

Published in The Daily Reporter on March 8, 1991

RESOLUTION NO. #65-1991

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A DOG BREEDING KENNEL IN THE "R" RURAL 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 breeding kennel on property zoned "R" Rural Residential District is hereby approved on lands legally described below:

Case No. CU-340
Conditional Use Permit Request to establish a dog breeding kennel on property zoned the "R" Rural Residential District

The south 210 feet of the west 350 feet of the following described tract:

That part of the Southwest Quarter of Section 1, Township 26 South, Range 2 West of the Sixth principal Meridian, Sedgwick County, Kansas, described as:

Beginning at a point on the west line of said Southwest Quarter with an assumed bearing of N 0°00'00" E on said line, a distance of 1,800 feet north from the southwest corner of said Quarter; thence continuing N 0°00'00" E on said west line, a distance of 420 feet; thence N 86°44'10" E, parallel with the south line of said Southwest Quarter, a distance of 569.50 feet; thence S 0°00'00" W, parallel with said west line, a distance of 420 feet; thence S 86°44'10" W, parallel with said south line, a distance of 569.50 feet to the point of beginning. Generally located on the east side of 135th St. W. in an area north of 69th St. N.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. 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.
- B. Pursuant to Section 4(A)(9)(j)(1) 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 4(A)(9)(j)(2) and in accordance with the definition of "kennel screening".

- C. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian, proof of licenses of all dogs pursuant to County resolution, and proof of identification and ownership for all dogs 5 months and older.
- D. 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.
- E. 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.
- F. 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 of air conditioning shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.
- G. 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.
- H. Any euthanasia of dogs shall be performed in accordance with guidelines set by the American Veterinary Medical Association.
- I. 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.
- J. Dogs confined in the dog breeding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- K. This kennel shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement personnel during reasonable daylight business hours to insure continued compliance with the above requirements. 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.

Commissioners present and voting were:

BETSY GWIN	<u>aye</u>
PAUL W. HANCOCK	<u>aye</u>
BERNARD A. HENTZEN	<u>aye</u>
BILLY Q. McCRAY	<u>aye</u>
MARK F. SCHROEDER	<u>aye</u>

DATED this 27th day of February, 1991.



BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Billy Q. McCray
BILLY Q. MCCRAY, Chairman

Betsy Gwin
BETSY GWIN, Chairman Pro Tem

ATTEST:

Don Wright
DON WRIGHT, County Clerk

Paul W. Hancock
PAUL W. HANCOCK, Commissioner

APPROVED AS TO FORM ONLY:

Henry H. Hesse
County Counselor/Assistant

Bernard A. Hentzen
BERNARD A. HENTZEN, Commissioner

Mark F. Schroeder
MARK F. SCHROEDER, Commissioner

569.50'

A TRACT IN THE SW 1/4
SEC 1-T26S-REW

WEST ST
420'

LINE

350'

R.O.W.

50'

135.14
E

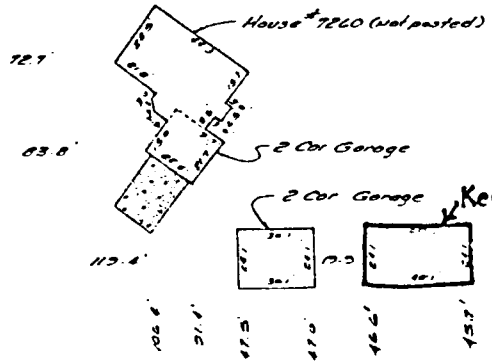
420'

569.50'



FILE # 901263

VP set tolerances ± 0.5'



Proposed Exercise Run (for 1991)
Runs 4x8' chain link on concrete slab



210'

50' →
Minimum

CU-340

STAFF REPORT

CASE NUMBER: CU-340

OWNER/APPLICANT/AGENT: Stephen and Alice Jett (owners/applicants)

