CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 11, 2010

Kaleb Investment Properties, LLC
535 N. Oliver
Wichita, KS 67208

RE: **CON2010-00011** - City Conditional Use for dog grooming (Animal Care, Limited), on property zoned GO General Office, generally located west of Oliver Avenue, 350 feet north of Central Avenue.

Dear Ladies and Gentlemen:

At its regular meeting on **April 1, 2010**, 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 on the attached resolution.

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

Sincerely,

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Attachment

Copies to: Michael Fieser, 1847 N. Wellington Place, Wichita, KS 67203
Belmont Place, Jeff Mills, 323 N. Belmont St, Wichita, KS 67208
College Hill Na, Attn: President, PO Box 20707, Wichita, KS 67208
Country Overlook, Bill Wynne, 934 N. Crestway, Wichita, KS 67208
Sleepy Hollow, Kim Hamlin, 547 N. Yale, Wichita, KS 67208
WCC I, Lavonta Williams, Mail Stop 1-13
N.A. I, LaShonda Porter, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71

CONDITIONAL USE RESOLUTION NO. CON2010-00011

WHEREAS, Kaleb Investment Properties, LLC, (Owner/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 Animal Care, Limited on 0.17 acres zoned GO General Office ("GO") described as:

> Lot 1, Williams 2nd Addition, Wichita, Sedgwick County, Kansas; generally located north and west of the intersection of North Oliver and East Central (535 N. Oliver)

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 1, 2010, 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 Animal Care, Limited on 0.17 acres zoned GO General Office ("GO") described as:

> Lot 1, Williams 2nd Addition, Wichita, Sedgwick County, Kansas; generally located north and west of the intersection of North Oliver and East Central (535 N. Oliver)

Approved subject to the following conditions:

1. The applicant shall develop the site in substantial compliance with the adopted site plan, and shall comply with all applicable regulations, including but not limited to Sec. III-D.6.c of the Unified Zoning Code.

2. The uses permitted on the site shall be restricted to "animal care, limited" and "GO" General Office uses.

3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

AGENDA ITEM NO. 5

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

District Advisory Board I: April 5, 2010
MAPC: April 1, 2010
Tentative City Council Date: May 4, 2010

CASE NUMBER: CON2010-00011

APPLICANT/AGENT: Kaleb Investment Properties, LLC (Owner/Applicant)
Michael Fieser (Agent)

