

CU-299 - Sam and Lois Clift, Etal. request conditional use permit to establish a veterinary hospital on property to be zoned "LC" on the north side of 31st Street South in an area west of Greenwich Road.

POSTED 8-29-86  
K2  
MAP G  
OK

ACTION

DATE

COMMITTEE

M.A.P.C.

~~P.C.C./R. CO. C.~~

\_\_\_\_\_

*Approved and 9/18/86*

*10-15-86*

*Approved on 10-15-86*

Closed

DATA SHEET

Z- \_\_\_\_\_  
 SCZ- \_\_\_\_\_  
 CJ- 299  
 DR- \_\_\_\_\_  
 DP- \_\_\_\_\_

Amend  
 Case Filed: 8-20-86  
 Associated Case: SCZ-0566

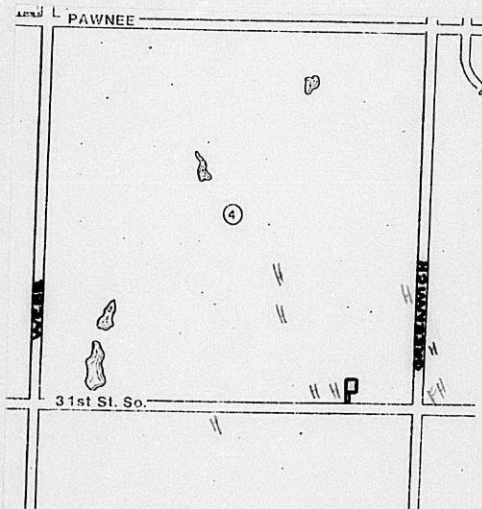
APPLICATION DATA: Map No. 6144 B (MAP G)

1. General Location: On the north side of 31st Street South in an area west of Greenwich Road
  2. From \_\_\_\_\_ to \_\_\_\_\_
  3. Proposed Use: Conditional Use Permit to Establish a Veterinary Hospital on Property to be Zoned "LC" Light Commercial
  4. DP Name: \_\_\_\_\_
  5. Applicant: Sam and Lois Clift  
 Address 10804 East 31st Street South, Wichita, KS. 67210 Phone 685-0616
  6. Applicant: Blair P. Sullivan and Jennifer A. Jull-Sullivan  
 Address 4218 Southeast Boulevard, Wichita, KS. 67210 Phone 524-3071
  7. Agent: Jim W. Crawford  
 Address 1356 North Woodlawn, Wichita, KS. 67208 Phone 687-2222
  8. Agent: David Heibert, Graeger Heibert & Gray, 111 W. Douglas Suite 920, 67202 265-9430
- AREA DATA:  
 1. Acres: .7 ( 106' ft. by 512' ft.)  
 2. Adjoining zoning: N "R-1" S "R-1" E "R-1" W "R-1"  
 3. Land Use: North \_\_\_\_\_ East \_\_\_\_\_  
 South \_\_\_\_\_ West \_\_\_\_\_

PICTURE SHEET

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



NOTES:

*property is not exempt from platting under grandfather clause because Dwight Taylor owned the 804 in 1977 when Hamilton Heights was vacated. He dedicated the street row as a condition of vacation. Then he sold off 10-acre sites.*

T9-214-2

*Blair Doon Subdivision recorded 1-29-87*

FOR AMBER PRINTING AND REPRODUCTION, CONTACT GROVE, CA U.S.A.

**Star**  
 No. 2153C

Published in The Daily Reporter on February 6, 1986

RESOLUTION NO. 245-1986

CASE NO. CU-299

A RESOLUTION TO PERMIT A VETERINARY HOSPITAL ON PROPERTY ZONED "LC" LIGHT COMMERCIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit for a veterinary hospital on property zoned "LC" Light Commercial District is hereby approved on lands legally described as follows:

The west 30 feet of the east 980 feet of the south 400 feet; and the west 76 feet of the east 950 feet of the north 212 feet of the south 400 feet of the SE $\frac{1}{4}$  of Section 4, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 31st Street South in an area west of Greenwich Road.

SUBJECT TO THE FOLLOWING CONDITION:

1. The barn, house and sewage lagoon shall be platted into one lot within one year after County Commission approval.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 15th day of October, 1986.

Bernard A. Pentzen, Chairman  
Bernard A. Pentzen

Donald E. Gragg, Commissioner  
Donald E. Gragg

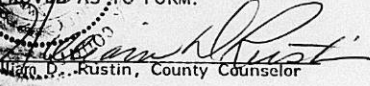
Tom Scott, Commissioner  
Tom Scott

ATTEST:

  
Donald E. Wright, County Clerk



APPROVED AS TO FORM:

  
William D. Kustin, County Counselor

October 15, 1986

Mr. Jim Crawford  
1356 North Woodlawn  
Wichita, Kansas 67208

RE: SCZ-0566 and CU-299 - On the north side of 31st Street South in an area west of Greenwich Road

Dear Mr. Crawford:

On October 15, 1986, the Board of County Commissioners approved the above-referenced cases subject to platting the barn, house and lagoon into one lot within one year or the cases be considered denied and closed. The rezoning and conditional use resolutions will not be published until the plat has been recorded with the Register of Deeds. Your clients will have until October 15, 1987 to record a plat of this property.

Enclosed is a subdivision application form. You will need to contact a surveyor or an engineer to prepare the platting documents for you. This should be done as soon as possible.

This will be our only letter advising you of your platting deadline. If you have not recorded the plat by October 15, 1987, the zone case file and the conditional use file will be marked denied and closed. If you have any questions about this zone change or required plat, please call our office at 268-4421.

Sincerely,

Louise Olivarez  
Senior Planner

LO:blw

cc: Blair P. Sullivan & Jennifer A. Jull-Sullivan, 4218 Southeast Boulevard,  
Wichita, KS. 67210  
Sam and Lois Clift, 10804 East 31st Street South, Wichita, KS. 67210  
David Helbert, Cragert, Heibert & Gray, 111 West Douglas, Suite 920,  
Wichita, KS. 67202

Planning Agenda

Item #

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION  
TO BOARD OF COUNTY COMMISSIONERS

REQUEST FOR ZONING AND  
CONDITIONAL USE PERMIT

SCZ-8666 - ZONE CHANGE FROM "R-1" SUBURBAN RESIDENTIAL TO "LC"  
LIGHT COMMERCIAL, AND

CU-799 - REQUEST FOR CONDITIONAL USE PERMIT TO ESTABLISH A  
VETERINARY HOSPITAL ON PROPERTY TO BE ZONED "LC" LIGHT COMMERCIAL,  
LOCATED ON THE NORTH SIDE OF 31ST STREET SOUTH IN AN AREA WEST  
OF GREENWICH ROAD.

The MAPC recommends that the applications be approved.  
(see minutes for full motion)

Bayouth moved, Parsons seconded and it carried unanimously. Gardner was absent.

**ACTION:**

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and conditional use permit subject to the condition of platting; adopt a resolution establishing the zone change and conditional use and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
2. Adopt findings and deny the application.

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**DATA AND MINUTES**

MAPC Hearing Date: 9-18-86

BCoC Hearing Date: 10-15-86

COMMISSION DISTRICT #2

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Barn	"R-1"	0.7 acres
North	Undeveloped	"R-1"	
South	Agriculture	"R-1"	
East	Sewage lagoon and Undeveloped	"R-1"	
West	Single-family house	"R-1"	

History: Property included in 1948 plat of Hamilton Heights which was vacated in 1977.

Applicant: Blair P. Sullivan and Jennifer A. Jull-Sullivan (contract purchasers), 4218 Southeast Boulevard, Wichita, KS 67210.

Protestors: Ralph Lott, 914 2nd Circle, Douglass, KS.

NOTE: Valid protest petitions have been filed by owners of 76% of the property within 1000 feet of the application area. This will require a unanimous vote of the Commission to grant the zone change and conditional use permit.

