

R# 86-1989

RESOLUTION NO. 86-1989

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A DOG BOARDING KENNEL WITH ASSOCIATED CREMATORIUM UNIT IN THE "R-1" SUB-URBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY 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 17.C of the Zoning Regulations, a conditional use permit to establish a dog boarding kennel with associated crematorium unit on property zoned the "R-1" Suburban Residential District is hereby approved on lands legally described as follows:

CASE NO. CU-321

Beginning at a point in the south line of the SW 1/4 of Section 13, Township 26 South, Range 1 West of the 6th P.M., and 445.15 feet east of the southwest corner of said Section 13; thence north a distance of 707.4 feet; thence west parallel with the south line of said Section 13 a distance of 337.16 feet to a point in the east line of the Wichita/Valley Center Flood Control Right-of-Way; thence in a southeasterly direction along the easterly line of said Flood Control Right-of-Way to the point of beginning, in Sedgwick County, Kansas; and

Beginning at a point in the south line of the SW 1/4 of Section 13, Township 26 South, Range 1 West of the 6th P.M., and 445.15 feet east of the southwest corner of said Section 13; thence North 707.4 feet; thence east 75 feet; thence south 707.4 feet to a point in the south line of said Section 13; thence west 75 feet to the point of beginning, in Sedgwick County, Kansas, except the south 30 feet thereof for highway. Generally located on the east side of West Street north of 53rd Street North.

SUBJECT TO THE FOLLOWING:

- A. In order to obtain additional street rights-of-way, have a drainage plan for the property approved, and establish building setbacks and access controls, the applicant shall plat the property within one year after Board of County Commissioners' approval of this request, or the application shall be considered denied and closed. The Conditional Use Resolution shall not be published until the plat has been recorded.
- B. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells.

- C. Pursuant to Section 5(A)(10)(m)(a) of Sedgwick County's Zoning Resolution, all animals that are a part of the boarding kennel operation shall be harbored indoors with no discernible noise or odors at the property line. Outdoor exercise runs shall be screened in accordance with Section 5(A)(10)(m)(b) and in accordance with the definition of "kennel screening".
- D. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian and proof of identification and ownership for all dogs 5 months and older.
- E. The incinerator and emissions from the accessory dog crematorium unit shall meet the standards of and be approved by the Environmental Health Division of the Wichita-Sedgwick County Department of Community Health. Prior to the installation of the crematorium unit, all required permits from the Kansas Department of Health and Environment (KDHE) shall be obtained.
- F. If the dogs are confined to indoor runs, the runs shall not be smaller than 4 feet by 8 feet to accommodate a single dog. If more than one dog is to be kept in the run, the length of the run shall be increased by 2 feet for each additional dog. Attention shall be paid to the lighting, ventilation, drainage and interior surface material of the indoor run.
- G. Artificial lighting shall be provided in the indoor dog runs for a minimum of 8 hours per day with a minimum of 25-foot candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- H. Cleaning of the dog 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. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. The indoor kennel shall have fresh air ventilation providing a complete air change at a minimum of 5- to 6-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.
- I. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs 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.
- J. Euthanasia of dogs shall not be performed.
- K. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by Sedgwick County's Sanitation Code #5.
- L. Dogs confined in the dog boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- M. Any violation of these conditions shall declare the conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit 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 and publication in the official county paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 15th day of March, 1989.

