CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 31, 2012

Kelsey Kuhn
7415 S. Grove
Wichita, KS 67060

RE:CON2012-41 - County Conditional Use for a Kennel, Boarding/Breeding/Training in RR Rural Residential zoning generally located west of Grove and south of East 71st Street South (7415 S. Grove).

Dear Applicant

At its regular meeting on **October 4, 2012**, the Wichita/Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution. There were no protests on this case during the two-week protest period, therefore the decision of the MAPC is considered final.

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

Sincerely,

Jess McNeely, AICP
Senior Planner
Current Plans Division

Copies to: BCOC 2, Tim Norton, Mail Stop County, Room 320
Bob Parnacott, County Attorney, Mail Stop County Room 359
Kelly Dixon, County Code Enforcement, 1144 S Seneca, Wichita, KS 67213
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213
Jeana Morgan, Haysville City Hall, PO Box 404, Haysville, KS 67060

CONDITIONAL USE RESOLUTION NO. CON2012-00017

WHEREAS, Kelsey Kuhn (Owner/Applicant) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Kennel; Boarding, Breeding and Training and a 32 square-foot sign on 4.65 acres zoned RR Rural Residential ("RR") described as:

> COMM NE COR S1/2 NW1/4 S 200 FT FORBEG S 60 FT W 807.7 FT N 166.14 FT E 727.7 FT S 106.14 FT E 80 FT TO BEG EXC E 30 FT FOR RD. SEC 3-29-1E; and, BEG NE COR S1/2 NW1/4 S 200 FT W 80FT N 106.14 FT W 727.7 FT N 93.86 E TO BEG EXC E 30 FT FOR RD. SEC 3-29-1E, Sedgwick County, Kansas, generally located west of South Grove and south of East 71st Street South (7415 S. Grove).

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 October 4, 2012, 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 allow a Conditional Use for a Kennel; Boarding, Breeding and Training and a 32 square-foot sign on 4.65 acres zoned RR Rural Residential ("RR") described as:

> COMM NE COR S1/2 NW1/4 S 200 FT FORBEG S 60 FT W 807.7 FT N 166.14 FT E 727.7 FT S 106.14 FT E 80 FT TO BEG EXC E 30 FT FOR RD. SEC 3-29-1E; and, BEG NE COR S1/2 NW1/4 S 200 FT W 80FT N 106.14 FT W 727.7 FT N 93.86 E TO BEG EXC E 30 FT FOR RD. SEC 3-29-1E, Sedgwick County, Kansas, generally located west of South Grove and south of East 71st Street South (7415 S. Grove).

Approved subject to the following conditions:

(1) The Conditional Use for a boarding kennel for dogs, cats and horses shall comply with Section III.D.6.k of the Wichita-Sedgwick County Unified Zoning Code and all applicable federal, state, and local requirements.

(2) The number animals to be boarded shall not exceed 60 dogs, 30 cats or 8 horses at any one time.

(3) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian.

(4) Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided as approved by Environmental Services. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.

(5) 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.

(6) 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.

(7) The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.

(8) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.

(9) The boarding facility shall be open to the unannounced inspection by Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.

(10) The Conditional Use is permitted a 32 square-foot sign on the Grove Street frontage, as approved by County Permits and Code.

(11) The property shall be developed and maintained in accordance with the site plan approved by the Planning Director, showing screening, all buildings, parking, and other applicable features of the site.

(12) 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.

