CONDITIONAL USE RESOLUTION NO. CU- 513

WHEREAS, Marion F. and Anna Faye Mattox of Marion F. and Anna Faye Mattox Revocable Trust, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to permit the expansion of an existing non-conforming stable and ridging academy on 45 acres zoned "RR", Rural Residential described as:

> The South Half of the Northeast Quarter of Section 11, Township 29 South, Range 1 East of the 6th P.M., except the West 419.8 feet thereof and except Wichita-Valley Center Flood Control Right-of-way, Sedgwick County, Kansas. Generally located 4418 E 83rd Street; North of 83rd Street and just west of the Arkansas River.

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 March 25, 1999, 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 permit a conditional use to permit the expansion of an existing non-conforming stable and ridging academy on 45 acres zoned "RR" Rural Residential described as

> The South Half of the Northeast Quarter of Section 11, Township 29 South, Range 1 East of the 6th P.M., except the West 419.8 feet thereof and except Wichita-Valley Center Flood Control Right-of-way, Sedgwick County, Kansas. Generally located 4418 E 83rd Street and just west of the Arkansas River.

subject to the following conditions:

A. In addition to permitted agricultural uses, the site shall be limited to the boarding, breeding and raising of horses, whether owned by the operator or not, and the training of riders and other equestrian events. Bull riding shall also be permitted, indoors only.

B. Development of the site, including all indoor and outdoor equestrian facilities on the applicants entire ownership, shall be in general conformance with a revised site plan that is consistent with any conditions established by this conditional

use. The revised site plan shall be submitted to and approved by the Director of Planning prior to the issuance of any building permits. Parking shall be provided at the rate of 1 space per 3 spectator seats, plus 1 per 1,000 square feet of field area, plus 1 per 250 square feet of office area. All parking spaces shall be paved with a concrete or asphalt or comparable surface as determined appropriate by County Public Works.

C. No new riding facilities may be built within 600 feet of Hancock Acres.

D. The number of non-resident employees shall not exceed eight person.

E. All facilities associated with the applicant's ownership shall only be used by the applicants, the applicants' customers and the guests of these users.

F. 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.

G. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent files and order. The gathered wastes shall be stored and disposed of consistent with County health Department recommended best management practices.

H. 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 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 a week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.

I. 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.

J. 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.

K. The maximum number of horses to be boarded on a monthly basis is 100, plus any foals which will be stabled with the mare for a period of one year, at which point they would be stabled separately and count toward the specified limit of 100 Horses. The limit of 100 horses includes the applicant's horses and boarded horses. Up to an additional 150 horses may be stabled overnight in

conjunction with riding events. The property shall be used in a manner consistent with the submitted site plan.

L. The buildings and structures associated with the horse stable shall be open to unannounced inspections by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable daylight business hours to ensure continued compliance with the above requirements.

M. Any violation of these conditions shall declare the Conditional Use null and Void.

Adopted this 25th day of March, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered 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.

METROPOLITAN AREA PLANNING COMMISSION

William M. Johnson, Chairman

ATTEST:

Marvin S. Krout, Secretary

REG NO.	STATE	PROJECT NO.	YEAR	SHEET NO.	SHEE
7	KANSAS	87C-3094-01	1998	5.	10

Sta. 3+733.841 Bk. - 3+728.771 Ahd.
seled "+" (round)
280 m S.E. 60d spike in top of fence post
750 m S.W. 60d spike in top of fence post
730 m N. S. edge asphalt travelway

SCALE
10 0 10 20 30 40 50
PLAN: Lat. & Long. (meters)
PROFILE: Horiz. same as above, Vert.

3+896.665 R/W
50 m (164.04 ft.) ℄

Sta. 3+915.5 Const.
1.83x1.83x43.54 m R.C.B.
with Sluice Gate Structure
and Flap Gate
Q_{50}=5.9 m³/s, V=1.5 m/s
D.A.=77 hc.
Rotate 30° Lt.
See Sheet 30-33

Sta. 3+885 to Sta. 3+910
Const. 100 mm Aggr. Ditch Lining Lt.
See Sheet 24

N.E.¼, Sec. 11, T29S, R1E

SA-107-3
Cultivated

CURVE DATA
P.I. Sta. 3+733.841 Bk. - 3+728.771 Ahd.
Δ - 23°25'40"
R - 875.00 m
S.E. - 4.0%
T - 181.425 m
L - 357.780 m
E - 18.611 m

Mattox, Marion F. Etux
4418 E. 83rd St. S.
Wichita, Ks. 67236

Sta. 5+000 ℄ Ent. -
℄ Sta. 3+875

300m (984.25 ft.) R.

