



Wichita-Sedgwick County Metropolitan Area Planning Department

October 9, 2018

Everett and Sharon Norris
7904 North Oliver Avenue
Park City, KS 67147

RE: CON2018-00033 - County request to grant a Conditional Use Permit to allow a Horse Riding Academy or Stables on East side of Oliver Avenue and North of 77th Street North (7904 North Oliver Avenue)

Dear Applicants:

At its regular meeting on **September 6, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: MABCD - Kelly Dixon
David Unruh, BOCC District I, County Mail Stop Room #320
Justin Waggoner, Assistant County Counselor, Mail Stop #349

CONDITIONAL USE RESOLUTION NO. CON2018-00033

WHEREAS, Everett and Sharon Norris, (applicants), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Riding Academy or Stable on property zoned RR Rural Residential District at 7904 North Oliver Avenue, Wichita, Kansas, and legally described as:

The SW ¼ of the SW ¼ of Section 36, Township 25 South, Range 1 East, Sedgwick County, Kansas; excluding the south 30 feet for road.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of September 6, 2018, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a Riding Academy or Stable on property zoned RR Rural Residential District at 7904 North Oliver Avenue, Wichita, Kansas, and legally described as:

The SW ¼ of the SW ¼ of Section 36, Township 25 South, Range 1 East, Sedgwick County, Kansas; excluding the south 30 feet for road.

Subject to the following conditions:

1. The operation shall be limited to the use of the existing and proposed buildings and facilities as shown on the site plan submitted with CON2018-00033. The uses shall be limited to stables and the riding operations. The maximum number of horses boarded shall be limited to 12. Riding lessons, renting of horses or public events shall not be permitted. There shall be no rodeos or other events of that nature which would result in large crowds.
2. This permit does not permit additional buildings or structures beyond that shown on the site plan. Buildings associated with the stable operations and riding facilities are permitted, subject to obtaining all necessary building permits from the Metropolitan Area Building and Codes Department (MABCD).
3. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent flies and odor. The gathered wastes shall be stored in air tight containers and shall be disposed of off site. The animal wastes may be spread and tilled for fertilizing field brome grass on-site only one time each year. No on-site burial is permitted.

4. The owner or occupant of the application area shall comply with the rules and requirements of the Metropolitan Area Building and Construction Department relative to on-site water and wastewater. If animal wastes are to be disposed of in a sewage lagoon, the applicant shall comply with the regulations of the Kansas Department of Health and Environment.
5. The horse stable facility shall be maintained free of rodent harborage, including, but not limited to improperly stored materials, enclosed partition walls and wooden floors must be closer than 12 inches to the ground. Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The hose facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.
6. Use shall be made of Health Department approved soil sterilants and herbicides or other effective means for the control of weeds and grass around the horse stable and associated corral areas.
7. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by painting. Painting is not required for redwood, cedar or chemically-treated and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.
8. The building and structures associated with the horse stable shall be open to unannounced inspection by Metropolitan Area Building and Construction Department personnel during reasonable daylight business hours to insure continued compliance with the above requirements.
9. Any change in the use, or request for new uses on the property shall be require appropriate future zoning approvals.
10. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (Uzc), the Zoning Administrator shall enforce all remedies of Section VIII of the Uzc, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 6th Day of SEPTEMBER, 2018

METROPOLITAN AREA PLANNING COMMISSION

Cindy Miles
Cindy Miles, Chair, MAPC

ATTEST:

Dale Miller
Dale Miller, Secretary



STAFF REPORT
MAPC September 6, 2018

D: 140

CASE NUMBER: CON2018-00033

APPLICANT/AGENT: Everett and Sharon Norris (Owners)

