CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 1, 2014

Stephen W. and Gloria K. Peacock
2858 South 127th Street, East
Wichita, KS 67210

RE: **CON2014-00002** - County Conditional Use to permit a "kennel, boarding, breeding an training" on property containing approximately 10 acres, zoned SF-20 Sing;e-family Residential and generally located on the east side of South 127th Street East, south of East Pawnee Road (2858 South 127th Street East).

Dear Applicant:

At its regular meeting on March 6, 2014, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to APPROVE the request, subject to the conditions on the attached resolution.

If you have any questions, please contact the Planning Staff member listed below at 268-4421.

Sincerely,

Dale Miller
Current Plans Manager

DLM/mc
Attachment

Copies to:

Jim Skelton - Bocc #5, Mail Stop, County Room 320
Bob Parnacott, County Law, Mail Stop, County Room 359
Jim Weber, County Public Works, 1144 S Seneca, Wichita, KS, 67213
Kelly Dixon, MABCD, 1144 S Seneca, Wichita, KS, 67213

CONDITIONAL USE RESOLUTION NO. CON2014-00002

WHEREAS, Stephen W. and Gloria K. Peacock ; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit a "kennel, boarding, breeding and training" on approximately 10 acres zoned SF-20 Single-family Residential (SF-20), described as:

A tract of land beginning 1,980.64 feet North of the Southwest corner of the Southwest Quarter; thence North to a point 345 feet South of the Northwest corner; thence East to the East line of the West half; thence South to a point East of beginning; thence West to the point of beginning EXCEPT 50 feet for road on the West, Section 2, Township 28, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

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 6, 2014, 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 "kennel, boarding, breeding and training" on property zoned , described as:

A tract of land beginning 1,980.64 feet North of the Southwest corner of the Southwest Quarter; thence North to a point 345 feet South of the Northwest corner; thence East to the East line of the West half; thence South to a point East of beginning; thence West to the point of beginning EXCEPT 50 feet for road on the West, Section 2, Township 28, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The Conditional Use shall permit a "kennel, boarding, breeding and training" for up to 35 dogs.
2. The kennel shall be developed, operated and maintained in compliance with the approved site plan and will all applicable local, state or federal regulations, resolutions or statutes. In the event that any required screening is located offsite is removed, the applicant shall be responsible to provide Code required screening.
3. The kennel operator shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
4. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excessive water from any kennel enclosures shall be provided. Interior surface materials shall be constructed of non-porous materials or materials approved by Metropolitan Area Building and Construction Department.

5. Sufficient quantities of food and water shall be provided to keep the dogs in good physical health. 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 to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the kennel must be removed from the site, unless specifically approved by MAB&CD, and shall not be discharged into residential sewage facilities (lagoon or septic systems) or any other unapproved on-site disposal system.
7. The animals confined in the kennel shall be maintained in good physical condition, free of infectious disease 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 MAB&CD personnel during normal business hours.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 6th day of March 2014.

METROPOLITAN AREA PLANNING COMMISSION

Don Klausmeyer

Don Klausmeyer, Chair MAPC

ATTEST:

