC SERVICES: The subject property has one point of access to Seneca, which is a five-lane arterial with a central turn lane, and a 100-foot right-of-way at this location. The daily traffic count for this portion of Seneca is 18,541. The *2030 Transportation Plan* recommends that this portion of Seneca remain a five-lane arterial. The existing drive, proposed to remain as is, is 65 feet south of the Seneca/Greenfield intersection, and 145 feet north of the drive to the south. This drive spacing does not meet the Access Management Guidelines. Municipal water and sewer are available to serve the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Urban Residential" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The Unified Zoning Code will require screening, parking standards, and compatibility setbacks from residential zoning. The Landscape Code will require a landscape plan if improvements on the site exceed 30% increase in floor area or 50% of the value of the existing development.

RECOMMENDATION: Staff finds that the proposed use could be more intensive than other uses permitted in the GO district. However, the size constraints of the site will keep the proposed use at a neighborhood scale. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The applicant shall submit a landscape plan, to be approved by staff, prior to building permits being issued for the site.
2. The subject property shall be developed in general conformance with the approved site plan.
3. The subject property shall be developed in conformance with all applicable codes to include but not limited to zoning, sign, building, fire, and health codes.
4. 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

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

1. The zoning, uses and character of the neighborhood: Commercial zoning and uses exist along the east side of Seneca. The west side of Seneca is zoned for and developed with a single-family residential neighborhood, with the exception of the application area and an office use to the south.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "GO" General Office and could be used as zoned for office uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed Conditional Use for Personal Care Service could be more traffic intensive than those uses permitted by right under GO zoning. The small size of the site will keep the proposed business at a neighborhood scale. Likewise, the screening, lighting, and compatibility standards of the Unified Zoning Code should limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Urban Residential" development. The Commercial Locational