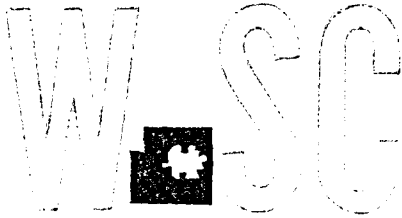


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

June 16, 1997

Joe L. Gosch, DVM
10231 S. Rock Road
Mulvane, KS 67110

RE: CU-344 Amendment #1 - Conditional use amendment to revise conditions for an animal care facility generally located approximately 1,000 feet north of 103rd Street South, west of Rock Road (10231 S. Rock Road)

Dear Mr. Gosch:

At its regular meeting on May 29, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

- A. All animal treatment shall be conducted indoors.
- B. All animals boarded on the property shall be harbored indoors. Between the hours of 8:00 AM to 4:30 PM, animals shall be permitted in eight 3 foot by 10 foot outdoor pens for the purpose of exercise.
- C. Development of this property is restricted to one building not to exceed 3,500 square feet in gross floor area. The location of the one permitted building shall be in substantial compliance with the site plan for this case, subject to any modifications made necessary by the platting of this site.
- D. A minimum of 1 parking space per 250 square feet of building area shall be maintained on site. The parking lot improvement standards shall be acceptable to the County Zoning Administrator.
- E. On-site sewerage shall be maintained in accordance with the standards of the Wichita-Sedgwick County Health Department.
- F. One double-faced, non-lighted sign up to 32 square feet in surface area is authorized at the proposed entrance into the site from Rock Road. A sign permit shall be obtained from the Sedgwick County's Department of Code Enforcement prior to installation of the sign.

- G. The applicant shall submit to the Director of Planning a landscaping plan for review and approval. The landscaping plan shall depict and identify both the existing plant materials to the west and north of the animal hospital and proposed plantings between the animal hospital and the south line of the site.
- H. This conditional use shall be in compliance with all conditions approval by the MAPC, and/or the Governing Body, as specified above, or this conditional use shall be considered null and void.

Protest petitions have been filed by property owners within the legal notification area, therefore, the case will be heard by the Board of County Commissioners for consideration at their regular meeting on Wednesday, June 25, 1997. This meeting will be held in Room 320, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

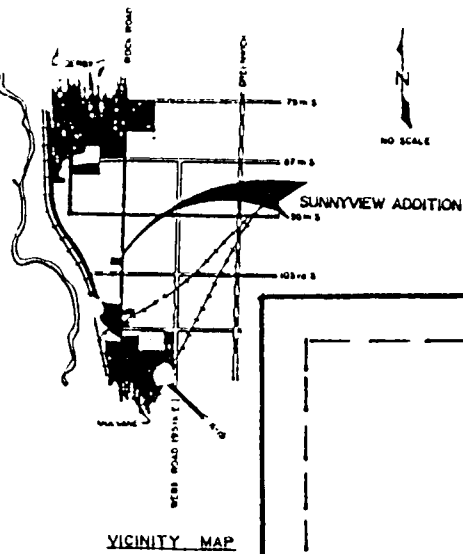
If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

