

RESOLUTION NO. 179-01

A RESOLUTION FOR A CONDITIONAL USE TO ALLOW FOR ANIMAL CARE, GENERAL FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY RESOLUTION NO. 84-01. 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 V-D of the Wichita Sedgwick County unified Zoning Code, a Conditional Use to allow for Animal Care, General on property legally described below:

Case No. CON2001-00050

Conditional Use to allow Animal Care, General, Generally located southeast of the 143rd Street East – 31st Street South intersection.

That part of the Northwest Quarter of Section 12, Township 28 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence South on the West line of said Northwest Quarter with an assumed bearing of South 0 degrees 17'50" East, a distance of 1,965.00 feet; thence North 89 degrees 42'25" East, parallel with the North line of said Northwest Quarter, a distance of 512.89 feet to the Point of Beginning; thence North 0 degrees 17'50" West, a distance of 290.00 feet; thence North 89 degrees 42'25" East, a distance of 216.00 feet; thence North 62 degrees 34'22" East, a distance of 100.00 feet; thence North 0 degrees 17'50" West, a distance of 329.39 feet; thence North 89 degrees 42'25" East, a distance of 542.11 feet; thence South 0 degrees 17'50" East, a distance of 665.00 feet; thence South 89 degrees 42'25" West, a distance of 847.11 feet to the Point of Beginning. Said tract contains 10.35 acres, more or less. Generally located southeast of the 143rd Street East – 31st Street South intersection.

SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The site shall comply with the requirements and regulations of the Sedgwick County Department of Community Health and the Kansas Department of Health and Environment in regards to on-site sewage, animal waste and water wells for a Veterinary Hospitable, animal boarding facility and human use.

- (2) The current facility and proposed expansion shall comply with the requirements and regulations of the Building Code for a Veterinary Hospital and boarding facility.
- (3) Parking requirements for the proposed use with the current facility and the proposed expansion are 4 spaces per 1000 sq-feet.
- (4) The facility shall be maintained free of rodent harborage, including but not limited to improperly stored materials, enclosed partition walls, and wooden floors closer than 12 inches above ground. Grain or other feed, other than hay, shall be contained in rodent proof bins or rodent proof metal containers. Rodenticides and insecticides shall be used to control rodents and flies. The facility shall be cleaned at least once a week or when necessary to control odors, flies and rodent breeding.
- (5) The use of Health Department approved soil sterilants and herbicides or other effective means of control for weeds and grass around the facility and corral areas.
- (6) The maximum number of horses boarded at any one time shall be 50 horses including those owned by the applicant.
- (7) The current facility and the proposed expansion to it shall be open to unannounced inspection by the Sedgwick County Department of Community Health and the Kansas Department of Health and Environment personnel during reasonable daylight hours to insure continued compliance with the above requirements.
- (8) One double-faced, non-lighted monument sign up to 12 sq-ft in surface area shall be permitted at the entrance to the facility. A sign permit shall be obtained from the Sedgwick County's Department of Code Enforce prior to the installation of the sign.
- (9) Any violations of the conditions of approval shall declare the Conditional use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director 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 by the Governing Body.

Commissioners present and voting were:

BETSY GWIN _____ *aye*
TIM R. NORTON _____ *aye*
THOMAS G. WINTERS _____ *aye*
CAROLYN MCGINN _____ *aye*
BEN SCIORTINO _____ *aye*

DATED this 5th day of December, 2001

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS




CAROLYN MCGINN, Chair
Fourth District

ATTEST:

for 

DON BRACE
County Clerk

APPROVED AS TO FORM ONLY:



ROBERT W. PARNACOTT
Assistant County Counselor



**SKETCH TO ACCOMPANY CONDITIONAL USE PERMIT
FOR DR. JOHN A. BROOKS**

**LOCATED IN THE NORTHWEST QUARTER OF
SECTION 12, TOWNSHIP 28 SOUTH, RANGE 2 EAST
OF THE SIXTH PRINCIPAL MERIDIAN,
SEDGWICK COUNTY, KANSAS**

143RD STREET EAST

50°17'50"E
1965.00'