Adopted this 1 Day of November 2012

METROPOLITAN AREA PLANNING COMMISSION

Shawn Farney, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

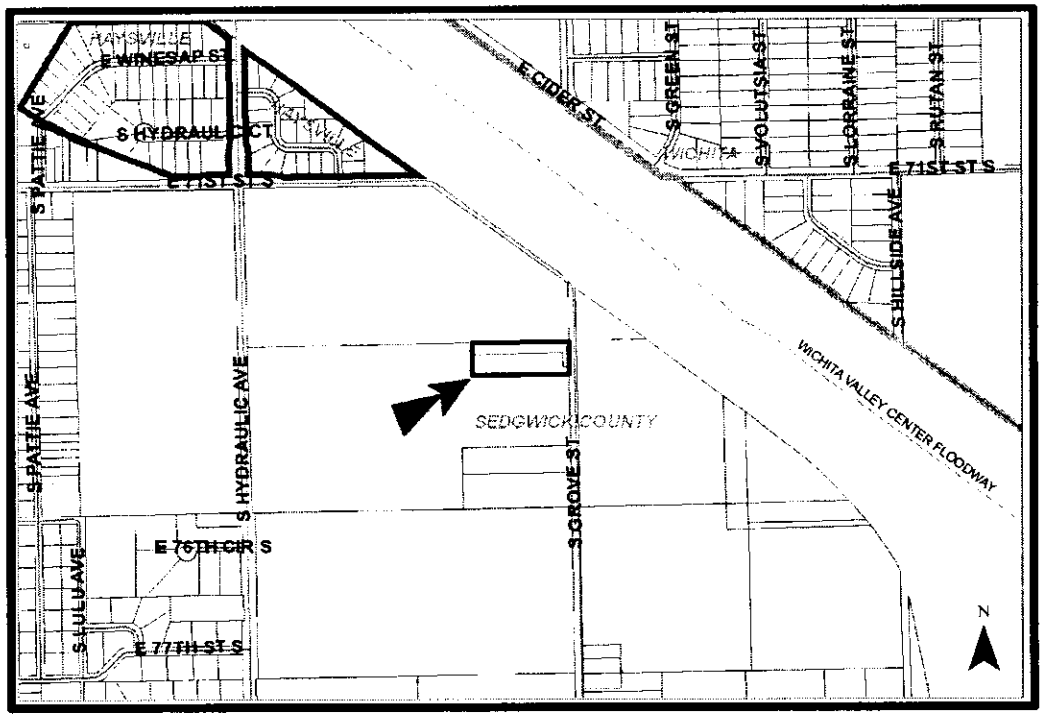
AGENDA ITEM NO. _____

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT

MAPC October 4, 2012
Haysville Planning September 27, 2012

CASE NUMBER:	CON2012-41
OWNER/APPLICANT:	Kelsey Kuhn (owner/applicant)
REQUEST:	County Conditional Use for a Kennel; Boarding, Breeding and Training
CURRENT ZONING:	RR Rural Residential ("RR")
SITE SIZE:	4.65-acres
LOCATION:	Generally located west of South Grove and south of East 71st Street South (7415 S. Grove)
PROPOSED USE:	Boarding kennel for canines, felines and equines and a 32 square-foot sign



BACKGROUND: The 4.65-acre application area is zoned RR Rural Residential ("RR") and is located on the west side of S. Grove, south of the Wichita/Valley Center Floodway and 71st Street South. The site is within the Haysville Zoning Area if Influence; it is developed with an existing home and several outbuildings. The applicant requests a County Conditional Use for a boarding kennel business to include dogs, cats, and horses. And, the applicant requests a 32 square-foot sign for the business. The County permits 8 square feet of signage by right; however, in conjunction with a Conditional Use application, a larger sign may be approved. The applicant proposes a total of 5 separate buildings for the indoor boarding of dogs, one building for cats, and four buildings for horses, see the attached site plan. In working with staff, the applicant states they wish to limit the total number of dogs to 60, total number of cats to 30, and total number of horses to 8. The total number of animals requested is less than half of the number of some other approved kennels in the Wichita/Sedgwick County area.

The Unified Zoning Code (UZC, Art.III, Sec.III-D, 6-k) requires the following Conditional Use standards for Boarding/Breeding/Training Kennels:

(a) A minimum of a 5-acre site unless all animals are harbored indoors. The applicant indicates that all animals would be harbored in buildings, and would only be outdoors for short durations when supervised by an employee.

(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 proposed kennels meet these standards.

(c) Kennels must be located 600 feet or more from contiguous property lines or provide screening. The proposed kennels are 60 feet or more from property lines, requiring screening. Existing vegetation provides some screening from abutting properties; the applicant will be required to construct solid screening or submit a landscape plan, which may use existing vegetation, to meet the screening requirement.

The surrounding properties are all zoned RR. All surrounding property is used for agriculture with the exception of a manufactured home site on 2.67 acres northeast of the application area. Another manufactured home site sits approximately 575 feet south of the application area, separated by agricultural land. A concrete plant, under Conditional Use CU-214, sits over 1100 feet south west of the site. Property within the City of Haysville sits over 1600 feet northwest of this site, separated from the site by agricultural property.