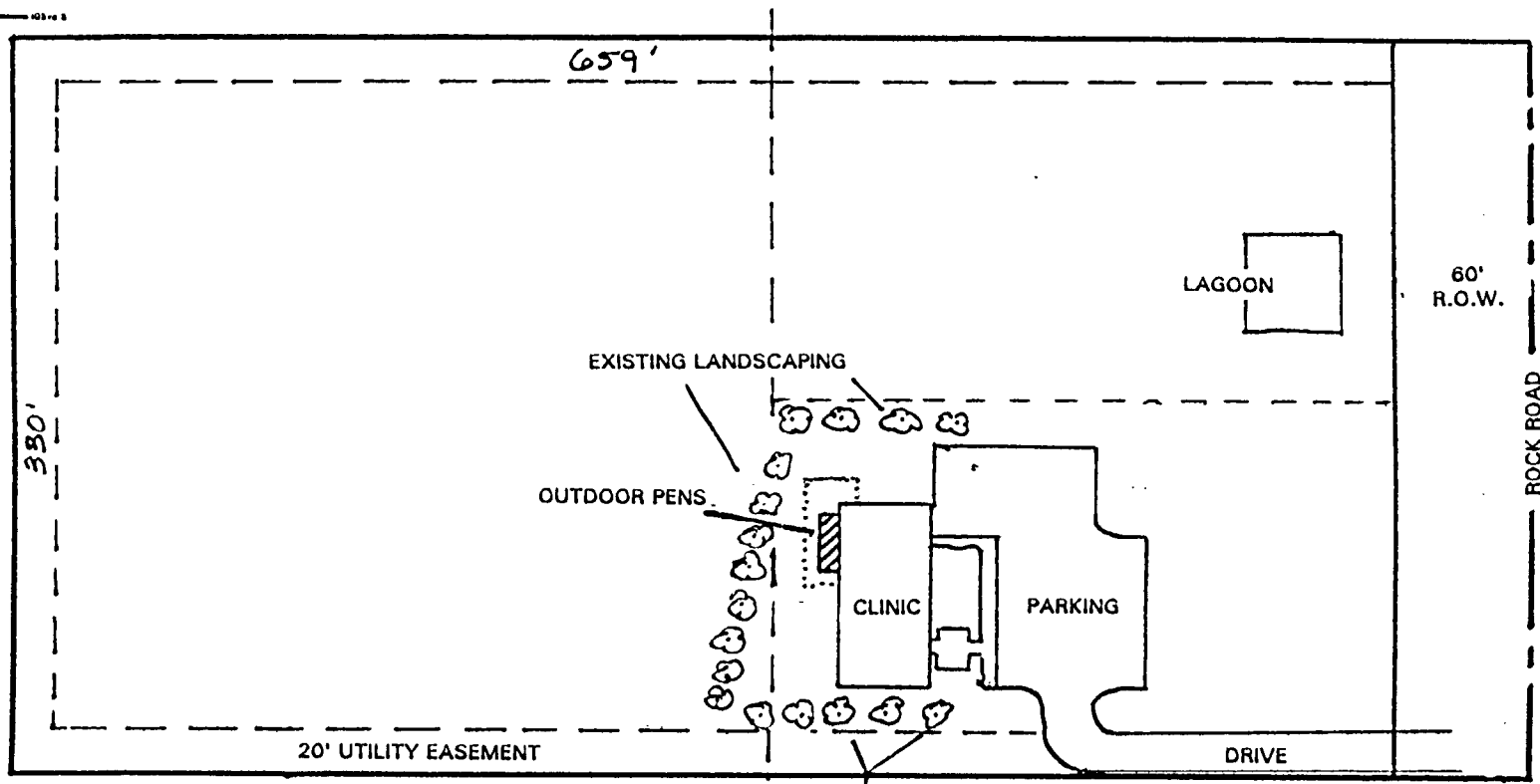
A handwritten signature in black ink, appearing to read 'Russ Ewy', with a long horizontal flourish extending to the right.

Russ Ewy
Associate Planner

cc: Teddy Tedman, 11208 S. Hillside, Mulvane, KS 67110
Linda Hofford, 817 Tristan, Mulvane, KS 67110
Ellen Hofford, 7701 E. 103rd St. S., Mulvane, KS 67110
Paul & Madeline Farber, 7604 E. 95th St. S., Derby, KS 67037
Glen Wiltse, Sedgwick County Code Enforcement



PAUL V. FARMER
ZONED - "R"



CLARENCE R. BUNTAN
ZONED - "R"

JOE W. WENZEL
ZONED - "R"

STAFF REPORT

Mulvane PC May 8, 1997
MAPC May 29, 1997

CASE NUMBER: CU-344 Amendment #1

APPLICANT/AGENT: Joe L. and Kathryn K. Gosch (property owners)