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EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 18, 1986

LEGAL:

- 3a. Case No. SCZ-0566 - Blair P. Sullivan and Jennifer A. Jull-Sullivan request zone change from "R-1" to "LC" for the west 30 feet of the east 980 feet of the south 400 feet; and the west 76 feet of the east 950 feet of the north 212 feet of the south 400 feet of the SE $\frac{1}{4}$  of Section 4, Township 2 $\frac{1}{2}$  South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 31st Street South in an area west of Greenwich Road.
- 3b. Case No. CU-299 - Blair P. Sullivan and Jennifer A. Jull-Sullivan request Conditional Use Permit for the west 30 feet of the east 980 feet of the south 400 feet; and the west 76 feet of the east 950 feet of the north 212 feet of the south 400 feet of the SE $\frac{1}{4}$  of Section 4, Township 2 $\frac{1}{2}$  South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 31st Street South in an area west of Greenwich Road.

OLIVAREZ pointed out land use, zoning and showed slides of the general area. She reviewed the following staff report:

**Background:** The applicant is requesting a zone change from "R-1" to "LC" and a conditional use permit for a veterinary hospital for a 0.7-acre unplatted tract of land located on the north side of 31st Street South in an area west of Greenwich Road. The site is part of a 10-acre ownership on which are located a single-family house, a barn, and a sewage lagoon. The applicant proposes to convert the barn into the veterinary hospital.

**Analysis:** Animal hospitals are first permitted in the "LC" district with a conditional use permit. The relatively small size of this application area is due to the fact that there will be no outside areas used for the boarding or exercising of animals.

The Health Department has analyzed the existing sewage lagoon on this applicant's land and judged that it should adequately handle the one proposed restroom in the animal hospital. However, several maintenance items need to be performed to bring the lagoon up to acceptable standards. These items were listed in a memo provided to the applicant's agent.

A building permit and an occupancy permit will be needed to convert this barn into an animal hospital. Prior to those permits being issued, the property will need to be platted. Since the existing sewage lagoon serves the house as well as the future veterinary hospital, a plat shall include both structures as well as the lagoon in one lot. The owner may wish to plat the balance of his ownership into a second lot.

A recommendation of approval of the zone change should be subject to approval of the associated conditional use permit and subject to the platting of the barn, house and lagoon into one lot within one year after County Commission approval or the zone change shall be considered denied and the case closed. The resolution establishing the zone change shall not be published until the plat is recorded.

A recommendation of approval of the conditional use permit for a veterinary hospital should be subject to approval of the associated request for light commercial zoning and subject to the platting of the barn, house and lagoon into one lot within one year after County Commission approval or the case shall be considered denied and closed. The resolution establishing the conditional use permit shall not be published until the plat is recorded.

DISCUSSION:

OLIVAREZ stated that the application area was only 7/10ths of an acre, and the reason that it is rather small is that there is not to be any outside exercising or boarding of animals. It will all take place in the structure. There is an existing barn on the property which the contract purchaser would like to convert into the veterinary hospital. There is also a single family dwelling west of the barn, and the sewage lagoon which serves the house area is east of the barn. OLIVAREZ pointed out that the light commercial area would be a portion of a large 10-acre ownership, and the conditional use

permit would allow for the use of the light commercial site for a veterinary hospital.

OLIVAREZ stated that the Health Department has analyzed the sewage lagoon which serves the residence and they have indicated that it would be sufficient to provide adequate service for the veterinary hospital since they propose to have only one restroom facility in the building. She said that staff recommended that, since the lagoon serves the home west of the barn, and since this is an area with sewage lagoons which requires a minimum of five acres for each lagoon, at least five acres be included in the plat. She added that with regard to the balance of the applicant's ownership, he may wish to plat the second lot at this time and have a platted lot available should be want to develop the rest of his 10-acre ownership. Staff recommended approval of the requests subject to platting the property within one year.

OLIVAREZ mentioned that a letter was received from an adjacent property owner pointing out that there were some restrictive covenants on this property limiting the use to single family use only. The applicant is aware of that and he and his attorney are working to try to get these covenants lifted on the property.

DAVID HIEBERT, attorney representing the applicants, stated that they were aware of Mr. Lott's protest to this application. He said that Mr. Lott's property directly to the west is basically an undeveloped lot. It does have a metal building on it at this time. He said that it was their understanding that Mr. Lott intends to build his home on that property. HIEBERT said that they hope that they would be able to comply with any requirements that Mr. Lott may have and would attempt to work with him.

HIEBERT stated that Jennifer Sullivan's intentions were to have an animal hospital. Seventy-five percent of her practice is small animals; 25 percent of her practice is larger animals, including horses. There will be no outside boarding of any animals or horses, and only on rare occasions will horses even be outside the barn. The barn has approximately 3,000 square feet in it now. She anticipates that she will develop 1500 of those feet for the use as a hospital. That will leave another 1500 feet to keep the animals in if she has to keep them overnight. HIEBERT said that the largest veterinary hospital in Wichita has 3,000 square feet in it. There is no intention of changing the nature of the property other than to redo the interior of the barn. He said that the Sullivans intend to make their home there. They are interested in property values just like anybody else in the area. They want to increase the property values if possible.

HIEBERT pointed out that part of this property is already zoned light commercial and has been that way for a long time. They are asking that an additional small area of this property be changed to light commercial. He said that they acknowledge the existence of the covenants. They are dealing with that now. He said that one of their supporters is a member of the architectural committee. He mentioned that they have spoken to most of the owners, some they have not been able to contact, and a vast majority of the owners are supportive of the requests.

JENNIFER SULLIVAN, applicant, stated that it had been her hope to have her home, one child, and hopefully future children, business and hobby all in the same place, and this property would allow her to do that. She said that she was very interested in keeping the business looking like it belongs in that area and not disrupting the tranquility of the area. She felt that they would be good neighbors and be able to run a quiet business and keep it looking good in that area.

DWAYNE EBERT, 2821 South 107th Street East, stated that he had no opposition to the veterinary hospital, and felt that it would enhance the area.

RALPH LOTT, 914 2nd Circle, Douglass, Kansas, stated that he presently resides in Douglass, Kansas, and has property in Wichita as well. He wanted to point out that the owners in this area bought the land knowing about the restrictive covenants and feeling that these covenants would protect the residential status. He said that he was speaking of all of the 14 subdivision plots that are in this quarter section. It was laid out in 1976 and took effect after the zoning was put in there for light commercial on the corner. He said that the covenants could be changed by two-thirds of the owners as provided by

the covenants, and he felt that if they were making a change that this would be the first step to do rather than bring a rezoning request before the Planning Commission.

MOORE responded that a statement had already been made that the Commission could not consider covenants.

LOTT said that he realized that, but in doing so they were promoting this in a manner.

LOTT continued that he believed that commercial property in an area that has been designated as residential with the intention of 10-acre lots, and there are four homes on there in excess of \$100,000, degrade that area. Because without the covenants being in effect, they have no restrictions whatsoever in that area.

**MOTION:** Having considered the factors as contained in Policy Statement No. 10; taking into consideration the character of the neighborhood; the zoning and uses of properties nearby; the suitability of subject property for the uses proposed; and the recommendation of staff; I move that we recommend to the governing body that these applications be approved subject to the platting of the barn, house and lagoon into one lot within one year after County Commission approval or the cases shall be considered denied and closed. The resolutions establishing the zoning and conditional use permit shall not be published until the plat is recorded. Bayouth moved, Parsons seconded and it carried unanimously. Gardner was absent.