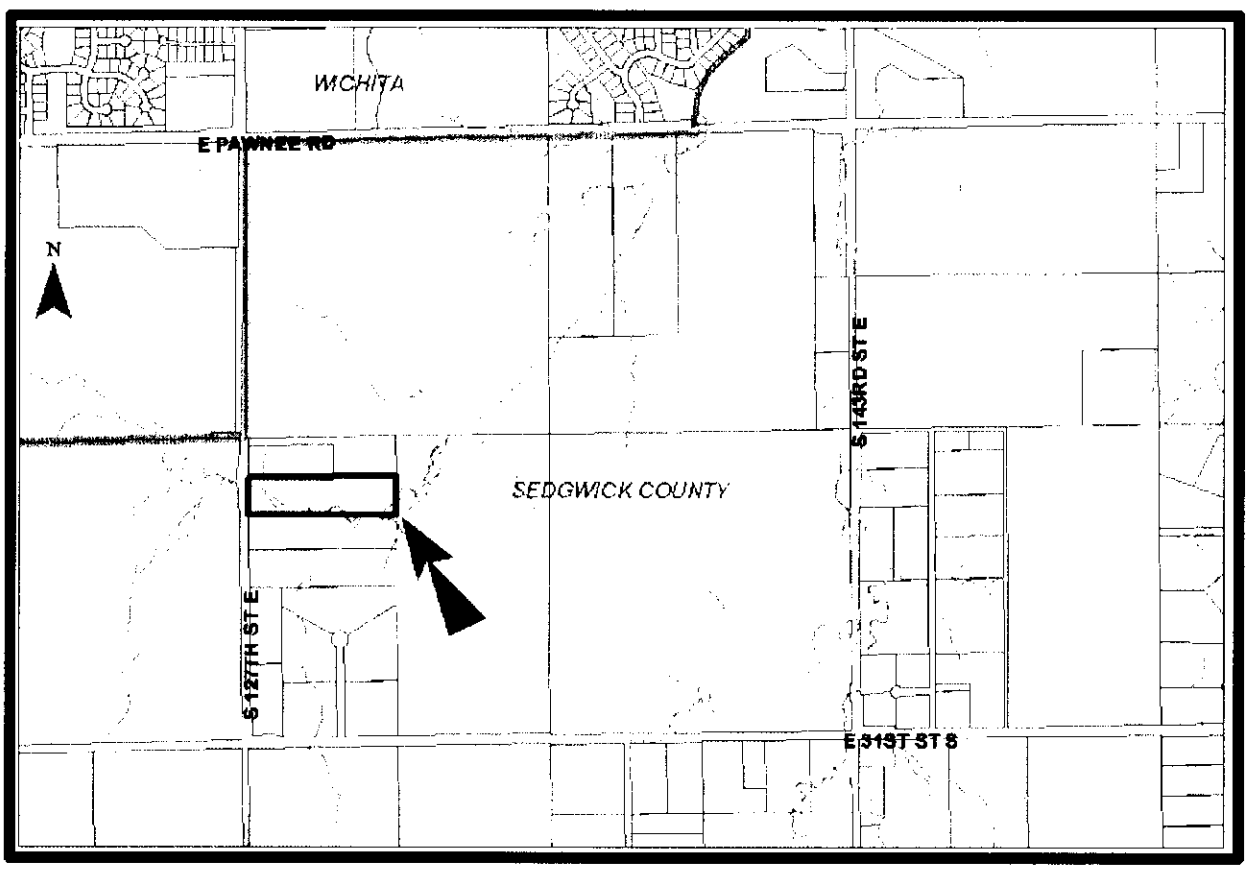
John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT
MAPC 3-6-2014

CASE NUMBER:	CON2014-00002
APPLICANT/AGENT:	Sephen W. and Gloria K. Peacock (property owner, applicant and agent)
REQUEST:	Kennel, boarding, breeding and training
CURRENT ZONING:	SF-20 Single-family Residential
SITE SIZE:	10 acres
LOCATION:	3,080 feet south of East Pawnee Road, west of South 127th Street East (2858 South 127th Street East)
PROPOSED USE:	Dog boarding and rescue



BACKGROUND: The applicants are seeing Conditional Use approval for a "kennel, boarding, breeding and training." The application area is approximately 9.48 (320 feet by 1,273.68 feet) unplatted acres located on the east side of South 127th Street East, approximately 3,080 feet south of East Pawnee Road. As depicted on the applicant's aerial photo the site contains a residence located approximately 760 feet east of South 127th Street East and 112 feet south of the application's north property line. Fifty-four feet north of the house and 833 feet east of East 127th Street South is an existing 30 by 50-foot accessory building. The applicant proposes to convert the 30 by 50-foot accessory building into the kennel and add fenced outdoor kennels and runs to the south side of the accessory building. The accessory building is located 30 feet south of the north property line, and approximately 186 feet from an off-site residence, located straight north of the proposed kennel. The kennel will operate on a "by appointment only" basis with general hours of operation of 7:00 a.m. to 7:00 p.m. The applicant's property is zoned SF-20 Single-family Residential (SF-20), which permits a boarding, breeding and training kennel only with Conditional Use approval, subject to the Supplementary Use Regulations contained in Section III-D.6.k(1)-(3) of the Wichita-Sedgwick County Unified Zoning Code (UZC).

