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AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2008-56

Zone change from NO Neighborhood Office District to GO General Office for property described as:

Lot 1, Deerglen Office Park Addition, Wichita, Sedgwick County, Kansas .

Generally located north of west Central Avenue, 1/10th mile west of 119th Street West.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 16th day of Dec, 2008.

RECEIVED

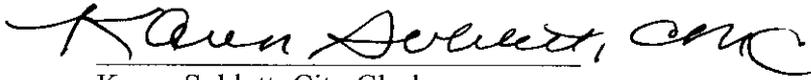
DEC 19 2008

METROPOLITAN PLANNING
DISTRICT 9

ATTEST:



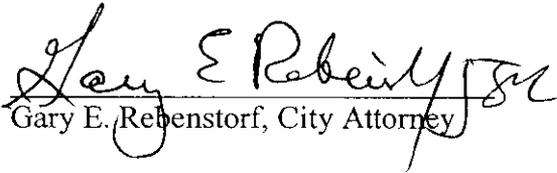
Carl Brewer, Mayor



Karen Sublett, City Clerk



Approved as to form:



Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
December 9, 2008

TO: Mayor and City Council

SUBJECT: ZON2008-00056 – Zone change from NO Neighborhood Office (“NO”) to GO General Office (“GO”) and CON2008-00054, Conditional Use to permit “Animal Care, Limited” on property generally located north of Central Avenue and 1/10th mile west of 119th Street West. (District V)

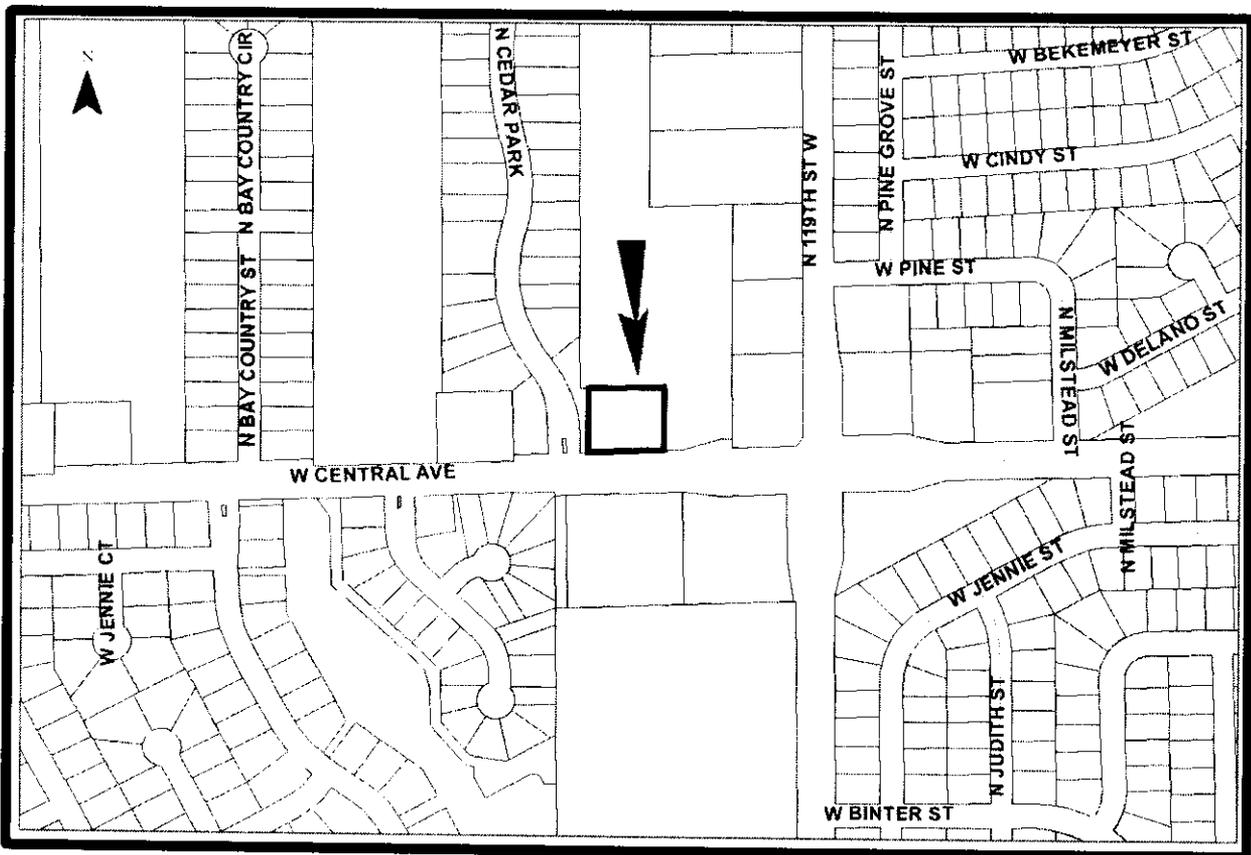
INITIATED BY: Metropolitan Area Planning Department *JVS*

AGENDA: Planning (Consent)

DAB V Recommendation: Approve GO General Office (“GO”) and a Conditional Use to permit “Animal Care, Limited” (Unanimous).

