

Published in The Daily Reporter on JUNE 17, 1994

RESOLUTION NO. 84-1994

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BOARDING, BREEDING, AND TRAINING 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 1. 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 allow the operation of a boarding, breeding, and training kennel on property zoned "R" Rural Residential District, legally described below:

Case No. CU-370

Conditional use permit request to allow the operation of a boarding, breeding, and training kennel on property zoned the "R" Rural Residential District

A tract in the NW/4 of Section 36-T29S-R2E of the 6th P.M., Sedgwick County, Kansas described as beginning 1654.71 ft. south of the northwest corner of said NW/4; thence south 329.43 ft.; thence east 1322.04 ft.; thence north 329.40 ft.; thence west 1330.03 ft. to the point of beginning. Generally located on the east side of 143rd St. East, approximately 1/3 mile south of 111th St. South.

FILE COPY

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 sewage and water wells.
- B. Pursuant to Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution, outdoor exercise runs, holding pens, or other open-air type enclosures located within 600 feet of a property line shall be screened in accordance with the definitions of "kennel screening" (Section 2).
- C. If the dogs are confined to indoor runs which provide the dog with direct access to an outside exercise enclosure which provides at least 100 square feet of exercise area, the indoor run shall not be smaller than 5 feet by 5 feet to accommodate a single dog. If the dogs are confined to indoor runs which are not directly connected to a suitable outdoor exercise run, the indoor 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 indoor run shall be increased by 2 feet for each additional dog.
- 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 five months and older.
- E. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- F. 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. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of five- to six-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85 degrees F 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. 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 Sedgwick County's Sanitation Code #5.
- I. Dogs confined in the dog boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- J. The number of dogs authorized to be boarded by virtue of this resolution shall not exceed 30 at any one time. Dogs shall be contained in an enclosed structure between the hours of 10:00 p.m. and 6:00 a.m.
- K. The dog boarding kennel facility shall be open to the unannounced inspection by Sedgwick County Department of Code Enforcement personnel during reasonable daylight business hours to insure continued compliance with the above requirements.
- L. The dog boarding kennel facility shall be located according to the approved site plan approximately 370 feet east of the west property line, approximately 960 feet from the east property line, approximately 170 feet from the north property line, and 100 feet from the south property line.
- M. The conditional use permit shall expire ten (10) years from the date of approval by the Sedgwick County Board of County Commissioners.
- N. Any violation of the foregoing conditions shall render this conditional use permit to be 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.

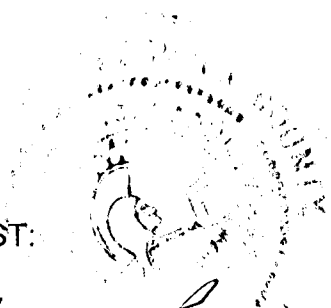
Commissioners present and voting were:

PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
ANDREW L. BIAS	<u>Aye</u>
MARK F. SCHROEDER	<u>Absent</u>
BETSY GWIN	<u>Aye</u>

DATED this 1st day of June, 1994.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

ATTEST:



Susan Crockett-Spoon
SUSAN CROCKETT-SPOON
County Clerk

Betsy Gwin
BETSY GWIN, Chair

Andrew L. Bias
ANDREW L. BIAS, Chairman Pro Tem

Paul W. Hancock
PAUL W. HANCOCK, Commissioner

APPROVED AS TO FORM ONLY:

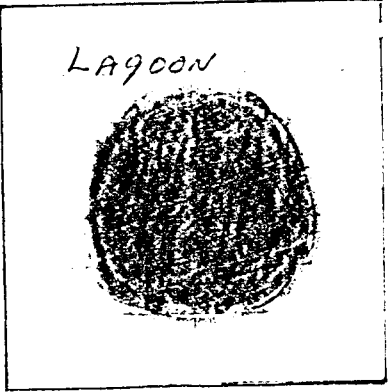
Thomas G. Winters
THOMAS G. WINTERS, Commissioner