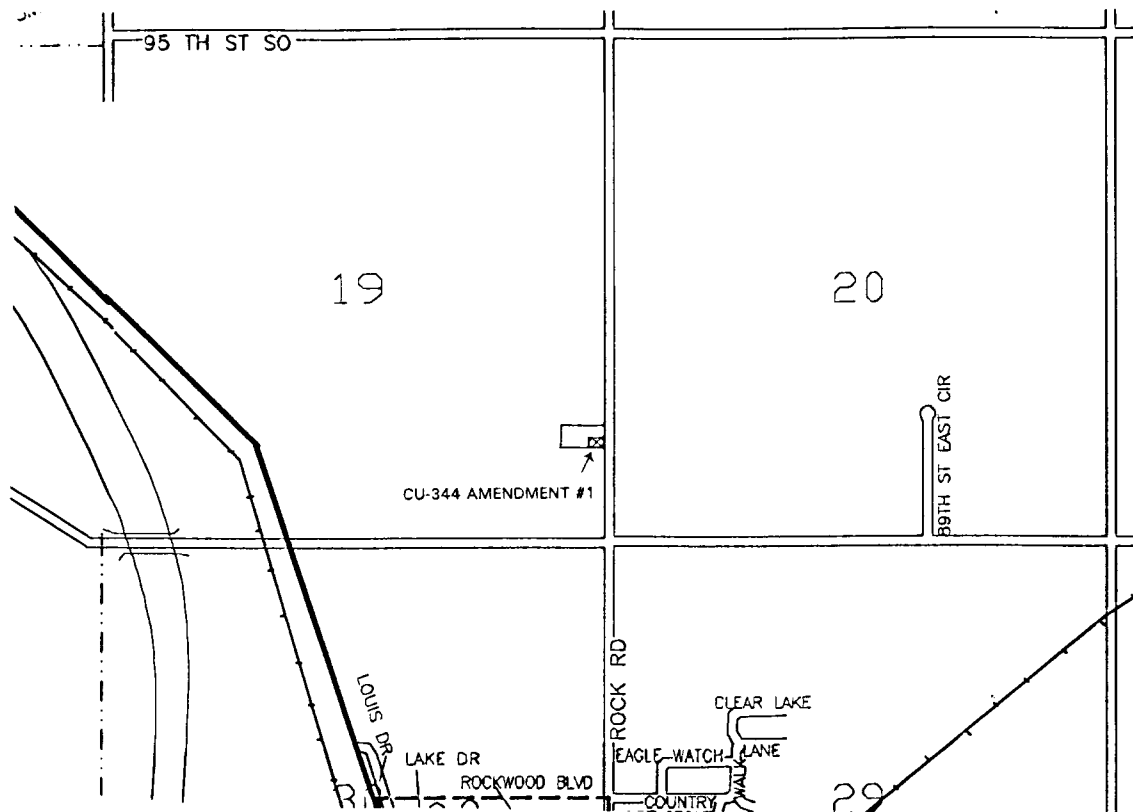
REQUEST: Conditional Use amendment to revise conditions for an animal care facility

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 0.9 acres

LOCATION: Approximately 1000 feet north of 103rd Street South, west of Rock Road (10231 S. Rock Road)

PROPOSED USE: Animal Hospital



BACKGROUND: The applicant requests a Conditional Use amendment to revise conditions placed on the existing Mulvane Animal Clinic located approximately 1000 feet north of 103rd Street South, west of Rock Road (10201 S. Rock Road). The applicant is requesting that the animal clinic be allowed to have outdoor exercise pens for the animals being boarded by the facility.

The subject property is located within the same subdivision as a recent rezoning case (SCZ-0726) that was ultimately denied by the Board of County Commissioners on February 26, 1997. The site is in an area between Derby and Mulvane and within Mulvane's planning jurisdiction. The Mulvane Animal Clinic is situated in the southeast 0.9 acres of the 5-acre Sunnyview Addition on property zoned "LC". The surrounding property is all zoned "RR" and used for agricultural purposes or is undeveloped.

The animal clinic was established through an April 23, 1991 request for a Conditional Use permit (CU-344) and associated zone change (SCZ-0627). Both were approved by the Mulvane Planning Commission, the MAPC, and the Board of County Commissioners via Resolution #163-1991, published on April 14, 1992 after the property was platted.

As part of that resolution, the applicant was required to comply with the following 8 conditions:

- A. All animal treatment shall be conducted indoors.
- B. All animals boarded on the property shall be harbored indoors. Nothing in the approval of this case shall be construed to permit the outdoor harboring of animals.
- C. Development of this property is restricted to one building not to exceed 3,500 square feet in gross floor area. The location of the one permitted building shall be in substantial compliance with the site plan for this case, subject to any modifications made necessary by the platting of this site.
- D. A minimum of 1 parking space per 250 square feet of building area shall be provided on site. The parking lot improvement standards shall be acceptable to the County Zoning Administrator.
- E. On-site sewerage shall be provided in accordance with the standards of the Wichita-Sedgwick County Health Department.
- F. One double-faced, non-lighted sign up to 32 square feet in surface area is authorized at the proposed entrance into the site from Rock Road. A sign permit shall be obtained from the Sedgwick County's Department of Code Enforcement prior to installation of the sign.

- G. Prior to the issuance of any building permits for the animal hospital, the applicant shall submit to the Director of Planning a landscaping plan for review and approval. The landscaping plan shall depict and identify the plan materials proposed to be placed adjacent to the west and north lines of the application area and between the animal hospital and the south line of the site.
- H. Any violation of these conditions shall declare the conditional use permit null and void.

At the time the balance of the 5-acre tract was being considered for "GC" General Commercial zoning earlier this year, an opponent of that case made contact with Sedgwick County's Department of Code Enforcement, requesting they inspect the clinic for compliance with the conditions listed above. Following the inspection, it was determined that several of the conditions were not being met; specifically that there were several outside animal pens, and the required landscaping between the animal clinic and the south property line had never been installed.

