CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

July 24, 2013

Henry T. Cocking & Lyneisa M. Cocking
22215 W. 29th St. North
Andale, KS 67001

REFERENCE: CON2013-00012 – County Conditional Use for a Boarding/Breeding/Training Kennel on Rural Residential (RR) zoned property; generally located west of 215th Street West on the south side of 29th Street North.

Dear Applicants:

At its regular meeting on **July 24, 2013**, the Sedgwick County Commission considered the above captioned request. The action of the Commission was to **APPROVE** the request, subject to the following conditions:

(1) The Conditional Use for a Boarding/Breeding/Training Kennel shall comply with all applicable federal, state, and local requirements including the UZC's Supplementary Use Regulation standards, except with the following modifications to the Unified Zoning Code's Supplementary Use Regulation standards; (a) The site shall be 4.55-acres and allow outdoor runs and training areas as shown on an approved site plan, which includes the required screening or landscaping providing the desired screening effect within the first growing season following installation and throughout the year every year thereafter, and; (b) The outdoor runs of the indoor kennels attached to the west side of the existing 40-foot {x} 60-foot accessory structure to be used for the indoor training of one dog at a time, shall be allowed no closer 170 feet west of the east single-family residence. The primary outdoor training area shall be shall be allowed no closer 170 feet west of the east single-family residence and shall be located between the west side of the kennel and the east side of the applicants house as shown on the submitted site plan. The "occasional" outside training area shown on the submitted site plan shall conform to the setback standards and shall be used for one dog at a time. The modifications to Supplementary Use Regulations require the request to be forwarded to the County Commission for final action.

(2) The number of dogs to be boarded shall not exceed 12 dogs at any one time. No more than one dog shall be trained outdoors at any one time on either of the outdoor training areas. Dogs shall be allowed outdoors from 7:30 AM to sunset.

(3) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian.

(4) Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided as approved by Environmental Services. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.

(5) Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The animals shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.

(6) All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The boarding kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the boarding, breeding and training kennel must be removed from the site and shall not be discharged into the residential sewage lagoon on-site or any other on-site disposal system. Contact MABCD to discuss their solid waste disposal plans.

(7) The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.

(8) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.

(9) The boarding facility shall be open to the unannounced inspection by Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.

(10) The Conditional Use is permitted a 20 square-foot rock sign placed in close proximity to the Kennel office on the 29th Street North frontage, as approved by County Permits and Code.

(11) The property shall be developed and maintained in accordance with the site plan approved by the Planning Director, showing screening, all buildings, parking, and other applicable features of the site.

(12) The Conditional Use shall be in effect as long the original applicants, Henry T. Cocking & Lyneisa M. Cocking, live on the described property (see legal) and run the kennel. At any time that the original applicants do not live on the described property and run the kennel, the Conditional Use shall be null and void. The applicants shall record a covenant with the Sedgwick County Register of Deeds tying this restriction to the described property.

(13) If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

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

Sincerely,

Bill Longnecker
Senior Planner
Current Plans Division

BL:mc

Copies to: Jeffery S. and Nancy K. Hill, 22321 W. 29th St., Andale, KS 67001
Mitchell C. and Kathleen A. Speck, 21919 W. 29th St. North, Andale, KS 67001
Gregory A. Neville Revocable Trust, 21916 W. 29th St. North, Andale, KS 67001
Karl Peterjohn, BoCC #3, Mail Stop County Rm 320
Kelly Dixon, MAB&CD, 1144 S Seneca, Wichita KS 67202
Jim Weber, County Public Works,1144 S Seneca, Wichita KS 67202

RESOLUTION NO 143-2013

A RESOLUTION FOR A CONDITIONAL USE FOR A BOARDING, BREEDING, TRAINING KENNEL FOR DOGS ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY RESOLUTION NO. 84-01, AS SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 V-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for a boarding, breeding, training kennel for dogs, on approximately 4.55-acres of property zoned RR Rural Residential ("RR").

Case No. CON 2013-00012

Legally described below:
Beginning 330 feet East of the Northwest corner of the Northeast Quarter; thence East 330 feet; thence South 660 feet; thence West 330 feet; thence North 660 feet to beginning EXCEPT the North 50 feet for road, Section 1, Township 27, Range 3 West, Sedgwick County, Kansas; generally located approximately 1/3-mile west of 215TH Street West, on the south side of 29th Street North.