Paul W. Hancock, Chairman  
Paul W. Hancock

Bernard A. Hentzer, Chairman pro tem  
Bernard A. Hentzer

David Bayouth, Commissioner  
David Bayouth

Billy Q. McCray, Commissioner  
Billy Q. McCray

Mark Schroeder, Commissioner  
Mark Schroeder

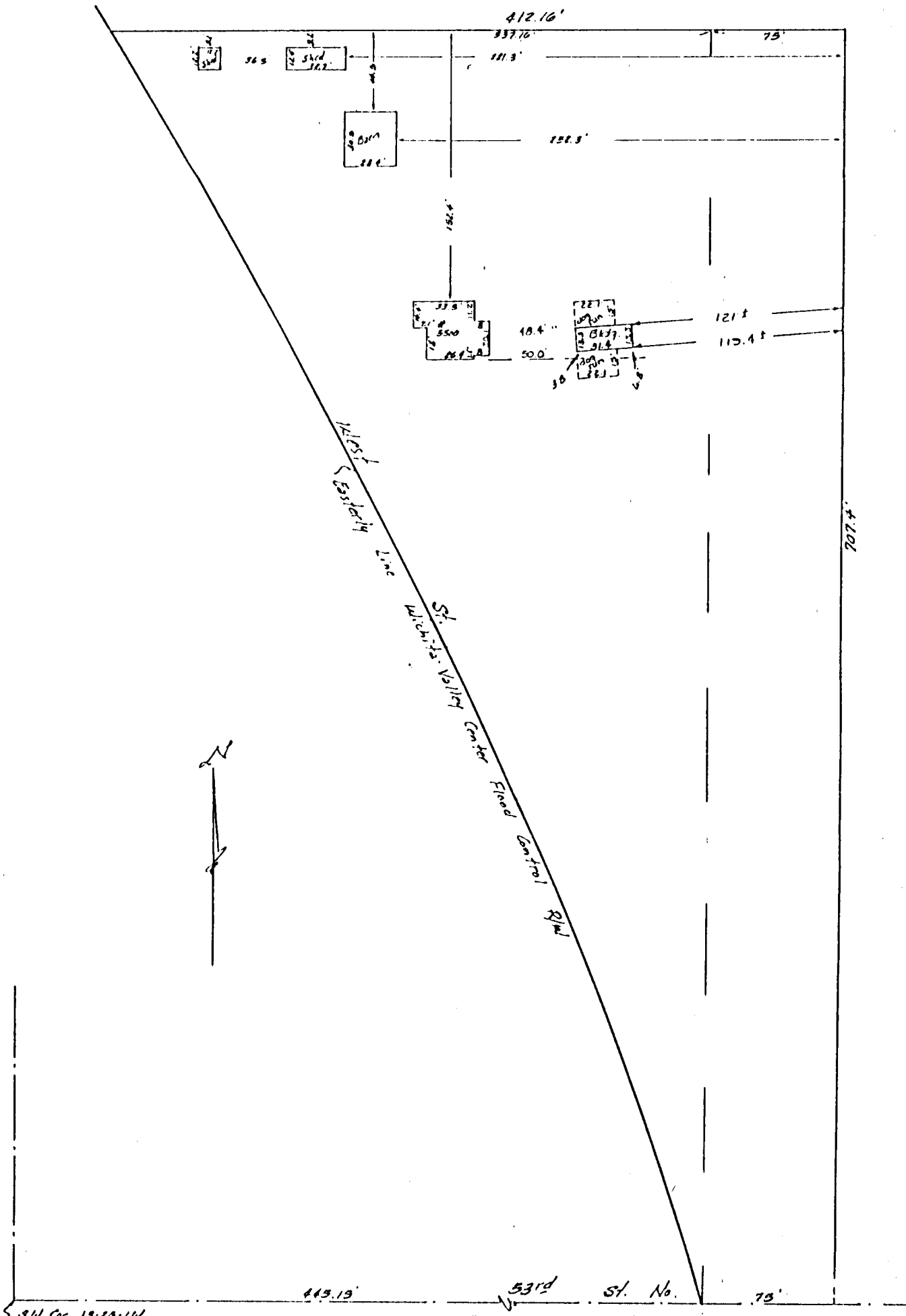
ATTEST:

Don Wright, County Clerk

(SEAL)

APPROVED AS TO FORM:

Henry H. Blase  
~~Robert R. Arnold~~, County Counselor  
HENRY H. BLASE



# EXHIBIT

CU-321



**BAUGHMAN COMPANY, P.A.**

SURVEYING & ENGINEERING

316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

Jan.

