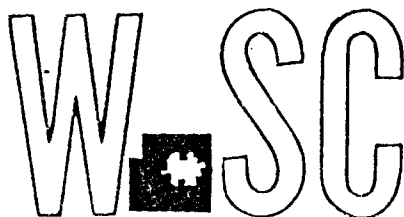


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

April 10, 1997

Patricia Morriss
1722 W. 29th
Wichita, Ks 67204

RE: CU-426 - Conditional use to allow a boarding, breeding, and training kennel on 9.7 acres zoned "SF-20" Single-Family Residential and generally located north of 53rd Street North and west of K-254 Highway (4220 E. 53rd St. Circle)

Dear Ms. Morriss:

At its regular meeting on March 13, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to DENY the request.

This action was not appealed by the applicant before March 27, 1997, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office.

Sincerely,

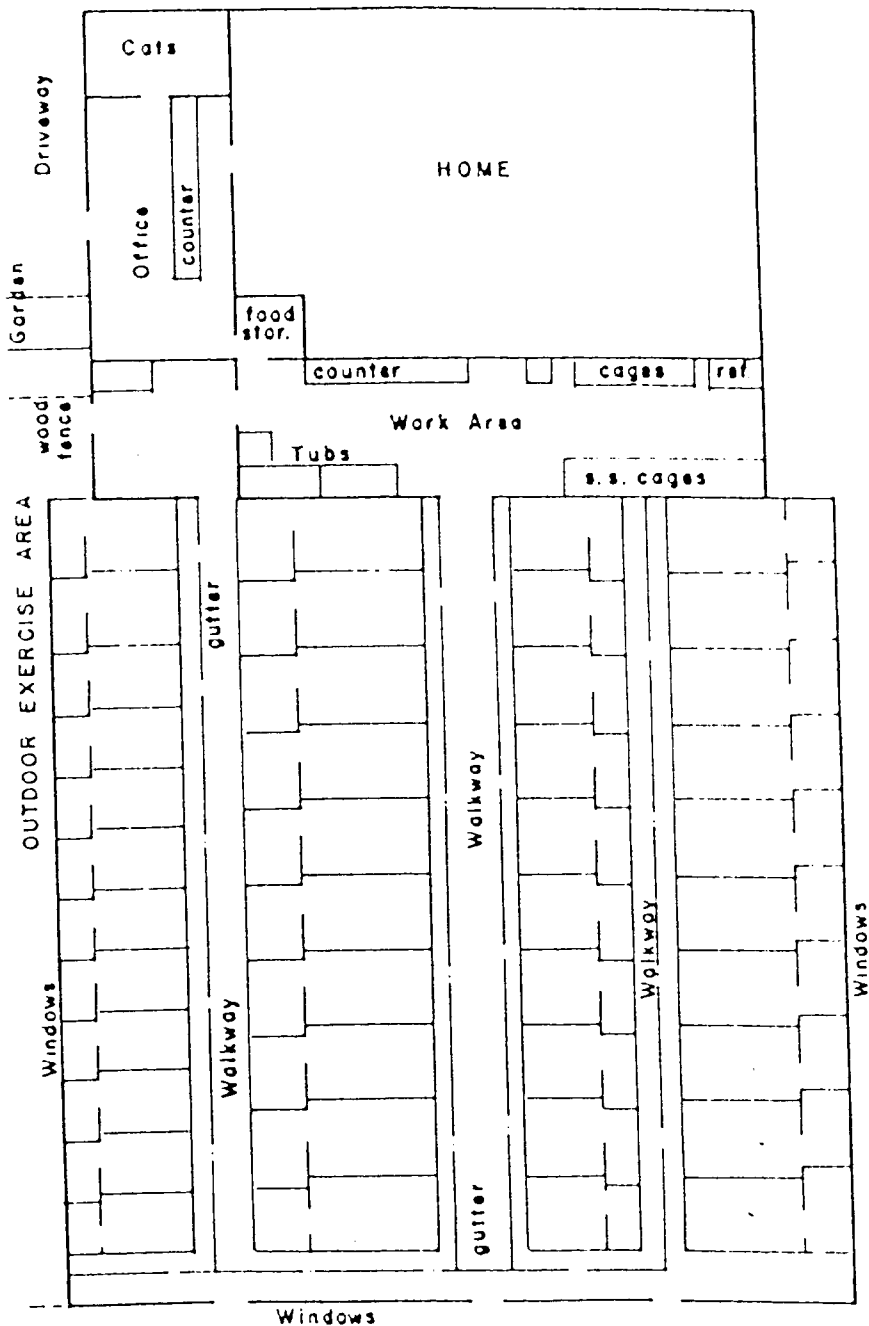
Russ Ewy
Associate Planner

RE/sh

cc: David and Karen McQueen, 4100 E. 53rd Street North, Wichita, Ks 67220
Forrest D. and Catherine I. Ehmke, 4210 E. 53rd Street North, Wichita, Ks 67220
Dwight and Margie Diefenbach, 3823 E. 53rd Street North, Wichita, Ks 67220
Thomas N. Johnson and Mary H. Gird, 4704 E. 53rd Street North, Wichita, Ks 67220
Glen Wiltse, Sedgwick County Code Enforcement



