

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 10, 1992

TO: Scott Pike, Sedgwick County Zoning Administrator
FROM: Leslie G. Karr, Associate Planner, Current Plans *LCK*
SUBJECT: SCZ-0627 - "R" to "LC"; CU-344) Conditional use
permit for an animal hospital; and Sunnyview Addition, the associated plat, all located in the SE $\frac{1}{4}$ of Sec. 19, T29S, R2E.

As required by County Commission approval, the plat for the above-referenced cases was recorded in the Register of Deeds' office on April 3, 1992.

Resolutions 162-1991 and 163-1991 are to be published in the Daily Reporter on April 14, 1992, thereby authorizing the zone change and the conditional use permit.

LGK:jcm

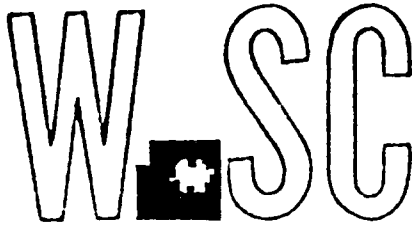
cc: Joe & Reta Wenzel
#37 Circle Drive
Mulvane, KS 67110

Joe & Kathryn Gosch
215 Frontier Drive
Mulvane, KS 67110

Karen Rambo
Mulvane City Hall
211 N. 2nd St.
Mulvane, KS 67110

J.T. Klause
KSC #14515
301 N. Main, Ste. 2000
Wichita, KS 67202

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4581

July 3, 1991

Joe & Meta Wenzel
#37 Circle Drive
Mulvane, KS 67110

Re: SCZ-0627, "R" to "LC", and associated conditional use CU-344
for an animal hospital located on the west side of Rock Road
in an area north of 103rd Street South.

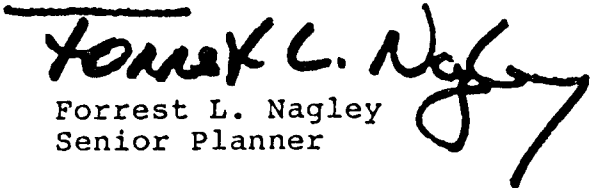
Dear Mr. & Mrs. Wenzel:

On July 3, 1991, the County Commission approved the above-referenced zone change subject to platting the property within one year or the case will be considered denied and closed. They also approved the associated conditional use case, subject to the conditions listed on the enclosed unsigned resolution. The rezoning and condition use resolutions will not be published until the plat has been recorded with the Register of Deeds. You will have until July 3, 1992, to record a plat of this property.

Since your property is located in Mulvane's platting jurisdiction, you will need to submit your plat to the Mulvane Planning Commission for review. This should be done as soon as possible. If you have questions about the platting procedure, you should call the Mulvane city offices.

This will be our only letter advising you of your platting deadline. If you have not recorded the plat by July 3, 1992, the zone case and conditional use files will be marked "denied and closed". If you have any questions about this zone change/conditional use or required plat, please call our office at 268-4421.

Sincerely,

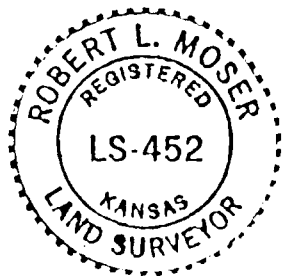

Forrest L. Nagley
Senior Planner

FILE COPY

FLN:jcm

cc: Joe & Kathryn K. Gosch, 215 Frontier Drive, Mulvane, 67110
J.T. Klaus, K.S.C. #14515, 301 N. Main, Ste. 2000, 67202
Linda Hofford, 17 Tristan, Mulvane, 67110
Karen Rambo, Mulvane City Hall, 211 N. 2nd St., Mulvane,
67110
Ken Arnold, Interim Code Enforcement Officer

