



Wichita-Sedgwick County Metropolitan Area Planning Department

December 11, 2008

Adam and Nicole Pracht
26000 W Mac Arthur Rd
Goddard, KS 67052

Leroy Brown
1251 S. Fieldcrest
Wichita, KS 67209

RE: CON2008-00052 - County Conditional Use for a dog kennel in RR Rural Residential zoning, generally located north of MacArthur and east of 263rd Street West (26000 W. MacArthur).

Dear Ladies and Gentlemen:

At its regular meeting on **November 6, 2008**, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick K. Slocum'.

Derrick K. Slocum
Associate Planner
Current Plans Division

DKS:mc
Enclosure

Copies to: Afton Township, Richard E. Flaharty, 2802 S. 295th St W, Garden Plain, KS
67050

CONDITIONAL USE RESOLUTION NO. CON2008-00052

WHEREAS, Leroy Brown (Applicant) and Adam and Nicole Pracht (Owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for a kennel for boarding/breeding/training use on 5 acres zoned "RR" Rural Residential ("RR") described as:

Beginning 1114.25' West of the Southeast corner of the Southwest Quarter; thence North 341.89'; thence West 146.86'; thence 49.45'; thence West 53.51'; thence South 292.44'; thence East to beginning, EXCEPT road on Section 10, Township 28 South, Range 3 West

AND

Beginning 794.02' East of the southwest corner of the Southwest Quarter; thence north 292.44'; thence East 520.22'; thence 292.44'; thence West 520.22'; to beginning, EXCEPT road on Section 10, township 28 South, Range 3 West. Generally located on the north side of MacArthur and east of 263rd Street West

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 November 6, 2008, 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 for boarding/breeding/training use on 5 acres zoned "RR" Rural Residential ("RR") described as:

Beginning 1114.25' West of the Southeast corner of the Southwest Quarter; thence North 341.89'; thence West 146.86'; thence 49.45'; thence West 53.51'; thence South 292.44'; thence East to beginning, EXCEPT road on Section 10, Township 28 South, Range 3 West

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Approved subject to 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.
- (2) The property shall be developed and maintained in accordance with a revised site plan approved

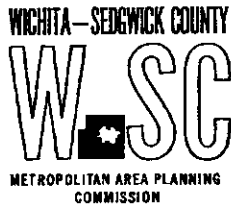
Adopted this 6th Day of November 2008

METROPOLITAN AREA PLANNING COMMISSION

Darrell Downing
Darrell Downing, Chair MAPC

ATTEST:

John L. Schlegel
John L. Schlegel, Secretary



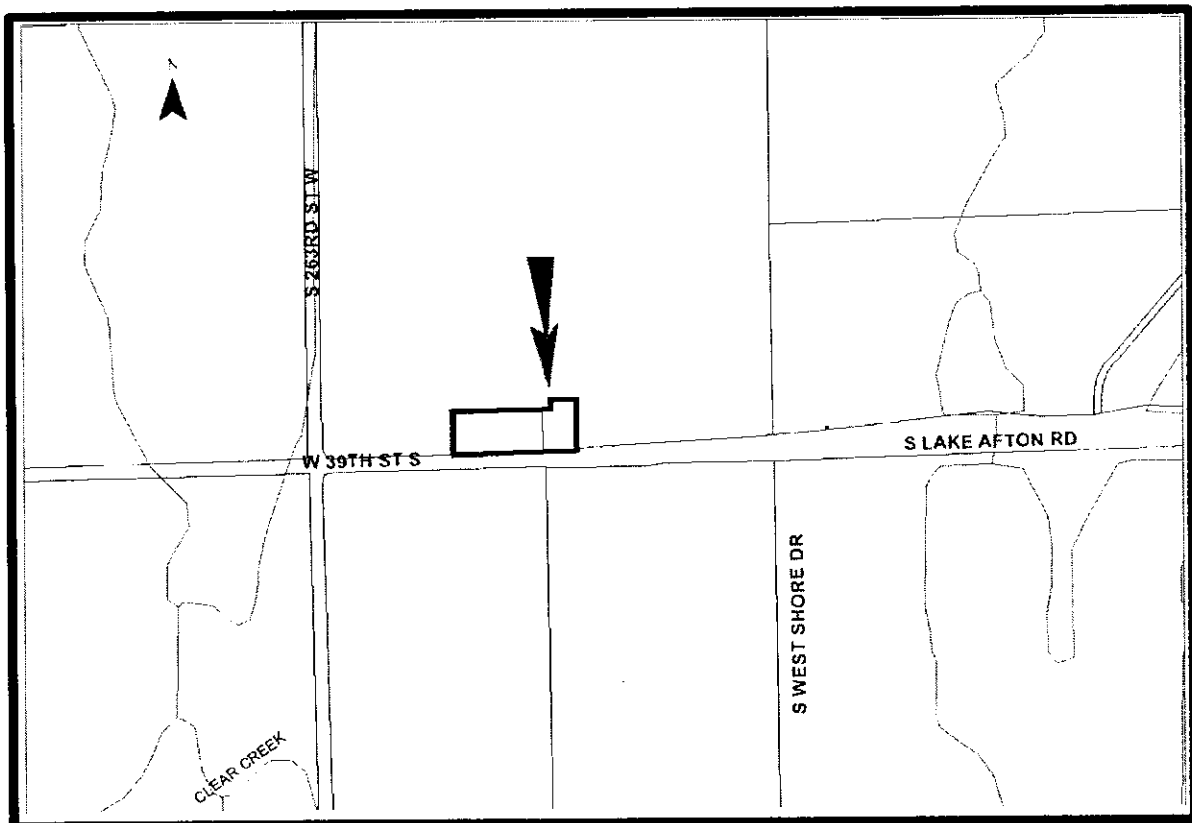
AGENDA ITEM NO. 9

STAFF REPORT

MAPC November 6, 2008

Garden Plain Planning Commission October 29, 2008

<u>CASE NUMBER:</u>	CON2008-00052
<u>APPLICANT/AGENT:</u>	Adam and Nicole Pracht (Owner) Leroy Brown (Applicant)
<u>REQUEST:</u>	Conditional Use to allow a kennel for boarding/breeding/training
<u>CURRENT ZONING:</u>	RR Rural Residential ("RR")
<u>SITE SIZE:</u>	Total Area = 5 acres
<u>LOCATION:</u>	Generally located on the north side of MacArthur and east of 263 rd Street West (26000W. MacArthur)
<u>PROPOSED USE:</u>	Boarding and training of dogs



BACKGROUND: The applicant is requesting a Conditional Use to allow a boarding and training kennel for dogs on property located on the north side of MacArthur and east of 263rd Street West. The property is zoned RR Rural Residential ("RR") zoning. The site is an unplatted 5-acre tract that is surrounded by properties also zoned RR. Much of the area surrounding the application area is in agricultural fields/production. The nearest residence lies more than 1,000-feet southeast of the proposed kennel site, and another neighboring residence lies over 3,000-feet northeast of the proposed kennel site. Residences on large tracts are common in the vicinity of the intersection of MacArthur and 263rd Street.

The intent of the operation is to house and train Medical Assist Service Dogs for soldiers coming home from Iraq with Post Traumatic Stress Disorder, and the civilian population with other medical needs. They will sell these dogs to the general public; however, they will not be housing/boarding dogs for general public use.

The application area is currently developed with a primary single-family residence and a garage. The applicant proposes to build 12 individual, 10x10x6-foot portable, kennels for 10 to 12 dogs. In the future, it is planned to have permanent kennels that will be served by its own septic system. There will be fencing around the kennels and instead of dog runs there will be exercise areas which will be separately fenced off from the kennels. The owner plans to live on-site.

The site is located in the "zoning area of influence" ("ZAOI") for Garden Plain. The Garden Plain Planning Commission is scheduled to hear this request on October 29, 2008.

CASE HISTORY: The property is an unplatted tract.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agriculture
EAST:	"RR" Rural Residential	Recreation Park/Wildlife Reserve
SOUTH:	"RR" Rural Residential	Agriculture
WEST:	"RR" Rural Residential	Agricultural

PUBLIC SERVICES: MacArthur Road and 263rd Street West are both classified as paved 2-lane rural major collectors. The nearest intersection is to the west, at 263rd Street West and MacArthur Avenue, however, there are no traffic counts at this intersection or on either of these roads near this location. There are currently no projections of future traffic volumes at the intersection into 2030. The *2030 Transportation Plan* does not designate any changes on this road in the future and there are no Capital Improvement Projects shown through 2012. There is no sewer to this site; it is currently served by a septic system. The site is in Rural Water District 4 but is currently served by a well.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as being outside the 2030 growth area. The *Wichita-Sedgwick County Unified Zoning Code* (UZC) lists "Kennel, Boarding/Breeding/Training" as a Conditional Use in the "RR" district, subject to supplemental use regulations k. The UZC definition of "Kennel, Boarding/Breeding/Training" is "...premises housing over ten adult dogs." The UZC supplementary k 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: Dog kennels of a 'reasonable size' are appropriate for rural areas of the County and, with certain restrictions, can be compatible with nearby residences and agricultural operations. Based on the information available prior to the public hearing, staff recommends the application be APPROVED subject to 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.
- (2) The property shall be developed and maintained in accordance with a revised site plan approved by the Planning Director, showing lighting, landscaping, setbacks, easements and all buildings in conformance with the UZC.
- (3) 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.
- (4) 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 Sedgwick County Department of Environmental Resources. 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 (e.g. Chapter 14 of the Sedgwick County Code).
- (7) The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- (8) The number of adult dogs and puppies authorized to be boarded shall not exceed 12 at any one time.
- (9) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning.
- (10) 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.

- (11) 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 site is an unplatted 5-acre tract zoned RR Rural Residential ("RR") with all the surrounding properties also zoned RR. Much of the area surrounding the application area is in agricultural fields. The nearest residence lies more than 1,000-feet southeast of the proposed kennel site, and another neighboring residence lies over 3,000-feet northeast of the proposed kennel site. Large tract ownership is common in this part of the county.
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 any negative effects and allow the use to expire if development and maintenance of the Conditional Use are violated.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Comprehensive Plan identifies this property as being outside the 2030 growth area. 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.
5. **Impact of the proposed development on community facilities:** While the housing and training facility that has requested the Conditional Use may sell dogs to the general public, the main mission of this operation is to train and house special assist service dogs. The kennel is not open to the general public to board dogs and the amount of traffic to the operation would be no different than traffic to and from the house, therefore, approval should not impact community facilities to any significant degree.