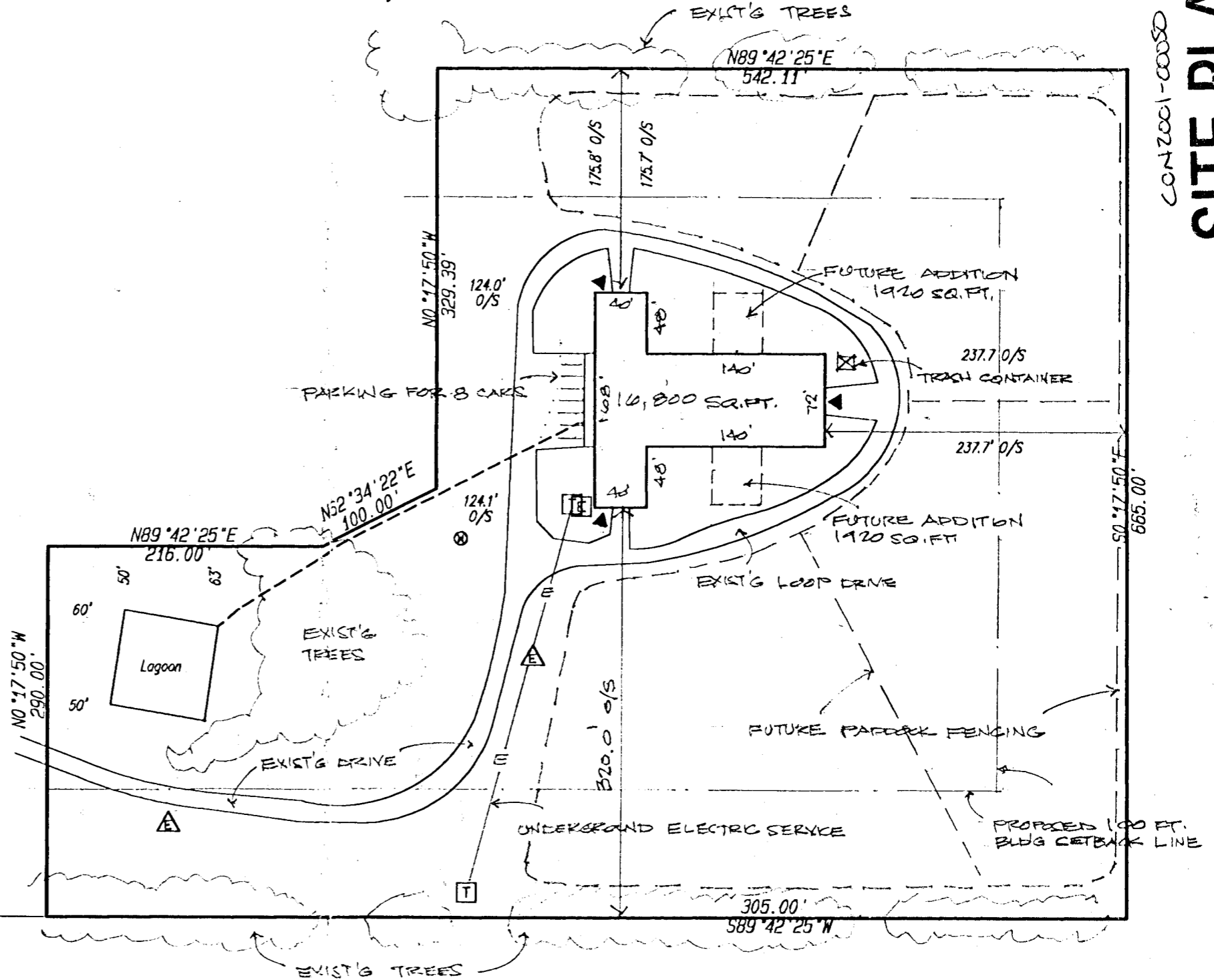


SCALE: 1" = 100'

FILE #2001124
DATE OF SURVEY: AUGUST 10, 2001

This is not a boundary survey.
No monuments were set at
described corners.

- T Transformer
- E Electric Meter
- A Buried Cable Marker
- ⊙ Well
- EXTERIOR LIGHTING 12'-0" HT.
250 W SECURITY FIXTURE



CON 2001-00050

SITE PLAN

FILE COPY

APPROVED 12-5-01 BY B.C.C.

N89°42'25"E
512.89'

TERRA TECH

LAND SURVEYING INC.