SUBJECT TO THE FOLLOWING CONDITIONS:

(1) The Conditional Use for a Boarding/Breeding/Training Kennel shall comply with all applicable federal, state, and local requirements including the UZC's Supplementary Use Regulation standards, except with the following modifications to the Unified Zoning Code's Supplementary Use Regulation standards: (a) The site shall be 4.55-acres and allow outdoor runs and training areas as shown on an approved site plan, which includes the required screening or landscaping providing the desired screening effect within the first growing season following installation and throughout the year every year thereafter, and; (b) The outdoor runs of the indoor kennels attached to the west side of the existing 40-foot {x} 60-foot accessory structure to be used for the indoor training of one dog at a time, shall be allowed no closer 170 feet west of the east single-family residence. The primary outdoor training area shall be shall be allowed no closer 170 feet west of the east single-family residence and shall be located between the west side of the kennel and the east side of the applicants house as shown on the submitted site plan. The "occasional" outside training area shown on the submitted site plan shall conform to the setback standards and shall be used for one dog at a time.

(2) The number of dogs to be boarded shall not exceed 12 dogs at any one time. No more than one dog shall be trained outdoors at any one time on either of the outdoor training areas. Dogs shall be allowed outdoors from 7:30 AM to sunset.

(3) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian.

(4) Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided as approved by the Metropolitan Area Building and Construction

Department. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.

(5) Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The animals shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.

(6) All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The boarding kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the boarding, breeding and training kennel must be removed from the site and shall not be discharged into the residential sewage lagoon on-site or any other on-site disposal system. Contact the Metropolitan Area Building and Construction Department to discuss their solid waste disposal plans.

(7) The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.

(8) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.

(9) The boarding facility shall be open to the unannounced inspection by Metropolitan Area Building and Construction Department personnel during reasonable daylight hours to insure continued compliance with the above requirements.

(10) The Conditional Use is permitted a 20 square-foot rock sign placed in close proximity to the Kennel office on the 29th Street North frontage, as approved by County Permits and Code.

(11) The property shall be developed and maintained in accordance with the site plan approved by the Planning Director, showing screening, all buildings, parking, and other applicable features of the site.

(12) The Conditional Use shall be in effect as long the original applicants, Henry T. Cocking & Lyneisa M. Cocking, live on the described property (see legal) and run the kennel. At any time that the original applicants do not live on the described property and run the kennel, the Conditional Use shall be null and void. The applicants shall record a covenant with the Sedgwick County Register of Deeds tying this restriction to the described property.

(13) If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

DAVID M. UNRUH	Aye
TIM R. NORTON	Aye
RICHARD RANZAU	Aye
JAMES B. SKELTON	Aye
KARL PETERJOHN	Aye

DATED this 24 day of July, 2013

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

JAMES B. SKELTON, CHAIRMAN
Fifth District

ATTEST:

KELLY B. ARNOLD
County Clerk

APPROVED AS TO FORM ONLY:

