CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 3, 2019

Mark A Miller
2002 W 31st N
Wichita KS 67204

HCI Hospitality
Attn: Blake Bauer
530 McCall Road, Suite 110
Manhattan, KS 66502

Ruff Development
Attn: David Dreiling
530 McCall Road, Suite 110
Manhattan, KS 66502

Ben Moore Studio, LLC
Attn: Ben Moore
513 Leavenworth Street
Manhattan, KS 66502

RE: CON2018-00041 – City Conditional Use to allow a Boarding Kennel on 0.53 acre zoned LC Limited Commercial generally located on the northwest corner of West Central Avenue and North Flora Street (District VI)

Dear Applicant:

At its regular meeting on **April 2, 2019**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request.

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

Sincerely,

Kathy L. Morgan

Kathy L. Morgan
Senior Planner

Copies to: MABCD
Cindy Claycomb, WCC VI
Brandon Findley, CSR VI
Darlene F. Gottstine, 715 N. Flora, Wichita KS 67212
Brian R. & Deborah R Sigman, 714 N. Flora, Wichita KS 67212
Lisa Ewing, 721 N. Flora, Wichita, KS 67212
Alice M. Henning, 714 N. Hoover, Wichita KS 67212
Terry M. and Shawnee M. Patry, Golka Liv Rev Trust, 726 N. Flora, Wichita KS 67212
Daniel Trantham, 753 N. Flora, Wichita, KS 67212
Shanell Mans, 635 N. Flora, Wichita KS 67212
Joseph E. Mackey Jr., 730 N. Flora, Wichita KS 67212

RESOLUTION NO. 19-130

WHEREAS, Mark A. Miller, (Owner) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a City Conditional Use to allow a Boarding Kennel on 0.53 acre zoned LC Limited Commercial described as:

Lot 7, Block B, Patterson Gardens, Sedgwick County, Kansas, except the North 100.82 feet thereof, and except beginning at the Southeast corner of said Lot 7, Block B, Patterson Gardens; thence West along the South line of said Lot 7, 15.00 feet; thence Northeast 21.21 feet more or less to a point on the East line of said Lot 7, said point being 15 feet North of the Southeast corner of said Lot 7; thence South to the point of beginning; TOGETHER WITH the North 100.82 feet of Lot 7, Block B, Patterson Gardens, to the City of Wichita, Sedgwick County, Kansas (5500 W. Central Avenue).

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 21, 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 a Boarding Kennel on LC Limited Commercial zoned property described as:

Lot 7, Block B, Patterson Gardens, Sedgwick County, Kansas, except the North 100.82 feet thereof, and except beginning at the Southeast corner of said Lot 7, Block B, Patterson Gardens; thence West along the South line of said Lot 7, 15.00 feet; thence Northeast 21.21 feet more or less to a point on the East line of said Lot 7, said point being 15 feet North of the Southeast corner of said Lot 7; thence South to the point of beginning; TOGETHER WITH the North 100.82 feet of Lot 7, Block B, Patterson Gardens, to the City of Wichita, Sedgwick County, Kansas (5500 W. Central Avenue).

Subject to the following conditions:

1. The Conditional Use shall permit an indoor "kennel, boarding, breeding and training" for up 60 pets. No more than 30 pets will be boarded overnight. No pets will be boarded outdoors.
2. The kennel shall be developed, operated and maintained in compliance with the approved site plan and with all applicable local, state or federal regulations, resolutions or statutes. In the event that any required screening is removed, the applicant shall be responsible to provide Code required screening.
3. The kennel operator shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
4. The kennel will be open to the public from 7:00 a.m. to 7:00 p.m. Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturday and Sunday from 9:00 a.m. to 12:00 p.m. and 4:00 p.m. to 6:00 p.m.
5. Outdoor play time will be monitored by kennel staff. The operation schedule will be:
    a. Mon-Fri 6:30-7:00 AM; 8:30-11:30 AM; 1:00-4:30 PM; and 7:00-8:15 PM

b. Sat 7:00-8:00 AM; 10:00-11:30 AM; 1:00-4:30 PM; and 6:00-8:15 PM
c. Sun 7:00-8:00 AM; 10:00-11:30 AM; 3:30-4:00 PM; and 6:00-8:15 PM

6. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excessive water from any kennel enclosures shall be provided. Interior surface materials shall be constructed of non-porous materials or materials approved by Metropolitan Area Building and Construction Department.
7. Sufficient quantities of food and water shall be provided to keep the dogs in good physical health. The animals shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
8. All waste materials shall be disposed of in such a manner to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the kennel must be removed from the site.
9. The animals confined in the kennel shall be maintained in good physical condition, free of infectious disease and parasites.
10. The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.
11. The boarding facility shall be open to the unannounced inspection by MABCD personnel during normal business hours.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

ATTEST:

Jeff Longwell, Mayor

Karen Sublett, City Clerk

(SEAL)

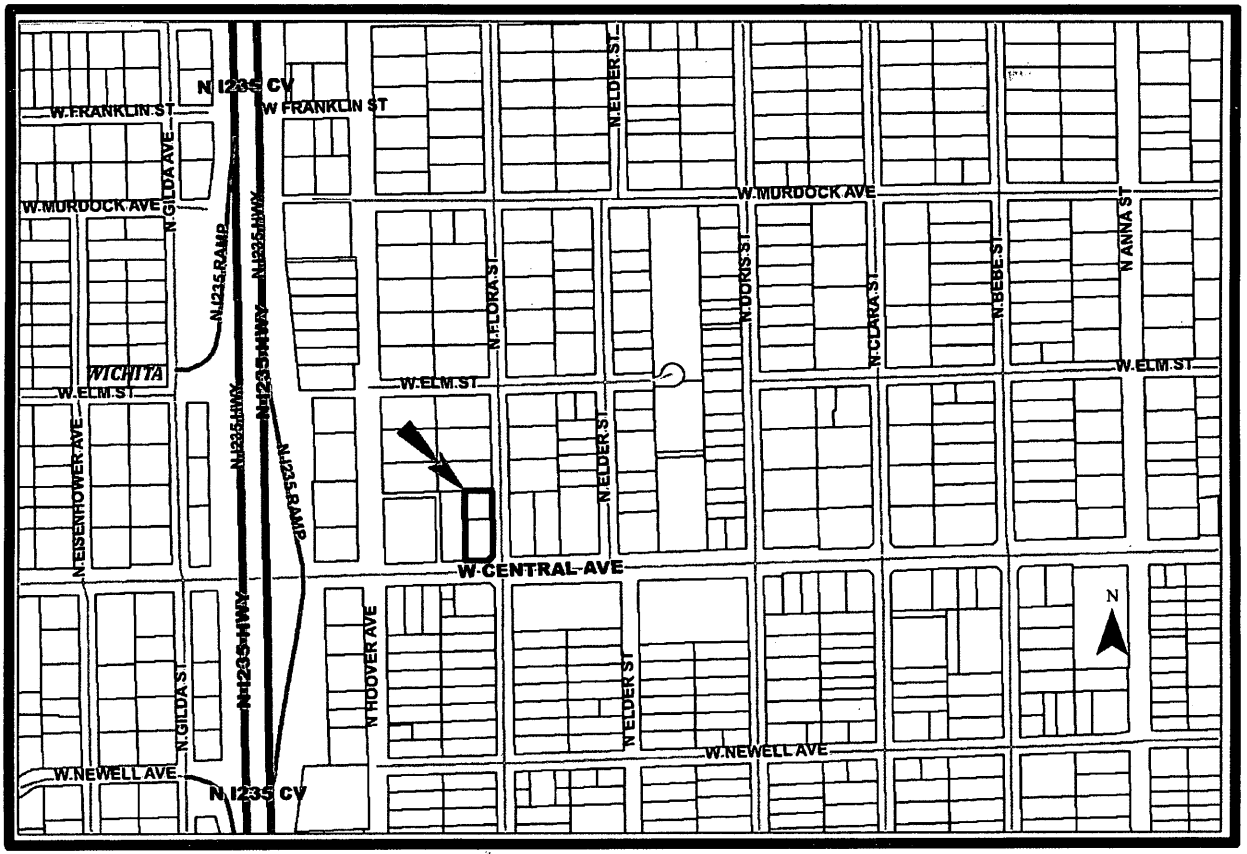
Approved as to form:
Jennifer Magaña, City Attorney and Director of Law

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT
MAPC 2-7-19
DAB VI 2-4-19

CASE NUMBER:	CON2018-00041
APPLICANT/AGENT:	Mark Miller (owner), Dave Dreilling (Applicant), Ben Moore (Agent)
REQUEST:	Kennel, boarding, breeding and training
CURRENT ZONING:	LC Limited Commercial
SITE SIZE:	0.53 acre
LOCATION:	North side of West Central Avenue, 600 feet east of I-235 at the northwest corner of North Flora and West Central Avenue
PROPOSED USE:	Commercial Dog Kennel/Doggy Day Care



BACKGROUND: The applicants are seeking a Conditional Use approval for a "kennel, boarding, breeding and training" and a waiver of Section III-D.6.k of the Wichita-Sedgwick County Unified Zoning Code (UZC) to reduce the minimum lot size for a Boarding/Breeding/Training Kennel from the required 5 acres to the 0.53 acre that this site will occupy and required distances from dwelling units. The subject site is zoned LC Limited Commercial and is located on the north side of West Central Avenue, 600 feet east of I-235.

