

(150004) Published in The Wichita Eagle on _____
RESOLUTION NO. _____

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. ZON2011-00016

Zone change request from SF-20 Single-family Residential ("SF-20") to RR Rural Residential ("RR"), subject to Conditional Use CON2011-00023, on approximately 8.77-acres legally described as:

Beg. 110.3 ft S NW Cor. NE ¼ E 600 feet, South 637 Feet, 600 Feet, W to West Line NE ¼ 637 feet North to Beginning to Beg. Sec. 34-27-2W; generally located on the south side of U.S. 54 Highway, midway between 151st and 167th Streets West (15901 West U.S. 54 Highway).

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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 by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

1 st District	DAVID M. UNRUH	_____
2 nd District	TIM R. NORTON	_____
3 rd District	KARL PETERJOHN	_____
4 th District	RICHARD RANZAU	_____
5 th District	JAMES B. SKELTON	_____

AGENDA ITEM REQUEST

Proposed Agenda Item: ZON2011-00016 and CON2011-00023 – COUNTY ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL (“SF-20”) TO RR RURAL RESIDENTIAL (“RR”) WITH A CONDITIONAL USE FOR BOARDING KENNELS, AN ACCESSORY APARTMENT, ANIMAL CARE, LIMITED AND A LARGER SIGN; GENERALLY LOCATED ON THE SOUTH SIDE OF U.S. 54 HIGHWAY AND MIDWAY BETWEEN 151ST AND 167TH STREETS WEST. (DISTRICT 3)

Presented By: John L. Schlegel, Director of Planning *JLS*

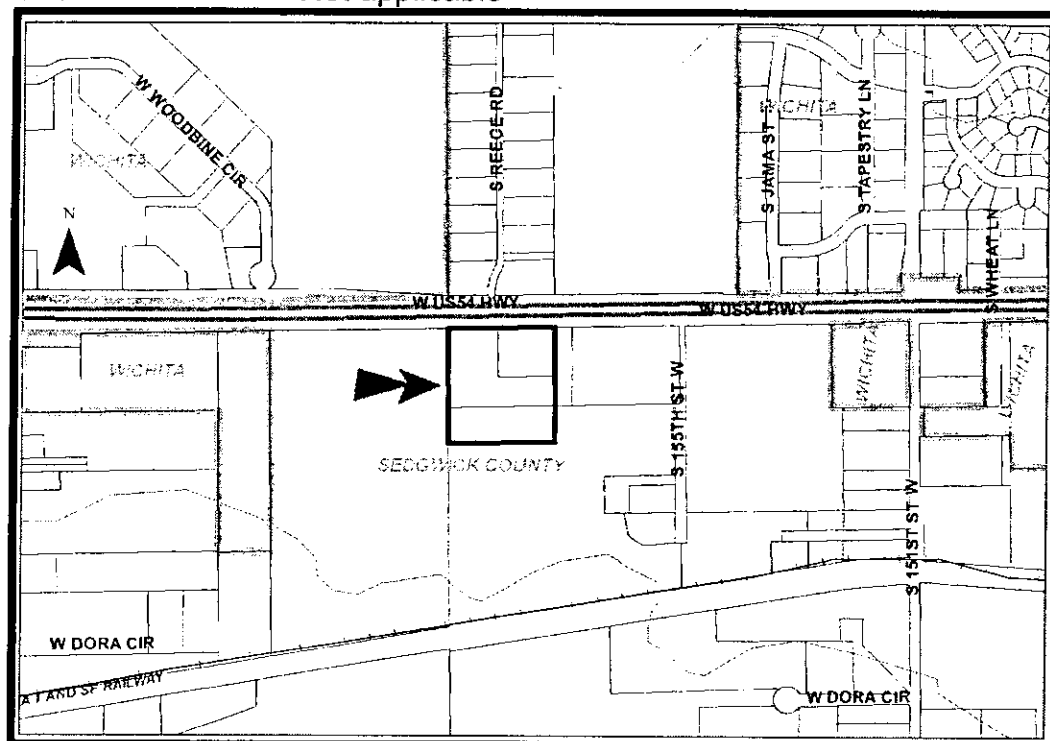
Recommended Action: Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change and the Conditional Use; and authorize the Chairman to sign the resolutions.