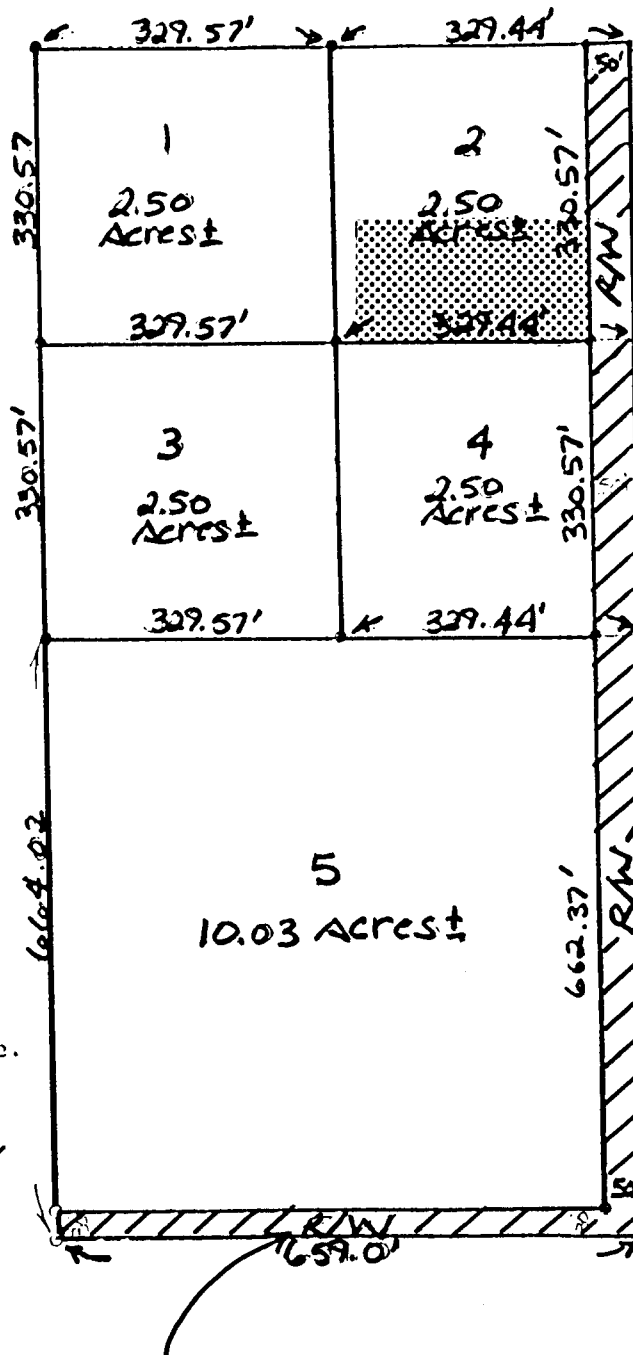
Set 1/4" Robert
0 Pins Found



I Hereby Certify that
this Boundary Survey,
completed on August 31,
1990, was made under my
supervision and is correct
to the best of my knowledge.

Robert L. Moser

Robert L. Moser, L.S. 452



103rd Street South

SC2-0627 and CU-334

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. *2a4b*
MPC 5/23/91
MAPC 6/06/91

STAFF REPORT

CASE NUMBER: SCZ-0627/CU-344

OWNER/APPLICANT/AGENT: Joe Wenzel & Joe Gosch (owners/applicants)
J.T. Klaus (agent)

