R# 129-1993

Published in The Daily Reporter on 7-15-93, 1993

RESOLUTION NO.

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW HORSE STABLES AND ASSOCIATED USES 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 allow horse stables and associated uses on property zoned "R" Rural Residential, legally described below:

FILE COPY

Case No. CU-358

Conditional use permit request to allow horse stables and associated uses on property zoned the "R" Rural Residential District

A tract of land in the East Half of the Northeast Quarter of Section 18, Township 26 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; beginning at the Southeast corner of the Northeast Quarter; thence N 0 degrees 00' W, along the East line of the Northeast Quarter, 1039.69 feet to the point of beginning; thence S 88 degrees 50'11" W parallel to the South line of the Northeast Quarter, 996.69 feet; thence N 2 degrees 8'53" E, 143.2 feet; thence N 22 degrees 11'12" W, 174.88 feet; thence N 11 degrees 33'59" W, 216.98 feet; thence N 41 degrees 40'24" W, 98.27 feet; thence N 88 degrees 50'12" E, 1166.24 feet to the East line of the Northeast Quarter; thence S 0 degrees 00' E along said East line of said Northeast Quarter, 594.45 feet to point of beginning, except the east 25 feet for road. Generally located 1/4 mile south of 61st Street North on the west side of Maize Road.

Sent to be published 7-12-93

SUBJECT TO THE FOLLOWING CONDITIONS:

A. Prior to this item being scheduled before the Board of County Commissioners, the applicant shall, by separate instrument, dedicate an additional 25 feet of right-of-way for Maize Road.

B. Use of the site shall be according to the approved site plan. The primary uses approved shall include: riding lessons, horse rentals, party ponies, horse boarding, training and breaking, stallion services and hay rack rides. A petting zoo and livestock sales shall be allowed, but shall remain a clearly incidental use of the property. Retail sales of tack and equipment used for horses shall also be permitted as an incidental use of the property. With the exception of livestock and hay, approval of this permit shall not be construed to allow the outdoor storage of retail merchandise.

C. No activities associated with the horse stables, with the exception of pasturing, shall occur within any of the required yard setbacks (30' front, 20' side and 25' rear). In addition, no horses shall be boarded and no wastes stored or disposed of within the area 300' west of Maize Road and 79' south of the north property line.

D. 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.

E. 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 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 stable facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.

F. 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.

G. 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- and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.

H. Any horses boarded within 300 feet of an adjacent home must have 10,000 square feet of land area per animal.

I. The building, structures, and grounds associated with the horse stable shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable daylight business hours to insure continued compliance with the above requirements. Any violation of these conditions shall declare the conditional use permit null and void.

J. 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 may be disposed of off-site. The animal wastes may be spread and tilled for fertilizing field brome on-site only one time each year. No on-site burial is permitted.

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
BILLY Q. McCRAY

MARK F. SCHROEDER aye
THOMAS G. WINTERS aye

DATED this 23rd day of June, 1993.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

MARK F. SCHROEDER, Chairman

BILLY Q. McCRAY, Chairman Pro Tem

ATTEST:

SUSAN CROCKETT-SPOON
County Clerk

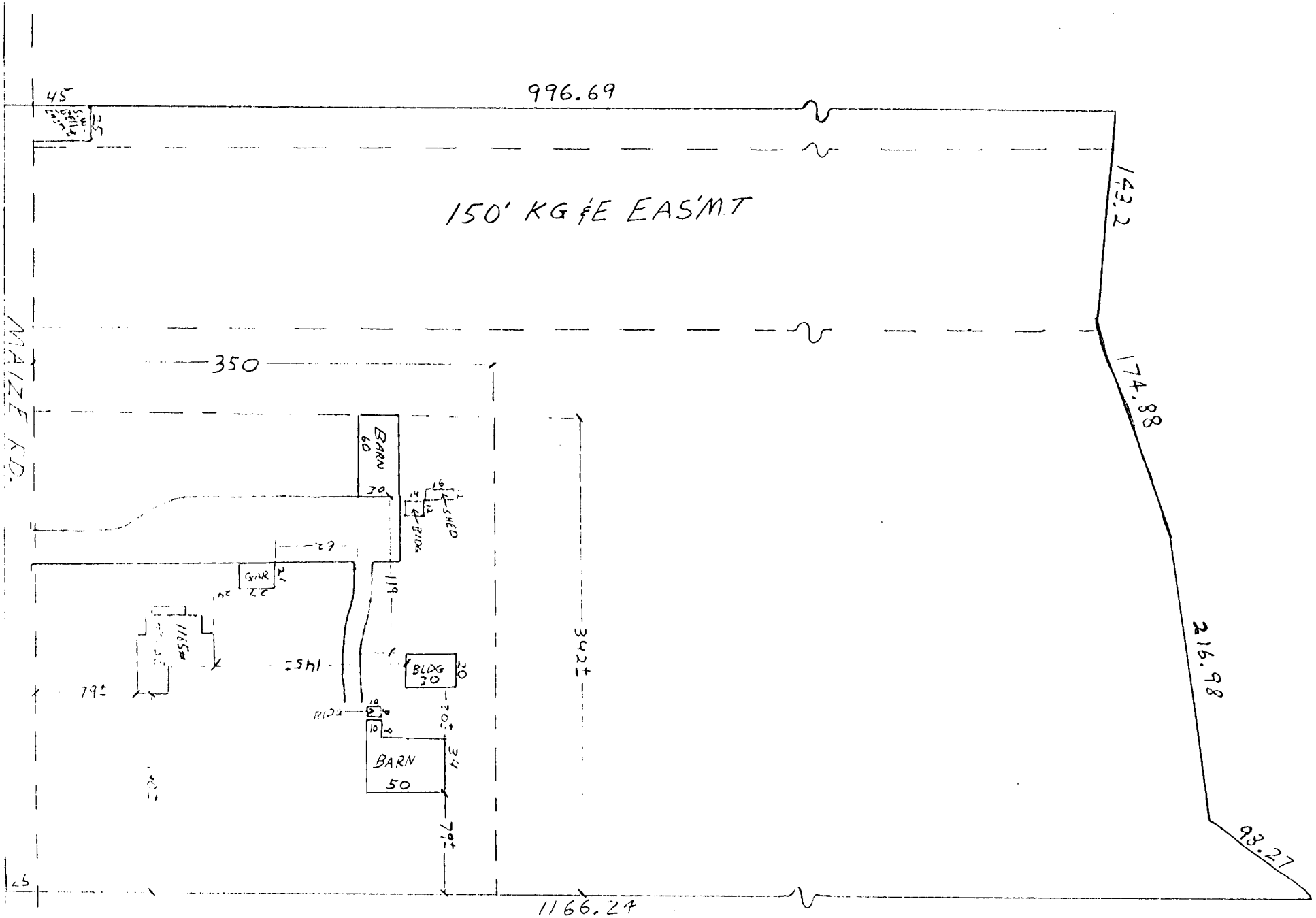
BETSY GWIN, Commissioner

APPROVED AS TO FORM ONLY:

PAUL W. HANCOCK, Commissioner

County Counselor/Assistant

THOMAS G. WINTERS, Commissioner


45
996.69
150' KG&E EASMT
143.2
174.88
216.98
93.27
1166.27
350
342±
MAIZE RD.
BARN
60
30
SHED
12
12
BLDG
67
GAR
22
24
119
BLDG
30
20
70±
BARN
50
34
79±
79±
45

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8
MAIZE PC 5-13-93
MAPC 5-20-93