Made with Recycled Paper



STAFF REPORT

Kechi PC March 11, 1997
MAPC March 13, 1997

CASE NUMBER: CU-426

APPLICANT/AGENT: Patricia Morriss (contract buyer); Walter and Barbara Wooster (property owner)

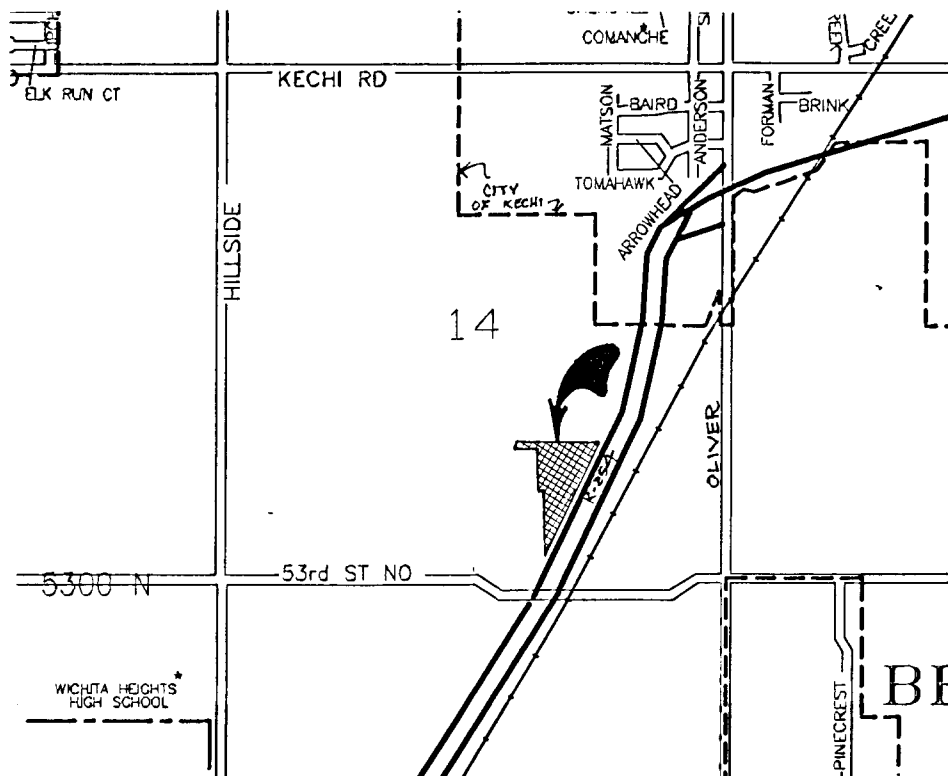
REQUEST: Conditional Use permit to operate a boarding, breeding, and training kennel

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: 9.7 acres

LOCATION: North of 53rd Street Circle, west of K-254 Highway (4220 E. 53rd Street Circle)

PROPOSED USE: Dog Kennel



BACKGROUND: The applicant requests a Conditional Use to allow a boarding, breeding, and training kennel on 9.7 acres zoned "SF-20" Single-Family Residential in an area north of 53rd Street Circle, west of K-254 Highway.

The applicant has stated that the kennel will be used for the boarding of no more than 70 animals at any one time, and that all animals will be kept indoors. This use is intended to provide boarding facilities by appointment to persons traveling or who otherwise have dog or cats in need of kenneling for a short period of time.

The applicant's site plan shows the development of the kennel near the center of the application area, approximately 90 feet from the west property line and approximately 300 feet northeast of the nearest residence and 800 feet from a second residence further to the southwest. The applicant stated that the kennel (approximately 3,900 square feet) will be attached to a small house (approximately 900 square feet) by a breezeway. Access to the site is from 53rd Street North Circle, a partially paved local road approximately 1,000 feet in length, that dead ends at the drive to a neighboring residence and the application area.

The applicant also submitted a concept floor plan for the interior layout of the kennel, showing four rows of pens (4 foot X 4 foot X 8 foot), work areas, food storage, etc. The plan also show an area for the boarding of 20 cats (approximately 144 square feet). The design of the residence/kennel structure has not been finalized, but the applicant has indicated that both structures would be constructed with the same building materials.

The Unified Zoning Code allows kennels (boarding, breeding, and training) as a Conditional Use in areas zoned "SF-20" Single-Family Residential, subject to the following supplementary use regulations:

1. **Minimum Lot Size:** The minimum lot size for hobby kennels shall be two acres, unless all animals are harbored indoors with no discernible noise or odor at the property line. The minimum lot size for boarding, breeding, and training kennels shall be five acres, unless all animals are harbored indoors with no discernible noise or odor at the property line.
2. **Setbacks:** Outside runs, holding pens or other open-air type enclosures and shelters shall 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.
3. **Screening:** Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines. Screening shall be provided by a structure, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the view of the

animals behind such fence, landscape materials, berm or natural site feature from activities on adjoining properties. If fencing is used, it must be between 4 and 8 feet in height. If fences over six feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Zoning Administrator. Fences used for screening may have no more than five percent open surface. Landscape materials must provide the desired screening effect within the first growing season following installation and throughout the year every year thereafter.