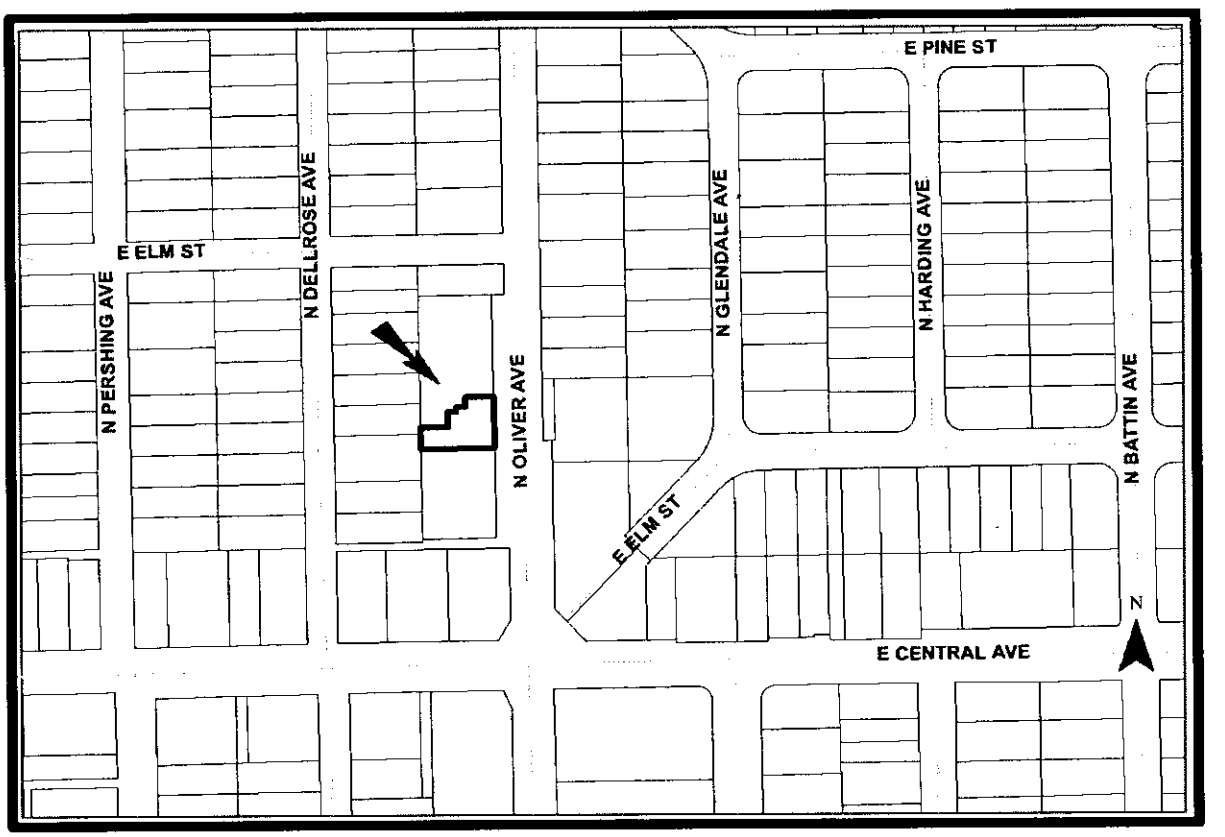
REQUEST: Conditional Use to permit a facility for dog grooming

CURRENT ZONING: GO General Office ("GO")

SITE SIZE: 0.17 acre

LOCATION: Generally located north and west of the intersection of N. Oliver and E. Central. (535 N. Oliver)

PROPOSED USE: Animal Care, Limited



BACKGROUND: The applicant is requesting a Conditional Use permit to allow "animal care, limited" (pet grooming) on a 0.17-acre lot located northwest of the intersection of North Oliver Avenue and East Central Avenue (Lot 1, Williams 2nd Addition). The site is currently zoned GO General Office ("GO"). The applicant proposes to use an existing structure for the use. Access would be off Oliver Avenue. There are three parking spaces on the lot; however, there are 27 additional spaces on property located north of the subject site, also owned by the applicant. There would not be any outdoor runs or kennels, nor will there be any boarding or day care of any kind with the proposed operation.

The applicant's site plan depicts the proposed use as being located in the south quadrant of the site with parking located along the north side of the existing building. The existing building, shown on the site plan, conforms to all applicable setbacks. The site plan depicts 30 total parking spaces. The site plan shows two uses on the site, the existing structure for the proposed pet grooming use and an apartment complex. The code calls for four spaces per 1,000 square feet of building area for the pet grooming use and 1.25 spaces per efficiency and one-bedroom dwelling unit. The current and proposed uses on the site require a total of 30 parking spaces. The number of existing parking spaces meets the minimum number required. Two access points off of Oliver are shown in the eastern portion of the site's street frontage, which is consistent with existing platted access controls.

The zoning of the surrounding property ranges from TF-3 Two-family Residential ("TF-3") to LC Limited Commercial ("LC"). Property to the north is zoned GO and TF-3, and is developed with apartments and a single-family residence. Property to the east of the subject site, across North Oliver, is zoned LC and B Multi-family Residential ("B"), and is currently developed with a fast food restaurant and a single-family residence. Property to the south of the subject site is zoned LC, and is developed with an office building. Property to the west of the subject site is zoned TF-3, and is developed with single-family residences.