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Published in The Daily Reporter on \_\_\_\_\_, 1986

RESOLUTION NO. \_\_\_\_\_

CASE NO. CU-299

A RESOLUTION TO PERMIT A VETERINARY HOSPITAL ON PROPERTY ZONED "LC" LIGHT COMMERCIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit for a veterinary hospital on property zoned "LC" Light Commercial District is hereby approved on lands legally described as follows:

The west 30 feet of the east 980 feet of the south 400 feet; and the west 76 feet of the east 950 feet of the north 212 feet of the south 400 feet of the SE $\frac{1}{4}$  of Section 4, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 31st Street South in an area west of Greenwich Road.

SUBJECT TO THE FOLLOWING CONDITION:

1. The barn, house and sewage lagoon shall be platted into one lot within one year after County Commission approval.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_, Chairman  
Bernard A. Hentzen

\_\_\_\_\_, Commissioner  
Donald E. Gragg

\_\_\_\_\_, Commissioner  
Tom Scott

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM:

William D. Kustin, County Counselor

FIDELITY DEVELOPMENT, INCORPORATED



October 6, 1986

Mr. Jack Galbraith  
City Planning Department  
455 No. Main  
Wichita, Kansas 67202

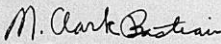
Re: Zoning Appeal  
Case #SCZ-0566  
From RI to LC

Dear Mr. Galbraith:

On September 29, 1986, I was invited to sign a petition on behalf of Fidelity Development, Inc., against the above referenced zoning appeal. Since then, I have been contacted by the owner and more fully understand the scope of his project. In my opinion, the proposed Veterinary Hospital would not be a detriment to the surrounding property.

I, therefore, respectfully request that the name of Fidelity Development, Inc. be removed from the list of protestors on zoning appeal #SCZ-0566.

Sincerely,

  
M. Clark Bastian  
President

MCB:sm

SC Z - 0566 1/2 CU-299

Total Area	<u>4,182,935</u>	SQ. FT.
Application Area	<u>26,912</u>	"
Street R/W	<u>300,200</u>	"
Net Area	<u>3,855,823</u>	"
20% of Net Area	<u>771,164.6</u>	"
Net Protest Area	<u>2,948,643</u>	"
Total % Protesting	<u>76</u>	%

Z -

Total Area	<u>4,182,935</u>	SQ. FT.
Application Area	<u>26,912</u>	"
Street R/W	<u>300,200</u>	"
Net Area	<u>3,855,823</u>	"
20% of Net Area	<u>771,164.6</u>	"
Net Protest Area	<u>1,399,152</u>	"
Total % Protesting	<u>36.3</u>	%

*0% if Fidelity's protest is withdrawn*

8.990 +  
3.990 +  
12.980 \*

0.175

13. x  
0.75 =  
9.75 \*

0. \*

450.000 +  
30.000 -  
255.000 -  
165.000 \*

30.000 +  
30.000 +  
27.000 +  
306.000 +  
6.000 +  
399.000 \*

40. ÷  
1.8 =  
22.222 \*

40. ÷  
1.8 =  
22.222 \*

9.000 +  
4.000 +  
13.000 \*

13. x  
0.75 =  
9.75 \*

212. x  
76. =  
16,112. \*

360. x  
30. =  
10,800. \*

16,112.000 +  
10,800.000 +  
26,912.000 \*

6,179. x  
676.96 =  
4,182,935.84 \*

2,085. x  
75. =  
156,375. \*

1,075. x  
55. =  
59,125. \*

156,375.000 +  
59,125.000 +  
215,500.000 \*

1,210. x  
70. =  
84,700. \*

add 10 str w 84,700.000 +

Total R/w 215,500.000 +  
300,200.000 \*

1,365. x  
840. =  
1,146,600. \*

lg white area

Sm 194. x  
white 297.28 =  
area 57,672.32 \*

Total 4,182,935.000 +  
app 26,912.000 -  
STRw 300,200.000 -

Net Area 3,855,823.000 \*

3,855,823. x  
0.20 =  
771,164.60 \*

20% of NA

~~3,855,823.000 +~~  
~~1,504,472.000 +~~  
~~5,360,295.000 \*~~

Total 4,182,935.000 +

white → 1,146,600.000 -

area small white 57,672.000 -

STR/w 30,020.000 -  
2,948,643.000 \*

2,948,643. ÷  
3,855,823. =  
0.765 \*

0. \*6

Township 28 South, Range 2 East, except the East 1385 feet thereof subject to easement on the East 70 feet and the South 40 feet.

Edith Marie Lott  
914 Second Circle  
Douglas, KS 67039

**SECTION I: Zone Change or Conditional-Use Being Protested.**

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-0566, zone change from R-1 to LC OR Case No. CU-299, request for establishment of VETERINARY HOSPITAL in the LC zoning district.

Legal description of property included in the above case:

THE WEST 30 FEET OF THE EAST 450 FEET OF THE SOUTH 400 FEET; AND THE WEST 76 FEET OF THE EAST 450 FEET OF THE NORTH 212 FEET OF THE SOUTH 400 FEET OF THE SE 1/4 OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.

GENERALLY LOCATED ON THE NORTH SIDE OF 31<sup>ST</sup> STREET SOUTH IN AN AREA WEST OF GREENWICH ROAD

**SECTION II: Protestor's Name and Property Description.**

A. Legal description of property owned by protestor:

THE SOUTH 515 FEET OF THE SE 1/4 OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST, EXCEPT THE EAST 1385 FEET THEREOF SUBJECT TO EASEMENT ON THE EAST 70 FEET AND THE SOUTH 40 FEET.

B. Name(s) of protestor(s):

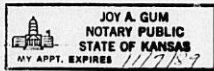
(a) Ralph Eugene Lott (b) Edith Marie Lott  
Signature Signature  
Ralph Eugene Lott Edith Marie Lott  
Typed or Printed Name Typed or Printed Name

**ACKNOWLEDGEMENT**

State of Kansas )  
County of Sedgwick ) ss



The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of September, 1986, by Ralph Eugene Lott & Edith Marie Lott



Joy A. Gum  
Notary Public

My Appointment expires 11/7/89

**ALL SIGNATURES MUST BE ACKNOWLEDGED**

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

SECTION I: Zone Change or Conditional-Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-0566, zone change from R-1 to LC OR Case No. CU-299, request for establishment of VETERINARY HOSPITAL in the LC zoning district.

Legal description of property included in the above case:

THE WEST 30 FEET OF THE EAST 450 FEET OF THE SOUTH 400 FEET; AND THE WEST 36 FEET OF THE EAST 450 FEET OF THE NORTH 212 FEET OF THE SOUTH 400 FEET OF THE NE<sup>1/4</sup> OF SECTION 9, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6<sup>TH</sup> P.M., SEDGWICK COUNTY, KANSAS.

GENERALLY LOCATED ON THE NORTH SIDE OF 3<sup>RD</sup> STREET SOUTH 10<sup>TH</sup> AND NORTH WEST OF FIDELITY ROAD

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

THE N<sup>1/2</sup> OF THE NE<sup>1/4</sup> OF SECTION 9,  
TOWNSHIP 28 SOUTH, RANGE 2 EAST. OK

B. Name(s) of protestor(s):

(a) M. Clark Bastian  
Signature  
FIDELITY DEVELOPMENT, INC.  
M. Clark Bastian, President  
Typed or Printed Name

(b) \_\_\_\_\_  
Signature  
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas )  
County of Sedgwick ) ss



The foregoing instrument was acknowledged before me this 29th day of September, 1986 by M. Clark Bastian, President of Fidelity Development, Inc.

Shirley R. McColm  
Notary Public Shirley R. McColm

My Appointment expires \_\_\_\_\_



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

SECTION I: Zone Change or Conditional Use Being Protested.

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SC2-0566, zone change from R-1 to LC OR Case No. CU-299, request for establishment of VETERINARY HOSPITAL in the LC zoning district.

