CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

January 23, 2003

Gordon Ruble
Beverly Ruble
9031 E. 87th S
Derby, KS 67037

RE: CON2002-00044 – Sedgwick County Conditional use to permit a boarding kennel on property zoned "RR" Rural Residential. Generally located south of 87th Street South, and approximately 2000 feet west of Webb Road, in the Derby Zoning Area of influence.

Dear Ladies and Gentlemen:

At its regular meeting on January 22, 2003, the Board of County Commissioners considered the above-captioned request. The action of the County Commission was to DENY the request.

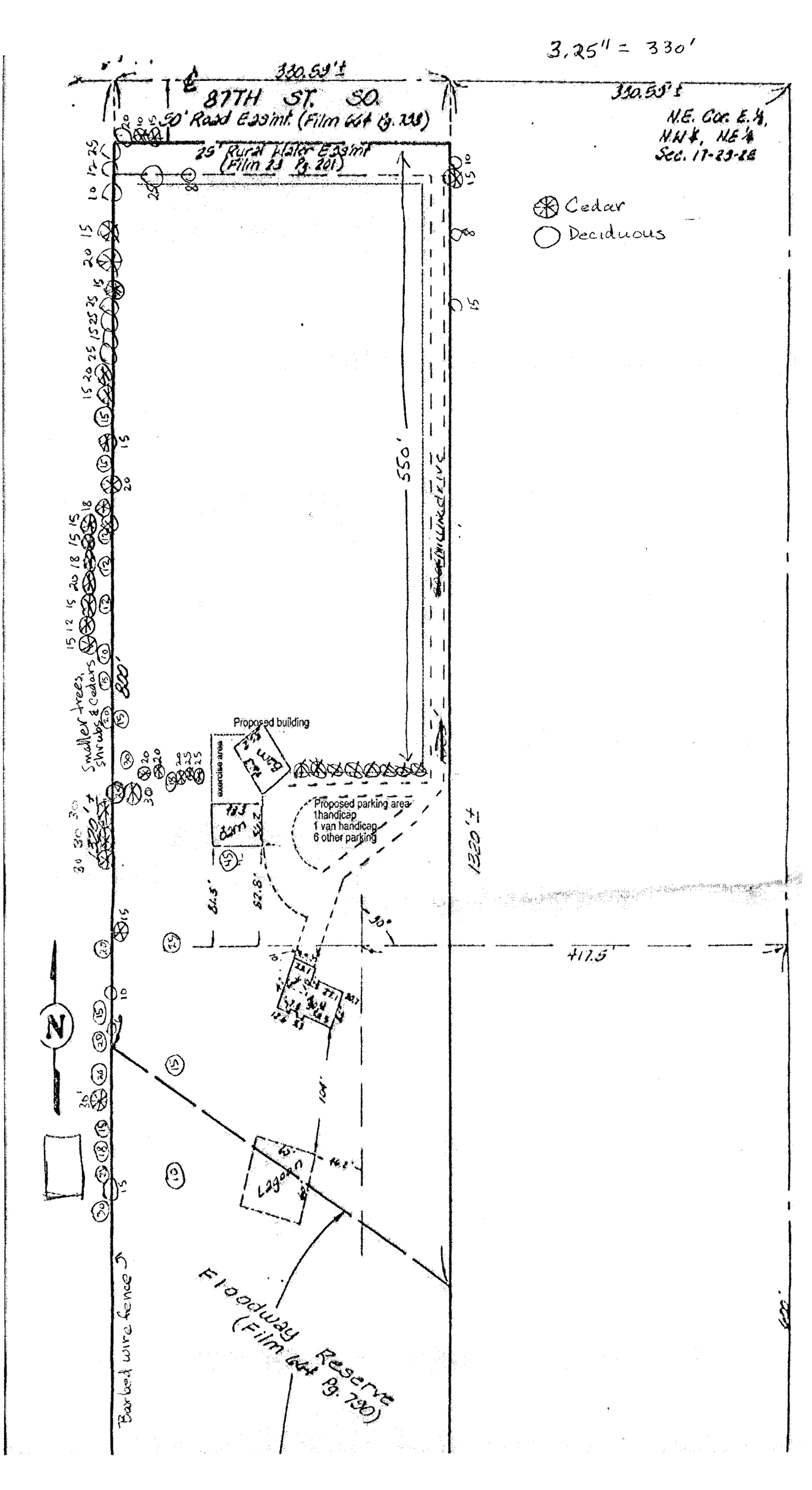
If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Jess McNeely
Associate Planner

JMC/rms

Cc: Ferris Consulting, %Greg Ferris, P O Box 573, Wichita, KS 67201
Kaplan, McMillian, & Harris, %Bob Kaplan, 430 N. Market, Wichita, KS 67202
Hunter Douglas Properties, Inc., %Jennifer Hunter, 5620 N. Kolb Rd., Suite 230, Tucson, AZ 85750
Property Owners/Protestors
Marian B. and D. Dwight Hunter, 8815 E. 87th South, Derby, KS 67037
Dale Alvin & Rae Dean Smith, 9125 E. 87th S., Derby, KS 67037
Philip G. and Jean Heim, 6919 E. 87th S., Derby, KS 67037
Marianne G. and Raymond F. Slagle, 8961 S. Webb, Derby, KS 67037
Christy Rafferty, 712 N. Porter, Wichita, KS 67203
Daylon J. & Yolanda Vae Cranford, 417 Ravenaux Dr, Southlake TX 76092-4312


