CONDITIONAL USE RESOLUTION NO. 394

WHEREAS, Judith Mae & Gregory P. Farber and L.E. & Cheryl Seibert, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to permit a horse boarding stable on property zoned the "RR" Rural Residential, and legally described as follows:

> Part of the S 1/2 of the SW 1/4 of Section 15, T28S, R2E of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the SW corner of said SW 1/4, thence N90°00"E along the south line of said SW 1/4, 1809.8 feet to a point of beginning; thence NO°12'50"E parallel with the west line of said SW 1/4, 1323.92 feet to the north line of said S 1/2 of said SW 1/4; thence N89°51'23"E along the north line of said S 1/2, 838.98 feet to the NE corner of said S 1/2 of SW 1/4, 1326.02 feet to the SE corner of said SW1/4; thence S90°00'W along the south line of said SW 1/4, 839.73 feet to the point of beginning; subject to road right-of-way of record. Generally located 1/2 mile east of Greenwich on the north side of 47th Street South.

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 April 25, 1996, consider said application; and

WHEREAS, the MAPC has proper jurisdiction to consider said request for a conditional use under the provisions of Section VI-C.3 of the Unified Zoning Code; and

WHEREAS, the MAPC has authority to permit a horse boarding stable on property zoned the "RR" Rural Residential, 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 MAPC that this application be approved to permit a horse boarding stable on property zoned the "RR" Rural Residential and legally described as follows:

> Part of the S 1/2 of the SW 1/4 of Section 15, T28S, R2E of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the SW corner of said SW 1/4, thence N90°00"E along the south line of said SW 1/4, 1809.8 feet to a point of beginning; thence NO°12'50"E parallel with the west line of said SW 1/4, 1323.92 feet to the north line of said S 1/2 of said SW 1/4; thence N89°51'23"E along the north line of said S 1/2, 838.98 feet to the NE corner of said S 1/2 of SW 1/4, 1326.02 feet to the SE corner of said SW1/4; thence S90°00'W along the south line of said SW 1/4, 839.73 feet to

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the point of beginning; subject to road right-of-way of record. Generally located 1/2 mile east of Greenwich on the north side of 47th Street South.

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. 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.

B. 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 on-site only one time each year. No on-site burial is permitted.

C. 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.

D. 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.

E. 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.

F. The maximum number of horses to be boarded at any one time is 25, and the property shall be used in a manner consistent with the submitted site plan.

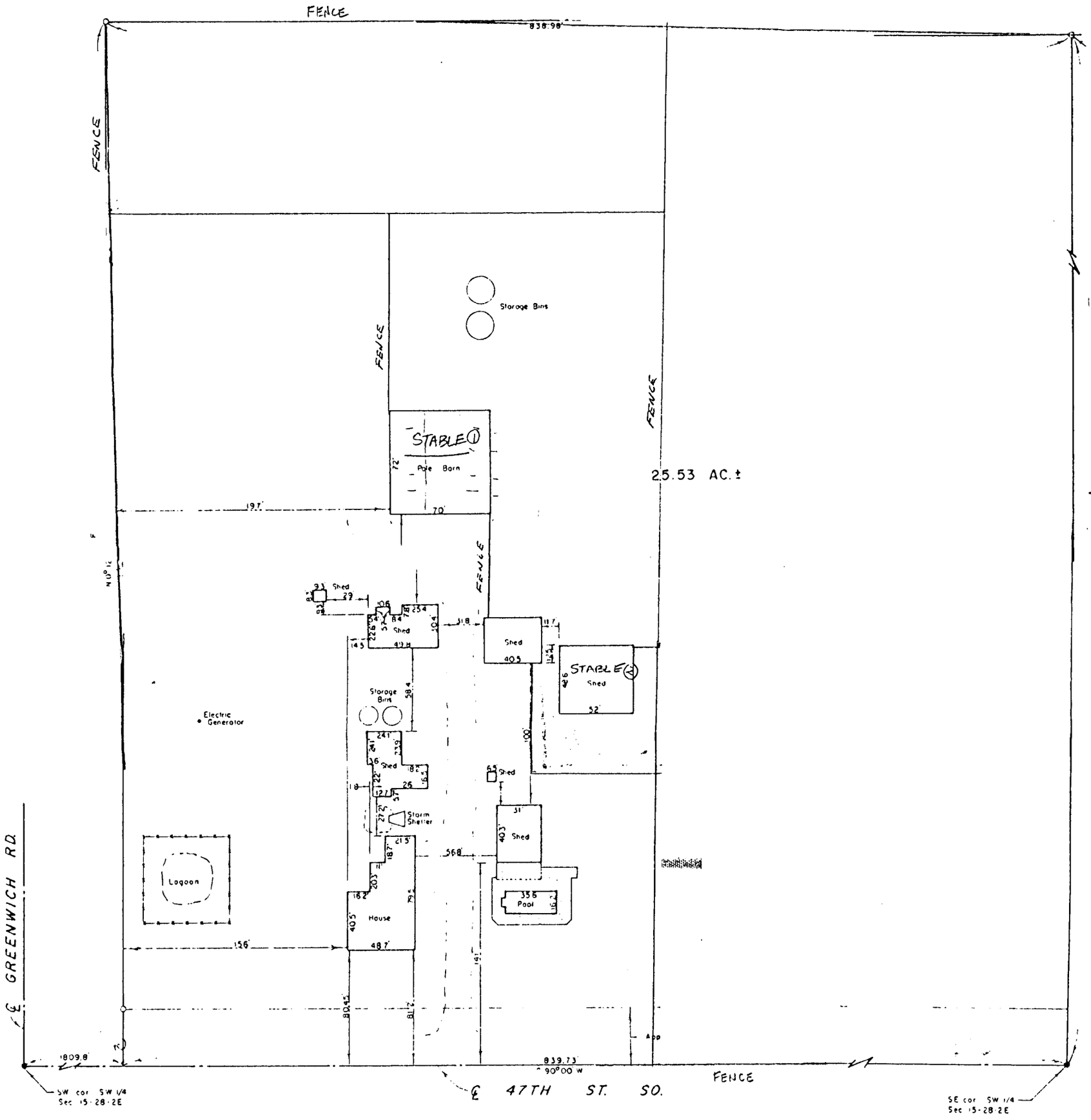
G. The building and structures associated with the horse stable shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable daylight business hours to insure continued compliance with the above requirements. Any violation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

