FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

June 19, 2020

Henry T. and Lyneisa Cocking
Midwest Dog Center
22215 W. 29th St. N.
Andale, KS 67001

RE: **CON2020-00010 -** County conditional use to expand existing Midwest Dog Center by amending the conditions of CON2013-00012; generally located approximately 1/2 mile west of N 215th St West on the south side of West 29th N (22215 W 29th N)

Dear Applicant:

At its regular meeting on **June 18, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC 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.
2) The maximum number of dogs allowed will be 60 animals, which includes boarding dogs and one day services such as private lessons, doggie daycare and grooming will be included in the allowance.
   a) No more than 40 dogs may be boarded at any one time except during legal holidays, religious holidays and scheduled school breaks such as spring break and fall break. During these times, the owner may expand the number of dogs boarded to 50 for Friday, Saturday and Sunday for a period of five days before and five days after the holiday. Doggie daycare will be reduced so as not to exceed the maximum of 60 dogs per day allowed. This condition excludes the group class dogs, the owner's personal dogs, breeding dogs and puppies from litters.
   b) Dogs shall be allowed outdoors from 6:30 AM to sunset. No more than 25 dogs will be allowed in the large area and 10 dogs allowed in the small area at any one time.
   c) Two dog training classes will be allowed per week (Monday –Friday). No more than 12 dogs will be allowed per class. Training classes cannot be conducted after 8 p.m. The classes will be held on different days. The trainer will be allowed to select the training days as may be needed, but no more than two days per week.
   d) Two Saturday classes may be held consecutively but must have a minimum of 30 minutes between classes. Should a need arise, the Saturday classes may be held on Sunday. Classes may not be held on both Saturday and Sunday.

e) During Daylight Saving Time between March and November, the training classes may be scheduled during weekday evening hours. No more than four classes will be allowed, and weekend classes will be suspended. Classes will conclude by 8 p.m.

f) A limited number of dog training items such as leashes, collars, treats and clothes will be available to clients using the facility for retail sales. No other retail will be allowed. Sales tax will be collected and remitted as required by state law.

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 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 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) The conditions for this application shall expire on December 31, 2021. After that deadline, the larger operation will be moved to the new facility on 247th Street (CON2017-03). CON2020-10 will become void and the operation will revert to the conditions established by CON2013-12 for 22215 West 29th Street North location.
14) 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.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **July 2, 2020**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the County Clerk by **July 2, 2019 at 5:00 p.m.**

If no valid protests or appeals opposing the action of the MAPC are filed with the County Clerk by **5:00 p.m. on Thursday, July 2, 2020**, the action of the MAPC will be considered final.

If a protest or an appeal of the decision of the MAPC is filed, the application will be forwarded to the Board of County Commissioners for consideration on August 5, 2020.

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,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
David Dennis, BoCC District 3
Kate Flavin, Public Information Officer Sedgwick County
Jim Weber, County Public Works
Robert Timmons, County Fire Department
Justin Waggoner, County Law
Ownership notification list

CONDITIONAL USE RESOLUTION NO. CON2020-00010

WHEREAS, Midwest Dog Center (Henry and Lyneisa Cocking, owners); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests an Amendment to a Conditional Use (CON2013-12) to allow a temporary expansion of an existing Boarding/Breeding/Training Kennel on property zoned RR Rural Residential ("RR") described as:

> A tract in the Northeast Quarter of Section 1, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the Northwest corner thereof; thence East along the North line of said Northeast Quarter 330 feet for a point of beginning; thence continuing East along the North line of said Northeast 330 feet; thence South parallel with the West line of said Northeast Quarter, 660 feet; thence West parallel with the North line of said Northeast Quarter, 330 feet; thence North 660 feet to the point of beginning; EXCEPT the North 50 feet for road (22215 West 29th Street North).

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 June 18, 2020, 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 allow a temporary expansion of an existing Boarding/Breeding/Training Kennel on property zoned RR Rural Residential ("RR") described as:

> A tract in the Northeast Quarter of Section 1, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, described as commencing at the Northwest corner thereof; thence East along the North line of said Northeast Quarter 330 feet for a point of beginning; thence continuing East along the North line of said Northeast 330 feet; thence South parallel with the West line of said Northeast Quarter, 660 feet; thence West parallel with the North line of said Northeast Quarter, 330 feet; thence North 660 feet to the point of beginning; EXCEPT the North 50 feet for road (22215 West 29th Street North).