February 16, 1989

STAFF REPORT

CASE NUMBER: CU-321

OWNER/APPLICANT/AGENT: Patricia Forney (owner/applicant)  
Robert W. Kaplan (agent)

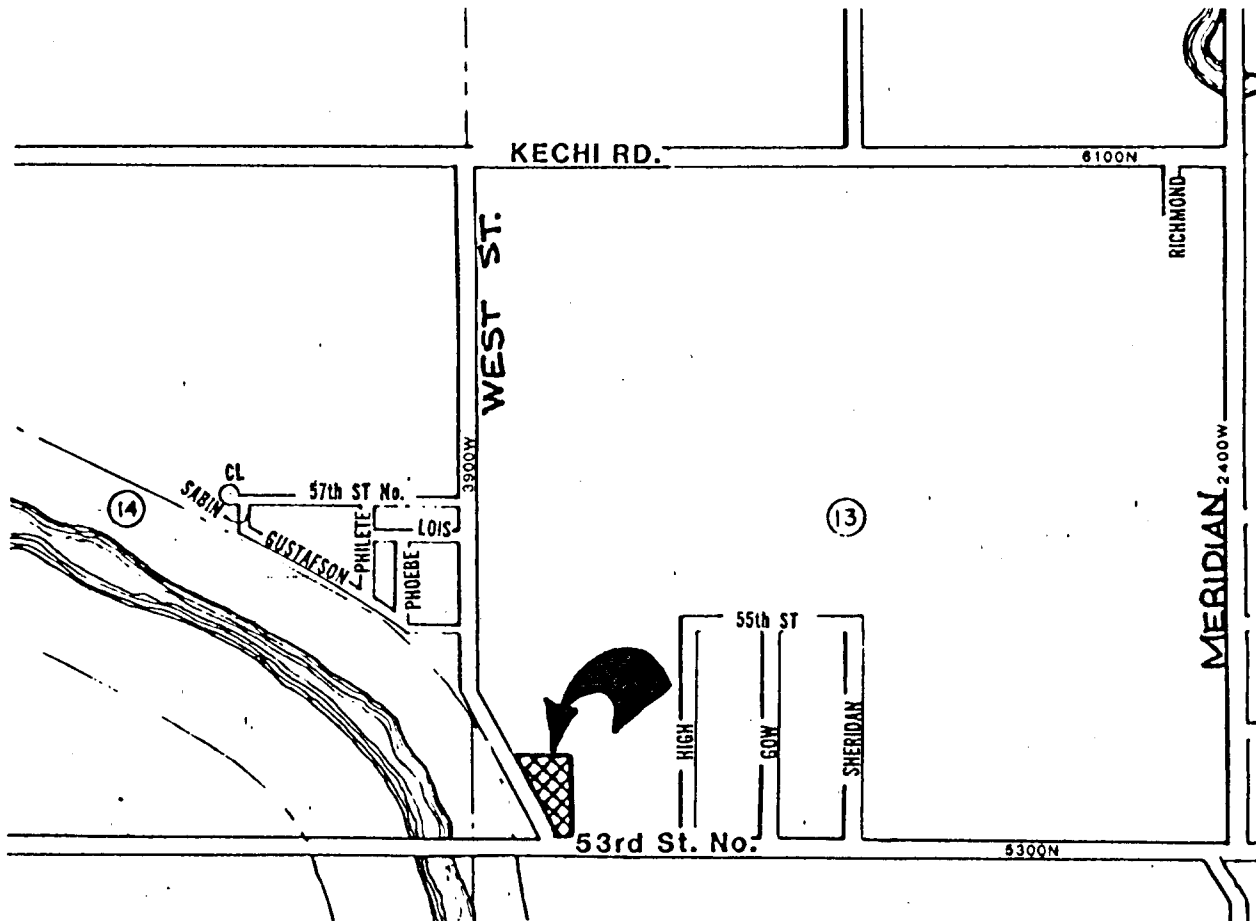
REQUEST: Conditional use to establish a dog boarding kennel with associated crematorium unit.

