SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

March 20, 1996

Darlene Smith
3801 E. 109th Street North
Valley Center, KS 67147

RE: CU-389 - Conditional Use Permit to allow a boarding and breeding dog kennel on property generally located 1/8 mile east of Hillside on the south side of 109th Street North.

On March 20, 1996, the Board of County Commissioners considered the above-referenced request. The action of the Commission was to deny the Conditional Use Permit.

If you have any questions concerning this matter, please call the Planning Department office at 268-4421.

Sincerely,

Kevin Kokes

Kevin Kokes
Senior Planner

cc: Russell F. & Marlyn A. Lewis, 9795 Mohawk, Chipita Park, CO 80809
Thomas D. Harris, P.O. Box 355, Valley Center, KS 67147
Carolyn J. Lindsley, 700 Fourth Financial Center, Wichita, KS 67202
Joan House, 10745 N. Hillside, Valley Center, KS 67147
Mary Hallman, 1723 S. Moulie Ct, Aurora, CO 80012
Michael Thorne, 2501 E. 109 N., Valley Center, KS 67147
James D. Haldway, 10400 N. Oliver, Valley Center, KS 67147
Virginia Carter, 4525 E. 69th N., Valley Center, KS 67147
Frank Higgs, Rt 1, Valley Center, KS 67147
James Geter, 2128 Ventnor, Wichita, KS 67219
James M. Miller, 522 S. Creshery, Wichita, KS 67218
Baden C.L. Bade, 7804 E. 109th N., Valley Center, KS 67147
Dale Allen, 11325 N. Oliver, Valley Center, KS 67147
Billy Taylor, 10460 N. Oliver, Valley Center, KS 67147
Nancy Whitaker, 10651 N. Oliver, Valley Center, KS 67147
Marilyn Casey, 10923 N. Hillside, Valley Center, KS 67147
Nickey Sharpe, 10301 N. Hillside, Valley Center, KS 67147

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February 21, 1996

Mr. Russell F. Lewis , Jr. &
Marilyn A. Lewis
9795 Mohawk
Chipita Park, CO 80809

Re: CU-389 - Conditional Use Permit to allow a boarding and breeding dog kennel on property generally located 1/8 mile east of Hillside on the south side of 109th Street North.

Dear Mr. & Mrs. Lewis:

At its regular meeting on February 15, 1996, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the Planning Commission was to recommend denial.

This matter will be forwarded to the Board of County Commissioners for consideration at their regular meeting on March 20, 1996. This meeting will be held in Room 320, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office at 268-4421.

