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R E S O L U T I O N N O . 157-1992

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A DOG BOARDING KENNEL IN THE "R" RURAL RESIDENTIAL 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, AND SUBSEQUENTLY AMENDED.

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 to establish a dog boarding kennel on property zoned "R" Rural Residential District is hereby approved on lands legally described below:

Case No. CU-348

Conditional Use Permit request to establish
a dog boarding kennel on property zoned
the "R" Rural Residential District

Part of the SE 1/4 of Section 3, T26S, R1W of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the SE corner of said SE 1/4; thence S90°00'W along the south line of said SE 1/4, 1570.46 feet to a point of beginning; thence S90°00'W, 70 feet; thence N0°33'W parallel with the east line of said SE 1/4, 435.3 feet; thence S90°00'W, 194.10 feet; thence N0°33'W, 90.80 feet; thence N90°00'E, 246.10 feet; thence S0°33'E, 526.10 feet to the point of beginning. Generally located in an area north of 69th Street and west of Hoover Road.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells.

- B. Pursuant to Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution, outdoor exercise runs, hold pens or other open-air type enclosures located within 600 feet of a property line shall be screened in accordance with the definition of kennel screening.
- C. If the dogs are confined to indoor runs which provide the dog with direct access to an outside exercise enclosure which provides at least 100 square feet of exercise area, the indoor run shall not be smaller than 5 feet by 5 feet to accommodate a single dog. If the dogs are confined to indoor runs which are not directly connected to a suitable outdoor exercise run, the indoor runs shall not be smaller than 4 feet by 8 feet to accommodate a single dog. If more than one dog is to be kept in the run, the length of the indoor run shall be increased by 2 feet for each additional dog.
- D. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian and proof of identification and ownership for all dogs five months and older.
- E. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- F. 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. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of five- to six-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85° F or higher.
- G. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs 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.
- H. 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 Sedgwick County's Sanitation Code #5.
- I. The maximum number of runs shall not exceed 50.

J. The dog boarding kennel facility shall be open to the unannounced inspection by Sedgwick County Department of Code Enforcement personnel during reasonable daylight business hours to insure continued compliance with the above requirements.

K. Any violation of the foregoing conditions shall render this conditional use permit to be null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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 Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN
PAUL W. HANCOCK
BERNARD A. HENTZEN
BILLY Q. MCCRAY
MARK F. SCHROEDER

Aye
Aye
Aye
Absent
Aye

DATED this 20th day of May, 1992.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

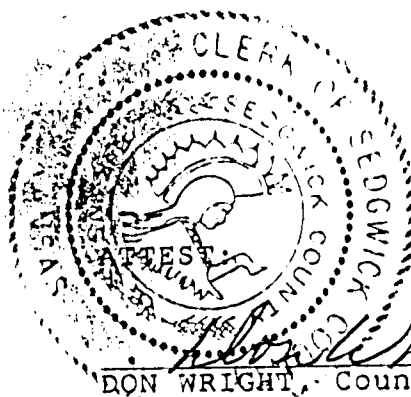
Betsy Gwin
BETSY GWIN, Chair

Mark F. Schroeder
MARK F. SCHROEDER, Chair Pro Tem

Paul W. Hancock
PAUL W. HANCOCK, Commissioner

Bernard A. Hentzen
BERNARD A. HENTZEN, Commissioner

Absent
BILLY Q. MCCRAY, Commissioner



Don Wright
DON WRIGHT, County Clerk

APPROVED AS TO FORM ONLY:

David K. Allen
County Counselor/Assistant

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3
VCPC 3/24/92
MAPC 4/09/92

STAFF REPORT

CASE NUMBER: CU-348

OWNER/APPLICANT/AGENT: Mark & Stacia Tomlin (owners/applicants)
Thomas Harris (agent)