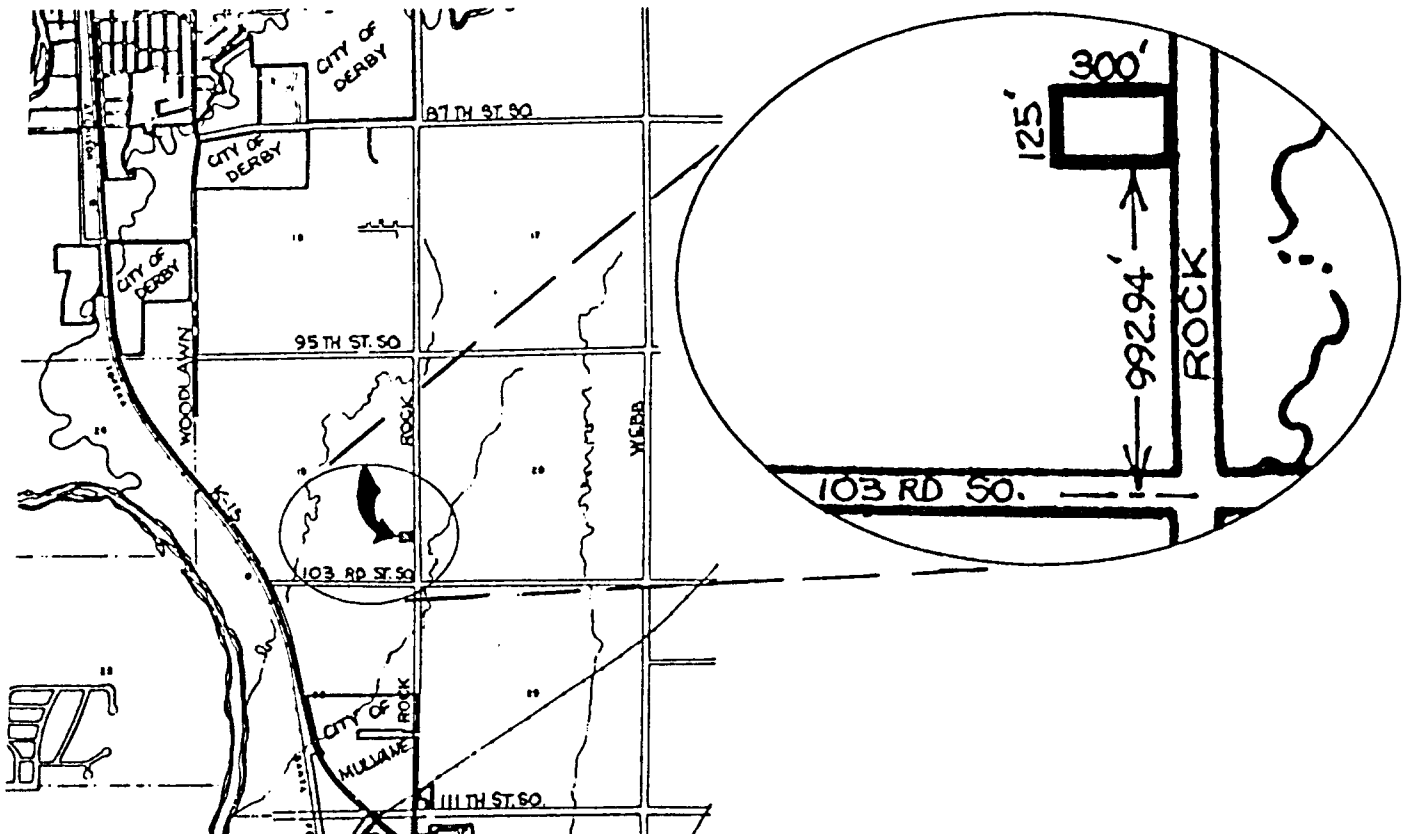
REQUEST: Zone change to the "LC" Light Commercial District with an associated conditional use permit for an animal hospital.

CURRENT ZONING: "R" Rural Residential District

SITE SIZE: .9 acre (300 ft. x 125 ft.)

LOCATION: On the west side of Rock Road, approx. 1,000 feet north of 103rd Street South.

PROPOSED USE: Animal hospital



BACKGROUND: The applicant is requesting a zone change from the "R" Rural Residential District to the "LC" Light Commercial District for a .9-acre unplatted tract. Associated with this rezoning case is a conditional use request to establish an animal hospital. The application area is located on the west side of Rock Road, approximately 1,000 feet north of 103rd Street South. The property is currently undeveloped and used for agricultural purposes.

The first zoning district which permits animal hospitals is the "LC" Light Commercial District. This is the case, provided the MAPC reviews the request and the Board of County Commissioners approves the animal hospital use by issuing a conditional use permit [Section 9(A)(65)(a)]. The first district that permits animal hospitals as an outright permitted use is the "E" Light Industrial District.

This site has 125 feet of frontage along Rock Road. The applicant owns the property to the south, west and north. Approximately 200 feet of separation exists between the north line of this application area and the north line of the applicant's overall ownership. The applicant has advised that the soil types present in the general area preclude the use of septic tanks. The applicant is aware that the minimum lot size for property utilizing an on-site sewage lagoon is five (5) acres. It should be noted that only that part of the applicant's ownership planned for development with the animal hospital building, associated off-street parking, and access to Rock Road is requested for a zone change. That is, the applicant has chosen to ask for only the minimum amount of "LC" zoning to accommodate his intended use.

