CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 30, 2009

Terri Grooms
1530 Smith Circle #101
Wichita, KS 67212

BWA, LLC
3302 Conestoga Dr
Hutchinson, KS 67502

RE: **CON2009-00009** - City Conditional Use to permit a doggy day care/boarding kennel, with limitations on size (25 lbs) and number of dogs on property zoned LC Limited Commercial, located north of Central Avenue, midblock between Anna Street and Baehr Street (4710 West Central).

Dear Ladies and Gentlemen:

At its regular meeting on **April 9, 2009**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request, subject to the conditions stated in the enclosed resolution.

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

Sincerely,

Donna Goltry, A.I.C.P.
Principal Planner
Current Plans Division

DJG:mc
Attachment

Copies to: La Placita Park, Greg Boyajian, 3325 W 9th, Wichita, KS 67203
Orchard Breeze, Brad Hinkle, 5214 W. First, Wichita, KS 67212
Orchard Park, Donna Aldrich, 1013 N Compton, Wichita, KS 67212

CONDITIONAL USE RESOLUTION NO. CON2009-00009

WHEREAS, BWA, LLC (Owner) and Terri Grooms (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 a doggy day care/boarding kennel, with limitations on size (25 lbs) and number of dogs on 0.21 acres zoned LC Limited Commercial described as:

> Lot 1, Hendrickson Addition to Wichita, Sedgwick County, Kansas; generally, located north of Central Avenue, midblock between Anna Street and Baehr Street (4710 West Central).

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 April 9, 2009, 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 doggy day care/boarding kennel, with limitations on size (25 lbs) and number of dogs on 0.21 acres zoned LC Limited Commercial described as:

> Lot 1, Hendrickson Addition to Wichita, Sedgwick County, Kansas; generally, located north of Central Avenue, midblock between Anna Street and Baehr Street (4710 West Central).

Approved subject to the following conditions:

1. The Conditional Use shall comply with Article III, Section III-D.6.k of the UZC, including no outside runs or kennels, and applicable federal, state and local requirements. All dogs being walked outside must be within the six to eight-foot wooden fenced area and always with a handler.
2. The property shall be developed and maintained in accordance with a revised site plan, including operational standards provided by the applicant, approved by the Planning Director, showing lighting, landscaping, setbacks, easements, a 6-8 foot wooden privacy fence around the area where the dogs will be walked and the building in conformance with the UZC.
3. The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian and proof of identification and ownership for all dogs.
4. Cleaning of board kennel facility shall be performed as often as necessary to maintain sanitary conditions, and a "suitable method" of eliminating excess water from animal housing facilities shall be provided as determined by the Environmental Services. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.
5. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. 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.

6. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The boarding kennel shall be maintained in a sanitary manner as required by applicable codes.
7. The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
8. The applicant shall obtain all applicable permits including, but not limited to, building, health and zoning.
9. The boarding facility shall be open to the unannounced inspection by Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 9th Day of April, 2009

METROPOLITAN AREA PLANNING COMMISSION

Darrell Downing

Darrell Downing, Chair MAPC

ATTEST:

