WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 2, 2009

Paula Hernandez
2059 N West St
Wichita, KS 67203

John Bagley
1420 Emelia
Wichita, KS 67209

RE: **CON2008-00055** - City Conditional Use for Kennel, Boarding/Breeding/Training on property zoned LC Limited Commercial, generally located northwest of the West Street and Zoo Boulevard intersection (1211 N. West Street).

Dear Ladies and Gentlemen:

At its regular meeting on November 20, 2008, 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 in the attached resolution.

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

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division

WL:mc
Attachment

Copies to: Joe Danler, Remax, 3500 N Rock Rd #100, Wichita, KS 67226
Paul Daemen, Plaza Real Estate, 8442 W 13th St Ste 102, Wichita, KS 67212
Gary Webb, 1225 N West St., Wichita, KS 67203
La Placita Park, Greg Boyajian, 3325 W 9th, Wichita, KS 67203
Northwest Big River, Christine Eberle, 1814 Joann, Wichita, KS 67203

Orchard Park, Donna Aldrich, 1013 N Compton, Wichita, KS 67212
Plaza Real Estate, Attn: Paul Daemen, 8442 W 13Th Street, Suite 102, Wichita, KS 67212
Westlynn, Lucille Martinez, 1415 Westlynn St. #202, Wichita, KS 67212
WCC VI, Sharon Fearey, Mail Stop 1-13
N.A. VI, Terri Dozal, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 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

CONDITIONAL USE RESOLUTION NO. CON2008-00055

WHEREAS, the City of Wichita and John Bagley (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a kennel for boarding and grooming of dogs on approximately 16,074-sqaure feet zoned LC Limited Commercial ("LC") described as:

Lot 2 except the north 65 feet and except the east 10 feet for street, Gilbert's Addition, Wichita Sedgwick County, Kansas. Generally located northwest of the West Street and Zoo Boulevard intersection.

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 November 20, 2008, consider said application.

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 permit a Conditional Use for a kennel for boarding and grooming of dogs located on approximately 16,074-sqaure feet zoned LC Limited Commercial ("LC") described as:

Lot 2 except the north 65 feet and except the east 10 feet for street, Gilbert's Addition, Wichita Sedgwick County, Kansas. Generally located northwest of the West Street and Zoo Boulevard intersection.

Approved subject to the following conditions:

(1) The Conditional Use shall comply with section III.D.6.k of the Wichita-Sedgwick County Unified Zoning Code, 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 in area and always with a handler.

(2) The total number of adult dogs and puppies authorized to be boarded shall not exceed 12 at any one time.

(3) The property shall be developed and maintained in accordance with a revised site plan 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 all buildings in conformance with the UZC.

(4) Vacate the 11th Street public right-of-way.

(5) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian and proof of identification and ownership for all dogs five months and older.

(6) Cleaning of the boarding 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.