Legal description of property included in the above case:

THE WEST 30 FEET OF THE EAST 450 FEET OF THE SOUTH 100 FEET OF THE WEST 76 FEET OF THE EAST 450 FEET OF THE NORTH 212 FEET OF THE SOUTH 400 FEET OF THE SE<sup>1</sup>/<sub>4</sub> OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6<sup>TH</sup> P.M., SEDGWICK COUNTY, KANSAS.

GENERALLY LOCATED ON THE NORTH SIDE OF 31<sup>ST</sup> STREET SOUTH 10<sup>TH</sup> AND AREA WEST OF CLEVELAND ROAD

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 2 EAST. OK

B. Name(s) of protestor(s):

(a) M. Clark Bastian  
Signature  
FIDELITY DEVELOPMENT, INC.  
M. Clark Bastian, President  
Typed or Printed Name

(b) \_\_\_\_\_  
Signature  
Typed or Printed Name

ACKNOWLEDGEMENT

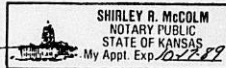
State of Kansas )  
County of Sedgwick ) ss



The foregoing instrument was acknowledged before me this 29th day of September, 1986, by M. Clark Bastian, President of Fidelity Development, Inc.

Shirley R. McColm  
Notary Public Shirley R. McColm

My Appointment expires \_\_\_\_\_



ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

Revised 1/85

beginning at a point 515 feet North and 1385 feet West of the SE 1/4 of the SE 1/4 of Section 4, Township 28 South, Range 2 East; th. West parallel with the South line of said SE 1/4, 1273.9 feet m/l to the West line of said SE 1/4; th. North along the West line of said SE 1/4, 360 feet; th. East parallel with the South line of said SE 1/4, 1277.3 feet m/l to a point 1385 feet West of the East line of said SE 1/4; th. South 360.0 feet to the p.o.b., subject to road easement on the East 70 feet thereof.

T-C Investment Corp.  
c/o John Callahan  
245 Arcadia  
Wichita, KS 67212

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-0566, zone change from R-1 to LC OR Case No. CU-299, request for establishment of VETERINARY HOSPITAL in the LC zoning district.

Legal description of property included in the above case:

THE WEST 30 FEET OF THE EAST 480 FEET OF THE SOUTH 400 FEET; AND THE WEST 76 FEET OF THE EAST 950 FEET OF THE NORTH 212 FEET OF THE SOUTH 400 FEET OF THE SE 1/4 OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6th P.M., SEDGWICK COUNTY, KANSAS.

GENERALLY LOCATED ON THE NORTH SIDE OF 31st STREET SOUTH IN AN AREA WEST OF GREENWICH ROAD.

SECTION II: Protestor's Name and Property Description.

A. Legal description of property owned by protestor:

Beginning at a point 515 feet North and 1385 feet West of the SE 1/4 corner of the SE 1/4 of Section 4, Township 28 South, Range 2 East; th. West parallel with the South line of said SE 1/4, 1273.9 feet m/l to the West line of said SE 1/4; th. North along the West line of said SE 1/4, 360 feet; th. East parallel with the South line of said SE 1/4, 1277.3 feet m/l to a point 1385 feet West of the East line of said SE 1/4; th. South 360.0 feet to the p.o.b., subject to road easement on the East 70 feet thereof.

B. Name(s) of protestor(s):

(a) Dwight H. Taden Signature  
Dwight H. Taden  
T-C INVESTMENT CORP.  
Typed or Printed Name

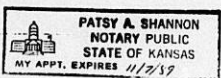
(b) \_\_\_\_\_ Signature  
\_\_\_\_\_  
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas )  
County of Sedgwick ) ss



The foregoing instrument was acknowledged before me this 29th day of September, 1986, by Patsy A. Shannon DWIGHT H. TADEN  
PRES OF T-C INVESTMENT CORP.



Patsy A. Shannon  
Notary Public

My Appointment expires November 7, 1989.

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

Beginning at a point 1235 feet North of the SE/4 of the SE/4 of Section 4, Township 28 South, Range 2 East; th. North along the East line of said SE/4, 360 feet; th. West parallel with the South line of said SE/4, 1383.01 feet; th. South 360.04 feet to a point 1383.01 feet West of the p.o.b.; th. East 1383.01 feet to beginning, except the East 60 feet thereof dedicated for road.

T-C Investment Corp.  
c/o John Callahan  
245 Arcadia  
Wichita, KS 67212

**SECTION I: Zone Change or Conditional Use Being Protested.**

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-0566, zone change from R-1 to LC OR Case No. CU-299, request for establishment of VETERINARY HOSPITAL in the LC zoning district.

**Legal description of property included in the above case:**

THE WEST 30 FEET OF THE EAST 950 FEET OF THE SOUTH 400 FEET; AND THE WEST 76 FEET OF THE EAST 950 FEET OF THE NORTH 212 FEET OF THE SOUTH 400 FEET OF THE SE/4 OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6th P.M., SEDGWICK COUNTY, KANSAS.

GENERALLY LOCATED ON THE NORTH SIDE OF 31st STREET SOUTH IN AN AREA WEST OF STEVENSON ROAD

**SECTION II: Protestor's Name and Property Description.**

**A. Legal description of property owned by protestor:**

Beginning at a point 1235 feet North of the SE/4 of the SE/4 of Section 4, Township 28 South, Range 2 East; th. North along the East line of said SE/4, 360 feet; th. West parallel with the South line of said SE/4, 1383.01 feet; th. South 360.04 feet to a point 1383.01 feet West of the p.o.b.; th. East 1383.01 feet to beginning, except the East 60 feet thereof dedicated for road.

**B. Name(s) of protestor(s):**

(a) Dwight H. Tladen  
Signature

(b) \_\_\_\_\_  
Signature

Dwight H. Tladen  
T-C Investment Corp.  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

**ACKNOWLEDGEMENT**

State of Kansas )  
County of Sedgwick ) ss



The foregoing instrument was acknowledged before me this 29th day of September, 1986, by Patsey A. Shannon DWIGHT H. TLADEN  
PROPS OF T-C INVESTMENT CORP.



Patsey A. Shannon  
Notary Public

My Appointment expires November 7, 1989.

**ALL SIGNATURES MUST BE ACKNOWLEDGED**

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

**PROTEST PETITION**  
(COUNTY CASES)

**SECTION I: Zone Change or Conditional-Use Being Protested.**

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-0566, zone change from R-1 to LC OR Case No. CU-299, request for establishment of VETERINARY HOSPITAL in the LC zoning district.

Legal description of property included in the above case:  
 THE WEST 30 FEET OF THE EAST 450 FEET OF THE SOUTH 400 FEET; AND THE WEST 76 FEET OF THE EAST 450 FEET OF THE NORTH 212 FEET OF THE SOUTH 400 FEET OF THE SE 1/4 OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SPRAWFORD COUNTY, KANSAS.  
 GENERALLY LOCATED ON THE NORTH SIDE OF 31<sup>ST</sup> STREET SOUTH IN AN AREA WEST OF STEELWORTH ROAD

**SECTION II: Protestor's Name and Property Description.**

A. Legal description of property owned by protestor: *Beginning at a point 875 ft. north and 1,375 ft west of the S.E. corner of the S.E. 1/4 of Sec. 4, Township 28-S, R-2-E; thence west parallel with the south line of said S.E. 1/4, 1,277.3 ft. more or less to the west line of said S.E. 1/4; thence north along the west line of said S.E. 1/4, 360 ft; thence east parallel with the south line of said S.E. 1/4, 1,287.69 ft. more or less to a point 1,383.0 ft. west of the east line of said S.E. 1/4. thence south 360.04 ft. to the point of beginning, subject to road easement on the east 70 ft. thereof.*  
 B. Name(s) of protestor(s):

(a) Brett D. Hite  
 Signature  
BRETT D. HITE  
 Typed or Printed Name

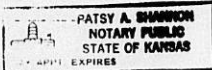
(b) Kay A. Hite OK  
 Signature  
KAY A. HITE  
 Typed or Printed Name

**ACKNOWLEDGEMENT**

State of Kansas )  
 County of Sedgwick ) ss



The foregoing instrument was acknowledged before me this 1st day of October, 1986, by Patsy A. Shannon Clerk  
HITE AND KAY A. HITE



Patsy A. Shannon  
 Notary Public

My Appointment expires 11/7/89

**ALL SIGNATURES MUST BE ACKNOWLEDGED**

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

PROTEST PETITION  
(COUNTY CASES)

**SECTION I: Zone Change or Conditional Use Being Protested.**

The undersigned, property owners in Sedgwick County, Kansas, hereby protest the proposed change of zoning OR conditional use permit for property described as Case No. SCZ-0566, zone change from R-1 to LC OR Case No. CU-299, request for establishment of VETERINARY HOSPITAL in the LC zoning district.