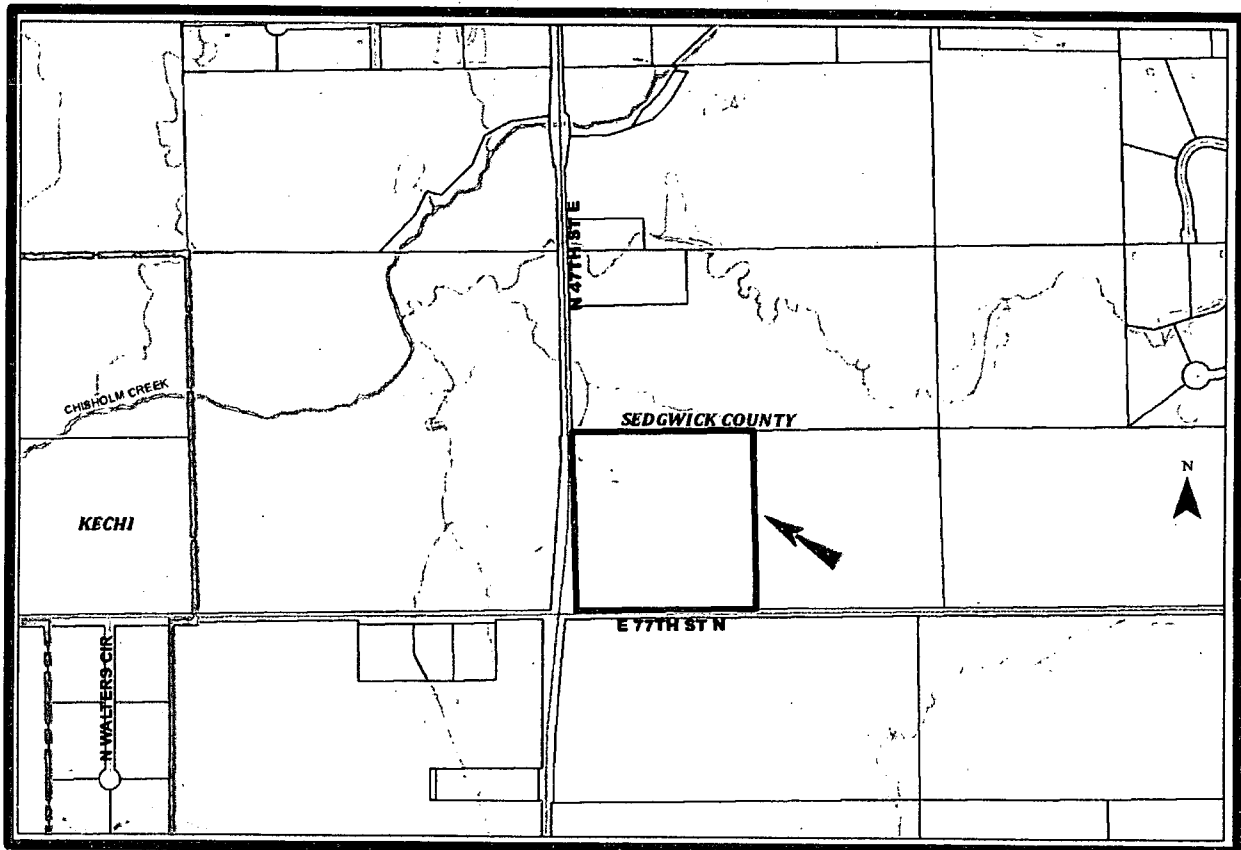
REQUEST: Conditional Use to permit riding academy or stables

CURRENT ZONING: RR Rural Residential

SITE SIZE: 37.9 acres

LOCATION: East side of Oliver Avenue and North of East 77th Street north (7904 North Oliver Avenue)

PROPOSED USE: Horse Riding Academy or Stables



BACKGROUND: The applicant is requesting a Conditional Use to allow the use of the property for horse riding academy or boarding stables. The applicant indicates the plan at this time is to accommodate a total of 12 horses within the proposed stable and the riding uses would occur within the pasture areas of the existing property or within the public right-of-way.

An existing farmstead home and several old outbuildings exist on the property, all generally located in the southwest portion of the property. The applicant plans to construct a large (36 x 96) horse stable holding twelve horses east of the existing outbuildings. Fencing of pasture areas will provide riding area on the property, with the majority of the eastern portion of the 40-acre tract used as a hayfield.

The aerial photo provided by the applicant depicts locations for some future buildings, either replacing existing older structures or additions to the complex. One future building is labeled as a future riding arena, which will be located to the eastern portion of the area with improvements. The full extent of the usage of the arena has not been provided by the applicant. As such, staff presumes usage that will need to be addressed as noted within the recommendations below.

CHARACTER OF AREA: The character of the surrounding area is rural. All the lands in the area are zoned RR Rural Residential. Some smaller tracts exist to the north along Oliver Avenue and west along 77th Street North which have single-family homes on them. Most of the area land is used either for rural residences or agricultural purposes. The City of Kechi city limits is approximately ½-mile to the west.

