Published in The Daily Reporter on March 2, 1994

RESOLUTION NO. 13-1994

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW FOR A HORSE BOARDING FACILITY IN THE "R-1" SUBURBAN 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 allow a horse boarding facility on property zoned "R-1" Suburban Residential, legally described below:

Case No. CU-364
Conditional Use Permit request to allow for a horse boarding facility on property zoned the "R-1" Suburban Residential District

Lot 1, Prairie Creek Addition, Sedgwick County, Kansas. Generally located 660' west of Webb Road on the north side of 39th Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

A. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent flies and odor. The gathered wastes shall be stored in air tight containers and shall be disposed of off site. The animal wastes may be spread and tilled for fertilizing field brome grass on-site only one time each year. No on-site burial is permitted.

1/o Clerk for publication 2/28/94

B. Use of the site shall substantially conform to the approved site plan. All buildings and corrals shall meet the required yard setbacks (35 feet front, 25 feet rear and 10 feet side). The maximum number of horses boarded (not owned by property owner) shall be limited to 15. The maximum number of horses on the property, including the horses owned by the property owner, shall not exceed 20. Riding lessons, renting of horses or public events shall not be permitted.

C. 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. If animal wastes are to be disposed of in a sewage lagoon, the applicant shall comply with the regulations of the Kansas Department of Health and Environment.

D. The horse stable facility shall be maintained free of rodent harborage, including but not limited to improperly stored materials, enclosed partition walls and wooden floors must be closer than 12 inches to the ground. Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The horse stable facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.

E. Use shall be made of Health Department approved soil sterilants and herbicides or other effective means for the control of weeds and grass around the horse stable and associated corral areas.

F. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by painting. Painting is not required for redwood, cedar or chemically- and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.

G. The building and structures associated with the horse stable shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable daylight business hours to insure continued compliance with the above requirements.

H. 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.

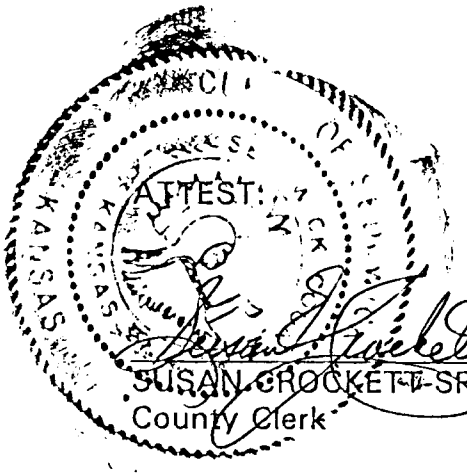
Commissioners present and voting were:

PAUL W. HANCOCK
THOMAS G. WINTERS
ANDREW L. BIAS
MARK F. SCHROEDER
BETSY GWIN

DATED this 26th day of January, 1994.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

BETSY GWIN, Chair



ATTEST:

SUSAN CROCKET-SROON
County Clerk

ANDREW L. BIAS, Chairman Pro Tem

PAUL W. HANCOCK, Commissioner

APPROVED AS TO FORM ONLY:

THOMAS G. WINTERS, Commissioner

County Counselor/Assistant

MARK F. SCHROEDER, Commissioner

N

PROPOSED LAGOON

INDOOR ARENA 130 x 80

EXISTING BARN

STABLE BARN 40 x 80

HOUSE 40 x 80

PORCH

BERM

POND

OUTDOOR ARENA

PRAIRIE CREEK, INC. 9200 E. MACARTHUR WICHITA, KS	APPROX. SCALE 1"0" = 50'	PROPOSED HORSE FACILITY

APPROVED SITE PLAN
CU-364

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO 3
MAPC 12-2-93

STAFF REPORT

CASE NUMBER: CU-364

APPLICANT/AGENT: Michael & Joanne Brady
Gordon & Lois Perry

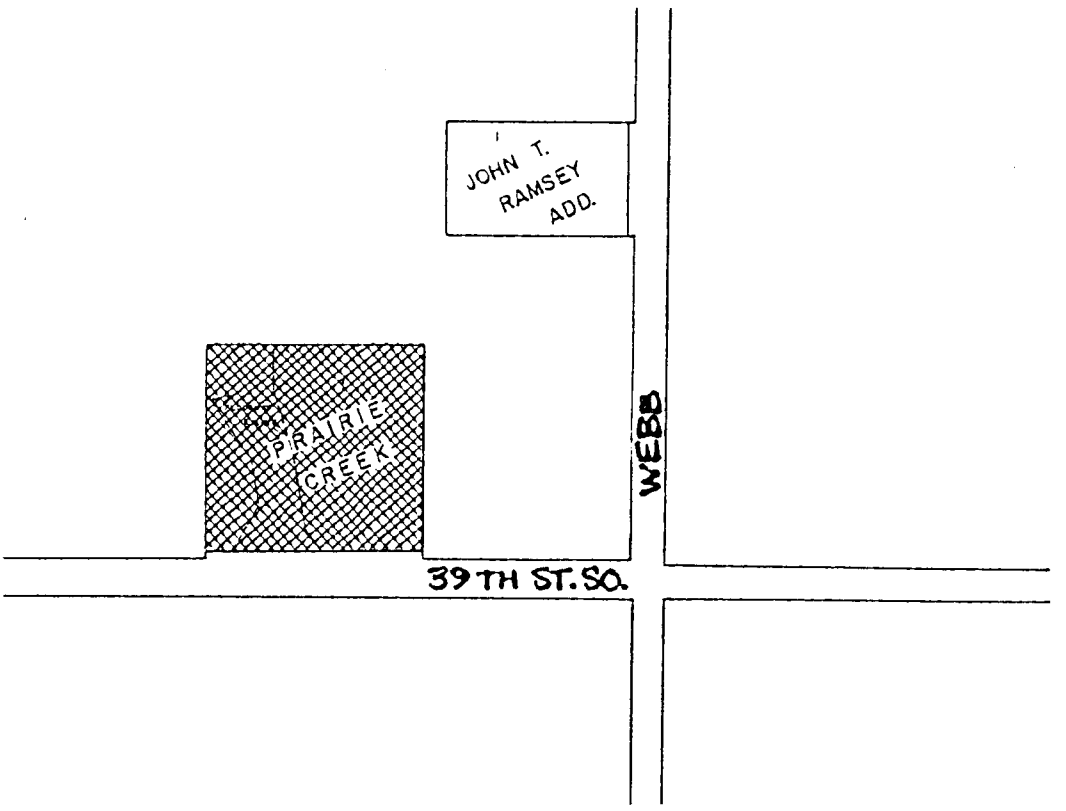
REQUEST: Conditional use permit for a horse boarding facility

CURRENT ZONING: "R-1" Suburban Residential

SITE SIZE: 9.24 acres

LOCATION: 660 feet west of Webb Road on the north side of 39th Street South.

PROPOSED USE: Horse boarding facility



BACKGROUND: The applicants are requesting a conditional use permit for a horse boarding facility on a 9.24 acre platted lot, generally located west of Webb Road on the north side of 39th Street South. The application area is zoned "R-1" Suburban Residential and is currently used for agricultural purposes.

The applicants proposed to build a 40' x 80', 10 stall stable for the boarding of 10-13 horses. A 80' x 130' indoor arena to ride and exercise the horses is also proposed. All exercise of the horses will be supervised and the horses will not be turned loose to roam on the premises. No riding lessons or renting of horses to ride will be conducted on the property.

Surrounding property to the east is zoned "LC" Light Commercial and is currently used for agricultural purposes. All remaining surrounding property is zoned "R-1" Suburban Residential and is used for residential and agricultural purposes. A total of 11 single family homes exist within 1000 feet of the application area. The closest home is approximately 350 feet to the northeast of the proposed stable.