Legal description of property included in the above case:  
THE WEST 30 FEET OF THE EAST 450 FEET OF THE SOUTH 400 FEET; AND THE WEST 76 FEET OF THE EAST 450 FEET OF THE NORTH 212 FEET OF THE SOUTH 400 FEET OF THE SE 1/4 OF SECTION 4, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.

GENERALLY LOCATED ON THE NORTH SIDE OF 31ST STREET SOUTH IN AN AREA WEST OF STEELWORTH ROAD

**SECTION II: Protestor's Name and Property Description.**

A. Legal description of property owned by protestor: Beginning at a point 875 feet north of the SE 1/4 of the SE 1/4 of Sec. 4, Township 28 S. Range 2 E; th. No. along the east line of said SE 1/4, 360 ft.; th. west parallel with the so. line of said SE 1/4, 1383.01 ft., then So. 360.04 ft. to a point 1385 feet west of the P.O.B.; th. east 1385 ft. to the beginning, except the East 60 ft. there dedicated for road.

B. Name(s) of protestor(s):

(a) Bruce E. Colver  
Signature

BRUCE E. COLVER  
Typed or Printed Name

(b) Geraldine M. Colver  
Signature

GERALDINE M. COLVER  
Typed or Printed Name

ACKNOWLEDGEMENT

State of Kansas            )  
County of Sedgwick        )   ss



The foregoing instrument was acknowledged before me this 30th day of September, 1986, by Marjorie A. Kenney, notary public

Marjorie A. Kenney  
Notary Public

My Appointment expires February 12, 1990

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgement may be attached and made a part of this petition as necessary.

Revised 1/85

CERTIFICATION FOR ACCESS TO LISTS  
OF NAMES AND ADDRESSES FROM PUBLIC RECORDS

The undersigned hereby certifies as follows concerning the requested information obtained from public records: I do not intend to and will not use any list of names or addresses derived from the records for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed. Further, I will not sell, give, or otherwise make available such names or addresses to any other person for such purpose.

*Edith M. Lott*  
Signature

9-25-86  
Date

EDITH M LOTT  
Printed Name

914 2<sup>ND</sup> Circle, Olathe, Ks  
Address

September 18, 1986

Ralph Lott  
914 2nd Circle  
Douglas, KS 67039

Re: SCZ-0566 and CU-299

Dear Mr. Lott:

The Planning Commission at its regular meeting of September 18, 1986, considered the above-captioned cases and their action was as indicated on the attached letter.

This is to advise you that if property owners within 1000 feet of the application area desire to submit legal protest petitions, they must be submitted to the Office of the County Clerk no later than 5:00 p.m., Thursday, October 2, 1986. Enclosed are two copies of the protest petition form, if you have need for more forms they may be obtained at this office.

If you have any questions concerning this matter, please call.

Sincerely yours,

Louise Olivarez  
Senior Planner

LO/Iw

Enclosures (2)

September 18, 1986

David Hiebert  
Gragert, Hiebert & Gray  
111 West Douglas, Suite 920  
Wichita, Kansas 67202

Re: SCZ-0566 "R-1" to "LC", and CU-299 Conditional use permit to establish a veterinary hospital. On the north side of 31st Street South in an area west of Greenwich Road.

Dear Mr. Hiebert:

At its regular meeting on September 18, 1986, the Metropolitan Area Planning Commission considered the above-captioned cases. The action of the Planning Commission was to recommend that both applications be approved subject to the platting of the barn, house and lagoon into one lot within one year after County Commission approval or the cases shall be considered denied and closed. The resolutions establishing the zoning and conditional use permit shall not be published until the plat is recorded.

This matter will be forwarded to the Board of County Commissioners for consideration at 9:00 a.m., on Wednesday, October 15, 1986 in Room 320, Sedgwick County Courthouse.

If you have any questions, please contact our office.

Sincerely yours,

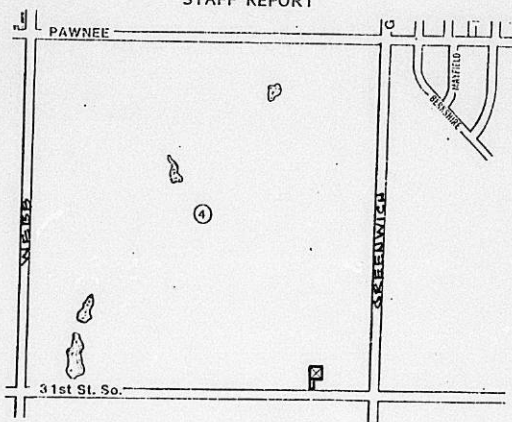
Louise Olivarez  
Senior Planner

LO/lw

cc: Ron Worley, County Zoning Administrator  
Blair P. Sullivan & Jennifer A. Jull-Sullivan, 4215 Southeast Blvd.,  
Wichita, KS 67210  
Sam & Lois Clift, 10804 E. 31st St. South, Wichita, KS 67210  
Jim Crawford, 1356 N. Woodlawn, Wichita, KS 67208  
Ralph Lott, 914 2nd Circle, Douglas, KS 67039  
Dwayne Ebert, 2861 S. 107th St. East, Wichita, KS 67210

SEPTEMBER 18, 1986

STAFF REPORT



SCZ-0566 - REQUEST FOR ZONE CHANGE FROM "R-1" SUBURBAN RESIDENTIAL TO "LC" LIGHT COMMERCIAL, AND

CU-299 - REQUEST FOR CONDITIONAL USE PERMIT TO ESTABLISH A VETERINARY HOSPITAL ON PROPERTY TO BE ZONED "LC" LIGHT COMMERCIAL, LOCATED ON THE NORTH SIDE OF 31ST STREET SOUTH IN AN AREA WEST OF GREENWICH ROAD.

Applicant: Blair P. Sullivan and Jennifer A. Jull-Sullivan (contract purchasers),  
4218 Southeast Boulevard, Wichita, KS 67210.

	<u>Land Use</u>	<u>Zoning</u>	<u>Size</u>
Application Area	Barn	"R-1"	0.7 acres
North	Undeveloped	"R-1"	
South	Agriculture	"R-1"	
East	Sewage lagoon and Undeveloped	"R-1"	
West	Single-family house	"R-1"	

History: Property included in 1948 plat of Hamilton Heights which was vacated in 1977.

Background: The applicant is requesting a zone change from "R-1" to "LC" and a conditional use permit for a veterinary hospital for a 0.7-acre unplatted tract of land located on the north side of 31st Street South in an area west of Greenwich Road. The site is part of a 10-acre ownership on which are located a single-family house, a barn, and a sewage lagoon. The applicant proposes to convert the barn into the veterinary hospital.

Analysis: Animal hospitals are first permitted in the "LC" district with a conditional use permit. The relatively small size of this application area is due to the fact that there will be no outside areas used for the boarding or exercising of animals.