The surrounding zoning is "SF-20" Single-Family Residential, with agricultural uses to the west, north, and east. There are two single-family residences southwest of the proposed kennel. K-254 Highway runs along the eastern property line.

CASE HISTORY: The property was being platted as the Wooster Addition in May of 1996. The plat was approved by the MAPC, but the applicant failed to complete the plat, and planning staff has indicated that the case is considered closed. The applicant for this Conditional Use will need to submit a new application for the platting of the property.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Agricultural uses
SOUTH:	"SF-20"	Single-family residences; K-254 Highway
EAST:	"SF-20"	Agricultural uses; K-254 Highway
WEST:	"SF-20"	Single-family residence; Agricultural uses

PUBLIC SERVICES: Neither municipal water service nor sewer service is available to serve this area. The site has access to 53rd Street Circle, a partially paved local road. Traffic counts are not available for this roadway.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area for agricultural uses. The "agricultural" designation is meant to accommodate agricultural operations and other uses common in rural areas which are no more offensive than normal agricultural uses. The Plan also states that commercial development in rural areas to activities which are agriculturally-oriented or provide necessary convenience services to residents in the immediate area. The Plan recommends that commercial uses be located adjacent to arterials or major thoroughfares which provide needed ingress and egress, and that commercially-generated traffic should not feed directly onto local residential streets.

This area is within the Kechi "Zoning Area of Influence", and within their 1988 Master Plan planning boundary. The Kechi Plan does not specifically indicate a future land use in this area. The Plan mentions the need for additional commercial uses for Kechi, but limits the discussion to commercial uses within the city limits.

RECOMMENDATION: It is planning staff's opinion that the proposed use is commercial in nature and we have never approved a kennel or other commercial use of this size in suburban/rural areas with access on a residential street serving other homes. The past kennel cases, which have been supported by staff and approved, have been located with direct access off of section-line roads, with one exception: a request for a hobby kennel that limited the number of dogs to 10, with no facilities for cats.

Therefore, based upon information available prior to the public hearings, planning staff recommends that the request for a boarding, breeding, and training kennel be DENIED. However, staff could support the approval of a "hobby" kennel at this location, subject to similar standard conditions of approval for "hobby" kennels which address compliance with Health and Sanitation Codes, limitations on the number of dogs permitted in the facility, screening (particularly to the west), etc, as follows:

- A. No outside runs, holding pens or other open-air type enclosures and shelters shall be permitted.
- B. 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.
- C. The owner or occupant of the application area shall comply with the rules and requirements of Chapter 5 (Animals) of the Sedgwick County Code.
- D. 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.
- E. 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.
- F. 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.
- G. 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 Wichita-Sedgwick County Department of Community Health. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. The 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.

- H. 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.
- I. 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 Chapter 14 of the Sedgwick County Code.
- J. The animals confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- K. The number of dogs authorized to be boarded by virtue of this Conditional Use, and are 5 months old or older, shall not exceed 10 at any one time.
- L. The 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.
- M. Any violation of the foregoing conditions shall render this Conditional Use Permit to be null and void.
- N. All property included within this Conditional Use shall be platted within one year after approval by the MAPC, and/or the Governing Body, or the cases shall be considered denied and closed.

At the time the subject property is platted, if approved, questions concerning the extension of municipal water and sewer will be addressed. The dedication and installation of road improvements to 53rd Street Circle for this property will also be considered at that time.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The surrounding zoning is "SF-20" Single-Family Residential, with agricultural uses to the west, north, and east. There are two single-family residences southwest of the proposed kennel. K-254 Highway runs along the eastern property line. The site has access to 53rd Street Circle, a local road.

2. Suitability of the subject property for the uses to which it has already been restricted: No evidence has been submitted that shows this property to be unsuitable for agricultural use or large lot residential development.
3. 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. With the recommended conditions of approval, and the requirement that all animals shall be contained indoors, the proposed use should not impact surrounding properties any more than other types of animals, livestock, and agricultural operations that are classified as "agricultural" and permitted by right in areas zoned "SF-20" Single-Family Residential. However, with the number of animals to be housed, the traffic generated by this use on a local residential street serving two other homes will increase significantly and would have negative impact on those existing homes.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code allows kennels of boarding, breeding, and training with a Conditional Use permit in areas zoned "SF-20" Single-Family Residential. The Comprehensive Plan, however, does not specifically address the siting for dog kennels. The kennel has the characteristics of a commercial operation, and the Plan recommends that commercial uses be located adjacent to arterials or major thoroughfares which provide needed ingress and egress, and that commercially-generated traffic should not feed directly onto local residential streets. Similar boarding, breeding, and training kennels have had access directly off of arterial roads, and the nature of this use is that it will generate additional traffic that could impact nearby properties.
5. Impact of the proposed development on community facilities: The proposed use should have a significant impact upon traffic in the area. The use may also require the extension of municipal water and sewer to serve the site.