Proposed Agenda Date: August 24, 2011

Outside Attendees: High Halo Kennels, c/o Mildred L. Dodd and Rhonda Stanhope (owner/applicant)

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The described site is zoned SF-20 Single-family Residential ("SF-20"). The site is currently developed with an existing home, a manager's residence and the High Halo dog and cat boarding kennel. The kennel has been in existence prior to the adoption of County wide zoning in 1984 and is considered a legal non conforming use. The applicant is requesting a County Conditional Use to expand the existing boarding kennel business by adding: 1) additional indoor kennels and outdoor runs; 2) an "Animal Care, Limited" facility; 3) an Accessory Apartment for the current manager's residence, as well as it being relocated in the future, and; 4) a larger sign. Animal care, limited, requires RR Rural Residential ("RR") zoning, thus the associated zone change request from SF-20 to RR. The County permits 8-square feet of signage by-right; however, with this Conditional Use request, a larger sign may be approved. Because of the sign's location along U.S. 54 highway, the applicant will need to check with K-DOT to ensure the State has no restrictions on the proposed sign. Because the site is located in the City of Goddard's Area of Zoning Influence the request was considered by the Goddard Planning Commission, prior to the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) meeting.

The proposed zoning and Conditional Use would increase the site from 6-acres to 8.77-acres, double the number of dog boarding kennels with attached runs (from 100 to 200) and double the number of cat kennels (from 20 to 40). The kennel will be/is open Monday – Friday, 8:00 a.m. to 6:00 p.m. and Saturday 8:00 a.m. to 12:00 p.m. It will be/is closed on Sundays and holidays.

Proposed development would mirror materials and architectural types used in the current development; a residential styled kennel building with at least 3/12 pitched gable roofs with roof overhangs extending partially over the attached, individual, chain-link, concrete floor outdoor runs. Currently there are two of these kennel buildings (50 dogs per kennel building), both attached to a reception – office building, which in turn is attached to a single-family residence and attached garage. Looking at the current development from U.S. 54, it resembles one large single-family residence, with a gravel parking area. The kennels are partially screened from U.S. 54 (north side) by the attached residence-office and some solid PVC fencing. The site plan shows the additional kennel buildings attached to the proposed animal care clinic, all of which will be attached to the current complex, thus extending solid screening, primarily by buildings, as seen from U.S. 54 highway.

The current kennels and the proposed expansion partially meet the current Unified Zoning Code (UZO, Art.III, Sec.III-D, 6-k) kennel requirements of:

- (a) A minimum of a 5-acre site for a boarding kennel; the applicant has provided an 8.77-acre site.
- (b) Outdoor kennels/runs must be located at least 200 feet from any dwelling unit, other than the owners, and 50 feet from contiguous property lines; the existing kennel and proposed expansion meets these standards.
- (c) Kennels must be located 600 feet or more from contiguous property lines or provide screening. The existing and proposed kennels are less than 600 feet on the north, west and south sides, thus requiring screening. Partial solid screening is provided along the north/U.S. 54 side by the already noted attached residence-office and solid PVC fencing. A mature hedge row provides seasonal screen on the west side and mature trees provide partial screening on the east side.

The existing kennel is located approximately 140 feet from the western property line and approximately 380 feet from the eastern property line. The new kennels proposed to be attached to the proposed vet clinic will be within 280 feet of the eastern property line, but no closer to the west property line than the existing kennels. The existing kennel is located approximately 340 feet from the nearest property line north of U.S. 54. The new kennels proposed to be attached to the proposed vet clinic will be within approximately 300 feet of the northern property line, but no closer to the south property line than existing kennels. The existing and proposed kennel is located over 1,100 from the southern property line.