The applicant proposes to re-use an existing commercial building to operate a kennel/boarding facility for a maximum of 60 pets. There will be no health care services available. The proposed facility will allow for, as the applicant has stated in their application documentation:

- Four staff at any given time if fully booked, total occupant load for the building will be 12 people, which will equal the amount of parking spaces provided
- The kennel is open to the public from 7:00 a.m. to 7:00 p.m. Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturday and Sunday from 9:00 a.m. to 12:00 p.m. and 4:00 p.m. to 6:00 p.m.
- Outdoor play time schedule will be:
    - Mon-Fri 6:30-7:00 AM; 8:30-11:30 AM; 1:00-4:30 PM; and 7:00-8:15 PM
    - Sat 7:00-8:00 AM; 10:00-11:30 AM; 1:00-4:30 PM; and 6:00-8:15 PM
    - Sun 7:00-8:00 AM; 10:00-11:30 AM; 3:30-4:00 PM; and 6:00-8:15 PM
- Maximum capacity is 60 pets - Up to 30 dogs in day care, cages/kennels for up to 30 boarded dogs (indoors only, fully caged)

The Unified Zoning Code (UZC) defines Kennel, Boarding/Breeding/Training as:

> Premises that house five or more Adult Dogs, three or more of which are owned by someone other than the property resident, and premises housing over ten Adult Dogs.

The UZC allows Kennel, Boarding/Breeding/Training by conditional use approval in the LC Limited Commercial zoning district. However, the use is subject to the Supplemental Use Regulations portion of the code as well. Per Art. III Sec. III-D.6.k.:

> The minimum lot size for Boarding/Breeding/Training Kennels shall be five acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines.
>
> Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the Front Setback Line and located at least 200 feet from any Dwelling Unit other than the Owner's and at least 50 feet from Contiguous property lines.

The owner's property is under the five acre limit; however all animals will be harbored indoors except for the play times as stated above. The distance to the dwelling unit to the north is approximately 70 feet and separated by a solid wooden fence. The building and pet play area is 60 feet from the property line. The dwelling unit across Flora Street to the northeast of the building and pet play area is approximately 122 feet from the fenced pet play area.

All animals will be boarded indoors. There is a 2,600 square feet outdoor pet play area that will be developed east of the existing building. The pet play area will consist of an artificial turf that includes a 12-inch drainable base. All rainwater and pet urine from the play area will filter through 12-inch base and percolate into the soil naturally. The artificial turf will be treated with an antibacterial enzyme on a daily basis during peak times; otherwise, the treatment will be applied two-to-three times a week. All solid waste will be picked up with a vacuum device by staff as needed, bagged and placed in trash for solid

waste collection. The screening and fencing indicated on the proposed site plan is in compliance with the UZC Supplementary Use Regulations and Site Development Standards.

Properties east, west and south of the site are zoned LC and are developed with one-story retail sale businesses. Property to the north is zoned TF-3 Two-Family Residential and are developed with single-family residences.

CASE HISTORY: The property is located in the Patterson Gardens Addition, platted in August 1949.

ADJACENT ZONING AND LAND USE:

North: TF-3 Single-family residence
South: LC General Retail
East: LC General Retail
West: LC General Retail

PUBLIC SERVICES: West Central Avenue is a five lane arterial with a center turn lane with 80 feet of right-of-way. Flora Street is a local paved street with 60 feet of right-of-way. The property is served by all municipal utilities.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Established Central Area. The Future Growth Concept Map identifies the area as "Commercial". Commercial areas reflect the full diversity of commercial development densities and types typically found in a large urban municipality. The UZC permits boarding, breeding and training kennels with conditional approval, subject to Supplementary Use Regulation Section III-D.6.k noted above, unless modified or waived by the City Council upon recommendation by the Planning Commission.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it recommended the request be approved subject to the following conditions:

1. The Conditional Use shall permit an indoor "kennel, boarding, breeding and training" for up 60 pets. No more than 30 pets will be boarded overnight. No pets will be boarded outdoors.
2. The kennel shall be developed, operated and maintained in compliance with the approved site plan and with all applicable local, state or federal regulations, resolutions or statutes. In the event that any required screening is removed, the applicant shall be responsible to provide Code required screening.
3. The kennel operator shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
4. The kennel will be open to the public from 7:00 a.m. to 7:00 p.m. Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturday and Sunday from 9:00 a.m. to 12:00 p.m. and 4:00 p.m. to 6:00 p.m.
5. Outdoor play time will be monitored by kennel staff. The operation schedule will be:
    a. Mon-Fri 6:30-7:00 AM; 8:30-11:30 AM; 1:00-4:30 PM; and 7:00-8:15 PM
    b. Sat 7:00-8:00 AM; 10:00-11:30 AM; 1:00-4:30 PM; and 6:00-8:15 PM
    c. Sun 7:00-8:00 AM; 10:00-11:30 AM; 3:30-4:00 PM; and 6:00-8:15 PM
6. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excessive water from any kennel enclosures shall be provided. Interior surface materials shall be constructed of non-porous materials or materials approved by Metropolitan Area Building and Construction Department.

7. Sufficient quantities of food and water shall be provided to keep the dogs in good physical health. The animals shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
8. All waste materials shall be disposed of in such a manner to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the kennel must be removed from the site.
9. The animals confined in the kennel shall be maintained in good physical condition, free of infectious disease and parasites.
10. The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.
11. The boarding facility shall be open to the unannounced inspection by MABCD personnel during normal business hours.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator 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: Properties east, west and south of the site are zoned LC and developed with one-story retail sale businesses. Property to the north is zoned TF-3 Two-Family Residential developed with single-family residences. The screening and fencing indicated on the proposed site plan, the proposed hours of operations, and cleaning of the facility mitigates the requested waiver of Section III-D.6.k of the UZC Supplementary Use Regulations.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC, which permits boarding, breeding and training kennels with conditional approval.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact adjacent properties provided the kennel is developed, operated and maintained in compliance with Code requirements and conditions of approval.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide the public with additional kennel services. Denial would presumably represent a loss of economic opportunity to the applicant.

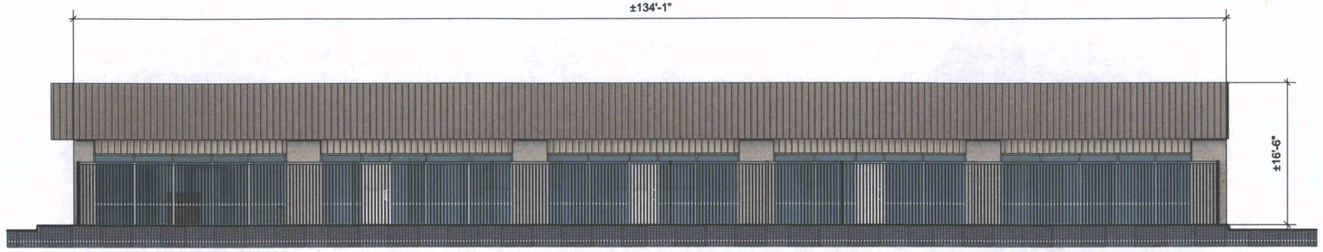
5. Opposition or support of neighborhood residents: At the time this report was prepared, staff had not received any negative comments regarding the application.

6. 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 being located within the Established Central Area. The Future Growth Concept Map identifies the area as "Commercial". Commercial areas reflect the full diversity of commercial development densities and types typically found in a large urban municipality. The UZC permits boarding, breeding and training kennels with conditional approval, subject to Supplementary Use Regulation Section III-D.6.k noted above, unless modified or waived by the City Council upon recommendation by the Planning Commission.

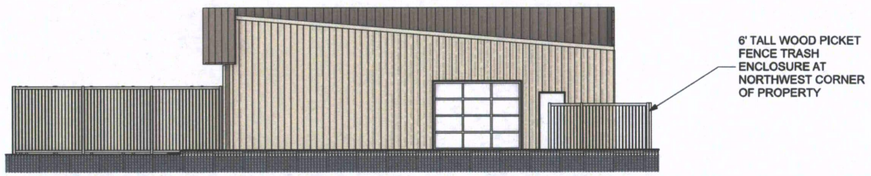
7. Impact of the proposed development on community facilities: Existing street infrastructure is adequate to handle expected minor increases of traffic.