CASE HISTORY: The site is unplatted. The existing house on the site was built in 1940; a manufactured home was previously used on the site.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Agricultural fields, floodway
SOUTH:	RR	Agricultural fields
EAST:	RR	Agricultural fields, manufactured home
WEST:	RR	Agricultural fields

PUBLIC SERVICES: S. Grove is an un-paved, two-lane local street with a 60-foot right-of-way width. The nearest paved street is 79th Street South, over 3600 feet south of the site. No public water or sewer is available at the site. The applicant proposes a future two-cell lagoon for waste.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the area as being in the 2030 Haysville urban growth area. The Land Use Plan of the recently approved City of Haysville Comprehensive Plan identifies the subject area as future "residential." This designation may be consistent with the AAA district, which is intended for areas where some public services are available and where soils are capable of accommodating septic tanks. Under the Haysville AAA zoning classification, the Haysville Zoning Code would allow a Kennel, Boarding/Breeding/Training as a Conditional Use.

A Boarding Kennel can be considered for a County Conditional Use in the RR zoning district, per the standards of the UZC, Art.III, Sec.III-D, 6-k. The site appears to conform to those standards, provided that screening requirements are met. Presumably, the unplatted site will require platting prior to receiving County building permits.

RECOMMENDATION: The proposed Kennel Conditional Use would not pose a land-use conflict with the existing surrounding agricultural uses. However, the proposed kennel could pose a conflict with future residential development. The Haysville Zoning Code would allow the requested kennel as a Conditional Use in the anticipated zoning district for this area, as identified in their Comprehensive Plan. As such, the Haysville Planning Commission review of this case should indicate whether or not the request is consistent with their vision for this area. This unpaved portion of Grove would experience increased traffic with the proposed business. Conditions limiting the total number of animals should keep traffic at a level to not exceed Grove Street's capacity at this location. Staff's proposed conditions are consistent with those approved for recent Kennel Conditional Uses.

Planning Staff does not see indications of this area transitioning to urban scale residential in the foreseeable future. Therefore, based on the information available prior to the public hearing, staff recommends the County Conditional Use for a Boarding, Breeding, Training Kennel, be APPROVED subject to the following Conditions:

(1) The Conditional Use for a boarding kennel for dogs, cats and horses shall comply with Section III.D.6.k of the Wichita-Sedgwick County Unified Zoning Code and all applicable federal, state, and local requirements.

(2) The number animals to be boarded shall not exceed 60 dogs, 30 cats ~~or~~ and 8 horses at any one time.

(3) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian.

(4) Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided as approved by Environmental Services. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture.

(5) 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.

(6) 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.

(7) The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.

(8) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.

(9) The boarding facility shall be open to the unannounced inspection by Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.

(10) The Conditional Use is permitted a 32 square-foot sign on the Grove Street frontage, as approved by County Permits and Code.

(11) The property shall be developed and maintained in accordance with the site plan approved by the Planning Director, showing screening, all buildings, parking, and other applicable features of the site.

(12) 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: The surrounding properties are all zoned RR. All surrounding property is used for agriculture with the exception of a manufactured home site on 2.67 acres northeast of the application area. Another manufactured home site sits approximately 575 feet south of the application area, separated by agricultural land. A concrete plant, under Conditional Use CU-214, sits over 1100 feet south west of the site. Property within the City of Haysville sits over 1600 feet northwest of this site, separated from the site by agricultural property.

2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used for a single-family residence.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Potential noise and odors generated by kenneled dogs could have a negative impact on the nearest residence northeast of the site. The proposed Conditions should mitigate

those impacts.