CASE HISTORY: The land is unplatted. There are no previous zoning cases on the property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	large lot rural residential
SOUTH:	RR	large lot rural residential
EAST:	RR	large lot rural residential
WEST:	RR	large lot rural residential

PUBLIC SERVICES: The neighborhood is rural and relies on on-site water and wastewater services. Access to the property is from Oliver Avenue. Oliver Avenue is paved with open ditches to current County requirements. Adjoining public roads are within established rights-of-way required by the County and townships.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the “urban growth area” for the City of Kechi. As noted within the Plan, this designation is described as follows: “Depicts anticipated long-term growth patterns for the cities of Sedgwick County. These areas are not prescriptive or binding in nature but serve as a reasonable indication as to where the future efficient and fiscally responsible extension of public infrastructure, services, and corporate limits could occur by 2035.” This use is compatible for a rural area and complies with the spirit and intent of the Plan.

RECOMMENDATION: Based upon the information available at the time the staff report, staff recommends the request be **APPROVED**, subject to the following conditions:

1. The operation shall be limited to the use of the existing and proposed buildings and facilities as shown on the site plan submitted with CON2018-00033. The uses shall be limited to stables and the riding operations. The maximum number of horses boarded shall be limited to 12. Riding

lessons, renting of horses or public events shall not be permitted. There shall be no rodeos or other events of that nature which would result in large crowds.

2. This permit does not permit additional buildings or structures beyond that shown on the site plan. Buildings associated with the stable operations and riding facilities are permitted, subject to obtaining all necessary building permits from the Metropolitan Area Building and Codes Department (MABCD).
3. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent flies and odor. The gathered wastes shall be stored in air tight containers and shall be disposed of off site. The animal wastes may be spread and tilled for fertilizing field brome grass on-site only one time each year. No on-site burial is permitted.
4. The owner or occupant of the application area shall comply with the rules and requirements of the Metropolitan Area Building and Construction Department relative to on-site water and wastewater. If animal wastes are to be disposed of in a sewage lagoon, the applicant shall comply with the regulations of the Kansas Department of Health and Environment.
5. The horse stable facility shall be maintained free of rodent harborage, including, but not limited to improperly stored materials, enclosed partition walls and wooden floors must be closer than 12 inches to the ground. Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The horse facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.
6. Use shall be made of Health Department approved soil sterilants and herbicides or other effective means for the control of weeds and grass around the horse stable and associated corral areas.
7. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by painting. Painting is not required for redwood, cedar or chemically-treated and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.
8. The building and structures associated with the horse stable shall be open to unannounced inspection by Metropolitan Area Building and Construction Department personnel during reasonable daylight business hours to insure continued compliance with the above requirements.
9. Any change in the use, or request for new uses on the property shall be require appropriate future zoning approvals.
10. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZO), the Zoning Administrator shall enforce all remedies of Section VIII of the UZO, and 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 neighborhood: The zoning, uses and character of the neighborhood, as noted above, are rural residential and all possible impacts on the neighborhood are mitigated by the conditions attached to this Conditional Use.
2. The suitability of the subject property for the uses to which it has been restricted: The property is mostly rural residential and agricultural in nature.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The limitations established by the approval is expected to make this use compatible with the neighborhood.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The impact to the landowners would be significant if this request is denied as the desire is to expand the use of the property in a profitable manner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the "urban growth area" for the City of Kechi. As noted within the Plan, this designation is described as follows: "Depicts anticipated long-term growth patterns for the cities of Sedgwick County. These areas are not prescriptive or binding in nature but serve as a reasonable indication as to where the future efficient and fiscally responsible extension of public infrastructure, services, and corporate limits could occur by 2035." This use is compatible for a rural area and complies with the spirit and intent of the Plan.
6. Impact of the proposed development on community facilities: The proposed use will have no detrimental impact on community facilities.

Staff Report Attachments:

Site Plan and Supporting Documents



46px STABLE
site for accessory apartment

SITE PLAN

MAPC 9/16/10

APPROVED



- City Limit Boundaries
- Historic Districts
- Old Town
- Delano Overlay District
- NO
- YES
- Property Parcels
- Lot Block
- Subdivisions
- Major Roads
- State Highway
- US Federal Highway
- Interstate
- KTA
- Arterial
- Collector
- Ramp
- Roads
- Railroads
- Quarter Section
- HOA
- Historic State/National Site
- Historic Local Site
- Historic Environs
- Oil/Gas District
- Case Tracking
- Zoning Cases
- 2000 County Aerial Photo
- 2003 Wichita Aerial Photo
- City Limits



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



Aerial legend

1. Hay field
2. North pasture
3. Homestead
4. South pasture
5. Old stable
6. New stable
7. Shop
8. Old barn one
9. Old barn two
10. Future building (riding arena)
11. Future building (replace old barn one)
12. Future building (replace old barn two)

SITE PLAN

APPROVED

MAPC

BY

9/6/18