3.25" = 330'
330.59'±
87TH ST. SO.
50' Road Easmt. (Film 664 Pg. 238)
25' Rural Water Easmt (Film 23 Pg. 201)
330.59'±
N.E. Cor. E.½, N.W.¼, N.E.¼ Sec. 17-29-22
Cedar
Deciduous
550'
800'
1320'±
417.5'
Smaller trees, shrubs & cedars
Proposed building
exercise area
Proposed parking area
1 handicap
1 van handicap
6 other parking
84.5'
52.8'
30°
Lagoon
Barbed wire fence
Floodway Reserve (Film 144 Pg. 790)
N

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

FILE COPY

AGENDA ITEM NO. ____

STAFF REPORT

Derby Planning Commission 9-5-02
MAPC 9-12-02

CASE NUMBER: CON2002-00044

APPLICANT/AGENT: Gordon and Beverly Ruble

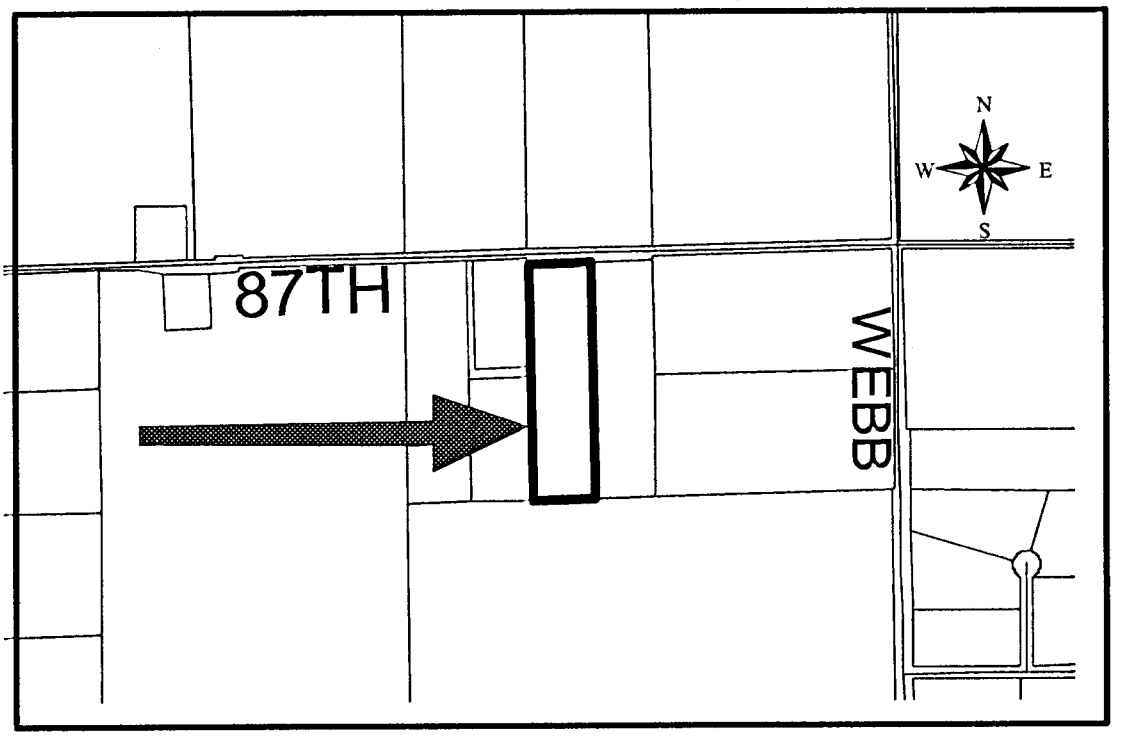
REQUEST: Conditional Use to permit a boarding kennel

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 acres

LOCATION: South of 87th Street South, and approximately 2000 feet west of Webb Road, in the Derby Zoning Area of Influence

PROPOSED USE: Dog kennel and dog "day care"



BACKGROUND: The applicant is requesting a Conditional Use for a dog kennel on a 10-acre un-platted parcel located south of 87th Street South and east of Webb Road. Derby's city limits are approximately 3000 feet west of the application area. The application area and all surrounding properties are zoned "RR" Rural Residential. Much of the area surrounding the application area is in agricultural fields. One neighboring residence lies approximately 600 feet from the proposed use site to the east, another neighboring residence lies approximately 430 feet from the proposed use site to the northwest, and another neighboring residence lies approximately 180 feet southwest of an existing barn for the proposed use. The application area is well screened to the west by existing vegetation. The application area is developed with a primary single-family residence, and a 48x36 foot barn. The applicant intends to build another barn, to a maximum size of 60x36 feet, to house the kennel operation; the applicant also intends to construct a fenced outdoor exercise area between the two barns (see the attached site plan). The applicant indicated to staff a desire to operate a kennel facility for 50 to 60 dogs.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	agricultural fields
SOUTH:	"RR"	agricultural fields, flood plain
EAST:	"RR"	large lot residence
WEST:	"RR"	large lot residences

PUBLIC SERVICES: The property is located along 87th Street South, an unpaved two-lane section line road with a 50-foot half-width right of way at the application area. No traffic counts or projections are available for this section of 87th. The *2030 Transportation Plan* does not designate this road as a future arterial. The application area is served by an on site sewage lagoon and on site well.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan*, amended in January 2002, identifies this area as within the Derby "Small City Growth Area".