Access is available by 39th Street South, a 2-lane, unpaved road with adequate right-of-way. Municipal services are not available at this location. The site plan submitted by the applicant indicates that an on-site lagoon is proposed to handle sewage. Treatment of animal wastes in a lagoon system is regulated by the Kansas Department of Health and Environment. Wastes from wash rack areas may be disposed of in the lagoon but, it is recommended that solid animal wastes are either disposed of off-site or tilled under as fertilizer. The Health Department requires that any horses boarded within 300 feet of an adjacent home must have access to 10,000 square feet of land area per animal. Because there are currently no homes within 300 feet of the proposed stable site, this regulation does not apply. In the future, should a home be constructed within 300 feet of the stable, the maximum number of horses that could be boarded would be 40.

CASE HISTORY: The application area has been zoned "R-1" Suburban Residential since 1958. In 1992 the property was platted as the Prairie Creek Addition. The western half of the 9.24 acre lot is platted as a floodway reserve. The lot has a 35 foot building setback from 39th Street South.

ADJACENT ZONING AND LAND USE:

NORTH:	"R-1"	Agricultural, single family residence
SOUTH:	"R-1"	Single family residences
EAST:	"LC"	Agricultural
WEST:	"R-1"	Single Family residence

PUBLIC SERVICES: The site has access to 39th Street South, a 2-lane, unpaved street with 50 feet of existing half-street right-of-way. Municipal services are not available at this location.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area for suburban growth. Suburban growth is characterized by large lot residential development in areas where municipal services are not available or planned for extension and where agriculture is not a prime resource. Goal III(B)(5) recognizes agriculturally oriented activities as appropriate for rural areas.

RECOMMENDATION: Staff recommends that the request be approved based on the following findings:

1. By-right the applicant could board 10-13 of his own horses on the property without a conditional use permit. The small number of horses proposed to be boarded on the property is compatible with the rural residential development of surrounding property. (a)

2. Restrictions regarding the development and use of the site provide surrounding property owners protection from nuisances. Additional traffic generated by the facility will be minimal. (c)

3. Public health, safety and welfare are not threatened by the requested permit. (e)

4. The Land Use map of the Comprehensive Plan identifies this area for suburban growth. Goal III(B)(5) recognizes agriculturally oriented commercial activities as appropriate for rural areas. (f)

5. Community facilities will not be impacted by the horse boarding facility. (g)

Approval is recommended subject to the following conditions:

A. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent flies and odor. The gathered wastes shall be stored in air tight containers and shall be disposed of off site. The animal wastes may be spread and tilled for fertilizing field brome grass on-site only one time each year. No on-site burial is permitted.

B. Use of the site shall substantially conform to the approved site plan. All buildings and corrals shall meet the required yard setbacks (35 feet front, 25 feet rear and 10 feet side). In addition to the horses owned by the property owner, the number of horses boarded shall be limited to 15. Riding lessons, renting of horses or public events shall not be permitted.

C. 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. If animal wastes are to be disposed of in a sewage lagoon, the applicant shall comply with the regulations of

the Kansas Department of Health and Environment.

D. The horse stable facility shall be maintained free of rodent harborage, including but not limited to improperly stored materials, enclosed partition walls and wooden floors must be closer than 12 inches to the ground. Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The horse stable facility shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.

E. Use shall be made of Health Department approved soil sterilants and herbicides or other effective means for the control of weeds and grass around the horse stable and associated corral areas.

F. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by painting. Painting is not required for redwood, cedar or chemically- and pressure-treated lumber. The stable building, fences and shelters shall be constructed of dimensioned building materials.

G. The building and structures associated with the horse stable shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable daylight business hours to insure continued compliance with the above requirements.

H. Any violation of these conditions shall declare the conditional use permit null and void.