ROBERT W. PARNACOTT
Assistant County Counselor

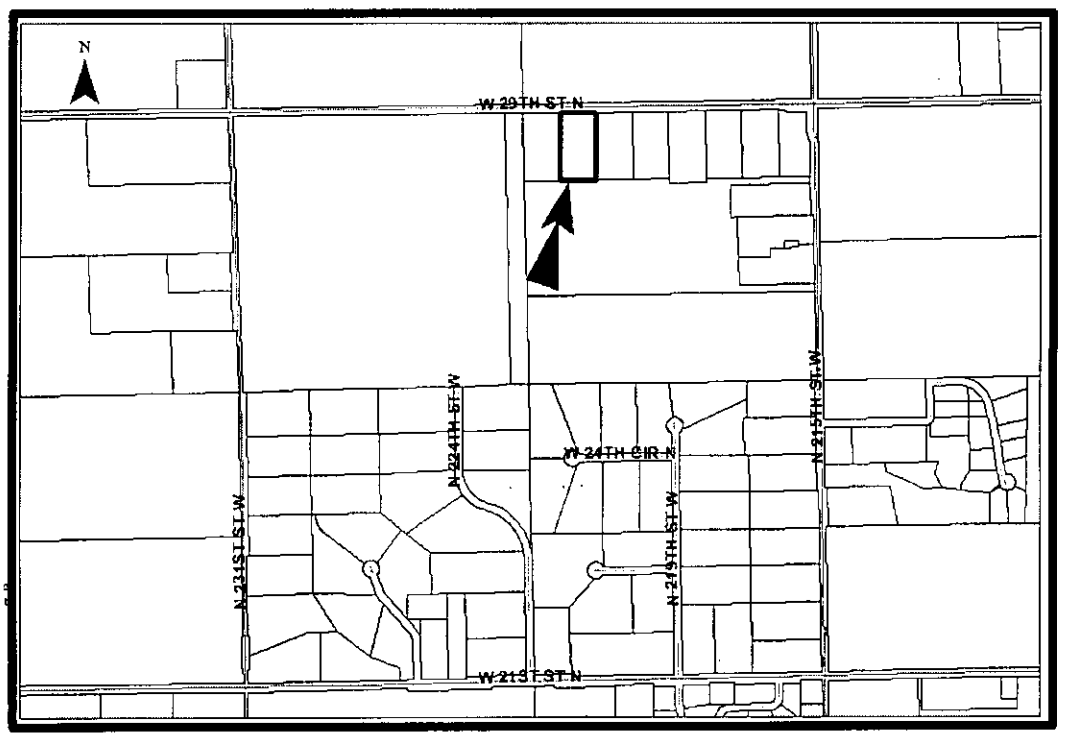
AGENDA ITEM NO. 7

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC June 20, 2012

CASE NUMBER:	CON2013-00012
OWNER/APPLICANT:	Henry T. and Lyneisa M. Cocking (owners/applicants)
REQUEST:	County Conditional Use for a Kennel; Boarding, Breeding and Training
CURRENT ZONING:	RR Rural Residential (RR)
SITE SIZE:	4.55-acres
LOCATION:	Generally located west of 215th Street West on the south of 29th Street North (District 3)
PROPOSED USE:	Breeding, training and boarding kennel and a 32 square-foot sign



BACKGROUND: The applicants are requesting a Conditional Use for a Boarding/Breeding/Training Kennel for a maximum of 12 dogs on their RR Rural Residential (RR) zoned 4.55-acre site, located approximately 1/3-mile west of 215th Street West on the south side of 29th Street North. The Unified Zoning Code (UZC), Art-II, Sec-II.6h., defines a Boarding/Breeding/Training Kennel as "...a premise housing five or more adult dogs, three or more of which are owned by someone other than the property residence, and premises housing over 10 dogs." The UZC, Art.III, Sec.III-D, 6-k., requires a Conditional Use for a Boarding/Breeding/Training Kennel when located within the RR zoning district.

The applicant has provided a site plan that has been used to determine its compliance with the UZC's Supplementary Use Regulation standards (Art.III, Sec.III-D, 6-k) for a Boarding/Breeding/Training Kennel as follows:

(1) Minimum Lot Area. The minimum lot size for Boarding/Breeding/Training Kennels shall be five acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines. *The site is 4.55 acres in size. The site's size does not meet the 5-acre standard and never will unless the applicant can purchase additional land from abutting, eastern, western or southern properties. The proposed facility will have outdoor runs attached to the 12 indoor kennels, which in turn are part of a proposed indoor training area housed in an existing 40-foot {x} 60-foot building. The applicants also propose two outdoor training areas for one dog at a time. The outdoor runs and training areas do not meet indoor housing standard. The UZC, Art.V-D.6., allows the MAPC to make one or more modifications to the Supplementary Use Regulations in the form of a recommendation to the Governing Body for final action.*

(2) Setbacks. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the Front Setback Line and located at least 200 feet from any Dwelling Unit other than the Owner's and at least 50 feet from Contiguous property lines. *The applicants' indoor training building portion of the proposed kennel (located in an existing 40-foot {x} 60-foot building) is located 140 feet west from a single-family residence and 34 feet west from the nearest, east Contiguous property line. The applicants could meet this standard by re-locating the proposed kennel to a more central part of their property. This would mean that the applicants could lose the use of the existing 40-foot {x} 60-foot building as an indoor training facility as well as the screening it provides; UZC, Art.V-D.6.*