John L. Schlegel

John L. Schlegel, Secretary

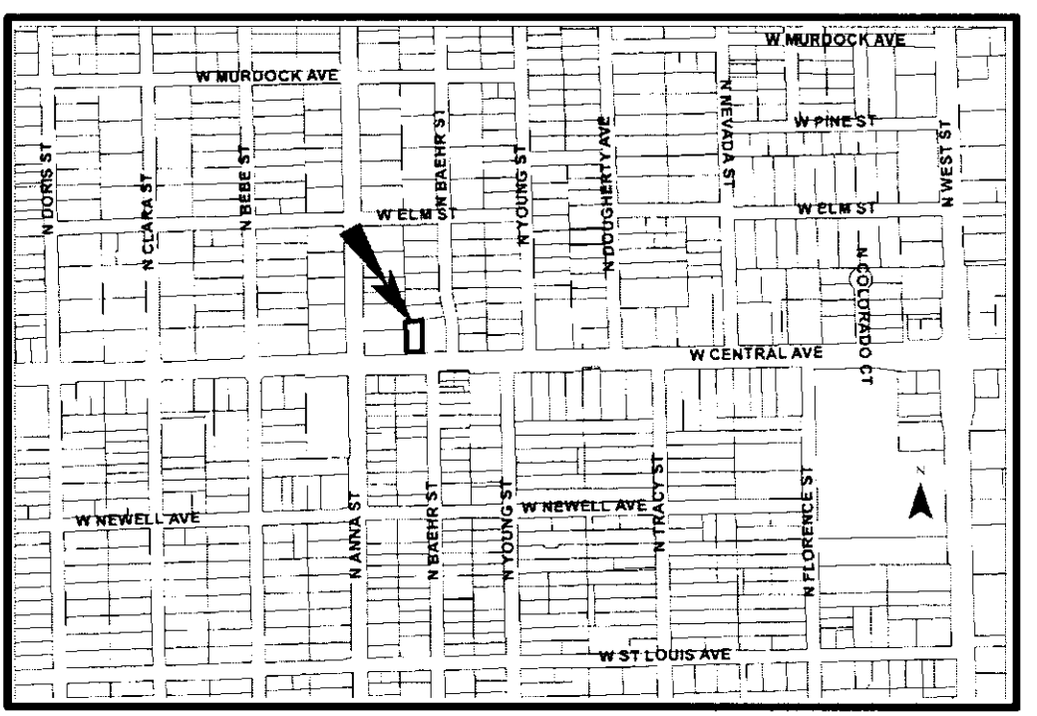
WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

MAPC April 9, 2009
DAB VI April 6, 2009

CASE NUMBER:	CON2009-00009
APPLICANT/OWNER:	BWA, LLC, Attn: Dr. Bruce Albright (owner); Terri Grooms (lessee)
REQUEST:	City Conditional Use to permit a kennel, boarding/ breeding/training
CURRENT ZONING:	LC Limited Commercial ("LC")
SITE SIZE:	0.21 acres
LOCATION:	North of Central Avenue, midblock between Anna Street and Baehr Street (4710 West Central)
PROPOSED USE:	Doggy day care/boarding kennel, with limitations on size of dogs (25 pounds) and number of dogs (35 maximum)



BACKGROUND: The applicant is requesting a City Conditional Use to permit a doggy day care/boarding kennel, with limitations on size (25 lbs) and number of dogs on a 0.21 acre site zoned LC Limited Commercial, located north of Central Avenue, midblock between Anna Street and Baehr Street (4710 West Central).

Kennel, boarding/breeding/training is a Conditional Use in the LC zoning district. Because this site is below two acres in size, all animals would have to be harbored indoors, with no discernable noise or odor at the property lines, and be in compliance with the "Supplementary Use Regulations" of Article III, Section III-D.6.k of the Unified Zoning Code ("UZC").

The lessee proposes to use the existing building for keeping up to 35 dogs a day, with an estimated 20 dogs (under 25 pounds) at the facility at any one time. Daycare hours of operation would be from 6:00 A.M. to 6:30 P.M. Monday through Friday and 8:00 A.M. to 5:00 P.M. Saturday. Boarding would be limited to a maximum of six dogs and would be restricted to dogs also using the facility for daycare. Staff would be on-site overnight to care for the boarded dogs to avoid barking problems during the night. Noise abatement modifications of the building are offered. An indoor waste removal system is to be used. The lessee has submitted a detailed list of conditions of the conditional use to apply for operation of the property should it be approved for Conditional Use of a doggy daycare under the auspices of kennel, boarding/breeding/training.

The property to the north is zoned SF-5 Single-Family Residential ("SF-5") and is occupied by single-family residences. The house on the adjoining property to the west, fronting onto Central, is zoned SF-5 and is vacant. West of Anna Street, the property is zoned LC and occupied with a small commercial strip center and a bank. The property to the east of the site is zoned LC and occupied by a house converted to office use. East of Baehr Street, a church is located on property zoned SF-5. The property south along Central is zoned GO General Office ("GO") and LC and is occupied by several office buildings. The general pattern of development along this stretch of Central Avenue is local commercial use with a few residual residences and SF-5 tracts, but all in areas shown on the 2030 Wichita Land Use Guide for "local commercial" use.