The Derby Comprehensive Plan identifies the application area (3000 feet due east of Derby) as within the "Ten-year Urbanizing Growth Area", although the Derby planner states that no requests are currently taking place in this area, most development requests are taking place northeast of the city. The Derby Zoning Ordinance lists "animal kennel" as a prohibited use in residential districts, and a prohibited use as a home occupation.

The *Wichita-Sedgwick County Unified Zoning Code* (UZC) lists "Kennel, Boarding/Breeding/Training" as a Conditional Use in the "RR" district. The UZC definition of "Kennel, Boarding/Breeding/Training" is "...premises housing over ten adult dogs." The UZC supplementary conditions for this Conditional Use are attached to this report, they include a required separation of at least 200 feet from any outdoor kennel facilities to any neighboring residences, and required screening of kennel facilities located within 600 feet of any adjoining property line.

RECOMMENDATION: Planning staff finds that because the requested Conditional Use is within a designated Small City Growth area, caution should be taken to ensure that this potential use does not hamper future anticipated residential development. Therefore staff recommends that a time limit be placed on the Conditional Use, consistent with Derby's designation of this area as the "Ten-year Urbanizing Growth Area." Staff finds that the number of dogs kenneled at this site should be limited, and that conditions should mitigate negative effects of the use on nearby residents, particularly the residence less than 200 feet from the proposed use site. Staff finds that the submitted site plan will require revision to be in compliance with the UZC requirements for screening and a 200 foot separation of outdoor facilities from residential neighbors. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to a revised site plan, approved by the Planning Director, demonstrating required distance separation and screening, and the following conditions.

1. The Conditional Use shall comply with section III.D.6.k. of the Wichita-Sedgwick County Unified Zoning Code, and applicable federal, state, and local requirements (e.g. Chapters 5 and 14 of the Sedgwick County Code).
2. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning.
3. Development and maintenance of the site shall be in conformance with the approved site plan.
4. Existing tree/hedge rows along the boundaries of the site shall be preserved and trees replaced as required.
5. The Conditional Use shall be valid for a period of 10 years, and may be extended for a period of two years, if approved, by use of an administrative adjustment.
6. The Conditional Use shall be limited to a maximum of 50 kenneled dogs.
7. The kennel shall be for housing and training only, breeding shall not be permitted under this Conditional Use.
8. All kenneling shall take place inside the indicated buildings. Dogs shall be outside for no more than two hours a day, between the hours of 8 am and 8 pm, only in the designated exercise area, and only when supervised.

9. Drop off and pick up of dogs shall not take place between the hours of 10 pm and 6 am.
10. The designated exercise area shall be enclosed by a solid screening fence, the fence shall be a minimum of six feet high.
11. The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian and proof of identification and ownership for all dogs five months and older.
12. 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.
13. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions, and a "suitable method" of eliminating excess water from animal housing facilities shall be provided as determined by the Department of Community Health. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. The indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of five- to six- minute intervals. Exhaust and vents or air conditioning shall be provided when the ambient temperature is 85 degrees or higher.
14. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The animals 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.
15. 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 applicable codes (e.g. Chapter 14 of the Sedgwick County Code).
16. The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
17. The boarding facility shall be open to the unannounced inspection by Sedgwick County of Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.
18. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: Properties surrounding the application area are all zoned "RR", and are used for agricultural and large lot residential purposes, giving a "rural" character. The UZC lists kennels as a Conditional Use with conditions to protect the character of rural areas. The listed conditions should work to protect the character of this area; the conditions put a time limit on the use, for if and when this use is out of character with anticipated urban-scale residential development. Existing hedgerows and future landscape screening should preserve the character of this area.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which primarily permits large lot residential uses. The site could continue to be used as a residence without the Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Potential noise, odors, and traffic generated by the requested Conditional Use could negatively affect nearby residents. The listed conditions should work to minimize negative effects, and allow the use to expire if incompatible with future development.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in conformance with the *Wichita-Sedgwick County Comprehensive Plan,* as the property is currently zoned "RR", it is not in conformance with the plan as a rural use in a designated Small City Growth Area. The requested Conditional Use is in conformance with the *Wichita-Sedgwick County Unified Zoning Code,* provided that the supplementary conditions of the code are placed on this use.

5. Impact of the proposed development on community facilities: The requested Conditional Use will result in an increase in traffic on unpaved 87th Street South. Right of way at the application area is sufficient for future widening, should widening be necessary.