(3) Screening. Screening shall be provided except for those facilities located 600 feet or more from Contiguous property lines. Screening shall be provided by Structure, solid or semi-solid Fencing, landscape materials, earth berms or natural Site features maintained for the purpose of concealing the view of the animals behind such Fence, landscape material, berm or natural feature from activities on Contiguous properties. If Fencing is used, it shall not be less than four or more than eight feet in height. If Fences over six feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Planning Director and Zoning Administrator. Fences used for Screening may have no more than five percent open surface. Landscape materials must provide the desired Screening effect within the first growing season following installation and throughout the year every year thereafter. *The applicants' indoor training building screens the kennel's outdoor runs and the north outdoor training area. Screening or landscaping providing the desired Screening effect within the first growing season following installation and throughout the year every year thereafter is needed on the south, west and portions of the east sides.*

The applicants also request a 32 square-foot sign for the business. The County permits 8-square feet of signage by right; however, in conjunction with a Conditional Use application, a larger sign may be approved.

The site is located in RR zoned unincorporated rural Sedgwick County. Most of the area is used for agriculture. The site is one of eight single-family residences built (1990-1998) on 4.5-acre lined up on the south side of 29th Street North, starting west of 215th Street West. There are another six large tract single-family residences or farmsteads (built1945-1998) located within a ¼-mile of the site. A subdivision like cluster of large tract single-family residences is located approximately ½-mile south of the site.

CASE HISTORY: The site is unplatted. The existing house on the site was built in 1998. As previously noted there is also an existing 40-foot {x} 60-foot accessory building on this site.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural fields, farmstead
SOUTH:	RR	Agricultural fields, single-family residences
EAST:	RR	Single-family residences, agricultural fields
WEST:	RR	Single-family residence, agricultural fields

PUBLIC SERVICES: 29th Street North and 215th Street West are paved, two-lane County Highways. The site is served by a lagoon for waste and well water. All other utilities are available.

CONFORMANCE TO PLANS/POLICIES: The '2030 Wichita Functional Land Use Guide of the Comprehensive Plan' identifies the site as Rural. The Rural category encompasses land outside the Wichita and small cities' growth areas. It is intended for agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately large tract single-family residences of two or more acres with provisions for individual or community water and sewer services.

A Boarding/Breeding/Training Kennel located within the RR zoning district, can be considered for a Conditional Use, per the UZC's Supplementary Use Regulation standards; Art.III, Sec.III-D, 6-k. The site appears to partially conform to those standards. As noted the screening requirements must be met. Also the applicants are requesting modification of the Supplementary Use Regulation standards: (1) the 5-acre minimum lot area and the prohibition of outdoor runs and training areas on a site less than 5-acres (see *comments* on Minimum Lot Area), and; (2) the kennel must 200 feet from any Dwelling Unit other than the Owner's and at least 50 feet from Contiguous property lines standards (see *comments* on Setbacks). The UZC, Art.V-D.6., allows the MAPC to make one or more modifications to the Supplementary Use Regulations in the form of a recommendation to the Governing Body for final action.

RECOMMENDATION: The proposed Conditional Use would not pose a land-use conflict with the existing surrounding agricultural uses. However, the proposed kennel could pose a conflict with existing and any future residential development. An increase of vehicular traffic

associated with the kennel is probable, although the 12-dog maximum would keep the increase minimal. Typically a primary issue with kennels is the noise generated by anxious dogs being dropped off and left at the kennel. A 12-dog kennel is a relatively small kennel (two over the maximum of 10-dogs) and with a good design the noise generated by the dogs could be less an encroachment to the neighbors than the typical larger kennel.

Planning Staff does not see indications of this area transitioning to urban scale residential in the foreseeable future. Therefore, based on the information available prior to the public hearing, staff recommends the County Conditional Use for a Boarding/Breeding/Training Kennel be APPROVED subject to the following Conditions:

(1) The Conditional Use for a Boarding/Breeding/Training Kennel shall comply with all applicable federal, state, and local requirements including the UZC's Supplementary Use Regulation standards, except with the following modifications to the Supplementary Use Regulation standards; (a) The site shall be 4.55-acres and allow outdoor runs and training areas as shown on an approved site plan, which includes the required screening or landscaping providing the desired Screening effect within the first growing season following installation and throughout the year every year thereafter, and; (b) The indoor training portion of the kennel shall be allowed in the existing 40-foot {x} 60-foot accessory structure, which is located approximately 140 feet west from the east single-family residence and 34 feet west from the nearest, east Contiguous property line. If the modifications are approved the MAPC's recommendation will be forwarded to the County Commission for final action.