The Health Department has analyzed the existing sewage lagoon on this applicant's land and judged that it should adequately handle the one proposed restroom in the animal hospital. However, several maintenance items need to be performed to bring the lagoon up to acceptable standards. These items were listed in a memo provided to the applicant's agent.

A building permit and an occupancy permit will be needed to convert this barn into an animal hospital. Prior to those permits being issued, the property will need to be platted. Since the existing sewage lagoon serves the house as well as the future veterinary hospital, a plat shall include both structures as well as the

lagoon in one lot. The owner may wish to plat the balance of his ownership into a second lot.

A recommendation of approval of the zone change should be subject to approval of the associated conditional use permit and subject to the platting of the barn, house and lagoon into one lot within one year after County Commission approval or the zone change shall be considered denied and the case closed. The resolution establishing the zone change shall not be published until the plat is recorded.

A recommendation of approval of the conditional use permit for a veterinary hospital should be subject to approval of the associated request for light commercial zoning and subject to the platting of the barn, house and lagoon into one lot within one year after County Commission approval or the case shall be considered denied and closed. The resolution establishing the conditional use permit shall not be published until the plat is recorded.

Sept. 8, 1986

Dear Sir:

In reference to your Case No. SQZ-0566 & CU 299 (Address) 10804 E. 31st South, I would like to make you aware that the entire S.E. Quarter on which that property is located has restrictive covenants on record as of Sept 27 1976. See Film 220 page 693. NO. 3-06214

The intent of these covenants is to restrict the area to single family dwelling.

I am enclosing a copy of a letter from Mr. Blair Sullivan stating his intentions for this property and my reply to Mr. Sullivan

Please make this information available to the members of the Planning Commission

Thank you

Ralph E. Lott

Member of the  
Architectural Control Committee

81-3075

RALPH LOTT  
914 2nd CIRCLE  
DOUGLASS, KS 67039

RECEIVED

SEP 10 1986

METROPOLITAN PLANNING  
ROUTE



Wichita - Sedgwick County  
Metro Area Planning Comm.  
City Hall, 10th Floor  
455 N. Main St.  
Wichita Kansas 67202-1688

August 19, 1986

Mr. DeWane Ewert  
2861 South 107 St.  
Wichita, KS 67210

Dear Mr. Ewert:

I am writing you today to let you know of our interest and hopeful plans for purchasing Mr. & Mrs. Sam Clift's property on the northwest corner of 31st Street and Greenwich Road.

This property is ideal for us for two reasons: #1, as our residence, and #2, as a business location for my wife's veterinary hospital. She has a mixed practice (approximately 75% small animals and 25% horses) currently located at 4218 Southeast Boulevard.

She would like to remodel approximately one-half the square footage of the existing 75' x 40' barn on the property and move her practice into this location.

Enclosed is a copy of a survey we recently had done showing our idea.

Please don't hesitate to call either of us if you have any questions.

Work Phone 681-8550      Blair P. Sullivan  
Work Phone 681-1641      Jennifer A. Jull-Sullivan  
Home Phone 524-3071

Thank you.



Blair P. Sullivan

Enclosure

August 28, 1986

Mr. Blair P. Sullivan  
4212 Southeast Boulevard  
Wichita  
Kansas 67210

Dear Sir:

Mr. DeWane Ewert has forwarded to me your letter of August 19, 1986 in reference to your plans for Mr. Sam Clift's property.

This area is covered by restrictive covenants. Under clause II paragraph A "No structures shall be erected, altered, placed or permitted to remain on any building site subject to this declaration other than single-family dwellings for private use, a private garage,-----, barns for livestock permitted, and other outbuildings incidental to residential use of the premises." Paragraph D states no signs are permitted.

My interpretation of these terms indicates that commercial business is not permitted.

We would be happy to have you as a neighbor, however the covenants do not permit a commercial business in the development.

If you would care for a copy of the covenants, or if I can be of any assistance, please call me.

*Ralph E. Lott*

R. E. Lott  
914 2nd Circle  
Douglass  
Kansas 67039  
1-746-2053

cc: DeWane Ewert  
Bret Hite

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE August 22, 1986

TO Louise Olivarez, Metropolitan Area Planning Department

FROM Jack A. Brown, Chief, Environmental Quality

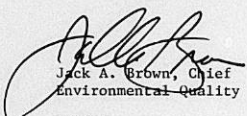
SUBJECT Property at 10804 E. 31 S.  
Proposed Zone Change For  
Vet Clinic

The sewage lagoon on the above subject property was designed for a sewage volume of 400 gallons per day which should be adequate to handle the addition of one restroom for the proposed clinic.

An evaluation of the lagoon on August 19, 1986, indicated several improvements that are needed to bring the lagoon up to current standards:

1. Cutting and removal of weeds and cattails at edge of water line.
2. Cleanout cap on sewer line is missing and needs to be replaced.
3. Lagoon fence is 3-strand barb wire and should be replaced with welded or woven wire a minimum of 4 feet in height with a 3 foot wide gate for access.
4. Lagoon water depth was at 6.5 feet or 1.5 feet above normal operating design level. This could be from recent rainfall and infiltration through missing cleanout cap, from another source such as floor drains in barn or from some other type of water use.

If necessary the lagoon could be expanded to a larger dimension at a later date if lagoon water level does not return to normal. Expansion of the lagoon will require a permit from this Department.

  
Jack A. Brown, Chief  
Environmental Quality

JAB/cb

cc: Jim W. Crawford  
1356 N. Woodlawn

RECEIVED

AUG 25 1986

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

CASE NO. SCZ-0566 & CU-299

10	"Notices to adjoining property owners mailed on 9-4-86 for MAPC meeting on 9-18-86.
3	One each to Applicants and Agent.
3	One each to Ron Worley, David Spears and Karen Crook.
3	One each to Louise, Barbara and Glen.
<hr/>	
19	TOTAL

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
CITY HALL, TENTH FLOOR, 455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

September 4, 1986

NOTICE OF PUBLIC HEARING

Case No.: SCZ-0566 and CU-299.

Location: On the north side of 31st Street South in an area west of Greenwich Road.

Address: 10804 East 31st Street South.

Request: (SCZ-0566) Zone Change from the "R-1" Suburban Residential District to the "LC" Light Commercial District  
AND  
(CU-299) Conditional Use Permit to Establish a Veterinary Hospital on Property to be Zoned "LC" Light Commercial.

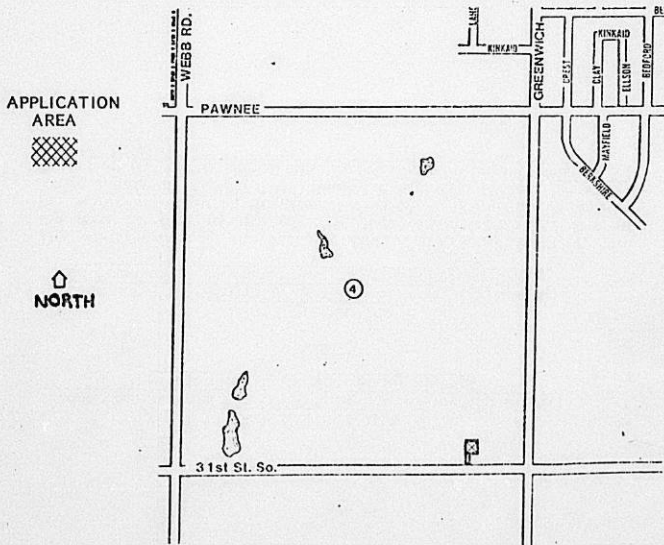
A public hearing to consider the above noted request has been scheduled before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on Thursday,

SEPTEMBER 18, 1986

The meeting will begin at 1:30 p.m. in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

As an owner or occupant of property in the area, you have the right to appear at the MAPC meeting, either in person or by agent or attorney, to support or oppose this request. If you have no interest in or objection to the request, you have no obligation to appear at the public hearing.