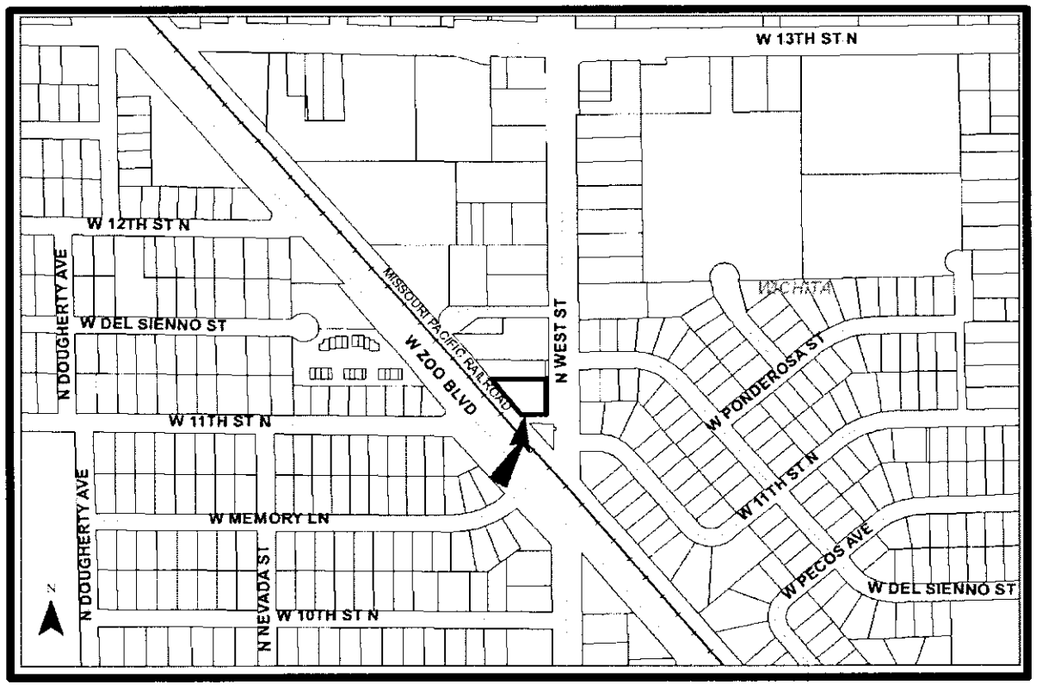
AGENDA ITEM NO. 9

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC November 20, 2008
DAB VI November 19, 2008

CASE NUMBER:	CON2008-00055
APPLICANT/AGENT:	John Bagley (Owner) Paula Hernandez (Applicant)
REQUEST:	Conditional Use to allow a kennel for grooming and boarding of dogs
CURRENT ZONING:	LC Limited Commercial ("LC")
SITE SIZE:	16,074-sqaure feet
LOCATION:	Generally located northwest of the West Street and Zoo Boulevard intersection (1211 North West Street, DAB VI)
PROPOSED USE:	Grooming and boarding of dogs



BACKGROUND: The applicant is requesting a Conditional Use to allow a grooming and boarding kennel for dogs. The LC Limited Commercial ("LC") zoned, platted site is located just northwest of the West Street and Zoo Boulevard intersection. The site has a vacant medical building (built 1939) on it, which the applicant proposes to use for the kennel. The subject site has a paved parking lot, but a portion of it is public street right-of-way (ROW). This portion of 11th Street ROW is unlikely to cross the abutting railroad tracks and serves no other property than the site. To continue to be used for parking, the applicant must vacate the ROW through the vacation process or obtain a minor street permit. A kennel can be considered for a Conditional Use in the LC zoning district, per the standards of the Unified Zoning Code's (UZC), "Supplementary Use Regulations"; Art.III, Sec.III-D, 6-k (see attached). The applicant proposes to put up a wooden fence around the area where the dogs will be walked on a leash. No outside dog runs or pens or outside activity other than walking the dogs is to be permitted.

The site is separated from Zoo Boulevard by an active railroad (RR) track and a bike path which run, at an angle, along its south – southwest side. Development located across the RR track and Zoo Boulevard include a LC zoned tire store, MF-18 Multi-family Residential ("MF-18") zoned apartments and SF-5 Single-family Residential ("SF-5") zoned church and houses. West Street separates the site from the TF-3 Duplex Residential ("TF-3") and SF-5 zoned single-family residence and duplexes, located east of the site. There are LC zoned undeveloped land, offices, medical offices and assisted living apartments located north - northwest of the site, on the west side of West Street. Further north there are also B Multi-family Residential ("B") zoned assisted living and convalescent care facilities and a vacant SF-5 zoned house. A small triangular shaped, SF-5 zoned parcel abuts the site's south side and is developed with two billboards.