CASE HISTORY: The property is platted as Hendrickson Addition, recorded June 13, 1988.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family Residences
SOUTH:	GO, LC	Offices, single-family residences
EAST:	LC, SF-5	Offices, church
WEST	LC, SF-5	Vacant residential, strip center, bank, offices

PUBLIC SERVICES: The property has access via one allowed drive entrance onto Central Avenue, a four-lane arterial with a continuous center turn lane for the area abutting the site. In 2007, the traffic volume (Annual Average Daily Traffic "AADT") at Central Avenue and West Street ranged from 15,700 to 20,000 on each leg of the intersection. All normal utility services serve the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "local commercial." The "local commercial" category includes commercial, office and personal services that do not have a regional draw. The Commercial Locational Guidelines of the *Comprehensive Plan* recommend commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the Commercial Locational Guidelines recommend that commercial-generated traffic should not feed directly onto local residential streets. A kennel can be considered for a Conditional Use in the LC zoning district, per the standards of the UZC "Supplementary Use Regulations," Article III, Section III-D.6.k. The proposed operation incorporates extra features to limit impact on the surrounding residential area in order to limit the noise and activity conflicts, including harboring all animals indoors, noise abatement, limitations on the number and size of dogs, and limitations on the hours of operation.

RECOMMENDATION: Typical operation of a dog kennel on a 0.21-acre site adjoining residential zoning would violate the Commercial Location Guidelines. However, the proposed additional conditions of the Conditional Use offered by the applicant compensate for many of the adverse impacts of the use and make it more compatible with the adjoining residential use. Based on these additional conditions plus the information available prior to the public hearing, staff recommends the application be APPROVED subject to the following conditions:

1. The Conditional Use shall comply with Article III, Section III-D.6.k of the UZC, including no outside runs or kennels, and applicable federal, state and local requirements. All dogs being walked outside must be within the six to eight-foot wooden fenced area and always with a handler.
2. The property shall be developed and maintained in accordance with a revised site plan, including operational standards provided by the applicant, approved by the Planning Director, showing lighting, landscaping, setbacks, easements, a 6-8 foot wooden privacy fence around the area where the dogs will be walked and the building in conformance with the UZC.
3. The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian and proof of identification and ownership for all dogs.
4. Cleaning of board kennel facility shall be performed as often as necessary to maintain sanitary conditions, and a "suitable method" of eliminating excess water from animal housing facilities shall be provided as determined by the Environmental Services. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.
5. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. 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.
6. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The boarding kennel shall be maintained in a sanitary manner as required by applicable codes.
7. The animals confined in the boarding kennel shall be maintained in good physical

condition, free of infectious diseases and parasites.

8. The applicant shall obtain all applicable permits including, but not limited to, building, health and zoning.
9. The boarding facility shall be open to the unannounced inspection by Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of this 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: The property to the north is zoned SF-5 Single-Family Residential ("SF-5") and is occupied by single-family residences. The house on the adjoining property to the west, fronting onto Central, is zoned SF-5 and is vacant. West of Anna Street, the property is zoned LC and occupied with a small commercial strip center and a bank. The property to the east of the site is zoned LC and occupied by a house converted to office use. East of Baehr Street, a church is located on property zoned SF-5. The property south along Central is zoned GO General Office ("GO") and LC and is occupied by several office buildings. The general pattern of development along this stretch of Central Avenue is local commercial use with a few residual residences and SF-5 tracts, but all in areas shown on the 2030 Wichita Land Use Guide for "local commercial" use.

2. The suitability of the subject property for the uses to which it has been restricted: The site is suited for low intensity types of commercial or office use to which it is zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Typical operation of a dog kennel on a 0.21-acre site adjoining residential zoning would violate the Commercial Location Guidelines. However, the proposed additional conditions of the Conditional Use offered by the applicant compensate for many of the adverse impacts of the use and make it more compatible with the adjoining residential use.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide," 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "local commercial." The "local commercial" category includes commercial, office and personal services that do not have a regional draw. The Commercial Locational Guidelines of the *Comprehensive Plan* recommend commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Additionally, the Commercial Locational Guidelines recommend that commercial-generated traffic should not feed directly onto local residential streets. A kennel can be considered for a Conditional Use in the LC zoning district, per the standards of the UZC "Supplementary Use

Regulations," Article III, Section III-D.6.k. The proposed operation incorporates extra features to limit impact on the surrounding residential area in order to limit the noise and activity conflicts, including harboring all animals indoors, noise abatement, limitations on the number and size of dogs, and limitations on the hours of operation.

5. Impact of the proposed development on community facilities: The site will have a small impact on traffic, but should not have any additional significant impacts on community facilities.

LC CONDITIONAL USE - KENNEL (SMALL DOG DAYCARE)



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