Sincerely,

Kevin Kokes

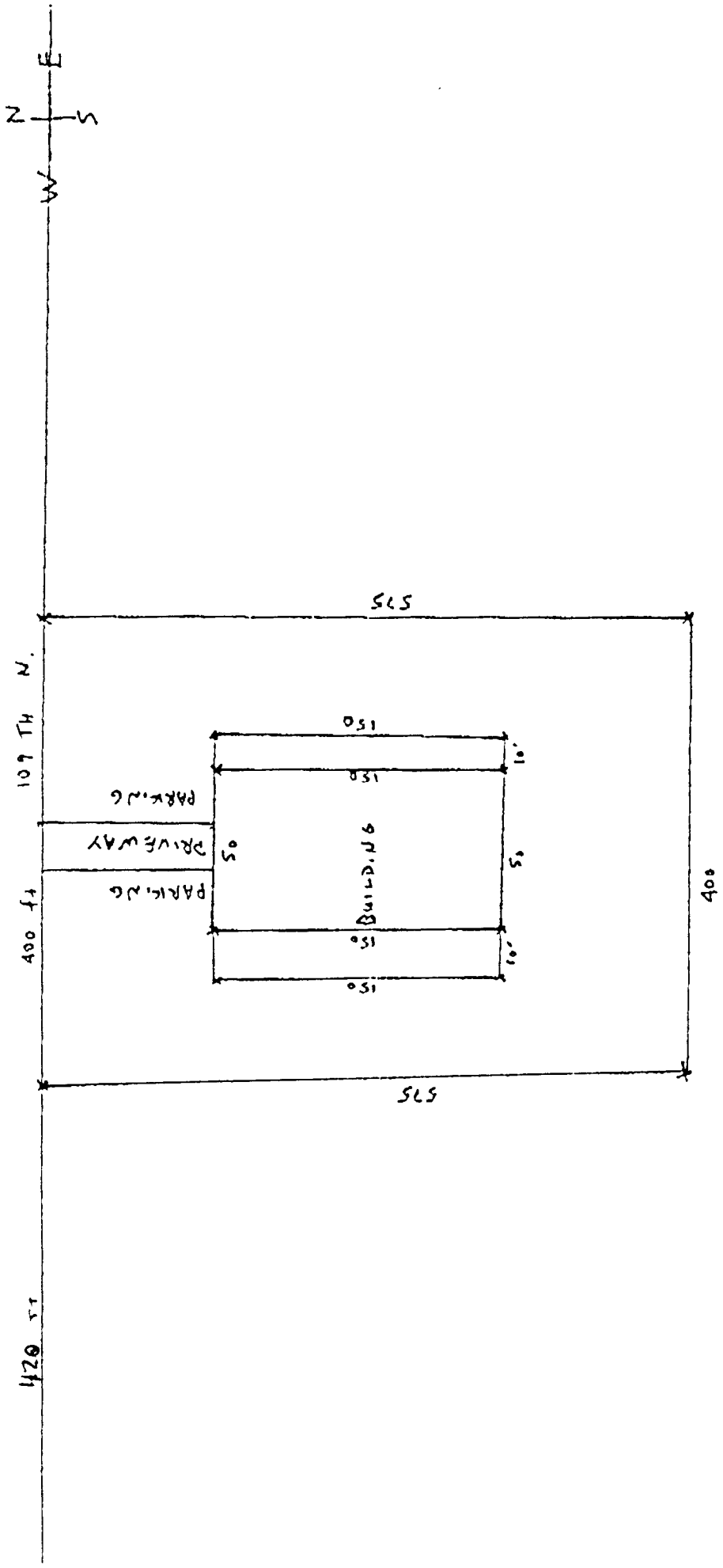
Kevin Kokes
Senior Planner

KK:hm

cc: Darlene Smith; 3801 E. 109th Street North; Valley Center, KS 67147
Thomas D. Harris; P. O. Box 355; Valley Center 67147
Carolyn J. Lindsley; 700 Fourth Financial Center; Wichita, KS 67202

CU-389
SUBMITTED BY APPLICANT

SITE PLAN
NOT TO SCALE
NORTH



WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT

February 15, 1996

CASE NUMBER: CU-389

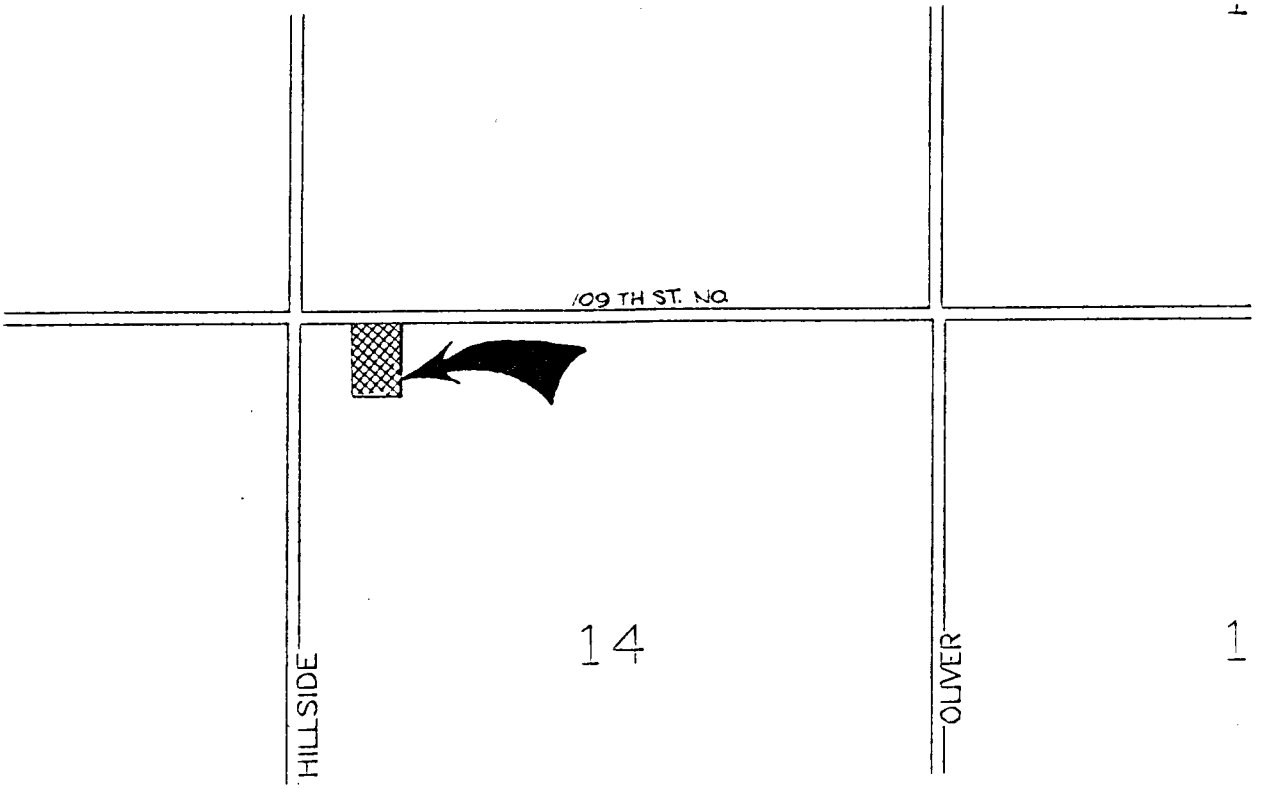
APPLICANT/AGENT: Russell F. Lewis Jr. & Marilyn A. Lewis (property owners) and Darlene Smith (contract purchaser) / Thomas D. Harris (agent).