Patricia Lawson
County Counselor/Assistant

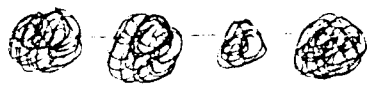
Absent
MARK F. SCHROEDER, Commissioner

Proposed Kenn
Building Site

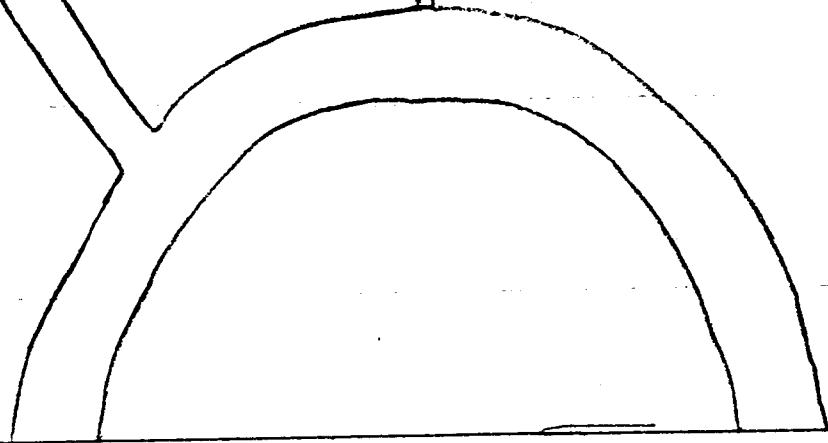
Storage
Facility




Shed



mobile home



1 square = 10 ft

 Trees
|| Proposed Tree line

143RD ST. EAST



STAFF REPORT

May 5, 1994

CASE NUMBER: CU-370

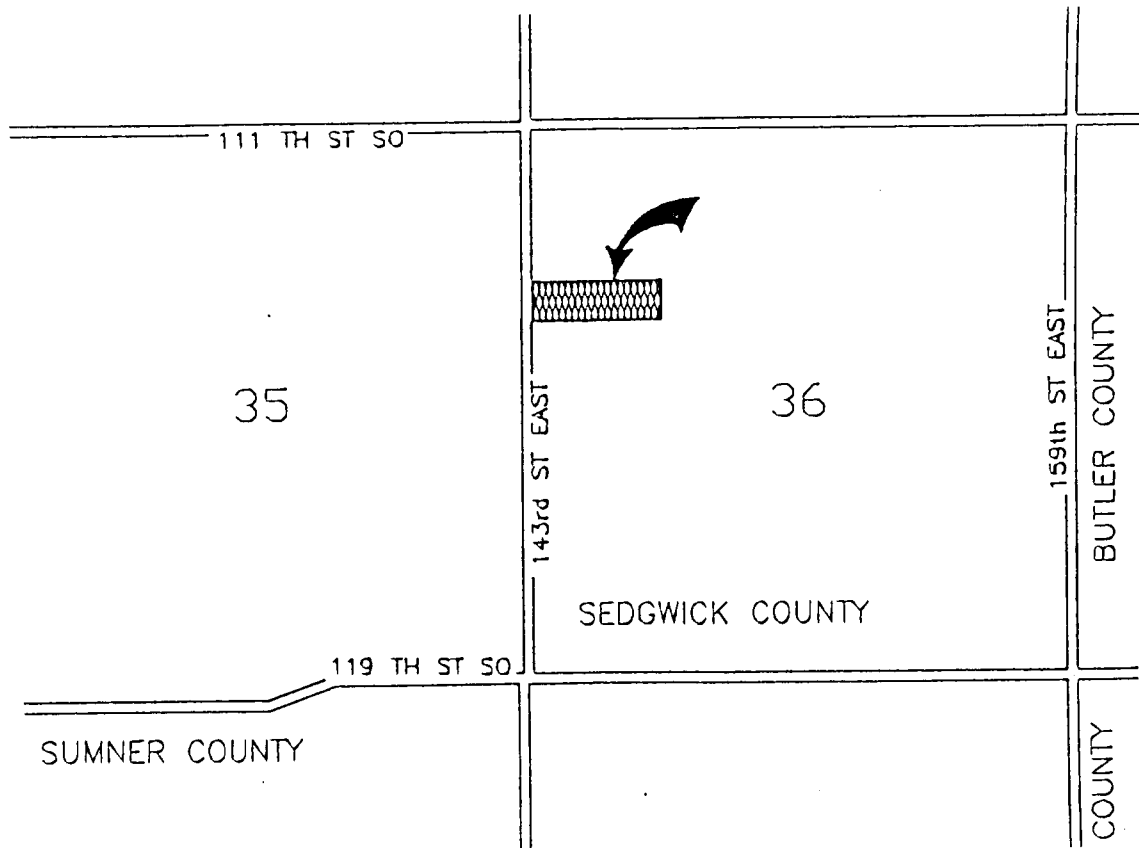
APPLICANT/AGENT: Paul and Shelby Miller

REQUEST: Conditional Use permit to operate a boarding, breeding, and training kennel on property zoned "R" Rural Residential