ADOPTED this 25 day of April, 1996. This resolution shall become effective on the fifteenth day after the date last noted above unless the applicant appeals the action of the MAPC, or unless one of more valid protests petitions are filed opposing this conditional use. If an appeal or protest petition is filed, this resolution with its conditions of approval shall be a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the conditional use application.

Susan Osborne-Howes, Chairman

ATTEST:

Marvin S. Krout, Secretary


FENCE
838.98'
FENCE
FENCE
FENCE
Storage Bins
STABLE (1)
Pole Barn
72'
70'
25.53 AC.±
19.7'
N 0°16'E
Shed
9.3
8.2
8.2
22.6
8.4
7.8
23.4
10.6
10.4
41.4
14.5
31.8
Shed
40.5
11.7
14.5
STABLE (2)
Shed
42.6
52'
100'
Storage Bins
58.4
Electric Generator
24.1
24.1
23.9
16
Shed
18.2
16.2
22
25
16.2
21
37
8.8
Shed
Storm Shelter
27.2
31'
40.3'
Shed
21.5
18.7'
20.3
56.8'
Lagoon
16.2
40.5'
House
79.5
48.7'
35.5
Pool
16.2
15.6'
14.1'
80.45'
81.2'
App
1809.8'
839.73'
90°00' W
FENCE
℄ GREENWICH RD.
℄ 47TH ST. SO.
SW cor SW 1/4
Sec 15-28-2E
SE cor SW 1/4
Sec 15-28-2E