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 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 maximum number of dogs allowed will be 60 animals, which includes boarding dogs and one day services such as private lessons, doggie daycare and grooming will be included in the allowance.
   a) No more than 40 dogs may be boarded at any one time except during legal holidays, religious holidays and scheduled school breaks such as spring break and fall break. During these times, the owner may expand the number of dogs boarded to 50 for Friday, Saturday and Sunday for a period of five days before and five days after the holiday. Doggie daycare will be reduced so as not to exceed the maximum of 60 dogs per day allowed. This condition excludes the group class dogs, the owner's personal dogs, breeding dogs and puppies from litters.
   b) Dogs shall be allowed outdoors from 6:30 AM to sunset. No more than 25 dogs will be allowed in the large area and 10 dogs allowed in the small area at any one time.
   c) Two dog training classes will be allowed per week (Monday –Friday). No more than 12 dogs will be allowed per class. Training classes cannot be conducted after 8 p.m. The classes will be held on different days. The trainer will be allowed to select the training days as may be needed, but no more than two days per week.
   d) Two Saturday classes may be held consecutively but must have a minimum of 30 minutes between classes. Should a need arise, the Saturday classes may be held on Sunday. Classes may not be held on both Saturday and Sunday.
   e) During Daylight Saving Time between March and November, the training classes may be scheduled during weekday evening hours. No more than four classes will be allowed, and weekend classes will be suspended. Classes will conclude by 8 p.m.
   f) A limited number of dog training items such as leashes, collars, treats and clothes will be available to clients using the facility for retail sales. No other retail will be allowed. Sales tax will be collected and remitted as required by state law.
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 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 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) The conditions for this application shall expire on December 31, 2021. After that deadline, the larger operation will be moved to the new facility on 247th Street (CON2017-03). CON2020-10 will become void and the operation will revert to the conditions established by CON2013-12 for 22215 West 29th Street North location.
14) 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.

Adopted this **18th** Day of **June** 2020

METROPOLITAN AREA PLANNING COMMISSION

Charles A. Warren, Chair MAPC

ATTEST:

Scott Wadle, Interim Secretary

KM

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Jennifer Perryman, being first duly sworn, deposes and says:
That he/she is Legal Manager of

The Derby Informer

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for **1 week** the first publication thereof being made as aforesaid on the **27th** day of **May** 2020, with subsequent publications being made on the following dates:

N/A

Jennifer Perryman
Legal Manager

Subscribed and sworn to before me this 27th day of May, 2020.

Notary Public

MARY JOYCE
Notary Public - State of Kansas
My Appt. Expires 8-28-22

Legal Publication

(Published in The Derby Informer on May 27, 2020)

MAPC June 18, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 18, 2020 no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II – Room 101B – 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice).If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2020-00010 County conditional use to expand existing Midwest Dog Center (CON2013-12) by adding a new indoor play and boarding area 80 ft X 55 ft.; generally located approximately 1/2 mile west of N 215th St West on the south side of West 29th N (22215 W 29th N)

CON2020-00016 County Conditional Use for Accessory Apartment in Rural Residential (RR) zoning, Generally located on the Southeast corner of East 75th Street South and South Greenwich Road (11501 E. 75th St S).

CON2020-00018 County Conditional Use to allow a minor utility (water supply booster pump station) for Butler R.D.W. #5; generally located on the north side of E. 29th Street N. and 1/2 mile east of N. Greenwich Rd.

ZON2020-00020 County zoning change to SF-20 Single-Family Residential to allow creation of lots less than 2 acres in size on land zoned RR Rural Residential generally located south of East MacArthur Road and west of South 135th Street East (13429 East MacArthur and 13439 East MacArthur).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters 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 changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: David Yearout 271 W. 3rd Street – Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely
You can participate remotely either by phone, mobile device, or computer by using the following link or phone number.
Please join the meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/856680853