Attachments:

Site Plan
Parking Analysis
Storm Water Management
Fencing Material Information Sheet



7 East Elevation
Scale: 1/8" = 1'-0"

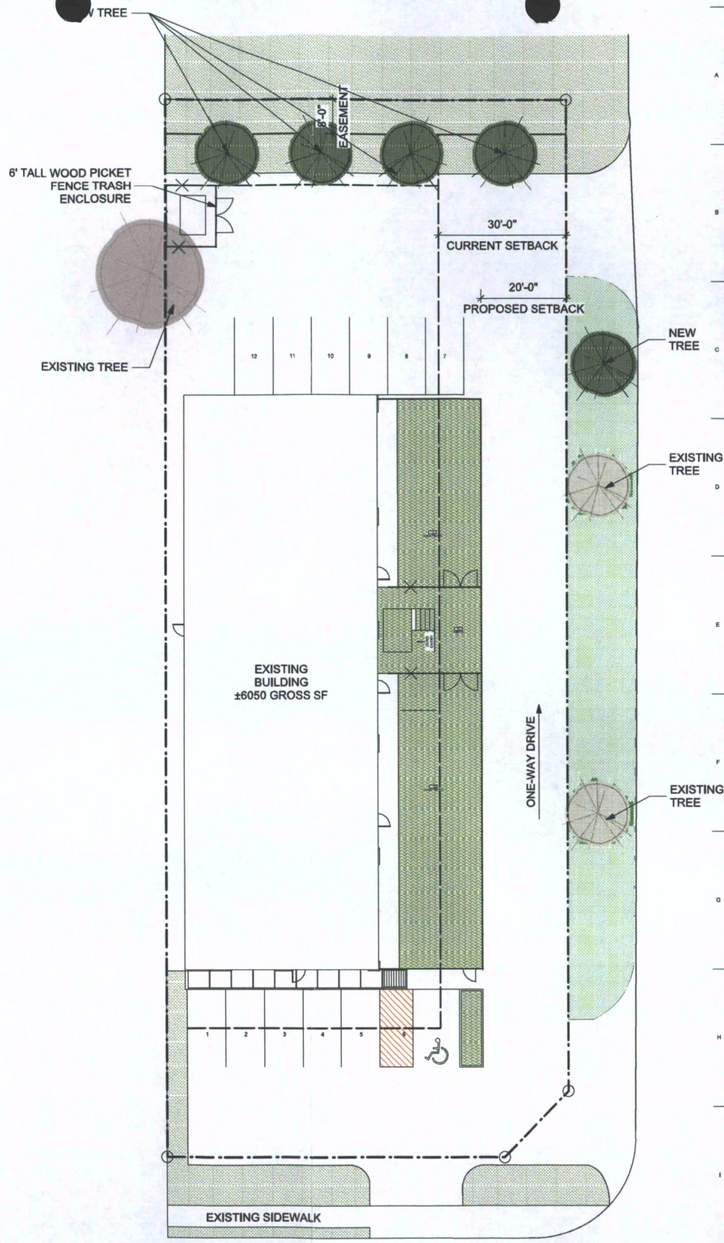


8 North Elevation
Scale: 1/8" = 1'-0"

9 West Elevation
Scale: 1/8" = 1'-0"

10 South Elevation
Scale: 1/8" = 1'-0"

SITE PLAN
APPROVED 2-21-19 klmorgan



6 SITE PLAN
Scale: 1/16" = 1'-0"

*NOTE: ALL EXISTING SURVEY DATA FROM SAVOY COMPANY, P.A., 535 S. EMPORIA, SUITE 104, WICHITA, KS 67202

PROGRESS PRINT NOT FOR CONSTRUCTION

Ben Moore Studio, LLC
Architecture • Planning
Manhattan, KS • Council Grove, KS
785.560.3111
studio@benmoorestudio.com
Kansas State Certificate of Authorization • #A-972

WOOF'S
Remodel of Existing Building
5500 W Central Avenue
Wichita, KS 67217

CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS & CONDITIONS AT THE JOB SITE