If you have any questions or wish additional information, please call 268-4421.



SEE REVERSE SIDE

LEGAL DESCRIPTION OF THE AREA PROPOSED TO BE CHANGED

CASE NO. SCZ-0566  
Zone Change from the "R-1" Suburban Residential District  
to the "LC" Light Commercial District

AND

CASE NO. CU-299  
Conditional Use Permit to Establish a Veterinary Hospital  
on Property to be Zoned "LC" Light Commercial District

The west 30 feet of the east 980 feet of the south 400 feet; and  
the west 76 feet of the east 950 feet of the north 212 feet of  
the south 400 feet of the SE $\frac{1}{4}$  of Section 4, Township 28 South,  
Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally  
located on the north side of 31st Street South in an area west of  
Greenwich Road.

Most Restrictive



Least Restrictive

DISTRICT	NAME OF DISTRICT AND USES PERMITTED
R	RURAL RESIDENTIAL Agriculture and One Family Dwellings
R-1	SUBURBAN RESIDENTIAL Agriculture, One Family Dwellings, Schools and Churches
AA	ONE FAMILY DWELLING Agriculture, One Family Dwellings, Schools and Churches
BB	OFFICE All Uses Permitted in More Restrictive Zones and Business and Professional Offices
OC	OFFICE COMMERCIAL Offices, Limited Retail and Service Uses Operated Within a Building
LC	LIGHT COMMERCIAL All Uses Permitted in More Restrictive Zones and Purely Retail Businesses Operated Within a Building
C	GENERAL COMMERCIAL All Uses Permitted in More Restrictive Zones Plus All Commercial Uses
E	LIGHT INDUSTRIAL All Uses Permitted in More Restrictive Zones Plus Industrial Uses Which Do Not Create Hazards or Nuisance From Fire, Dust, Odor or Smoke***
F	HEAVY INDUSTRIAL Any Use, Some as Conditional Uses***

\*\*\*Mobile home parks and trailer courts are not permitted

( ) Published in The Eagle Beacon on August 27, 1986 (One Time)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, September 18, 1986, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following applications:

CASE NO. SCZ-0566

Zone Change from the "R-1" Suburban Residential District to the "LC" Light Commercial District

AND

CASE NO. CU-299

Conditional Use Permit to Establish a Veterinary Hospital on Property to be Zoned "LC" Light Commercial District

The west 30 feet of the east 980 feet of the south 400 feet; and the west 76 feet of the east 950 feet of the north 212 feet of the south 400 feet of the SE $\frac{1}{4}$  of Section 4, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 31st Street South in an area west of Greenwich Road.

As provided in Section 17C of the Sedgwick County Zoning Regulations, the same will then and there be discussed and considered by the said MAPC and all persons interested in said matter(s) will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed application(s) will be considered by the MAPC as by law provided.

WITNESS MY HAND AND SEAL this 25th day of August, 1986.

Michael E. Lindebak, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning  
Commission

(SEAL)

CASE NO. CU-299

Conditional Use Permit to Establish a Veterinary Hospital  
on Property to be Zoned "LC" Light Commercial District

The west 30 feet of the east 980 feet of the south 400 feet; and the west 76 feet of the east 950 feet of the north 212 feet of the south 400 feet of the SE $\frac{1}{4}$  of Section 4, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Generally located on the north side of 31st Street South in an area west of Greenwich Road.

APPLICATION FOR CONDITIONAL USE PERMIT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. The names of the owners of all property included in this application must be listed as applicants. Contract purchasers, leasees or others directly associated with the property may also be listed if they desire to be advised of the proceedings.

CU-299

A. APPLICANT Sam Clift and Lois Clift

ADDRESS 10804 E. 31st S. Zip Code 67210 PHONE 685-0616

AGENT Jim W. Crawford

ADDRESS 1356 N. Woodlawn Zip Code 67208 PHONE 687-2222

B. APPLICANT Blair P. Sullivan and Jennifer A. Jull-Sullivan

ADDRESS 421<sup>2</sup> Southeast Blvd. Zip Code 67210 PHONE 524-3071

AGENT Jim W. Crawford

ADDRESS 1356 N. Woodlawn Zip Code 67208 PHONE 687-2222

*home phone  
work phone  
681-1641*

C. APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_ PHONE \_\_\_\_\_

(Use separate sheet if necessary for names of additional applicants).

2. A. The applicant proposes to establish a veterinary hospital

(use)

on property legally described as Lot(s) \_\_\_\_\_

Block(s) \_\_\_\_\_

of the \_\_\_\_\_ Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

Please see attached sheet.

- B. There are .7 acres (round to nearest tenth) in the above described property.

FOR OFFICE USE ONLY

Map No. 6144B Zoning (N) R-1 (S) R-1 (E) R-1 (W) R-1 MAPC 9-18-86

T9-333-2

Revised 1/85

3. This property is located at (address) 10804 E. 31st S.

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. At the Northwest corner of Greenwich Road and 31st South, OR

B. On the north side of 31<sup>st</sup> St. South (Ave.) Street between of Greenwich Road (Ave.) Street and \_\_\_\_\_ (Ave.) Street. *in an area west*

4. We request this Conditional Use Permit for the following reasons:

To establish a veterinary hospital in an existing metal building. Mr. Blair Sullivan and Dr. Jennifer Jull-Sullivan and family will reside at the house just West of the subject property. She will run and operate the veterinary hospital.

5. WE ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. WE REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. WE FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE. WE ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS THAT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

Blair Sullivan BY Jennifer Jull-Sullivan  
APPLICANT'S SIGNATURE AUTHORIZED AGENT (IF ANY)

Blair Sullivan Jennifer Jull-Sullivan BY Jennifer Jull-Sullivan  
APPLICANT'S SIGNATURE AUTHORIZED AGENT (IF ANY)

\_\_\_\_\_  
APPLICANT'S SIGNATURE BY \_\_\_\_\_ AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY

This application was received at the Planning Department at 4:00 (AM, PM) on 8-20-86 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 400.00.

Barbara Bonanni Name  
Sr. Planner Title

TERRA TECH

LAND SURVEYING INC.

245 West Dewey  
Wichita, Kansas 67202-3507  
13161267-0744 / 267-2348

File #P862139

August 19, 1986

(CV)  
PROPOSED LEGAL FOR ZONE CHANGE APPLICATION

The West 30 feet of the East 980 feet of the South 400 feet; and the West 76 feet of the East 950 feet of the North 212 feet of the South 400 feet of the Southeast Quarter of Section 4, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. Contains 0.65 acres, more or less, public road included.