The UZC's Supplementary Use Regulations state:

(1) The minimum lot size for a boarding, breeding or training kennel is five acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines. The application area contains approximately 9.48 acres.
(2) Outside runs, holding pens or other open-air enclosures and shelters shall be located behind the front setback line and located at least 200 feet from any off-site dwelling unit and at least 50 feet from contiguous property lines. The SF-20 zoning district has a 25-foot front setback and a 10-foot interior side setback. As shown on the applicant's site plan, the proposed kennel is located approximately 833 feet east of East 127th Street South and 30 feet south of the north property line. The proposed outdoor pens and runs are approximately 210 feet south of the closest off-site residence, and are 80 feet south of the north property line, approximately 833 feet east of the west property line, at least 180 feet from the south property line and 394 feet from the east property line.
(3) Screening shall be provided except for those facilities located 600 feet or more from contiguous property lines. Screening fencing must be at least four feet high. The converted building will provide screening for the outdoor kennels located south of the converted building. The property located directly north of the proposed kennel has a significant tree row that provides the required screening. Should the off-site screening be removed, of if there are gaps that do not provide solid screening, the applicant will be responsible to replace code required screening or fill in any gaps in code required screening.

Properties abutting the application area vary in size from 78 acres to 4.67 acres. Land located west of East 127th Street South is 156 acres used for agriculture. All nearby properties are zoned SF-20 and are used for large-lot residential and/or farming or ranching. Unified School District 259 owns SF-5 Single-family Residential (SF-5) zoned land approximately 500 feet northwest of the application that is scheduled to be developed into a new high school.

CASE HISTORY: The property's current SF-20 zoning was assigned in 1985 when Sedgwick County adopted county-wide zoning.

ADJACENT ZONING AND LAND USE:

North: SF-20; single-family residences
South: SF-20 with a variance to allow an accessory structure in front of the principal structure; single-

family residences
East: SF-20; ranch with a single-family residence
West: SF-20; agriculture

PUBLIC SERVICES: East 127th Street South is a sand and gravel road with approximately 100 feet of right-of-way. The site is served by an on-site waste-water system and by either on-site well or rural water district.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita and Small Cities 2030 Urban Growth Areas map indicates the property is located inside Wichita's 2030 Urban Growth Area, which means the area is expected to develop by the year 2030. The UZC permits boarding, breeding and training kennels with conditional approval, subject to Supplementary Use Regulation Section III-D.6.k(1)-(3) noted above.

RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it recommended the request be approved subject to the following conditions:

1. The Conditional Use shall permit a "kennel, boarding, breeding and training" for up to 35 dogs.
2. The kennel shall be developed, operated and maintained in compliance with the approved site plan and will all applicable local, state or federal regulations, resolutions or statutes. In the event that any required screening is located offsite is removed, the applicant shall be responsible to provide Code required screening.
3. The kennel operator shall have on file proof of rabies vaccinations for all dogs harbored at the facility.
4. Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excessive water from any kennel enclosures shall be provided. Interior surface materials shall be constructed of non-porous materials or materials approved by Metropolitan Area Building and Construction Department.
5. Sufficient quantities of food and water shall be provided to keep the dogs in good physical health. 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 to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by applicable codes. All solid waste generated by the kennel must be removed from the site, unless specifically approved by MAB&CD, and shall not be discharged into residential sewage facilities (lagoon or septic systems) or any other unapproved on-site disposal system.
7. The animals confined in the kennel shall be maintained in good physical condition, free of infectious disease 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 MAB&CD personnel during normal business hours.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the 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 neighborhood: The properties surrounding the application area are zoned SF-20, and vary in size from 4.67 acres up to 156 acres. The small tracts are

developed with single-family residences. The larger tracts may have single-family residences and be used for ranching. The largest tract is used for agricultural purposes. The City of Wichita city limits are located within 500 feet to the northwest of the application, and that site is expected to be developed as a USD 259 high school. Currently the character of the area is a suburban residential development located in a predominately agricultural area; however, development pressure is expected to increase within the projected 2030 time frame.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-20, which primarily permits single-family residential use on lots at least 20,000 square feet or larger in size. Other nonresidential uses, such as churches, schools or public parks, customarily found in residential areas are also permitted. The site is developed with a single-family residence and will retain economic value as currently zoned. It is not unusual for SF-20 zoned land to have accessory uses approved through the Conditional Use process.