A mixture of mostly SF-20 and some SF-5 Single-Family Residential ("SF-5") zoned manufactured home parks, single-family residences, and the new Goddard public school site are abutting or adjacent to the subject site. A portion of one manufactured home park has an interior area of MH Manufactured Home ("MH") zoning. SF-20 and RR zoned agricultural and undeveloped lands also abut or are adjacent to the site. Undeveloped LC Limited Commercial ("LC", CUP DP-241) land is located northwest of the site, across U.S. 54 highway.

Analysis: At the Goddard Planning Commission meeting held July 14, 2011, the Planning Commission voted unanimously (5-0) to recommend approval of the requested zone change and Conditional Use as recommended by MAPD staff; see attached resolutions. No citizens spoke in opposition at the Goddard Planning Commission meeting. At the MAPC meeting held July 21, 2011, the MAPC voted unanimously (9-0) to recommend approval of the requested zone change and Conditional Use as recommended by MAPD staff. No citizens spoke in opposition at the public hearings, and there have not been any protest petitions filed.

Alternatives:

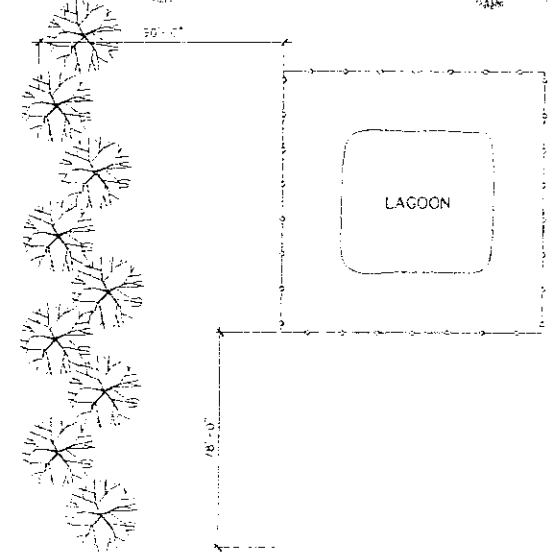
1. Adopt the findings of the Metropolitan Area Planning Commission, approve the zone change and the Conditional Use; and authorize the Chairman to sign the resolutions (requires a simple majority)
2. Return such recommendation to the MAPC with a statement specifying the basis for the BOCC's failure to approve or disapprove (requires a simple majority vote).
3. Deny the zone change and override the MAPC's recommendation (requires a two-third majority vote).

Financial Considerations: If the request is approved, there are not any direct financial considerations for the County.

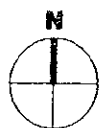
Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Legal Considerations  ☒ ***Approved as to form and signed by County Counselor's Office*** The City and County are authorized by K.S.A. 12-741, et seq. to adopt a joint zoning code. The City and County have done so, and in that code have provided for the zoning of properties by approval of a zone change and a Conditional Use (Sec. V-C and Sec. V-D of the Unified Zoning Code).