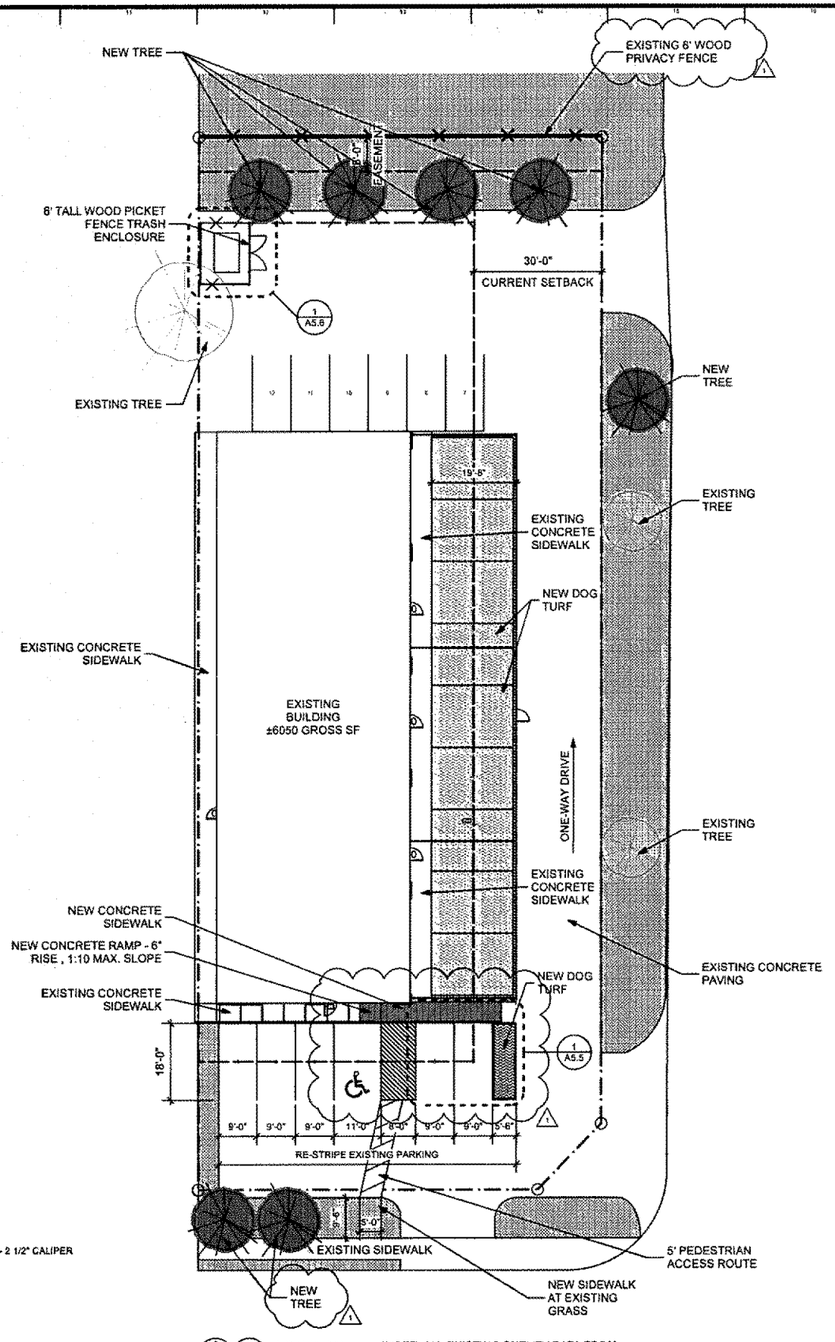
DATE: 12/21/18

REVISION:

TITLE: SITE PLAN

SHEET: A1.5

PROJECT: 18-41



1 SITE PLAN
Scale: 1/16" = 1'-0"

*NOTE: ALL EXISTING SURVEY DATA FROM SAVOY COMPANY, P.A., 535 S. EMPORIA, SUITE 104, WICHITA, KS 67202

TREE SCHEDULE

NEW TREE = IVORY SILK LILAC TREE - 2 1/2" CALIPER

CON 2018-41

LANDSCAPE PLAN

APPROVED 6/29/19 BY

BENJAMIN HARDING MOORE LICENSED 5768 KANSAS ARCHITECT

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Kansas State Certificate of Authorization • #A-992

WOOF'S PLAY STAY GROOMING

WOOF'S
Remodel of Existing Building
5500 W Central Avenue
Wichita, KS 67212

CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS & CONDITIONS AT THE JOB SITE.

DATE: 6/12/19

REVISION:

1 CODE RESPONSE

TITLE: SITE PLAN

SHEET: A1.0 OF 33

PROJECT: 18-41