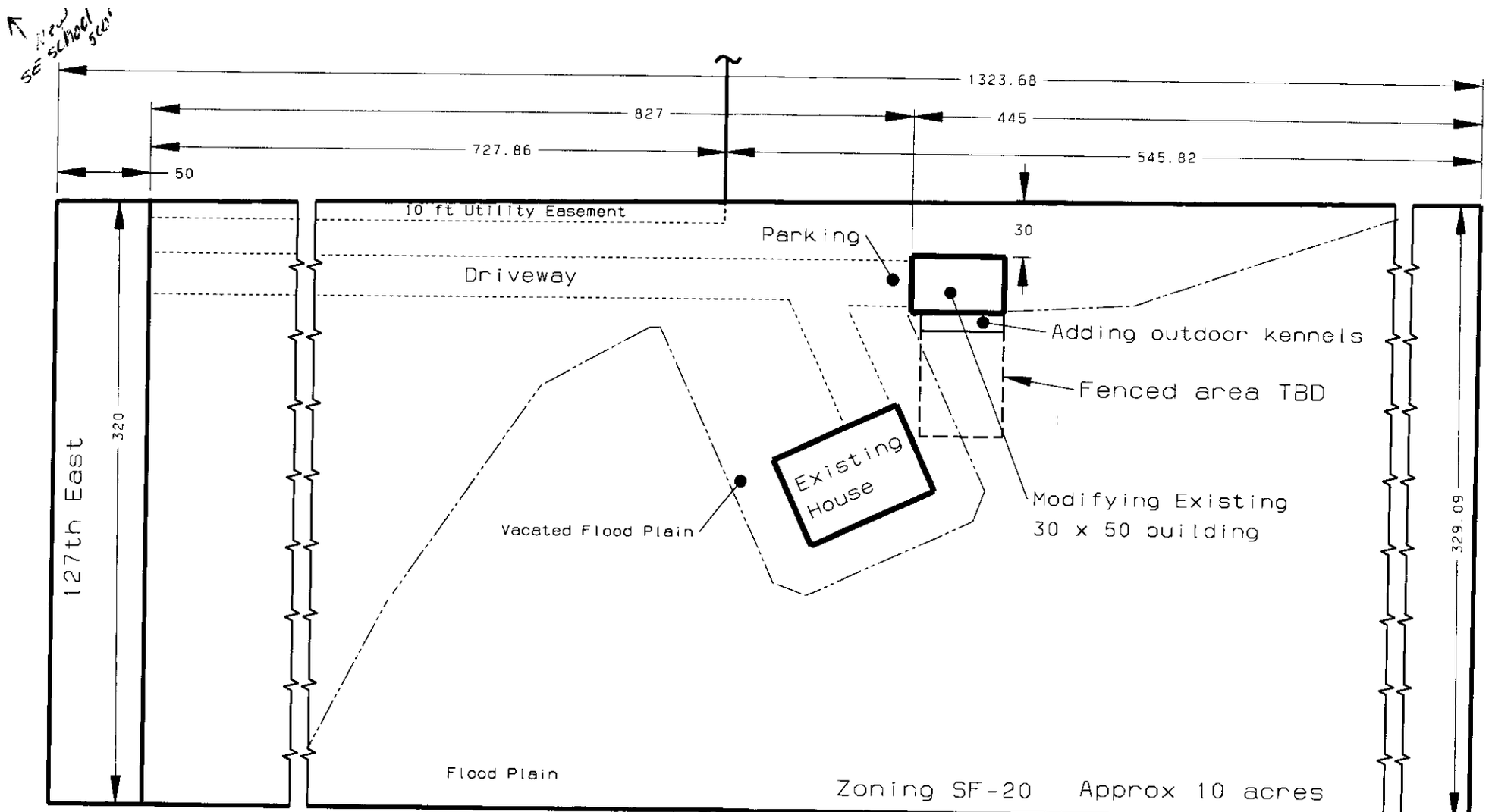
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact adjacent properties provided the kennel is developed, operated and maintained in compliance with Code requirements and conditions of approval.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide the public with additional kennel services. Denial would presumably represent a loss of economic opportunity to the applicant.

5. Opposition or support of neighborhood residents: At the time this report was prepared, staff had not received a negative comments regarding the application. Staff has received e-mails from two residents - 2950 South 127th Street East and 2920 South 127th Street East - expressing support for the application.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita and Small Cities 2030 Urban Growth Areas map indicates the property is located inside Wichita's 2030 Urban Growth Area, which means the area is expected to develop by the year 2030. The UZC permits boarding, breeding and training kennels with conditional approval, subject to Supplementary Use Regulation Section III-D.6.k(1)-(3) noted above.

6. Impact of the proposed development on community facilities: Traffic can be expected to increase to the site; however, existing facilities are adequate to handle expected minor increases.



Applicant/ Steve Peacock
Prepared by: 2858 S 127th E
Wichita, Ks 67210
316-208-5760

Title: Conditional use permit for pet boarding & rescue
Requesting 30 ft setback instead of 50 ft to allow use of existing building.

2858 S 127th E

N

Scale: 1:50

01/17/2014