3+888.09 R/W
28.04 m
(91.99 ft.) ℄

3+800 R/W
20 m
(65.6 ft.) ℄

3+800 R/W
P.C.C.

855m R. (2805.12 ft.)

Const. Limits

Proposed Improvements

3+585 Temp.
Esmt 35 m
(114.8 ft.) ℄

3+610 R/W
21.44 m
(70.34 ft.) ℄

3+700 R/W
20 m
(65.6 ft.) ℄

4m

7.4 m

Sta. 3+920 ℄ =
Sta. 5+000 ℄ Levee
See Sheet 8

Sta. 3+923 Const.
Mound Ent. Rt.

18 m R.

3+893.643 R/W
50 m
(164.04 ft.) ℄

Exist. R/W 15.240 m (50 ft.) ℄

Timber

Exist. R/W 10.668 m (35 ft.) ℄

B.M.+3

83rd STREET SOUTH

½ Section Line

Exist. R/W 12.192 m (40 ft.) ℄

3+760 R/W-
Exist. R/W
33.323 m
(109.30 ft.) ℄

P.I. 3+733.841

Sta. 3+662 to Sta. 3+886 Rt.
Eradicate Exist. T.W.

Sta. 5+030 Install
1 050 mm x 47.40 m E.P. Rt.
with End Sections (Type I)
See Sheets 27-29

Sta. 4+176 Install
Type III Barricade (Fixed) R
See Note Sheet 80

3+675 R/W
35 m
(114.8 ft.) ℄

3+600 R/W
35 m
(114.8 ft.) ℄

7.4 m

Sta. 3+580 to Sta. 4+225
Remove Exist. Guard Fence

Idle

SA-110-2

SA-110-2A

S.E.¼, Sec. 11, T29S, R1E

Miller, Nancy Rittenoure
4405 E. 83rd St. S.
Wichita, Ks. 67236

3.790m
Normal to
℄ Box
1:2
1:2

TYPICAL CHANNEL SECTION
Sta. 3+915.6 (Normal to ℄ of Box)

SA-110-2
Idle

Miller, Nancy Rittenoure
4405 E. 83rd St. S.
Wichita, Ks. 67236

℄ Exist. T.W.
Conc.

EXISTING ROADWAY
Sta. 3+662 to Sta. 3+886 Rt.

Note:
Existing Guard Fence shall be caref
disassembled and stockpiled on R/W t
removed from site by Sedgwick County
forces and funds. No salvage to Contra
See Sheet 35 for R/W and Easement L

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 10

STAFF REPORT

Derby P.C, 3/18/99
MAPC, 3/25/99

CASE NUMBER: CU-513

APPLICANT/AGENT: Marion F. and Anna Faye Mattox (applicants) of Marion F. and Anna Faye Mattox Revocable Trust