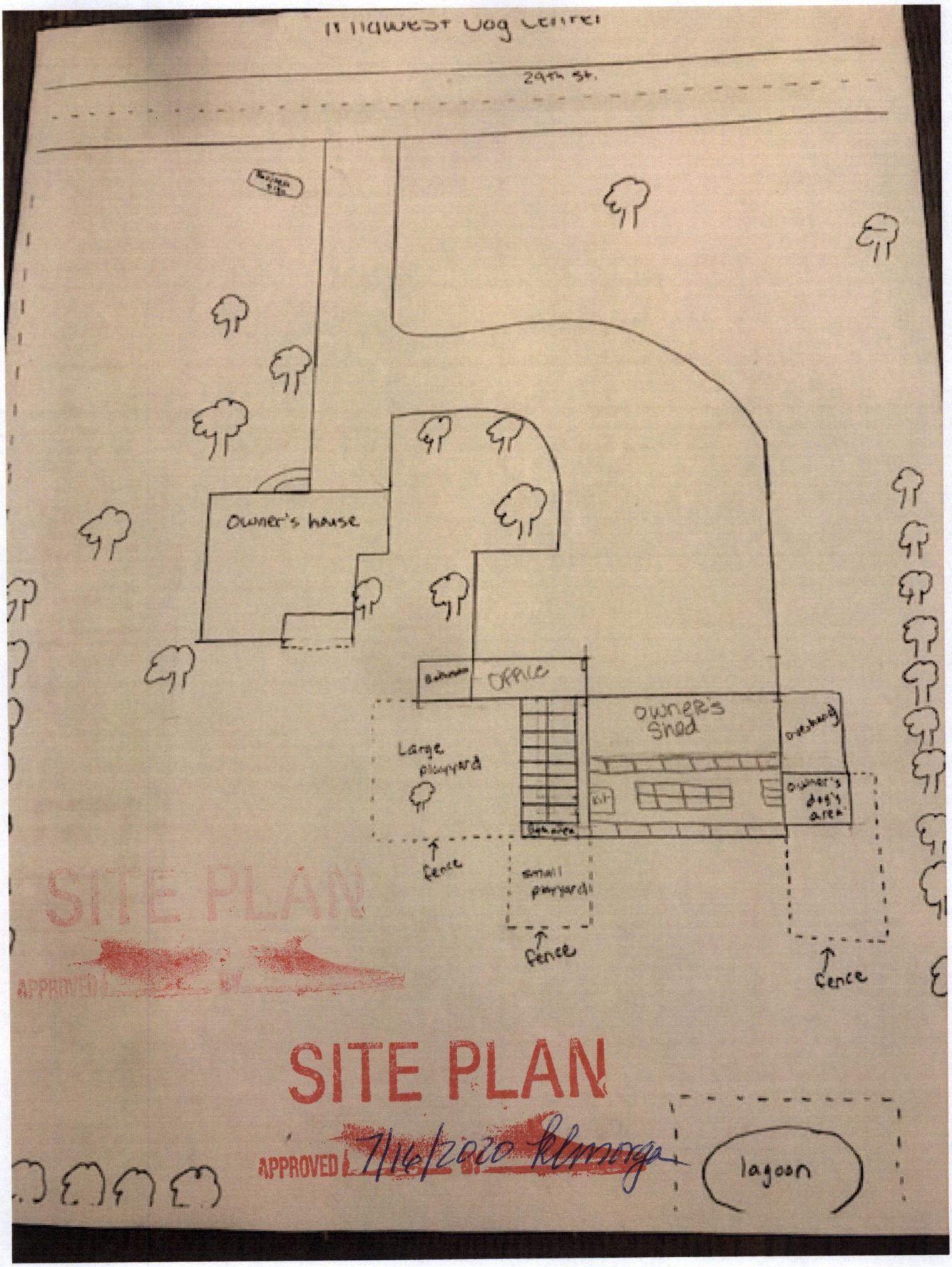
You can also dial in using your phone.
- United States: +1 (872) 240-3212
- Access Code: 856-680-853

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 22, 2020
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

Official Hearing Notice – MAPC – June 18, 2020

Printer's Fee: $46.20
Additional copies: $ _____


Midwest Dog Center
29th St.
owner's house
OFFICE
owner's shed
Large playyard
owner's dog's area
small playyard
fence
fence
fence
SITE PLAN
APPROVED
SITE PLAN
APPROVED 7/16/2020 klmorga
lagoon

CON2020-10