STAFF REPORT

CASE NUMBER: CU-358

APPLICANT/AGENT: Barry and Jamie Cole

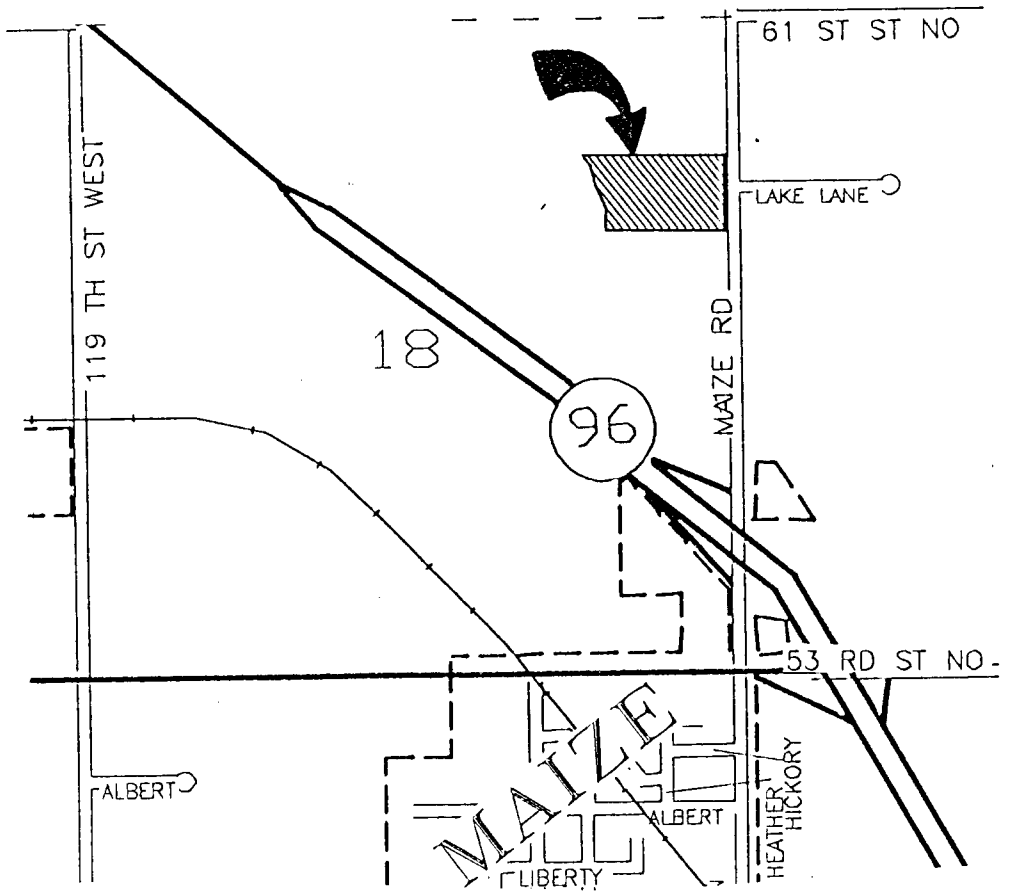
REQUEST: Conditional Use Permit for a horse stable and associated uses.

CURRENT ZONING: "R" Rural Residential

SITE SIZE: 15 acres

LOCATION: Generally located 1/4 mile south of 61st Street North, on the west side of Maize Road.

PROPOSED USE: Horse Stables and associated uses.



BACKGROUND: The applicants are requesting a conditional use permit for a horse stable on a 15 acre unplatted tract currently zoned "R" Rural Residential and generally located 1/4 mile south of 61st St. N. on the west side of Maize Rd. The applicants have been operating the C-Arrow Stables at this location since 1990. The stables provides Western and English style riding lessons, horse rentals, hay rack riding, party ponies, a petting zoo, horse boarding and other related services (see attachment).

Section 4(A)(9)(j) of the Sedgwick County Zoning Regulations requires a conditional use permit for a "horse riding academy or rodeo arena for public entertainment or commercial purposes". The applicants' existing use fits within this category.

All surrounding property is currently zoned "R" Rural Residential. A single family residences exists 50 feet to the north of the application area. Several single family residences exist to the east, the closest being 150 feet from the application area. All remaining surrounding property is currently undeveloped.