In order to provide the Planning Commissioners and the County Commissioners with a more complete understanding of the combination zone change/conditional use permit request, the applicant has submitted a narrative describing his proposed animal hospital, along with several exhibits. This narrative and the supporting exhibits are attached to this staff report.

Inasmuch as 1) neither the Mulvane nor Sedgwick County Comprehensive Plans depict this general area for commercial uses or urban development; 2) the application area is not located at the intersection of section line roads where it may be logical for commercial development to occur; 3) the closest commercial development on Rock Road is approximately 1-1/2 miles to the south; and 4) the site is surrounded by "R" zoning, which would create compatibility problems for future residential uses, staff does not support this request for "LC" zoning.

On May 23, 1991, the Mulvane Planning Commission considered this zone change and associated conditional use request. The action taken by the Mulvane Planning Commission was to recommend approval of the zone change request, subject to platting, and the conditional use, subject to the example conditions provided in this staff report. The vote was

unanimous (9-0). The vote for approval was primarily based on the Mulvane Commission's belief that 1) their city was going to grow to the north in a much more dramatic fashion than their 1979 plan indicates; 2) much of the land designated by the 1979 plan for future commercial uses has been developed instead for residential purposes; and 3) in their opinion, the rural character of the chosen site is an appropriate location for an animal hospital which treats large animals.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	Undeveloped (agricultural use)
SOUTH	"R"	Undeveloped (agricultural use)
EAST	"R"	Undeveloped (agricultural use)
WEST	"R"	Undeveloped (agricultural use)

PUBLIC SERVICES: The applicant has advised that water from a rural water district is available to serve this site. Sanitary sewer does not exist to serve the property and the applicant intends to provide on-site sewerage by way of a lagoon. Adjacent Rock Road is a two-lane, paved F.A.S. road. According to the applicant's site plan for the conditional use permit, 50 feet of half-street right-of-way already exists for this F.A.S. road. Sixty feet is required.

CONFORMANCE TO PLANS/POLICIES: A zoning policy statement does not exist for this portion of Rock Road. The Land Use Element of the Comprehensive Plan for Sedgwick County depicts this unincorporated area of the county for agricultural purposes. The Comprehensive Development Plan 1979-2000 for the City of Mulvane locates this site outside of their planning study area. One Hundred Third Street South is the northernmost boundary of their planning area. The Mulvane plan depicts agricultural uses south of the Rock Road/103rd Street intersection. Future commercial growth (highway-related uses) is projected at the Rock Road/111th Street intersection and along K-15. The Mulvane plan stresses the importance of maintaining Mulvane's Central Business District as a viable "one-stop shopping" area. The largest area designated for future residential development starts at 111th and runs north approximately 3/4-mile between Rock Road and Webb Road.

The Sedgwick County Comprehensive Plan stresses that future development should take place in areas where maximum use can be made of the existing capital improvements and facilities. In this way, service costs to future growth areas, as well as existing land uses, can be minimized. Contiguous development, as opposed to scattered growth, will also promote the conservation of energy resources, the reduction of environmental pollution, and the maximization of the supply of natural resources.

RECOMMENDATION: That "LC" Light Commercial zoning and the associated conditional use permit not be approved. If the Mulvane Planning Commission and the MAPC determine that the establishment of "LC" zoning and the conditional use permit is appropriate at this location and wish to recommend approval, it should be subject to platting the property within one year after County Commission approval, or the case files shall be marked "denied and closed".

The following are example conditions for the conditional use permit if recommended for approval:

- 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 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 plant materials proposed to be placed adjacent to the west and north lines of the application area and between the animal hospital building and the south line of the site.
- H. Any violation of these conditions shall declare the conditional use permit null and void.

**RESOLUTION AND RECOMMENDATION OF
THE MULVANE PLANNING COMMISSION**

THIS RECOMMENDATION, made this 23rd day of May, 1991, by the Mulvane Planning Commission (the "Commission") shall be as follows:

WHEREAS, on May 23, 1991 at 8:00 p.m. there came before the Commission, pursuant to the established procedure of the Metropolitan Area Planning Commission (the "MAPC"), public comment on MAPC Case Number SCZ-0627/CU-344 for a zone change from "R" Rural Residential to a "LC" Light Commercial district with an associated conditional use permit for an animal hospital/veterinary clinic; and

WHEREAS, the Commission was fully advised of the MAPC'S staff report by staff representative Forrest Nagley and the subject property owner's Application For Rezoning by Applicant's Counsel; and

WHEREAS, the Commission heard public comment about the proposed zoning change from "R" Rural-Residential district to "LC" Light Commercial district and the conditional use permit associated therewith.