The GO district permits a single tenant pole or ground sign up to 32 square feet in area with a maximum sign height of 22 feet. No ground sign may be located within 15 feet of an adjacent property. Lighting is limited to indirect or internal white light. Flashing or moving images are prohibited. Building signs are also limited to a maximum of 32 square feet and a height of 30 feet. One building sign per elevation is permitted provided that the sign is facing a street or nonresidential zoning or have 150 feet of parking, loading or open space between the sign and residentially zoned land.

"Animal Care, Limited" is a use permitted in the GO zone district only with a "Conditional Use" subject to the following conditions: 1) no noise or odor shall be discernable at the property line, 2) treatment of animals shall be limited to dogs, cats and other small animals and 3) all animals shall be harbored indoors.

CASE HISTORY: The subject site is a part of the Williams 2nd Addition which was platted on June 17, 1976. The subject site is currently developed with an office use and garden apartments.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Residences

EAST:	LC	Restaurant
SOUTH:	LC	Office
WEST:	TF-3	Residences

PUBLIC SERVICES: All utilities are available to the subject site. The subject site is accessed off of North Oliver Avenue, a paved, four lane minor arterial with approximately 31,800 Average Daily Trips (ADT's) at its intersection with Central Avenue, just south of the subject site. East Central Avenue is a paved five lane principal arterial with approximately 36,500 ADT's.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." "This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing." In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the **Commercial/Office Objective** to "Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses," as well as **Strategy III.B.6** recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets.

Commercial Locational Guideline #1 of the *Comprehensive Plan* recommends that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. The proposed development complies with this guideline. **Commercial Locational Guidelines #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use; **#5** commercially-generated traffic should not feed directly onto local residential streets and **#6** commercial uses that are not located in planned centers or nodes (including large free-standing buildings, auto-related and non-retail uses) should be guided to other appropriate areas such as the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development.

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

1. The applicant shall develop the site in substantial compliance with the adopted site plan, and shall comply with all applicable regulations, including but not limited to Sec. III-D.6.c of the Unified Zoning Code.
2. The uses permitted on the site shall be restricted to "animal care, limited" and "GO" General Office uses.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set

forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the surrounding area**: The zoning of the surrounding property is range from TF-3 to LC. Property to the north is zoned GO and TF-3 and is developed with apartments and a single-family residence. Property to the east of the subject site, across North Oliver, is zoned LC and B and is currently developed with a fast food restaurant and a single-family residence. Property to the south of the subject site is zoned LC, and is developed with an office building. Property to the west of the subject site is zoned TF-3 and is developed with single-family residences.

2. **The suitability of the subject property for the uses to which it has been restricted**: The site is currently zoned GO General Office. The GO district permits a wide range of uses that could be appropriate at this location.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property**: Approval of this request should not detrimentally affect nearby properties given the fact that all services associated with this use must be conducted inside.

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 adds a potential use that could be developed on the site, thereby bringing a service closer to potential clients. Denial presumably would be an economic loss to the property owner.

5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies**: The Land Use Guide of the Comprehensive Plan identifies this area as "Local Commercial." "This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing." In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the **Commercial/Office Objective** to "develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses," as well as **Strategy III.B.6** recommends that traffic generated by commercial activities be channeled to the closest major thoroughfare with minimum impact upon local residential streets.

6. **Impact of the proposed development on community facilities**: All services are in place, and any increased demand on community facilities can be handled by current infrastructure.

SITE PLAN for Kaleb Investment Properties, LLC

535 & 547 N. OLIVER
WICHITA, KS 67208

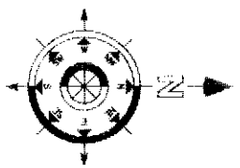
Prepared by: Michael Fieser / Managing Member