CASE HISTORY: The property is part of Lot 2, Gilbert's Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, B, SF-5	Offices, medical offices, assisted living, convalescent care, vacant land, vacant house
EAST:	TF-3, SF-5	Duplexes, single-family residences
SOUTH:	SF-5, RR track, road	Billboard, RR track, bike path, road
WEST:	RR track, road, LC, MF-18, SF-5	RR track, road, tire store, church, apartments, single-family residences

PUBLIC SERVICES: West Street is a four-lane arterial with a center turn lane. Zoo Boulevard is a four-lane arterial with a center turn lane. The traffic counts at this intersection range from 8,897 – 16,114 trips per day. 11th Street is a dead end street, which serves only the subject site; is unlikely to cross the railroad track and is currently being used as a parking lot. The 2030 Transportation Map shows no change to the status to these roads. All public services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the area as appropriate for "Local Commercial" development. The "Local Commercial" category includes commercial, office and personal

service uses that do not have a regional draw. The Commercial Locational Guidelines of the Comprehensive Plan recommend that 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 of the Comprehensive Plan recommend that commercially-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 Unified Zoning Code's (UZC), "Supplementary Use Regulations"; Art.III, Sec.III-D, 6-k (see attached). No outside dog runs or kennels are permitted for a site this size.

RECOMMENDATION: Based on 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 section III.D.6.k of the Wichita-Sedgwick County Unified Zoning Code, 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 in area and always with a handler.

(2) The number of adult dogs and puppies authorized to be boarded shall not exceed 12 at any one time.

(3) The property shall be developed and maintained in accordance with a revised site plan 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 all buildings in conformance with the UZC.

(4) Vacate the 11th Street public right-of-way and execute a lot split or obtain a minor street permit.

(5) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian and proof of identification and ownership for all dogs five months and older.

(6) Cleaning of the boarding 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.

(7) 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.

(8) 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.

(9) The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases 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 Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.

(12) 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 surrounding area**: The area is quartered by the Zoo Boulevard – West Street intersection, plus active railroad (RR) track and a bike path running parallel to Zoo Boulevard. The location and meeting of these two arterial roads, the RR tracks and the bike path make this area an unusually busy mix of vehicular, bike/pedestrian and rail traffic. Development located across the RR track and Zoo Boulevard includes a LC zoned tire store, MF-18 zoned apartments and SF-5 zoned church and houses. West Street separates the site from the TF-3 and SF-5 zoned single-family residence and duplexes, located east of the site. There are LC zoned undeveloped land, offices, medical offices and assisted living apartments located north - northwest of the site, on the west side of West Street. Further north there are also B zoned assisted living and convalescent care facilities and a vacant SF-5 zoned house. A small triangular shaped, SF-5 zoned parcel abuts the site's south side and is developed with two billboards.

2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned LC and could be used for numerous retail and office uses by right.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Potential noise and odors generated by the dogs using the kennel are the potential negative impact. As it is currently developed, with the vacant medical building and occupying only a portion of Lot 2, Gilbert's Addition the proposed kennel will be relatively small in size, as confirmed by the 12 dog/puppy limit. The listed conditions should work to minimize any negative effects.