CURRENT ZONING: "R-1" Suburban Residential

SITE SIZE: 3.5 acres (irregular shape)

LOCATION: On the east side of West Street, north of 53rd Street North.

PROPOSED USE: A dog boarding kennel with accessory crematorium unit.



BACKGROUND: The applicant is requesting a conditional use permit for operation of a dog boarding kennel in the "R-1" Suburban Residential District. The application area involves a 3.5-acre unplatted tract of property located on the east side of West Street, north of 53rd Street North. The conditional use request also involves approval of a crematorium unit as an accessory use to the boarding kennel. A dog boarding/breeding/training kennel is defined in the County Zoning text as "premises housing five or more adult dogs, three or more of which are owned by someone other than the property resident, and premises housing over 10 adult dogs."

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Undeveloped/agricultural use
SOUTH	"R-1"	Undeveloped
EAST	"R-1"	Undeveloped/agricultural use
WEST	"R-1"	Undeveloped

PUBLIC SERVICES: Sanitary sewer and municipal water are not available to serve this property. Fifty-third Street North is a paved two-lane arterial street. West Street is an unpaved arterial. Only 30 feet of half-street right-of-way exists for 53rd Street, whereas 75 feet is required. A minimum of 50 feet of half-street right-of-way is needed for adjacent West Street. The amount of half-street right-of-way needed for this arterial street expands to 75 feet in the vicinity of its intersection with 53rd Street North.

CONFORMANCE TO PLANS/POLICIES: The County Zoning Resolution provides for dog boarding/breeding/training kennels as conditional uses in the "R-1" zoning district. The Land Use Element of the County's Comprehensive Plan depicts agricultural land use for this general area.

RECOMMENDATION: Approve the conditional use request subject to the following conditions:

- A. In order to obtain additional street rights-of-way, have a drainage plan for the property approved, and establish building setbacks and access controls, the applicant shall plat the property within one year after Board of County Commissioners' approval of this request. The Conditional Use Resolution shall not be published until the plat has been recorded.
- B. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells.

- C. Pursuant to Section 5(A)(10)(m)(a) of Sedgwick County's Zoning Resolution, all animals that are a part of the boarding kennel operation shall be harbored indoors with no discernible noise or odors at the property line. There shall not be any outside runs, holding pens or other open-air type enclosures or shelters associated with the boarding kennel.
- D. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian and proof of identification and ownership for all dogs 5 months and older.
- E. The incinerator and emissions from the accessory dog crematorium unit shall meet the standards of and be approved by the Environmental Health Division of the Wichita-Sedgwick County Department of Community Health. Prior to the installation of the crematorium unit, all required permits from the Kansas Department of Health and Environment (KDHE) shall be obtained.
- F. The dogs shall be confined in indoor runs. The runs shall not be smaller than 4 feet by 8 feet to accommodate a single dog. If more than one dog is to be kept in the run, the length of the run shall be increased by 2 feet for each additional dog. Attention shall be paid to the lighting, ventilation, drainage and interior surface material of the indoor run.
- G. Artificial lighting shall be provided in the indoor dog runs for a minimum of 8 hours per day with a minimum of 25-foot candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- H. Cleaning of the dog 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. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. The indoor kennel shall have fresh air ventilation providing a complete air change at a minimum of 5- to 6-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.
- I. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs 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.
- J. Euthanasia of dogs shall be performed in accordance with guidelines set by the American Veterinary Medical Association.

- K. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The kennel shall be maintained in a sanitary manner as required by Sedgwick County's Sanitation Code #5.
- L. Dogs confined in the dog boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- M. Any violation of these conditions shall declare the conditional use permit null and void.