The site plan shows the placement of buildings and the outside exercise areas, access from Rock Road, as well as the location of existing and proposed landscaping. The applicant has stated that he will plant the required landscaping to the south in order to come into compliance with the resolution. In regard to the outdoor pens, the applicant has stated that the animals have not been kept outdoors overnight, but are placed in the outdoor runs for exercise, and wished to continue this practice. He has agreed to set a limit on the hour the animals would be permitted outdoors, and would have eight 3 ft. by 10 ft. outdoor pens for the purpose of exercising the animals.

CASE HISTORY: This site (0.9 acres) was approved for "LC" zoning (SCZ-0627) and a Conditional Use to allow an animal hospital (CU-344) by the Mulvane Planning Commission on May 23, 1991, the Metropolitan Area Planning Commission of June 6, 1991, and the Board of County Commissioners on July 3, 1991. The entire 5-acre site was platted as Sunnyview Addition and recorded on April 3, 1992. There were protest petitions filed for 20.1% of the property located within the notification area for both the zoning and Conditional Use cases.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Undeveloped, Agriculture
SOUTH:	"RR" Rural Residential	Undeveloped, Agriculture
EAST:	"RR" Rural Residential	Undeveloped, Agriculture
WEST:	"RR" Rural Residential	Undeveloped, Agriculture

PUBLIC SERVICES: Neither municipal water or sewer service is available to this site. The subject property fronts Rock Road, a 2-lane arterial with existing traffic volume of approximately 4,636 average daily trips (ADT) between 95th Street South and 103rd Street South. The 2020 Transportation Plan projects traffic along Rock Road to increase to approximately 9,280 ADT for this segment. Rock Road is projected in the 2020 Transportation Plan to be widened to a 4-lane arterial, and is identified for widening next year in the County's latest CIP.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan identifies this area as appropriate for agricultural development. Although commercial zoning is discouraged in most rural areas, the plan does allow for service-oriented commercial development to serve area residents. During the past zoning case, there was some discussion concerning whether this area, including the subject property, is being planned for by Mulvane with regard to future land use. Mulvane City Officials have stated that their Planning Commission has had continued discussion concerning areas north of 103rd Street South, and that property along the Rock Road corridor may be appropriate for future commercial districts.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. All animal treatment shall be conducted indoors.
- B. All animals boarded on the property shall be harbored indoors. Between the hours of 8:00 AM to 4:30 PM, animals shall be permitted in eight 3 foot by 10 foot outdoor pens for the purpose of exercise.
- C. Development of this property is restricted to one building not to exceed 3,500 square feet in gross floor area. The location of the one permitted building shall be in substantial compliance with the site plan for this case, subject to any modifications made necessary by the platting of this site.
- D. A minimum of 1 parking space per 250 square feet of building area shall be maintained on site. The parking lot improvement standards shall be acceptable to the County Zoning Administrator.
- E. On-site sewerage shall be maintained in accordance with the standards of the Wichita-Sedgwick County Health Department.
- F. One double-faced, non-lighted sign up to 32 square feet in surface area is authorized at the proposed entrance into the site from Rock Road. A sign permit shall be obtained from the Sedgwick County's Department of Code Enforcement prior to installation of the sign.

- G. The applicant shall submit to the Director of Planning a landscaping plan for review and approval. The landscaping plan shall depict and identify both the existing plant materials to the west and north of the animal hospital and proposed plantings between the animal hospital and the south line of the site.
- H. This conditional use shall be in compliance with all conditions approval by the MAPC, and/or the Governing Body, as specified above, or this conditional use shall be considered null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The subject property is located in an increasingly suburban area between Derby and Mulvane. The subject property has developed with the Mulvane Animal Clinic on "LC" zoned property within the applicant's platted property, while the surrounding land is all zoned "RR" and currently undeveloped.
- 2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "LC" and is the location of the Mulvane Animal Clinic. The balance of the 5-acre site is zoned "RR" and is undeveloped, as is the surrounding property. Residential development is approaching this area, and the area surrounding this site may still be appropriate for residential uses even with the daytime exercise of animals outdoors.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: Due to the fact that this area is largely undeveloped and would prohibit animals from being outside prior to 8:00 AM or past 4:30 PM, this request should not have any immediate impact on the surrounding property.
- 4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: Mulvane City Officials have stated that their Planning Commission has had continued discussion concerning areas north of 103rd Street South, and that property along the Rock Road corridor may be appropriate for future commercial districts. The Wichita-Sedgwick County Development Guide of the Comprehensive Plan identifies this area as appropriate for agricultural development. Although commercial zoning is discouraged in most rural areas, the plan does allow for service-oriented commercial development to serve area residents.
- 5. Impact of the proposed development on community facilities: The site has access to Rock Road, currently a 2-lane arterial, that has excess capacity. This request should not create any additional impacts on community facilities.