22200 W. 63rd St. S.
Viola, Kansas 67149
(316) 794-2863 / 794-3273
Fax (316) 794-3274

[Handwritten signature]
8/10/01



AGENDA ITEM NO. 12

STAFF REPORT
MAPC – October 11, 2001

CASE NUMBER: CON2001-00050

APPLICANT/OWNER: Brooks, Inc. c/o Dr. John Brooks

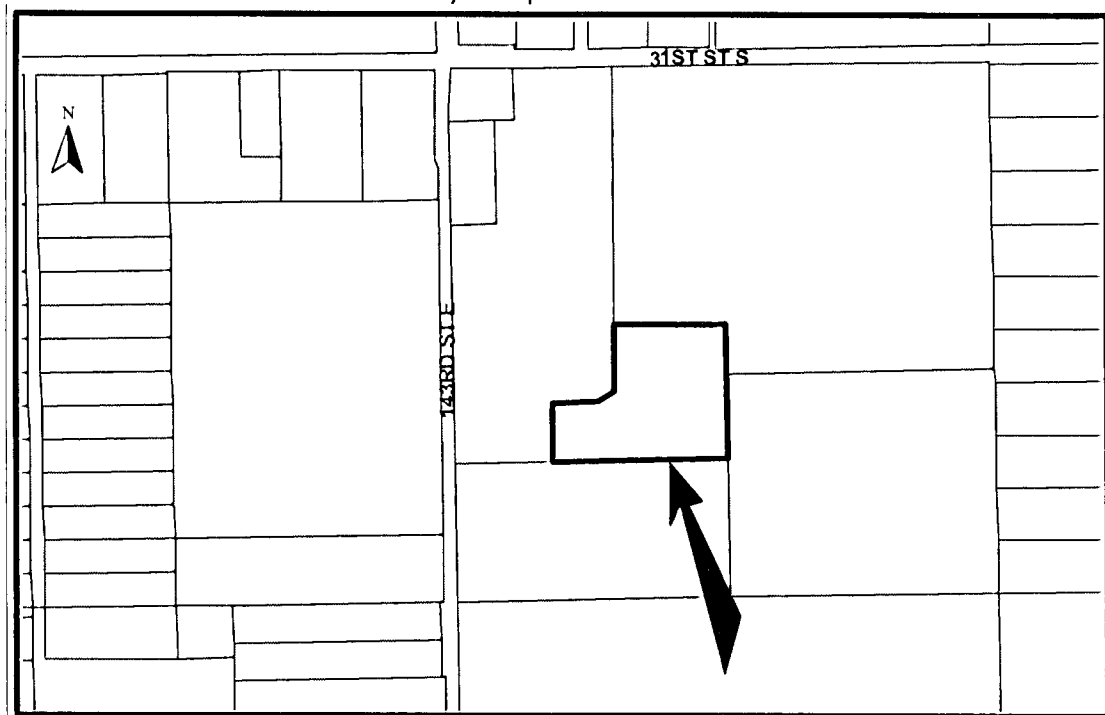
REQUEST: Conditional Use to allow Animal Care, General

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: Approximately 10 acres

LOCATION: Southeast of the 143rd Street East – 31st Street South intersection

PROPOSED USES: Expand current stallion station/breeding facility to include veterinary hospital for horses.



BACKGROUND: The applicant is requesting consideration for a Conditional Use to allow “animal care, general”, for a veterinary hospital on property zoned “RR” Rural Residential. The site (approximately 10 acres) is not platted and is located Southeast of the 143rd Street East – 31st Street S, in the northwest quarter of Section 12, Township 28 south, Range 2 east, Sedgwick County, Kansas. The applicant proposes to add veterinary services to the existing horse breeding services. The applicant owns approximately 40 acres, which abut the site on the west, east and the northwest, thus providing some buffering on those sides with that acreage. The applicant, Dr. Brooks, is a veterinarian who currently operates a clinic in Butler County, but is proposing to move his clinic from Butler County to this proposed site in Sedgwick County. The clinic is to be 2,000 sq-ft of the existing 16,800 sq-ft and the eventual proposed 20,600 sq-ft. Because there are no retail or wholesale sales involved in the existing horse breeding services, the current use is permitted by right as an agricultural use, per the UZC. The applicant has submitted a site plan showing the existing facility and proposed expansion to accommodate the veterinary services. The site plan also shows existing trees, an existing gravel drive, a trash container, an existing lagoon with a sewer line connecting it to the lagoon, the location of underground electrical service and transformer, exterior lighting (all located adjacent to the existing facility, 12-ft high and 250 watts), parking for 8 cars, a 100-ft setback and a well. Besides the proposed additions (two each at 1920 sq-ft) there is also shown future paddock fencing.