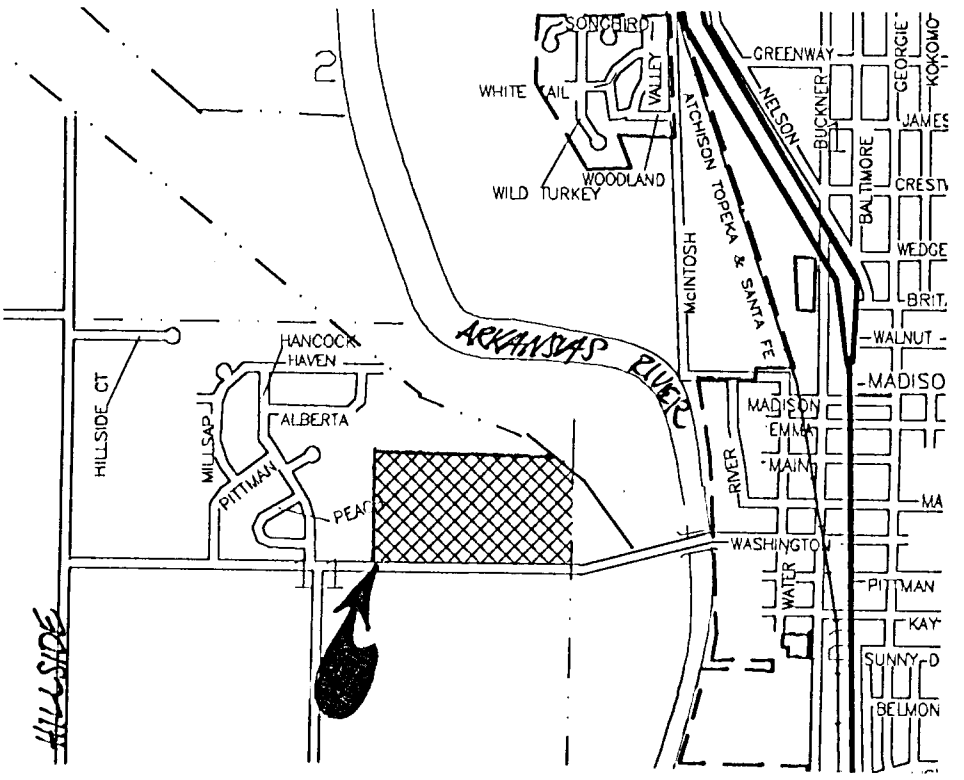
REQUEST: Conditional Use to permit the expansion of an existing non-conforming stable and riding academy

CURRENT ZONING: "RR", Rural Residential

SITE SIZE: 45 acres

LOCATION: 4418 E 83rd. Street; North of 83rd Street and just west of the Arkansas River

PROPOSED USE: Riding academy and stable



BACKGROUND: The applicants own approximately 45 acres, zoned "RR", Rural Residential, located north of 85th Street South, just west of the Arkansas River. This property has been used for stable and riding academy activities since the 1960's, and those activities are considered to be grandfathered uses. The "Unified Zoning Code" prohibits the expansion of outdoor non-conforming uses. The applicant desires to build a new indoor arena, approximately 120 feet by 300 feet by 16 feet high in size. This new construction is significant enough to warrant the need for a Conditional Use in order to operate a stable and riding academy. Since the application is for the entire site, approval of this request would also bring his stable, boarding and training activities into legal conforming status.

The applicant proposes to locate a new indoor arena, just west of the existing outdoor arena. The existing arena is located in the southeast corner of the property, adjacent to the Arkansas River and 83rd Street. Training and competitive events - roping and barrel racing primarily- are held in the existing arena. These events may occur four to five nights a week during the roping and riding season, depending upon the weather. The existing arena has outdoor lighting with parking located to the east, adjacent to the river. No permanent seating is located at the arena.

The arena was originally buffered from 83rd Street South by a mature shelter belt, approximately 60 feet wide. However, when the 83rd Street bridge was rebuilt north of its original location, approximately one-third of the shelter belt, directly in front of the outdoor arena, was cut down to make room for the relocation of the roadway. The proximity of the realigned road and loss of the shelter belt has left the existing arena in a much less desirable situation. On a typical training night there may be up to 15-20 participants. When competitive events are held, there may be 150 participants with an unspecified number of spectators.

Approximately 60 horses are also boarded and trained on the site. The horse boarding facilities are located in the center of the property. In addition to the horse training and boarding activities, the applicant produces hay and does custom bailing.

Most adjacent properties are zoned "RR", Rural Residential. A housing subdivision, Hancock Acres, zoned "TF-3", Two-family Residential with 25,000 square foot lots, is located approximately 600 feet northwest of the existing stable area and 1500 feet from the proposed arena. Most of the residences, located west and south of the application area, are located on two acre or larger lots, and are located approximately 1,000 feet from the proposed arena. The Arkansas River is located north and east of the application area. The new bridge supposedly has lowered the flood elevations on this property so that it is no longer subject to flooding; that should be verified with the platting if this request is approved.

Planning staff is advised by County Public Works that with the bridge relocation and road re-routing, the application is no now in the flood plain. This site is also located in Derby's area of subdivision authority. Derby staff has asked for this site to be platted. Any plats would be processed through Derby and the County Commission.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR", Rural Residential; Arkansas River
SOUTH: "RR", Rural Residential; agricultural and farmstead
EAST: "RR", Rural Residential; Arkansas River
WEST: "RR", Rural Residential and "TF-3", Two-family Residential; Large lot residences

PUBLIC SERVICES: No municipal sewer or water service exists in this area. 83rd Street South is a two-lane paved county highway. Traffic counts are not available for this segment of 83rd Street.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "suburban". The suburban category provides for large-lot residential areas where a full range of public services are not available or planned.