(2) The number dogs to be boarded shall not exceed 12 dogs at any one time. No more than one dog shall be trained outdoors at any one time on either of the outdoor training areas.

(3) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian.

(4) Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided as approved by Environmental Services. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.

(5) Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The animals shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.

(6) All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The boarding kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the boarding, breeding and training kennel must be removed from the site and shall not be discharged into

the residential sewage lagoon on-site or any other on-site disposal system. Contact MABCD to discuss their solid waste disposal plans.

(7) The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.

(8) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.

(9) The boarding facility shall be open to the unannounced inspection by Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.

(10) The Conditional Use is permitted a 32 square-foot sign on the 29th Street North frontage, as approved by County Permits and Code.

(11) The property shall be developed and maintained in accordance with the site plan approved by the Planning Director, showing screening, all buildings, parking, and other applicable features of the site.

(12) If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

(1) The zoning, uses and character of the surrounding area: The site is located in RR zoned unincorporated rural Sedgwick County. Most of the area is used for agriculture. The site is one of eight single-family residences built (1990-1998) on 4.5-acre lined up on the south side of 29th Street North, starting west of 215th Street West. There are another six large tract single-family residences or farmsteads (built1945-1998) located within a ¼-mile of the site. A subdivision like cluster of large tract single-family residences is located approximately ½-mile south of the site.

(2) The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used for a single-family residence.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: Potential noise and odors generated by kenneled dogs could have a negative impact on the nearest residences abutting the east and west sides of the site. The proposed conditions should mitigate those impacts.

(4) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The '2030 Wichita Functional Land Use Guide of the Comprehensive Plan' identifies the site as Rural. The Rural category encompasses land outside the Wichita and small cities' growth areas. It is intended for agricultural uses, rural based uses that are no more offensive than those agricultural uses

commonly found in Sedgwick County and predominately large tract single-family residences of two or more acres with provisions for individual or community water and sewer services.

A Boarding/Breeding/Training Kennel located within the RR zoning district, can be considered for a Conditional Use, per the UZC's Supplementary Use Regulation standards; Art.III, Sec.III-D, 6-k. The site appears to partially conform to those standards. As noted the screening requirements must be met. Also the applicants are requesting modification of the Supplementary Use Regulation standards: (1) the 5-acre minimum lot area and the prohibition of outdoor runs and training areas on a site less than 5-acres (see *comments* on Minimum Lot Area), and; (2) the kennel must 200 feet from any Dwelling Unit other than the Owner's and at least 50 feet from Contiguous property lines standards (see *comments* on Setbacks). The UZC, Art.V-D.6., allows the MAPC to make one or more modifications to the Supplementary Use Regulations in the form of a recommendation to the Governing Body for final action.

(5) Impact of the proposed development on community facilities: Because of the relatively small size of the kennel, 12 dog maximum at any one time, impact on community facilities should be minimal.

29th St. N. (paved)

330'

40'

30's

N

rock

240'

188'

rock

240'

rock

Concrete Pad

Concrete Pad

Garage

13.2'

37.3'

13.6'

17.4'

17.8'

12.8'

21'

32'

11.7'

20.6'

Storage

See Addendum 1 & 2

60'

5-6'

34'

160'

74'

237'

377'

NEIGHBOR

NEIGHBOR

Rock Slop

THREE NEW TREES

EXG. TREES

Lagoon

295'

330's

APPROVED

Date: July 26, 2013

BY: Lyneisa Cocking

* OUTSIDE TRAINING AREA (ONE DOG AT A TIME)

** OCASIONAL OUTSIDE TRAINING AREA (ONE DOG AT A TIME)

Phase II ; Future training area → when in use
Must plant cedar screening around the area
Min ~~5~~ 5-Ft minimum - planted 15' centers - to be planted during closest Planting Season
(MAY SUBSTITUE CEDAR WITH JUNIPERS)

N

1.5'

4.5'

Cinder block