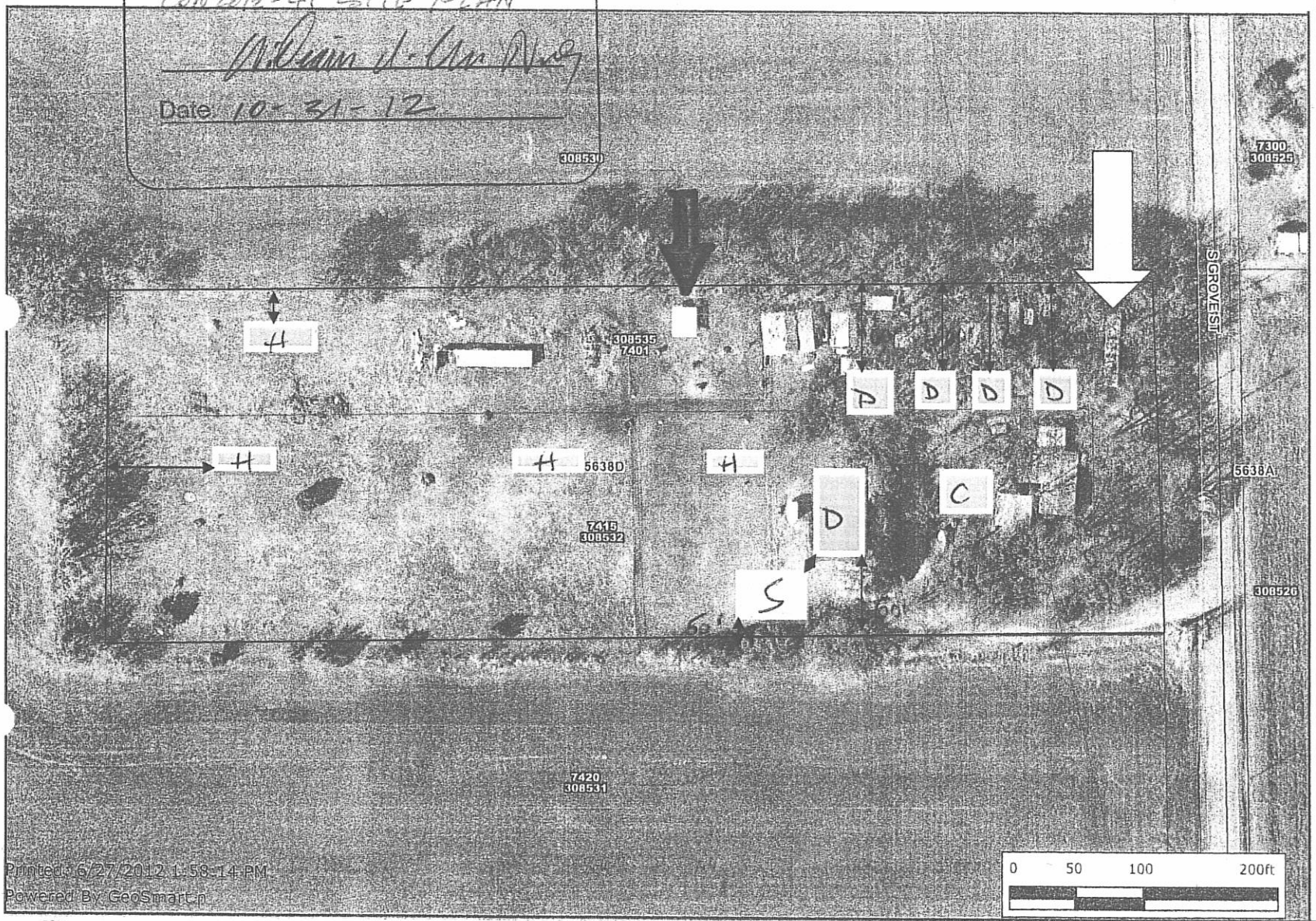
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the area as being in the 2030 Haysville urban growth area. The Land Use Plan of the recently approved City of Haysville Comprehensive Plan identifies the subject area as future "residential." This designation may be consistent with the AAA district, which is intended for areas where some public services are available and where soils are capable of accommodating septic tanks. Under that zoning classification, the Haysville Zoning Code would allow a Kennel, Boarding/Breeding/Training as a Conditional Use. A Boarding Kennel can be considered for a County Conditional Use in the RR zoning district, per the standards of the UZC, Art.III, Sec.III-D, 6-k. The site appears to conform to those standards, provided that screening requirements are met.

5. Impact of the proposed development on community facilities: This unpaved portion of Grove would experience increased traffic with the proposed business. Conditions limiting the total number of animals should keep traffic at a level to not exceed Grove Street's capacity at this location.

APPROVED

CONDITIONAL USE SITE PLAN

Date 10-31-12



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7415 S Grove,
Haysville, KS 67060

D – Future Boarding Facilities for Canines.

C – Future Boarding Facility for Felines.

H – Future shelter/stables for Horses.

S – Future Two Cell Lagoon for waste water.

Arrows indicating that this building does not exist at this exact moment.

EvelY reasonable effort has been made to assure the aocuracv olthe maps and assooiated data provided herein. This information is provided ••• th the understanding that the *data* are susoeptible to a degree of error, and co ndusrons drawn from such information a", the responsibility olthe reader. The City of \Mchita makes no warianty, representation or guaranty as to the content. accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used forthe preparation of these maps has been obtained from public records not created or maintained by the City of \Mchita. The City of \Mchita shall assume no liability for any decisions *made* or actions take n or nottaken by the re ader in reliance upon any information or data furnished hereunder. The user should consult ••• th the appropriate departmental staff member, e.g. Planning, Parks & Recreation. etc. to confirm the accuracy of information appearing in the visual p",sentations accessible through these ' .•.• eb pages.