RECOMMENDATION: This location appears to be a reasonable site for this use as neighboring property is buffered by the applicant's own property and the river. However, at the time this report was finalized, there was uncertainity on the applicant's part as to how many spectators may be attracted to this facility for events; this will have a bearing on the building size, parking area required, and possible need for lane improvements to 83rd Street. There are also number of non-land use issues that the proposed arena construction raises - sprinkling of the building, ADA access, and sanitation facilities - which will have to be resolved before a building permit can be obtained. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

A. In addition to permitted agricultural uses, the site shall be limited to the boarding, breeding and raising of horses, whether owned by the operator or not, and the training of riders and other equestrian events associated with horse and riding events. Bull riding shall also be permitted, indoors only.

B. Development of the site, including all indoor and outdoor equestrian facilities on the applicant's entire ownership, shall be in general conformance with a revised site plan that is consistent with any conditions established by this Conditional Use. The revised site plan shall be submitted to and approved by the Director of Planning prior to the issuance of any building permits. Parking shall be provided at the rate of 1 space per 3 spectator seats, plus 1 per 1,000 square feet of field area, plus 1 per 250 square feet of office area. All parking spaces shall be paved with a concrete or asphalt or comparable surface as determined appropriate by County Public Works.

C. No equestrian or bull riding activities shall be permitted after 11:00 p.m. Lighting of the outdoor arena shall not be permitted after 10:00 p.m. with outdoor lighting associated with the indoor arena turned off by 11:30 p.m.

D. The number of non-resident employees shall not exceed eight persons.

E. All facilities associated with the applicant's ownership shall only be used by the applicants, the applicants' customers and the guests of these users.

F. 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.

G. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent files and odor. The gathered wastes shall be stored and disposed of consistent with County Health Department recommended best management practices.

H. 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 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 a week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.

I. 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.

J. 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.

K. The maximum number of horses to be boarded on a monthly basis is 100, plus any foals which will be stabled with the mare for a period of one year, at which point they would be stabled separately and count toward the specified limit of 100 Horses. The limit of 100 horses includes the applicant's horses and boarded horses. Up to an additional 150 horses may be stabled overnight in conjunction with riding events. The property shall be used in a manner consistent with the submitted site plan.

L. The buildings and structures associated with the horse stable shall be open to unannounced inspections by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable daylight business hours to ensure continued compliance with the above requirements.

M. If events on the site result in more than 300 total persons on the site, the County Public Works may direct the construction of a westbound decleration lane to the entrance on 83rd Street.

N. Any violation of these conditions shall declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The overwhelming majority of the land surrounding the application area is undeveloped agricultural land with a few scattered large lot residences located west of the site. The Arkansas River floodplain is located to the east. There is a an urban scale subdivision adjacent to the northwest corner of the application area, with approximately four urban scale residences sharing a common property line with the applicant's property. Except for the subdivision located to the west, this area is predominantly rural and agricultural in character.

2. The suitablility of the subject property for the uses to which it has been restricted. The site is currently zoned "RR", Rural Residential. This district has a minimum lot size of two acres. This particular site has 45 acres and could continue to operate as a legal non-conforming use. However, the applicant could not build the new arena without a conditional use permit.

3. Extent to which removal of the restrictions will detrimentally affect nearby

property: The applicant can today conduct stable and riding activities outside as a grandfathered use. To some degree, approval of this request would allow the applicant to build an indoor facility which should decrease some of the detrimental effects created by the outdoor activity - lights and loudspeaker noise.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "suburban" uses. This category provides for large-lot residential living areas where a full range of public services are not available or planned. The proposed use is consistent with Goal III (B) (5) of the Comprehensive Plan, which recognizes agricultural oriented commercial activities as appropriate in rural areas.

5. Impact of the proposed development on community facilities: This activity will create a minimal traffic impact on 83rd Street South on the nights when the facility has the typical number of 15 - 20 participants. However, on the nights when the largest crowds appear traffic could back up as vehicles turn into the facility. Otherwise, community facilities are not negatively impacted.