The 1978 and the proposed 1992 Comprehensive Plans depict this area for agricultural uses. In addition, the proposed plan identifies agriculturally oriented commercial activities as appropriate for rural areas.

The site has access to Maize Road, a two lane, unimproved road with 25 feet of existing half-street right-of-way. Although municipal services are not yet available at this location, the City of Maize does anticipate that they will be providing services to this area in the future.

The Wichita-Sedgwick County Health Department requires that any horses boarded within 300 feet of an adjacent home must have access to 10,000 square feet of land area per animal. Beyond 300 feet there is no land area requirement. The Health Department has indicated that the normal bio-degration process of animal waste should not cause water quality problems. However, they do recommend that animal wastes from areas where the animals have been confined be gathered as needed to prevent flies and odor. The gathered wastes should be stored in air tight containers and may be disposed of off site, spread and tilled under as fertilizer, or buried on-site.

Therefore, based on the zoning and uses of nearby property, the suitability of the applicants' property for the uses to which it is zoned and the recommendation of the Comprehensive Plan, staff recommends approval subject to conditions.

The Maize Planning Commission met on May 11, 1993 to consider this item. The action taken was to recommend approval(6-1)of the request subject to staff comments. In addition, the Planning Commission recommended that, "no horses shall be boarded within

the area 300' west of Maize Road and 79' south of the north property line". This recommendation has been incorporated into staff's recommended condition C. Two area residents were present in opposition to the request and raised concerns about water quality and removal of manure. In response to these concerns staff has added condition J.

CASE HISTORY: On April 2, 1993, the applicants were notified by Sedgwick County Code Enforcement that they were operating their business in violation of the Zoning Regulations.

ADJACENT ZONING AND LAND USE:

NORTH:	"R"	Single Family Residential
SOUTH:	"R"	undeveloped agricultural ground
EAST:	"R"	Single Family Residential
WEST:	"R"	undeveloped agricultural ground

PUBLIC SERVICES: The site has access to Maize Road, a two lane, unimproved road with 25-feet of existing, half-street, right-of-way, whereas 50 feet would be required. The are no plans within the County CIP for improvements to Maize Rd. Although municipal services are not yet available at this location, the City of Maize does anticipate that they will be providing services to this area in the future.

CONFORMANCE TO PLANS/POLICIES: The 1978 and the proposed 1992 Comprehensive Plans depict this area for agricultural uses. In addition, the proposed plan identifies agriculturally oriented commercial activities as appropriate for rural areas. There are no adopted MAPC zoning policies for this segment of Maize Road.

RECOMMENDATION: Approval subject to the following conditions:

A. Prior to this item being scheduled before the Board of County Commissioners, the applicant shall, by separate instrument, dedicate an additional 25 feet of right-of-way for Maize Road.

B. Use of the site shall be according to the approved site plan. The primary uses approved shall include: riding lessons, horse rentals, party ponies, horse boarding, training and breaking, stallion services and hay rack rides. A petting zoo and livestock sales shall be allowed, but shall remain a clearly incidental use of the property. Retail sales of tack and equipment used for horses shall also be permitted as an incidental use of the property. With the exception of livestock and hay, approval of this permit shall not be construed to allow the outdoor storage of retail merchandise.

C. No activities associated with the horse stables, with the exception of pasturing, shall occur within any of the required yard setbacks (30' front, 20' side and 25' rear).

In addition, no horses shall be boarded within the area 300' west of Maize Road and 79' south of the north property line.

D. 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.

E. 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 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 stable facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.

F. 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.

G. 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- and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.

H. Any horses boarded within 300 feet of an adjacent home must have 10,000 square feet of land area per animal.

I. The building and structures associated with the horse stable shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable daylight business hours to insure continued compliance with the above requirements. Any violation of these conditions shall declare the conditional use permit null and void.

J. 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 may be disposed of off site, spread and tilled under as fertilizer, or buried on-site.