Currently this site is developed for its current use for horse breeding. The property to the west is owned by the applicant and provides access to the 10 acres where the facility is located, from 143rd Street East. This acreage is undeveloped. The property to the north is being used for agriculture. The property to south is being used for agriculture and a farm house can be seen from the facility. The property to the east is being used for agriculture. There are scattered residences throughout this area, some appear to be working farms and others appear to be residences on large acreage. The Unified Zoning Code’s (UZC) definition of “animal care, general” is (page 10 UZC) “...means a use providing veterinary services for large animals, and that may include small animals (household pets), and for which boarding facilities may be provided” An animal care general use for veterinary hospital on property zoned “RR” Rural Residential requires a Conditional Use.

CASE HISTORY: The property is being used for agriculture; breeding of horses.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-20” Single Family Residential	Agriculture & Residence
EAST:	“RR” Rural Residential	Agriculture & Residence
SOUTH:	“RR” Rural Residential	Agriculture& Residence

WEST: "RR" Rural Residential Agriculture & Residence
"SF-20" Single Family Residential

PUBLIC SERVICES: 31st Street South is a two lane arterial, paved and maintained by the County. 143rd Street is an unpaved County road. There is electricity for the site. There is no public water or sewer for the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as Rural. Rural is intended for application in unincorporated Sedgwick County and accommodates very large, single-family residential development and agricultural uses in areas where a full range of municipal facilities and services are not available and not likely to be available in the near future. The Unified Zoning Code requires a Conditional Use for animal care, general

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED, subject platting within one year, providing a dedication of access easement to 143rd Street East and to the following conditions.

- (1) The site shall comply with the requirements and regulations of the Sedgwick County Department of Community Health and the Kansas Department of Health and Environment in regards to on-site sewage, animal waste and water wells for a Veterinary Hospitable, animal boarding facility and human use.
- (2) The current facility and proposed expansion shall comply with the requirements and regulations of the Building Code for a Veterinary Hospital and boarding facility.
- (3) Parking requirements for the proposed use with the current facility and the proposed expansion are 4 spaces per 1000 sq-ft. ~~for a total of 19 spaces.~~
- (4) The facility shall be maintained free of rodent harborage, including but not limited to improperly stored materials, enclosed partition walls, and wooden floors closer than 12 inches above ground. Grain or other feed, other than hay, shall be contained in rodent proof bins or rodent proof metal containers. Rodenticides and insecticides shall be used to control rodents and flies. The facility shall be cleaned at least once a week or when necessary to control odors, flies and rodent breeding.
- (5) The use of Health Department approved soil sterilants and herbicides or other effective means of control for weeds and grass around the facility and corral areas.
- (6) The maximum number of horses boarded at any one time shall be 50 horses including those owned by the applicant.
- (7) The current facility and the proposed expansion to it shall be open to unannounced inspection by the Sedgwick County Department of Community Health and the Kansas Department of Health and Environment personnel

during reasonable daylight hours to insure continued compliance with the above requirements.

(8) One double-faced, non-lighted monument sign up to 12 sq-ft in surface area shall be permitted at the entrance to the facility. A sign permit shall be obtained from the Sedgwick County's Department of Code Enforce prior to the installation of the sign.

(9) Any violations of the conditions of approval shall declare the Conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site is zoned "RR" Rural Residential and the surrounding area are zoned "RR" Rural Residential and "SF-20" Single Family Residential. The use is prominently agricultural with scattered residences. There is another veterinary hospital located approximately 1 mile to the northwest of the site on 31st Street South.
2. The suitability of the subject property for the uses to which it has been restricted: The current facility is permitted by right as agricultural. The current lack of utilities and the prospect of not having any in the foreseeable future makes it unlikely that this property will be developed for anything but agricultural type of uses or large acreage type of residences.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental effects would be mitigated by the recommended condition of approval and code required development standards and by the acreage owned by the applicant that abuts on the west, east and northwest sides of the site.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request for Animal Care, General in "RR" Rural Residential is a Conditional Use per the WSC Unified Zoning Code. The current zoning of "RR" Rural Residential is not slated for change. The Conditional Use request for Animal Care, General provides an opportunity for the development of the Site according to the Wichita-Sedgwick County development standards.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be minimal, with the exception of generation of animal waste from both healthy and sick animals.