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

April 25, 1996

CASE NUMBER: CU-394

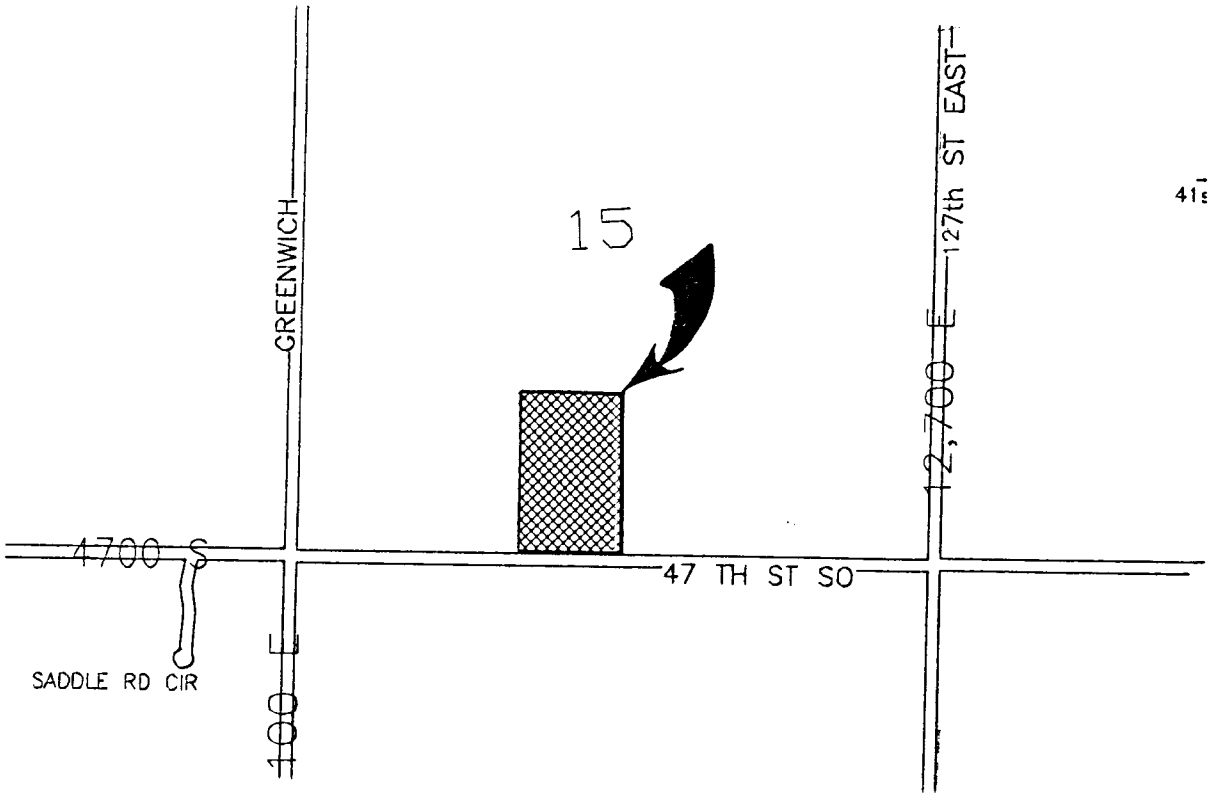
APPLICANT/AGENT: Gregory and Judith Farber (property owner), L.E. and Cheryl Seibert (contract purchaser/agent).

REQUEST: Conditional Use Permit for a Horse Boarding Stable

CURRENT ZONING: 'RR' Rural Residential

SITE SIZE: 25.5 acres

LOCATION: 1/2 mile east of Greenwich on the north side of 47th Street South



BACKGROUND: The applicants request a Conditional Use Permit to establish a horse boarding stable on 25.5 acres zoned 'RR' Rural Residential District located in an area 1/2 mile east of Greenwich on the north side of 47th Street South.

The applicants propose to use an existing 72' x 70' pole barn and a 48.5' x 52' shed for the boarding of approximately 25 horses. No riding lessons or renting of horses to ride will be conducted on the property.

Surrounding property is zoned "RR" Rural Residential and is used for residential and agricultural purposes. There is one single family home within 200 feet of the application area and approximately 400 feet to the southwest of the proposed stable. The applicant's residence is located approximately 150 feet to the southwest of the proposed stable within the application area.

The 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. Because there are currently no homes within 300 feet of the proposed stable site, other than the applicant's, this regulation does not apply.

The proposed stable will have access to 47th Street South, a paved 2-lane road, from an existing driveway serving the farmstead. All buildings conform to section-line road setback requirements.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	'R-R'	Agricultural uses
SOUTH:	'R-R'	Agricultural uses
EAST:	'R-R'	Agricultural uses
WEST:	'R-R'	Single family home, horse corral, agricultural uses

PUBLIC SERVICES: Neither municipal water and sewer services are available to serve this site. Therefore, any on-site drinking water and sewage disposal shall require approval by the Wichita-Sedgwick County Health Department and/or the Kansas Department of Health and Environment.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area for suburban growth. Suburban growth is characterized by large lot residential development in areas where municipal services are not available or planned for extension and where agriculture is not a prime resource. Goal III(B)(5) recognizes agriculturally oriented activities as appropriate for rural areas.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, 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. 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.

B. 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 on-site only one time each year. No on-site burial is permitted.

C. 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.

D. 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.

E. 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.

F. 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.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The general area is characterized by agricultural uses and suburban residential development common to its 'RR' Rural Residential District zoning. The Wichita-Sedgwick County Unified Zoning Code allows horse stables with a Conditional Use permit in areas zoned "RR" Rural Residential.

2. The suitability of the subject property for the uses to which it has been restricted: The small number of horses proposed to be boarded on the property is compatible with the rural residential development of surrounding property. The subject property is currently used for pasturing, and is more than adequate acreage to facilitate 25 horses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use should not impact nearby properties more than the agricultural uses currently existing on the subject property. The proposed stable is required to meet all standards and conditions of the Wichita-Sedgwick County Department of Community Health.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Public health, safety and welfare are not threatened by the requested permit.

6. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use map of the Comprehensive Plan identifies this area for suburban growth. The proposed use is compatible with Goal III(B)(5), which recognizes agriculturally oriented commercial activities as appropriate for rural areas.

7. Impact of the proposed development on community facilities: The horse boarding facility should have a minimal impact upon traffic in the area and municipal facilities will not be impacted by the proposed use.