C. 299



SECURITY IS KNOWING  
Title Insurance • Escrow Closings • Abstracts

*same list  
re for SCZ-0566*

OWNERSHIP LIST

Tract Description	Property Owner
Beginning at a point 400 feet North of the SE/c of the SE $\frac{1}{4}$ of Section 4, Township 28 South, Range 2 East; th. North 475 feet; th. West parallel with the South line of said SE $\frac{1}{4}$ , 1385 feet; th. South 475 feet; th. East 1385 feet to beginning, except the East 60 feet thereof, dedicated for road.	George S. Ernatt Clara Ernatt 1006 Eastmoor Wichita, KS 67207 and Michael J. Ernatt 8541 Hurst Wichita, KS 67210 and Wylie Ernatt 807 N. Waco Wichita, KS 67203 and Juanita Wong Address Unknown
Beginning at a point 875 feet North of the SE/c of the SE $\frac{1}{4}$ of Section 4, Township 28 South, Range 2 East; th. North along the East line of said SE $\frac{1}{4}$ , 360 feet; th. West parallel with the South line of said SE $\frac{1}{4}$ , 1383.01 feet; th. South 360.04 feet to a point 1385 feet West of the p.o.b.; th. East 1385 feet to beginning, except the East 60 feet thereof dedicated for road.	Bruce E. Colver Geraldine M. Colver 2171 Elpyco Wichita, KS 67218
Beginning 1235 feet North and 1383.01 feet West of the SE/c of the SE $\frac{1}{4}$ ; th. West 1282.69 feet; th. North 360 feet; th. East 1288.18 feet; th. South 360.04 feet to the p.o.b., subject to road easement on the East 70 feet.	Cecil C. Rogers Sachiko Rogers 2909 S. 107th St. East Wichita, KS 67210
The South 515 feet of the SE $\frac{1}{4}$ of Section 4, Township 28 South, Range 2 East, except the East 1385 feet thereof subject to road easement on the East 70 feet and the South 40 feet.	Ralph Eugene Lott Edith Marie Lott 914 Second Circle Douglass, KS 67039
Beginning 75 feet North and 75 feet West of the SE/c of the SE $\frac{1}{4}$ of Section 4, Township 28 South, Range 2 East; th. North parallel with the East line of the SE $\frac{1}{4}$ , 175 feet; th. NE'yly 101.39 feet to a point 60 feet West and 350 feet North of the SE/c of said SE $\frac{1}{4}$ ; th. North parallel with the East line of the SE $\frac{1}{4}$ , 50 feet; th. West parallel with the South line of the SE $\frac{1}{4}$ , 1325 feet; th. South parallel with the East line of the SE $\frac{1}{4}$ , 350 feet; th. East parallel with the South line of the SE $\frac{1}{4}$ , 1035 feet; th. NE'yly 103.52 feet to a point 75 feet North 250 feet West of the SE/c of said SE $\frac{1}{4}$ ; th. East 175 feet to beginning.	Sam R. Clift Lois M. Clift 10804 E. 31st St. South Wichita, KS 67210

Tract Description	Property Owner
Beginning at a point 875 feet North and 1385 feet West of the SE/c of the SE $\frac{1}{4}$ of Section 4, Township 28 South, Range 2 East; th. West parallel with the South line of said SE $\frac{1}{4}$ , 1277.3 feet m/l to the West line of said SE $\frac{1}{4}$ ; th. North along the West line of said SE $\frac{1}{4}$ , 360 feet; th. East parallel with the South line of said SE $\frac{1}{4}$ , 1282.69 feet m/l to a point 1383.01 feet West of the East line of said SE $\frac{1}{4}$ ; th. South 360.04 feet to the p.o.b., subject to road easement on the East 70 feet thereof.	Brett D. Hite Kay A. Hite 15229 Sweetgum Ct. Wichita, KS 67230  Notice of Interest filed 3-26-86: Jerod Bundy Address Unknown
Beginning at a point 1235 feet North of the SE/c of the SE $\frac{1}{4}$ of Section 4, Township 28 South, Range 2 East; th. North along the East line of said SE $\frac{1}{4}$ , 360 feet; th. West parallel with the South line of said SE $\frac{1}{4}$ , 1381.02 feet; th. South 360.04 feet to a point 1383.01 feet West of the p.o.b.; th. East 1383.01 feet to beginning, except the East 60 feet thereof dedicated for road.	T-C Investment Corp. c/o John Callahan 245 Arcadia Wichita, KS 67212
Beginning at a point 515 feet North and 1385 feet West of the SE/c of the SE $\frac{1}{4}$ of Section 4, Township 28 South, Range 2 East; th. West parallel with the South line of said SE $\frac{1}{4}$ , 1273.9 feet m/l to the West line of said SE $\frac{1}{4}$ ; th. North along the West line of said SE $\frac{1}{4}$ , 360 feet; th. East parallel with the South line of said SE $\frac{1}{4}$ , 1277.3 feet m/l to a point 1385 feet West of the East line of said SE $\frac{1}{4}$ ; th. South 360.0 feet to the p.o.b., subject to road easement on the East 70 feet thereof.	T-C Investment Corp. c/o John Callahan 245 Arcadia Wichita, KS 67212
The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 28 South, Range 2 East except the North 185 feet of the West 525 feet of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 3, Township 28 South, Range 2 East, except the North 30 feet and the East 30 feet reserved for road purposes.	Felix Govert Elizabeth Mary Govert 3140 S. Greenwich Rd. Wichita, KS 67210
The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 28 South, Range 2 East.	Fidelity Development Inc. 229 S. Market Wichita, KS 67202
The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 9, Township 28 South, Range 2 East.	Same As Above

Page 3

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described tracts within a 1000 foot radius of:

The West 30 feet of the East 980 feet of the South 400 feet; and the West 76 feet of the East 950 feet of the North 212 feet of the South 400 feet of the Southeast Quarter of Section 4, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of August, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Gable*

By

Sr. Vice-President

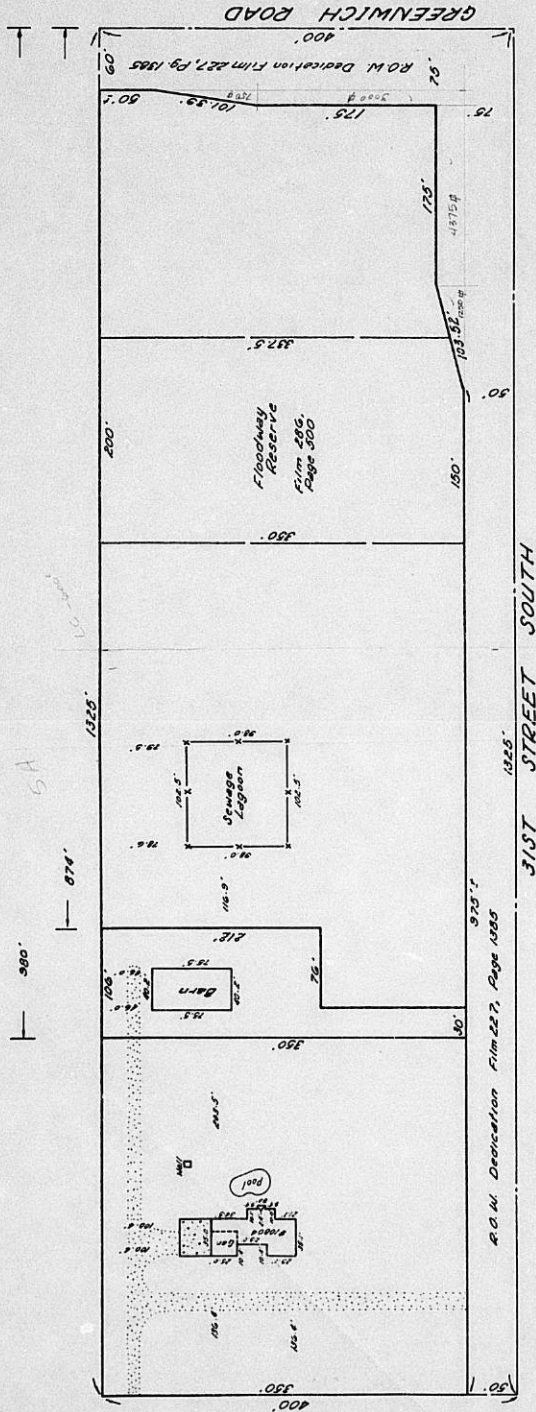
Order No.: 366529  
nj

TERRA TECH

LAND SURVEYING INC.

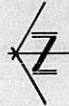
545 West Dewey  
Weiche, Ky. 40391  
(516) 867-0744 / (857) 3306

*note: line 100' front  
water main*



1285  
x 255

10,100.4 Area  
9,949.4



FILE #2862189  
8 AUGUST, 1986

FORM 29-

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning	<i>800 CU-299</i>	

DESCRIPTION		AMOUNT
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	

\*

This CU File

Has a Large Drawing

On 35mm Microfilm.

Roll # 1

\*

CU-299