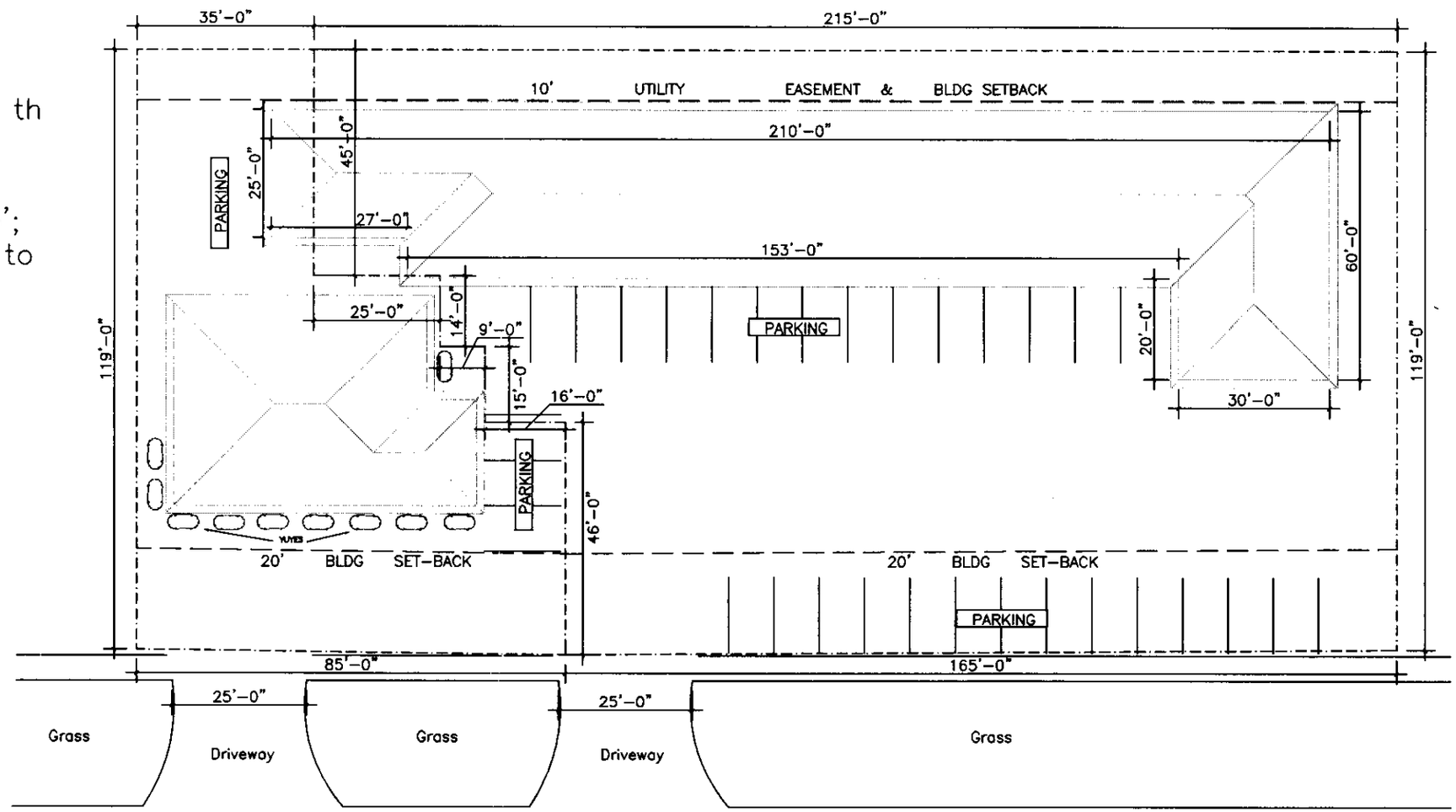
Conditional Use: To use 535 N. Oliver for a PET GROOMING SALON ONLY. There will be NO boarding or day care of any kind.

There will be no modifications to existing structure or features.

Legal;

Beg at the SE cor Lot 1; th N 85'; th W 46'; th S 16.50'; th W 16.50'; th S 10'; th W 13'; th S 23.50'; th W to the W line; th S to the SW cor; thE to beg





N. Oliver

SCALE: 1" = 30'