CURRENT ZONING: "R" Rural Residential

SITE SIZE: 10 acres

LOCATION: ½ mile south of 111th Street South on the east side of 143rd Street East



BACKGROUND: The applicants request a Conditional Use permit to operate a boarding, breeding, and training kennel on a 10-acre site (11340 S. 143rd Street East) zoned "R" Rural Residential, generally located ½ mile south of 111th Street South on the east side of 143rd Street East. A dog boarding kennel is defined as premises housing five (5) or more adult dogs, three (3) or more of which are owned by someone other than the property resident.

Section 4(A)(9)(J) of the County Zoning Regulations allow kennels of boarding/breeding/training with a Conditional Use permit in areas zoned "R" Rural Residential on properties greater than 5-acres, unless all animals are harbored indoors with no discernible noise or odor at the property line. Outside runs, holding pens, or other open-air type enclosures and shelters must be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. The County Zoning Regulations also require screening for those facilities located within 600 feet on adjoining property lines. Additional conditions may be placed on the proposed use if determined appropriate by the County Commission.

The Regulations define "kennel screening" as a structure, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing from view of the animals (Section 2). If fencing is used, it must be between 4 and 8 feet in height. If landscape materials are used for screening, the materials must provide the desired screening effect within the first growing season following installation.

The sketch plan submitted by the applicant indicates that the proposed facility (approximately 30 ft. x 60 ft) will be located in an area approximately 370 east of the west property line, approximately 960 feet from the east property line, approximately 170 feet from the north property line, and 100 feet from the south property line. Therefore screening will be required along the north and south portions of the application area. The proposed facility will have a maximum of 30 dogs.

CASE HISTORY: The property was zoned "R" Rural Residential as part of countywide zoning in 1984.

ADJACENT ZONING AND LAND USE:

NORTH:	"R"	Single family homes, horse paddock
SOUTH:	"R"	Mobile home
EAST:	"R"	Agricultural uses
WEST:	"R"	Agricultural uses

PUBLIC SERVICES: The kennel will have access from 143rd Street East, a two-lane, unpaved, section line road with 50 feet of half-street right-of-way. Municipal water and sewer are not currently available to serve this site.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan identifies this area for agricultural uses.

RECOMMENDATION: Planning staff recommends that the request be APPROVED, 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 sewage and water wells.
- B. Pursuant to Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution, outdoor exercise runs, holding pens, or other open-air type enclosures located within 600 feet of a property line shall be screened in accordance with the definitions of "kennel screening" (Section 2).
- C. If the dogs are confined to indoor runs which provide the dog with direct access to an outside exercise enclosure which provides at least 100 square feet of exercise area, the indoor run shall not be smaller than 5 feet by 5 feet to accommodate a single dog. If the dogs are confined to indoor runs which are not directly connected to a suitable outdoor exercise run, the indoor 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 indoor run shall be increased by 2 feet for each additional dog.
- 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 five months and older.
- E. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- F. 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. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of five- to six-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85 degrees F 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. 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 Sedgwick County's Sanitation Code #5.
- I. Dogs confined in the dog boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- J. The number of dogs authorized to be boarded by virtue of this resolution shall not exceed 30 at any one time. Dogs shall be contained in an enclosed structure between the hours of 10:00 PM and 6:00 AM.
- K. The dog boarding kennel facility shall be open to the unannounced inspection by Sedgwick County Department of Code Enforcement personnel during reasonable daylight business hours to insure continued compliance with the above requirements.
- L. Any violation of the foregoing conditions shall render this conditional use permit to be null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The general area is characterized by agricultural uses and suburban residential development. The proposed use is compatible with the horse paddock located adjacent to the property to the north.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed use is required to meet all standards and conditions of the Wichita-Sedgwick County Department of Community Health. The proposed use is compatible with the horse paddock located adjacent to the property to the north.
3. Conformance of the requested change to adopted or recognized Plans/Policies: The County's Zoning Resolution allows kennels of boarding/breeding/training with a Conditional Use permit in areas zoned "R" Rural Residential. The proposed use is appropriate for rural areas of the County.
4. Impact of the proposed development on community facilities: The proposed use will have a minimal impact upon traffic in the area and municipal facilities are not necessary.