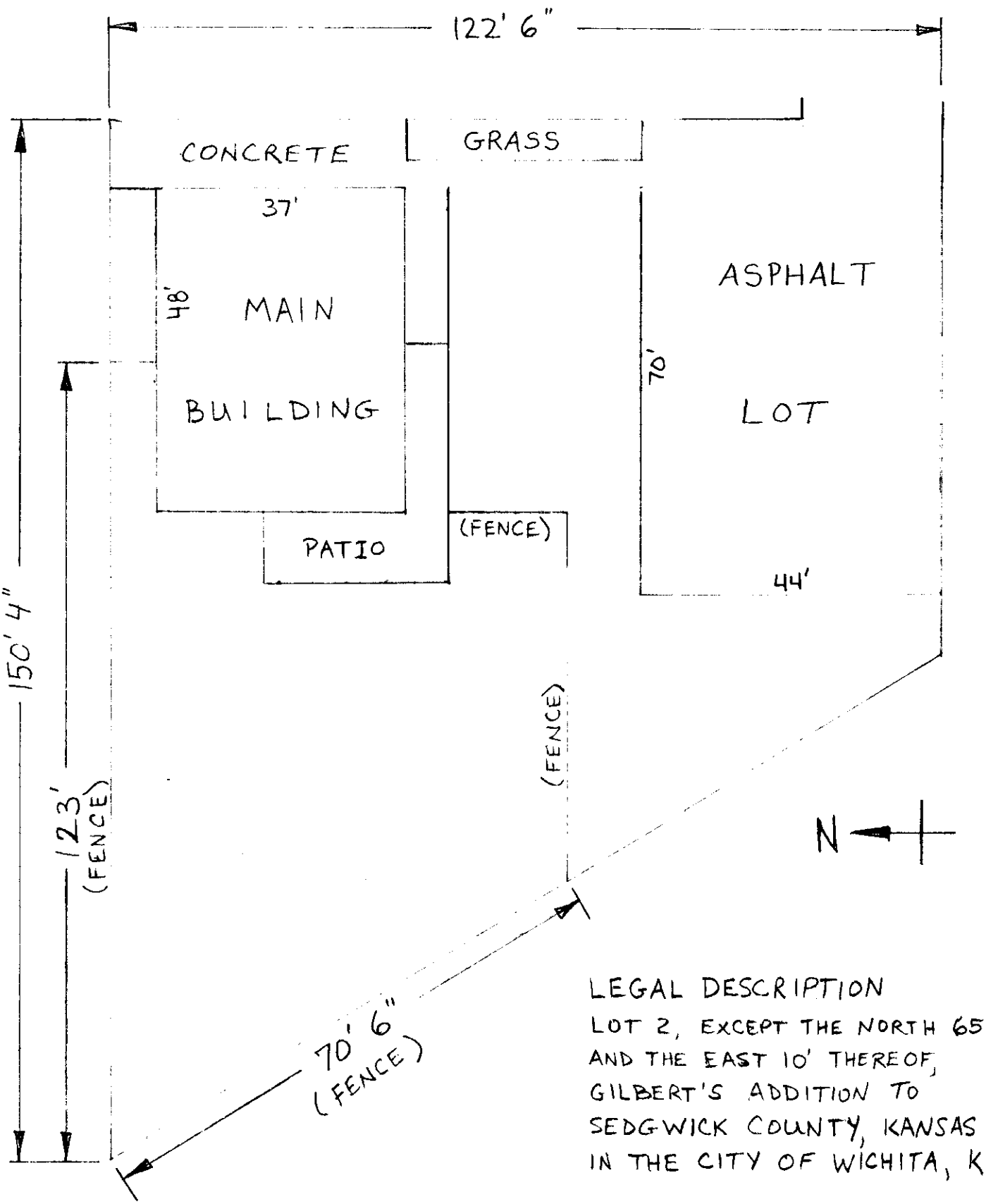
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the area as appropriate for "Local Commercial" development. The "Local Commercial" category includes commercial, office and personal service uses that do not have a regional draw. The Commercial Locational

Guidelines of the Comprehensive Plan recommend that 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 of the Comprehensive Plan recommend that commercially-generated traffic should not feed directly onto local residential streets. The proposed kennel meets most of those criteria. A kennel can be considered for a Conditional Use in the LC zoning district, per the standards of the UZC's "Supplementary Use Regulations"; Art.III, Sec.III-D, 6-k (see attached). No outside dog runs or kennels are permitted for a site of this size.

5. **Impact of the proposed development on community facilities**: Approval should not impact community facilities to any significant degree.

1211 N. WEST ST.
OCT 2008

1" = 20'



LEGAL DESCRIPTION

LOT 2, EXCEPT THE NORTH 65' AND THE EAST 10' THEREOF, GILBERT'S ADDITION TO SEDGWICK COUNTY, KANSAS IN THE CITY OF WICHITA, KS