REQUEST: Conditional Use Permit for a boarding and breeding dog kennel.

CURRENT ZONING: 'R' Rural Residential

SITE SIZE: 5.28 acres

LOCATION: ⅛ mile east of Hillside on the south side of 109th St. North



BACKGROUND: Darlene Smith (contract purchaser) requests a Conditional Use Permit for a boarding and breeding dog kennel on property zoned 'R' Rural Residential. The subject property is a 5.28 acre tract located ⅛ mile east of Hillside on the south side of 109th Street North. The site is currently used for agricultural purposes and surrounded by agricultural uses in all directions. The contract purchaser's home is located approximately 1,000 to the east and suburban farm homes are located approximately 800 feet to the west, on the west side of Hillside.

The County Zoning Resolution allows kennels (boarding/breeding/training) as a Conditional Use in areas zoned 'R' Rural Residential, subject to the following conditions:

1. Five-acre minimum lot size, unless all animals are harbored indoors with no discernible noise or odor at the property line.

2. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

3. Additional conditions determined appropriate by the Board of County Commissioners.

The Regulations define "kennel screening" as a structure, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing from view of the animals (Section 2). If fencing is used, it must be between 4 and 8 feet in height. If landscape materials are used for screening, the materials must provide the desired screening effect within the first growing season following installation.

This is a new application from a previous request (CU-383) that was filed and considered in late 1995. The previous request was for a 5-acre tract, located east of the current application area between two other residences, that received significant opposition from area property owners. At both the MAPC public hearing on 8-31-95 and the Board of County Commissioners meeting on 10-11-95, several area residents spoke in opposition to that request. The residents expressed concern about the number of dogs that would be permitted at the facility, noise from barking dogs, odor, and traffic generated by the facility. Also, significant discussion occurred about a recently constructed sewage lagoon on the applicant's property, which was not constructed according to the Health Department's requirements for such a facility. After consideration, the MAPC voted 7-4 to recommend denial of the previous request and the Board of County Commissioners voted 3-2 to deny the request.

Since the County Commission hearing, the applicant has initiated a contract to purchase 45 acres west of the previous location, including the 5-acres involved in this new request. The site of the former application is currently used for a "hobby kennel", which is permitted by the County Zoning Code to include up to ten (10) adult dogs (over 12 months in age) owned by the property resident. The County Zoning Code places no limit on the number of dogs under the age of 12 months that can be owned by a property resident. The applicant indicates she is willing to place a restriction on the existing "hobby kennel" to limit the number of dogs to ten (10) adult dogs and fifty (50) puppies. In addition, the applicant requests a maximum of fifty (50) dogs for the proposed "boarding and breeding" dog kennel. Thus resulting in 110 dogs between the two facilities.