MAPC Recommendation: Approve GO General Office (“GO”) and a Conditional Use to permit “Animal Care, Limited” (10-0).

MAPD Staff Recommendation: Approve GO General Office (“GO”) and a Conditional Use to permit “Animal Care, Limited”



Background: The applicant is seeking approval of a zone change from NO Neighborhood Office (“NO”) to GO General Office (“GO”), and a Conditional Use to permit “animal care, limited” on property located 500 feet west of 119th Street West, on the north side of Central Avenue. The application area is .78 acre in size and is currently undeveloped. The applicant proposes to build a 6,750 square-foot building on the site and relocate the Oakcrest Pet Hospital, currently located at 11832 West Central, to this location. The application area has 200 feet of frontage on Central Avenue.

The applicant’s site plan depicts the proposed clinic as being located in the northwest quadrant of the site with parking located to the south and east. The proposed clinic is shown on the site plan with a 10-foot setback, along the western property line, which conforms to the GO zoning district side-yard setback. Compatibility setbacks do not apply along the western property line since there is a platted reserve (discussed below) with a platted utility easement located immediately west of the application. However, compatibility setback standards are applicable along the northern (rear) property line, where the applicant’s site plan depicts a 22-foot setback, and the eastern property line. The placement of the building on the proposed site plan is consistent with the compatibility setback standard along the eastern side yard. A 200-foot wide lot would have a 25-foot setback requirement. The site plan will need to be revised or the commission will need to grant a waiver of the rear standard.

The site plan depicts 28 parking spaces. The code calls for four spaces per 1,000 square feet of building area. The number of proposed parking spaces meets the minimum number required. Parking is a permitted use with a compatibility setback, making the row of parking located to the east of the clinic in conformance with the zoning code. A single access point to Central Avenue is shown in the eastern portion of the site’s street frontage, which is consistent with existing platted access controls.

If located within 150 feet of Central Avenue, trash receptacles, ground level heating and air conditioning units or other outdoor mechanical equipment must be screened. The site plan does not indicate where the trash collection unit is to be located. The zoning code also requires screening, (Sec. IV-B.a and b) between residentially zoned property and non-residential uses. The site plan does not indicate the location or type of screening proposed. Finally, new non-residential construction triggers a requirement for an approved landscape plan, per the landscape ordinance, prior to issuance of building permits.

Land surrounding the site has a variety of zoning, SF-5 Single-family Residential (“SF-5”), NO and LC Limited Commercial (“LC”). The land immediately north and east of the subject site is developed with a church and is zoned SF-5. Land to the south, across Central Avenue, is zoned NO and LC is vacant, but is owned by the church that is located further south. The property located immediately to the west of the site is zoned SF-5 and is Reserve G of the Buckhead Addition. Reserve G is 25 feet wide at its narrowest point and has a 20-foot platted utility easement. As discussed above, the zoning code exempts properties from compliance with compatibility setback requirements where the lot abuts platted open space.

The *Wichita-Sedgwick County Unified Zoning Code* defines “animal care, limited” as a facility that provides veterinary services for small animals (household pets) for which there are no outside animal runs, and for which boarding facilities may also be provided. “Animal care, limited” is first permitted in the GO district with a Conditional Use, subject to supplemental use regulation c: No noise or odors shall be discernable within the GO and LC districts; treatment shall be limited to dogs, cats and other small animals and all animals shall be harbored indoors.

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 shall be facing a street or nonresidential zoning or have 150 feet of parking, loading or open space between the sign and residentially zoned land.

Analysis: On November 3, 2008, District Advisory Board V reviewed the request and recommended approval unanimously. No one spoke in opposition. The Metropolitan Area Planning Commission (MAPC) reviewed the request for GO General Office zoning and a Conditional Use to permit “animal care, limited” on November 6, 2008. One citizen was present stating that he had concerns regarding the possibility of hearing barking dogs outside of the clinic and asked if dogs could escape. The applicant indicated that the site would be fenced, and that his building would be insulated. The MAPC recommended approval (10-0), subject to the following conditions:

1. The site is approved only for uses permitted by-right in the GO General Office district and the Conditional Use, “animal care, limited.”
2. A revised site plan shall be submitted prior to city council consideration depicting or explaining the location and type of screening that is to be provided; the location of the trash enclosure and the type of material used to screen the dumpster and location of paved traffic circulation areas.
3. Light standards shall not exceed 15 feet in height including the base or pedestal. Lights shall be directed away from adjacent lots and shall utilize fixtures designed to prevent light trespass to adjoining properties.
4. No building or wall signs may face residentially zoned property. Pole or ground signs shall be monument style design.
5. 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.
6. If an “animal care, limited” veterinary clinic is not operating on this site within 24 months from approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of approval for this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

There have not been any appeals or protests of the request.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change to GO General Office and Conditional Use permitting “Animal Care, Limited,” subject to the provisions of the conditional use; place the ordinance authorizing the zone change on first reading and publish the ordinance in the official City newspaper following adoption; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)