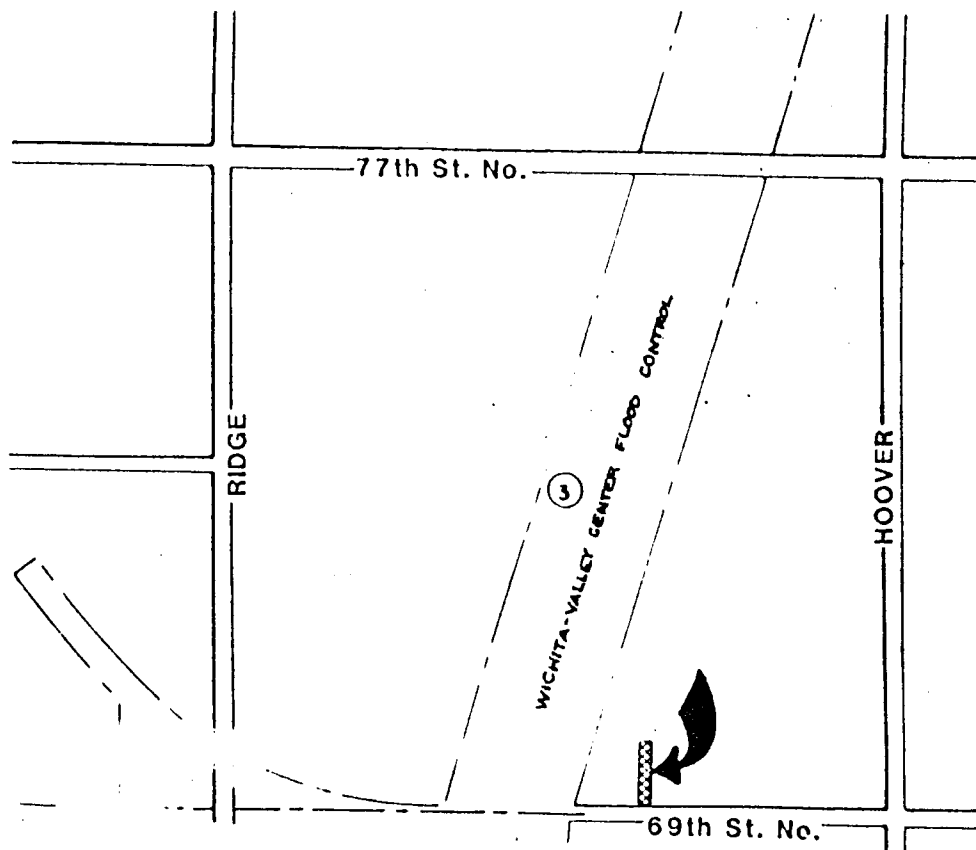
REQUEST: A conditional use permit to establish a dog boarding kennel.

CURRENT ZONING: "R" Rural Residential District

SITE SIZE: .8 acres (70 feet x 576 feet)

LOCATION: In an area north of 69th Street North and west of Hoover Road.

PROPOSED USE: A dog boarding kennel.



BACKGROUND: The applicant is requesting a conditional use permit to operate a dog boarding kennel in the "R" Rural Residential District. A dog boarding kennel is defined as premises housing five (5) or more adult dogs, three (3) or more of which are owned by someone other than the property resident. Section 4(A)(9)(j) of the Sedgwick County Zoning Resolution states that the Board of County Commissioners may, by conditional use permit, authorize boarding kennels in the "R" zoning district.

The application area is a 70' x 590' portion of a 32-acre unplatted tract. The site is currently developed with a single-family residence, a barn and a kennel. The dog kennel measures 20' x 25' and consists of ten runs. A preliminary inspection of the kennel has been conducted by the Department of Animal Control and County Code Enforcement.

Typically, indoor runs measuring a minimum of 4' x 8' have been required of kennels. In this case, the applicant is seeking to operate a dog boarding kennel in an existing structure where the indoor runs measure 5' x 5'. The applicant has provided direct access to outdoor runs which measure 5' x 25'. Providing outdoor exercise runs has not been a requirement of past conditional uses for kennels. Staff believes that the applicant has compensated for the non-standard size indoor runs by providing direct access to outdoor runs.

Staff recommends approval of the conditional use permit for a kennel, subject to conditions. The Valley Center Planning Commission considered this request on Tuesday, March 24, 1992. The action taken by the Commission was to recommend approval by a vote of 6-0, subject to staff comments.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	Single-family residences
SOUTH	"R"	Undeveloped
EAST	"R"	Undeveloped
WEST	"R"	Undeveloped

PUBLIC SERVICES: The kennel will access 69th Street North, a two-lane, unpaved, section line road with 25 feet of half-street right-of-way. Municipal water and sewer are not currently being utilized at this location.

CONFORMANCE TO PLANS/POLICIES: This property is located within the City of Valley Center's Area of Zoning Influence. This site is not included within Valley Center's Long Range Planning Area. The 1978 Comprehensive Plan depicts this area as agricultural.

- A. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells.
- B. Pursuant to Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution, outdoor exercise runs, hold pens or other open-air type enclosures located within 600 feet of a property line shall be screened in accordance with the definition of kennel screening.
- C. If the dogs are confined to indoor runs which provide the dog with direct access to an outside exercise enclosure which provides at least 100 square feet of exercise area, the indoor run shall not be smaller than 5 feet by 5 feet to accommodate a single dog. If the dogs are confined to indoor runs which are not directly connected to a suitable outdoor exercise run, the indoor runs shall not be smaller than 4 feet by 8 feet to accommodate a single dog. If more than one dog is to be kept in the run, the length of the indoor run shall be increased by 2 feet for each additional dog.
- D. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian and proof of identification and ownership for all dogs five months and older.
- E. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- F. 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. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of five- to six-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85° F or higher.
- G. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs 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.
- H. 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 Sedgwick County's Sanitation Code #5.

CU-348 Staff Report
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- I. Use of this property for a boarding kennel shall be in accordance with the site plan approved for this case. The maximum number of runs shall not exceed ten.
- J. The dog boarding kennel facility shall be open to the unannounced inspection by Sedgwick County Department of Code Enforcement personnel during reasonable daylight business hours to insure continued compliance with the above requirements.
- K. Any violation of these conditions shall cause this conditional use permit to be null and void.