NOW THEREFORE, in consideration of all of the above, the Commission herein makes the following findings of fact:

1. The City of Mulvane and the surrounding rural community will benefit from the comprehensive services that can be provided by the proposed animal hospital/veterinary clinic; and

2. The proposed animal hospital/veterinary clinic will have no effect on the Mulvane Central Business District's viability as a "one stop shopping" area; and

3. The location of an animal hospital/veterinary clinic within the Central Business District itself would be incompatible with current uses and aggravate a developmental parking shortage in the downtown area; and

4. Rock Road is one of the major arterial roads connecting the City of Mulvane to the north; and

5. Commercial development is logical in association with and along the major arterial roads that connect a City to the surrounding community; and

6. The Commission has been in the lengthy process of revising and updating its Comprehensive Development Plan for the years 1979-2000 and such revised plan is likely to anticipate the possibility of certain commercial development along the major arterial roads that connect the City of Mulvane along its northern boundaries, including Rock Road; and

7. Expansion of the City of Mulvane to the north of its current boundaries is logical and that such expansion might one day encompass the subject property proposed for rezoning in MAPC Case Number SCZ-0627/CU-344; and

8. An animal hospital/ veterinary clinic that offers both small and large animal care services is not incompatible with the agricultural land uses currently surrounding the proposed location; and

9. The applicant in MAPC Case Number SCZ-0627/CU-344 has limited his request for rezoning to the limited amount of property necessary to construct the proposed animal hospital and servicing parking lot and driveway.

10. The change in zoning classification requested by the application made in MAPC Case Number SCZ-0627/CU-344 is not inconsistent with the intent or purpose of the City of Mulvane's Zoning Regulations; and

11. The change in zoning classification requested by the application made in MAPC Case Number SCZ-0627/CU-344 will have no adverse effects on the use or value of property surrounding the subject property; and

12. The subject property proposed for a change in zoning classification in MAPC Case Number SCZ-0627/CU-344 is suitable for an animal hospital/veterinary clinic; and

13. There is no property properly zoned "LC" in the vicinity of the subject property that can be used for construction of the proposed veterinary clinic/animal hospital; and

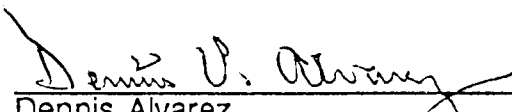
14. There are even more efficient and desirable land uses that could be developed on the property to the south of the subject property that lies on the corner of Rock Road and 103rd Street South, that makes location of the animal hospital/veterinary clinic location, approximately 1000 feet north of the intersection, a desirable location.

NOW THEREFORE, in consideration of all of the above findings of fact, as well as a consideration of the Commission's own 13 factors as set forth in Section 24.120A of the Zoning Regulations of the City of Mulvane, which are normally considered by the Commission in deciding which zoning amendments are appropriate within the City of Mulvane and its surrounding area of influence;

BE IT RESOLVED that the application made in MAPC Case Number SCZ-0627/CU-344 for a zone change from "R" Rural-Residential district to "LC" Light Commercial district with an associated conditional use permit to allow the construction of an animal hospital/veterinary clinic should be approved.

BE IT FURTHER RESOLVED that the animal hospital/veterinary clinic conditional use requested in MAPC Case Number SCZ-0627/CU-344 be subject to the conditions recommended to the Commission by the MAPC staff attached hereto as Exhibit A and incorporated as is fully set forth herein.

THIS RESOLUTION is hereby executed on this 23 day of May, 1991 as adopted, approved, and recommended by the Mulvane Planning Commission on the day and year first written above.


Dennis Alvarez
Mulvane Planning Commission Chairperson

ATTEST:
[SEAL]

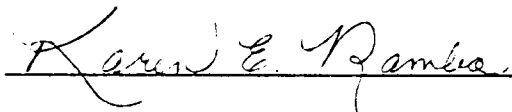

Karen E. Ramba

EXHIBIT A

The following are example conditions for the conditional use permit if recommended for approval:

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- 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.
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