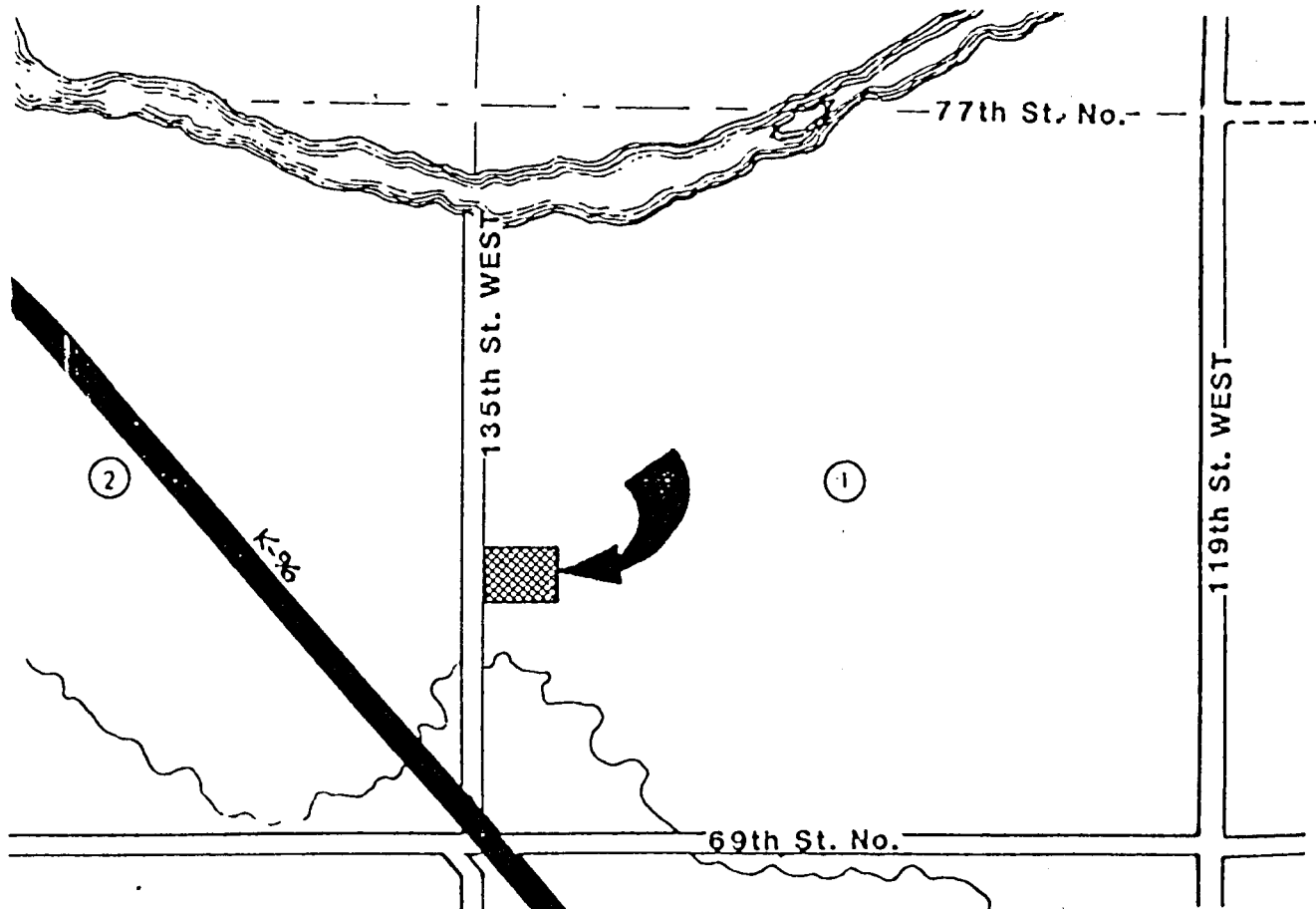
REQUEST: Conditional use permit to establish a dog breeding kennel.

CURRENT ZONING: "R" Rural Residential District

SITE SIZE: 1.7 acres (210 ft. x 350 ft.)

LOCATION: East side of 135th Street West in an area north of 69th Street North.

PROPOSED USE: Dog breeding kennel



BACKGROUND: The applicants are requesting a conditional use permit for operation of a dog breeding kennel in the "R" Rural Residential District. The application area measures 1.7 acres and has 210 feet of frontage to 135th Street West. The application area is a part of the applicant's overall unplatted ownership in this area. As is indicated on the site plan for this case, the applicants own a total of 5 acres of land.

The County Zoning Resolution defines a boarding/breeding/training kennel as "premises housing five (5) or more adult dogs, three (3) or more of which are owned by someone other than the property resident and premises housing over ten (10) adult dogs." The Office of the Zoning Administrator has advised that currently the applicant is maintaining more than ten adult dogs on the property and therefore a conditional use permit is required.

The applicants have advised that the dogs are currently being housed in a new 24-ft. x 40-ft. building with a new septic system for waste disposal. A new heating system has been installed with a fresh air return. The new building also includes an industrial water cooler with a built-on radiator to keep humidity down during the summer months.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R"	Undeveloped (agricultural use)
SOUTH	"R"	Undeveloped (agricultural use)
EAST	"R"	Undeveloped (agricultural use)
WEST	"R"	Single-family residence

PUBLIC SERVICES! This property is not served with either sanitary sewer or municipal water. Adjacent 135th Street West is an unpaved, two-lane section line road. Fifty feet of half-street right-of-way exists for this road adjacent to this property.

CONFORMANCE TO PLANS/POLICIES: The County Zoning Resolution provides for dog boarding/breeding/training kennels as conditional uses in the "R" zoning district [Section 4(A)(9)(j)]. 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. 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.

- B. Pursuant to Section 4(A)(9)(j)(1) 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 4(A)(9)(j)(2) and in accordance with the definition of "kennel screening".
- C. 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.
- D. 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.
- E. 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.
- F. 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 of air conditioning shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.
- G. 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.
- H. Any euthanasia of dogs shall be performed in accordance with guidelines set by the American Veterinary Medical Association.
- I. 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.
- J. Dogs confined in the dog breeding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- K. Any violation of these conditions shall declare the conditional use permit null and void.



SEDGWICK COUNTY, KANSAS

DEPARTMENT OF CODE ENFORCEMENT

SCOTT R. PIKE
DEPARTMENT DIRECTOR

41056C

1248 SOUTH SENECA • WICHITA, KANSAS 67213-4498 • TELEPHONE 316-383-7951

December 19, 1991

Mr. Forrest Nagley
Senior Planner
Metropolitan Area Planning Department
455 N. Main
10th Floor
Wichita, Kansas 67202

RE: REVOCATION OF CONDITIONAL USE PERMIT 340

Forrest,

On October 14, 1991, CU-340 was revoked by my office for non-compliance with the conditions set forth by the Board of Zoning Appeals. Mrs. Alice Jett, the owner of the property, received my notification letter on October 16, 1991. As of this time the official zoning map should have the posting of the conditional use permit removed.

If you have any questions please feel free to contact me at 383-7951.

Sincerely,

Scott R. Pike