According to the site plan submitted by the applicant for the "boarding and breeding" kennel, a 150' x 50' enclosed kennel building is planned for the new location. The kennel building would also include ten foot outdoor pads on both the east and west sides of building to allow the dogs to move from the inside to the outside. Although not illustrated on the site plan, the applicant also proposes to have the flexibility of constructing outdoor runs to the east, south, or west of the enclosed kennel facility. However, the outdoor runs would not be constructed during the initial phase of development.

The applicant's attorney indicates that the new facility will comply with all requirements for on-site sewage disposal. Staff at the City-County Health Department indicate that the problems and issues of the existing sewage lagoon for the "hobby kennel" have not yet been resolved and no permits have been issued for on-site sewage disposal for the proposed "boarding and breeding" kennel.

CASE HISTORY: No previous zoning or Conditional Use Permits have been requested for the subject property. The property was zoned 'R' Rural Residential as part of countywide zoning in 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	'R'	Agricultural uses
SOUTH:	'R'	Agricultural uses
EAST:	'R'	Single family home, agricultural uses
WEST:	'R'	Agricultural uses, farm homes (west of Hillside)

PUBLIC SERVICES: Neither municipal water service nor sewer service is available to serve this area. The site has access to 109th Street North, an unimproved 2-lane section line road with 30 feet of existing half-street right-of-way. The standard requirement for half-street right-of-way is 50 feet. Traffic counts are not available from this roadway.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for agricultural uses.

RECOMMENDATION: Similar to the last request, it is Planning Staff's opinion that dog kennels of a "reasonable" size are appropriate for rural areas of the County and, with certain restrictions, can be compatible with nearby residences and agricultural operations. However, in this particular area, the applicant is already operating a "hobby" kennel that is also allowed by the County Zoning Code to own an unlimited number of dogs under 12 months of age. In our opinion, another fifty dogs in this location will result in a concentration of dogs in this general area that would be out of character and inappropriate for this area. In fact, when Planning Staff visited the area to shoot slides for the MAPC public hearing, we noticed the sound of barking dogs from the existing "hobby" kennel when we parked our vehicle just east of the intersection of Hillside and 109th Street North, which is over ¼ mile west of the existing facility. Also, we recognize that the applicant has a contract to purchase much of the land surrounding the property. However, the proposed "boarding and breeding" kennel will be located on a five acre tract and there is no guarantee that the remaining portion of the property will not be requested for additional kennel activities in the future.

Therefore, based upon information available prior to the public hearings, planning staff recommends that the request be DENIED. However, if the Planning Commission determines that the request is appropriate, staff recommends that conditions of approval include the standard requirements for kennels typically included in Conditional Use Permits which address compliance with Health and Sanitation Codes, limitations on the number of dogs permitted in the facility, screening (particularly to the west), hours that the dogs must be contained in an enclosed structure, etc. Also, if the request is approved, an additional 20 feet of right-of-way dedication for 109th Street North should be required before publishing the Resolution authorizing the Conditional Use Permit.

The recommendation for denial is based on the following findings:

1. The zoning, uses and character of the neighborhood: The general area is characterized by agricultural uses and scattered suburban residential development. The proposed use is similar to other agricultural uses in the area. However, the proposed "boarding and breeding" kennel will increase the number of dogs already in the area, creating a concentration of such uses which would not be compatible with the surrounding area.

2. Suitability of the subject property for the uses to which it has already been restricted: No evidence has been submitted that shows this property to be unsuitable for agricultural use or large lot residential development.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed kennel would be located on a farm field that has relatively little screening from nearby properties to visually screen the facility or mute the sound of barking dogs. The combined impact of barking dogs from the two facilities will affect an extensive amount of land, and will also establish a precedent for the development of additional acreage for even more dogs.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Comprehensive Plan does not specifically address the siting for dog kennels. However, the kennel has the characteristics of a commercial operation. The Plan recommends that commercial uses have site design features which limit noise and other activities so as to not adversely impact surrounding properties. Similar to the existing "hobby" kennel, the proposed "boarding and breeding" kennel will likely generate noise from barking dogs that could impact nearby properties.