US 54 HIGHWAY



EXISTING SITE PLAN



APPROVED

Bill Longnecker

Date: SEPT 2, 2011

Existing

Con Zoll - 23
Zoll - 16

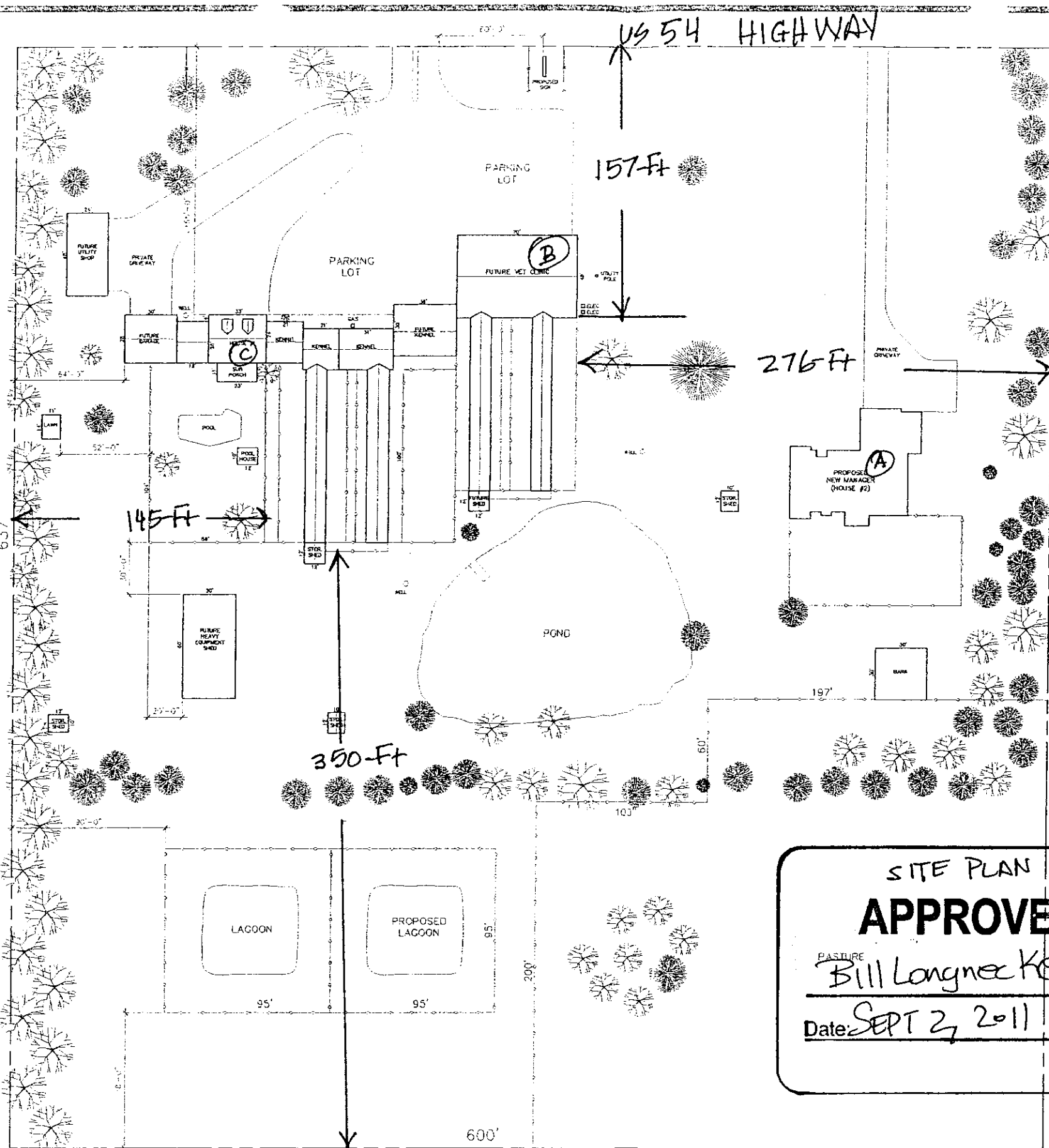
TITLE: KENNEL/BOARDING FACILITY

APPL: RHONDA STANHOPE

DATE: MAY 05, 2011

HIGH HALO BOARDING KENNELS
15901 W. HIGHWAY 54
GODDARD, KANSAS 67052

201

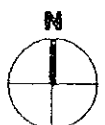


- Notes:
- (1) (A), (B), & (C) = All buildings noted will be placed outside the site's zoning district → no encroachments unless adjusted by Administrative Adjustment or Variance
 - (2) At the time of construction of building (A), it shall be smaller than building (C) to qualify as the permitted Accessory Apartment. If building (A) is built larger than building (C) than building (C) shall be the Accessory Apartment

B PROPOSED SITE PLAN

0' 25' 50' 100'

1" = 70' - 0.0"



CON 2011-23
20N 2011-16

8.77-ACRES

Proposed

TITLE: KENNEL/BOARDING FACILITY

APPL: RHONDA STANHOPE

DATE: MAY 05, 2011

HIGH HALO BOARDING KENNELS
15901 W. HIGHWAY 54
GODDARD, KANSAS 67052