

Agenda Item # _____

City of Wichita
City Council Meeting
June 20, 2000

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: **ZON2000-00016 - ZONE CHANGE FROM "B" MULTI-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE; AND**

CON2000-00014 - CONDITIONAL USE PERMIT TO ALLOW ANIMAL CARE LIMIT (SMALL ANIMAL CLINIC), GENERALLY LOCATED SOUTH OF CENTRAL, EAST OF STRATFORD DRIVE (7015 EAST CENTRAL.

(District #II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve, subject to conditions.

Staff Recommendation: Approve, subject to conditions and the additional provisions of a Protective Overlay (6-4)

Background: The applicant is seeking a zone change from the "B", Multiple-family Residential district to the "GO", General Office district, and a Conditional Use Permit for "animal care, limited" (small animal clinic) on property located south of Central, east of Stratford Drive (extended) (7015 E. Central). The property is currently developed with an office building containing space for four tenants, two of which are currently occupied. The applicant indicates all services and kennel spaces would be located indoors.

Surrounding land uses are: single family residential ("SF-6", Single family Residential) north of Central; multi-family residential ("B", Multi-family Residential) on the east and south; and a synagogue ("SF-6", Single family Residential) on the west. Access to the site is via two access points located on Central. Screening fencing currently exists along the south, east and west side of the property.

The "Unified Zoning Code" allows "animal care, limited" in the "GO" district if "no noise or odor is discernable at the property line, all animals shall be harbored indoors and treatment of animals shall be limited to dogs, cats and other small animals."

On May 25, 2000, the MAPC heard this case. Four adjoining property owners spoke in opposition. They cited potential decrease in property value and the enjoyment of their property caused by the additional uses which the "GO" district would permit, potential increase in noise and odor and difficulty of gaining the applicant's cooperation in addressing fence maintenance issues. They also indicated this was the third time they have had to protest a more intensive zoning request on this property. In their opinion, the current zoning is appropriate. Approval of "GO" zoning would introduce more intense uses in a residential setting.

MAPC recommended approval of the request, subject to:

1. Protective Overlay No. 73 which restricts uses to those permitted in the existing "B" Multi-family district, plus animal care, limited and general office uses as described in the "office, general" definition contained in the Unified Zoning Code.
2. The site shall be developed and utilized in general conformance with the site plan submitted with this request.
3. Any violation of the conditions of approval shall render the conditional use permit null and void.

Recommended Action:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District; place the ordinance establishing the zone change on first reading; or
2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a 2/3 majority vote of the membership of the governing body on the first hearing.)



Wichita-Sedgwick County Metropolitan Area Planning Department

June 21, 2000

OLC Properties
%Rusty Eck
7310 E. Kellogg
Wichita, KS 67207

FILE COPY

RE: CON2000-14 and ZON2000-16 – Zone change from “B” Multiple-Family Residential to “GO” General Office with a Conditional Use to permit Animal Care, Limited (small animal clinic). Generally located south of Central, east of Stratford Drive (7015 E. Central).

Dear Ladies and Gentlemen:

At its regular meeting on June 20, 2000, the Wichita City Council considered the above-captioned request. The action of the City Council was to DENY based on the following facts:

- 1) The property in question is zoned “B” Multifamily, a residential category. Although medical office uses are permitted in this district, they have been recognized as one of a limited number of non-residential uses that have been allowed as exceptions in this district for decades in the City’s zoning code. All of the land for more than ¼ mile in all directions is zoned in even more restrictive residential categories, and with the exception of the temple to the west, is developed with residential uses. Approving any kind of commercial zoning district, even the proposed General Office district, would be out of character with the pattern established in this area and could be used as justification for additional rezoning changes on this property or other properties in the vicinity.
- 2) The applicant has not demonstrated that the property is unsuited for the uses that are permitted by the present zoning category. This building has been well-occupied for years for medical office uses. Other uses, such as residential uses and private clubs, are also permitted under the current zoning.

- 3) The Land Use Guide of the Comprehensive Plan depicts this tract and the adjacent apartments as appropriate for "high density residential" use, surrounded by lower density residential use. This appears to recognize the intent to limit the uses permitted on this property rather than expand it to allow additional commercial uses.
- 4) Significant neighborhood opposition has been registered with regard to this zoning change, as documented in the minutes of the MAPC hearing, and through written protests filed by 12 property owners representing 57.7 percent of the land surround and within 200 feet of the property. Similar neighborhood opposition led to the denial or withdrawal of previous rezoning requests for this property in 1984 and 1986.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office at 268-4421.

Sincerely,



Dale Miller
Chief Planner

DM/rs

Cc: Austin Miller, %Kim Edgington, 355 N. Waco, Suite 200, Wichita, KS 67202
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Vicky Huang, Engineering 1-71
Kurt Schroeder, Office of Central Inspection 1-72
Randy Sparkman, Office of Central Inspection 1-72
Paul Hays, Office of Central Inspection 1-72
J.R. Cox, Office of Central Inspection 1-72